

Description

Minutes for W-18-009, Day 5
Queen Anne Community Council
Accessory Dwelling Units FEIS
Friday, March 29, 2019

Time: 9:00 a.m.
Examiner: Barbara Dykes Ehrlichman
Assistant: Alayna Johnson

Party Representatives:

Jeffrey Eustis, Counsel for Appellant
4616 25th Ave NE No. 608
Seattle WA 98105

Martin Kaplan, for Appellant Queen Anne Community Council
1818 1st Avenue West
Seattle WA 98119

Richard Ellison, for Intervenor TreePAC

Tadas Kisielius, Counsel for Department
719 Second Ave, Ste 1150
Seattle WA 98104

Clara Park, Counsel for Department
719 Second Ave, Ste 1150
Seattle WA 98104

Aly Pennucci, for Department
Seattle City Council
600 4th Ave 2nd Floor
Seattle, WA 98104

Nicholas Welch, for Department
Office of Planning and Community Development
600 4th Ave, 5th Floor
Seattle, WA 98014

Date

3/29/2019

Location

Large Hearing Room

Time	Speak	Note
8:59:24 AM		Hearing Examiner opens Day 5 of the hearing.
8:59:33 AM		Procedural discussion regarding closing statements.
9:04:40 AM		Hearing Examiner requests closing argument in writing.
9:07:05 AM		Procedural discussion of transcript preparation.
9:08:30 AM		Hearing Examiner responds.
9:11:59 AM		Kisielius continues direct examination of Leighton-Cody.
9:16:06 AM		Eustis asks for clarification.
9:20:40 AM		Eustis objects; foundation.
9:20:47 AM		Sustained.
9:26:23 AM		Eustis objects; hearsay.
9:26:47 AM		Kisielius responds.
9:27:41 AM		Overruled.
9:28:47 AM		Eustis objects; hypothetical.
9:29:07 AM		Kisielius responds.
9:29:28 AM		Eustis responds.
9:29:41 AM		Kisielius responds.
9:29:47 AM		Overruled.
9:46:31 AM		Kisielius concludes.
9:46:47 AM		Eustis begins cross examination of Leighton-Cody.
10:20:33 AM		Kisielius objects. Sustained.
10:38:56 AM		Break. Back at 10:55.
10:56:06 AM		Back on the record.
10:56:43 AM		Eustis continues cross examination of Leighton-Cody.
11:26:30 AM		Kisielius objects; asked and answered.
11:26:37 AM		Overruled.
11:28:36 AM		Eustis moves to strike response.
11:29:01 AM		Hearing Examiner responds.
11:29:34 AM		Eustis concludes.
11:29:39 AM		Kisielius begins redirect examination of Leighton-Cody.
11:30:01 AM		Eustis moves to admit Leighton-Cody's testimony notes and they are marked and admitted as Exhibit 40.
11:33:35 AM		Kisielius offers Portland State University ADU Survey and it is marked as Exhibit 41.
11:34:27 AM		Kisielius moves to admit Exhibit 41 and it is admitted.
11:36:08 AM		Kisielius concludes.
11:36:12 AM		Eustis begins re-cross examination of Leighton-Cody.
11:37:46 AM		Eustis concludes.
11:37:56 AM		Kisielius requests to re-call Welch to present the evidence requested by Eustis. Eustis requests to review the document.
11:39:48 AM		Eustis objects to the document.
11:40:55 AM		Kisielius responds.
11:41:59 AM		Eustis responds.
11:42:50 AM		Hearing Examiner will admit the document as Exhibit 42.

11:43:34 AM	Kisielius re-calls Welch to identify the document and begins questioning.
11:44:03 AM	E-mail is admitted as Exhibit 42.
11:44:21 AM	Kisielius concludes.
11:44:54 AM	Eustis asks procedural question regarding witnesses.
11:46:06 AM	Kisielius responds.
11:46:35 AM	Kisielius calls Mary Catherine Snyder as a witness and she is sworn in.
11:47:22 AM	Kisielius begins direct examination of Snyder.
12:07:26 PM	Kisielius concludes.
12:07:35 PM	Eustis begins cross examination of Snyder.
12:09:16 PM	Kisielius objects; relevance.
12:09:22 PM	Overruled.
12:17:05 PM	Kisielius objects; mischaracterizes testimony.
12:17:33 PM	Overruled.
12:19:35 PM	Kisielius objects; testimony/argument.
12:19:53 PM	Sustained.
12:27:47 PM	Eustis concludes.
12:28:00 PM	Kisielius begins redirect examination of Snyder.
12:29:30 PM	Kisielius concludes.
12:29:42 PM	Eustis begins re-cross examination of Snyder.
12:30:12 PM	Kisielius objects; beyond scope.
12:30:29 PM	Overruled.
12:31:29 PM	Eustis concludes.
12:31:33 PM	Break for lunch.
1:46:17 PM	Back on the record.
1:47:22 PM	Kisielius calls Aly Pennucci as a witness and she is sworn in.
1:47:54 PM	Kisielius begins direct examination of Pennucci.
2:00:15 PM	Eustis request Pennucci's notes for review.
2:00:42 PM	Kisielius offers ADU Vehicle Ownership table.
2:00:45 PM	Eustis requests to voir dier the witness.
2:01:56 PM	Eustis concludes. Kisielius continues.
2:03:36 PM	Kisielius moves to admit the table and it is marked and admitted as Exhibit 43.
2:18:37 PM	Eustis objects; foundation.
2:19:12 PM	Kisielius responds.
2:19:56 PM	Hearing Examiner rules on objection.
2:28:35 PM	Eustis objects; vague.
2:28:47 PM	Kisielius rephrases.
2:36:55 PM	Kisielius concludes.
2:37:20 PM	Eustis begins cross examination of Pennucci.
2:50:23 PM	Eustis offers e-mail from Aly Pennucci to Nicolas Welch.
2:56:39 PM	Eustis moves to admit the e-mail and it is marked and admitted as Exhibit 44.

2:57:52 PM	Eustis concludes.
2:58:10 PM	Ellison requests to cross examine the witness.
3:00:29 PM	Hearing Examiner responds.
3:00:52 PM	Kisielius begins redirect examination of Pennucci.
3:03:48 PM	Kisielius concludes.
3:03:56 PM	Eustis begins re-cross examination of Pennucci.
3:08:04 PM	Eustis concludes.
3:08:21 PM	Eustis calls Ross Tilghman as a rebutal witness.
3:09:20 PM	Eustis begins direct examination of Tilghman.
3:14:28 PM	Kisielius objects; speculation.
3:14:44 PM	Sustained.
3:25:05 PM	Eustis concludes.
3:25:08 PM	Kisielius begins cross examination of Tilghman.
3:28:12 PM	Eustis asks for clarification.
3:34:28 PM	Kisielius concludes.
3:34:32 PM	Eustis begins redirect examination of Tilghman.
3:35:36 PM	Kisielius objects; beyond scope.
3:35:52 PM	Sustained.
3:36:10 PM	Eustis concludes.
3:37:01 PM	Kisielius makes request for closing statements in writing.
3:39:17 PM	Eustis responds.
3:40:26 PM	Kisielius responds.
3:41:35 PM	Hearing Examiner requests that closing statements be filed in writing with a deadline of April 15th, and responses by the 22nd.
3:44:09 PM	Eustis requests the 16th instead of 15th and the 25th instead of the 22nd.
3:45:11 PM	Closing statements will be due April 16th and responses due April 26th.
3:45:47 PM	Hearing Examiner closes hearing.