

Description

Minutes for MUP-19-004 - MUP-19-015, Day 3
Grant Protection for Trees, et al.
2813 4th Ave W & 2815 4th Ave W
Thursday, July 25, 2019

Time: 9:00 a.m.
Examiner: Ryan Vancil
Assistant: Galen Edlund-Cho

Party Representatives:

Suzanne Grant, Appellant for MUP-19-004 & -005

Reed Lyons, Appellant for MUP-19-006 & -007

Charles Mish, Appellant for MUP-19-008 & -009

Ivy Arai Tabbara, Appellant for MUP-19-012 & -013

Sharon Levine, Appellant for MUP-19-014 & -015

Brandon Gribben, Counsel for Applicant

William Mills and Bruce Rips, for Department
SDCI

Date

7/25/2019

Location

Large Hearing Room

<u>Time</u>	<u>Speak</u>	<u>Note</u>
9:01:19 AM		Day 3 of MUP-19-004 - MUP-19-015 hearing commences.
9:01:50 AM		Levine calls herself as witness and begins testimony.
9:03:47 AM		Levine offers e-mail (Appellant's Concerns with SEPA Checklist and Its Updates, 5-13-2019), it is marked as Exhibit 47.
9:03:52 AM		Gribben objects.
9:04:10 AM		Exhibit 47 is admitted.
9:04:59 AM		Levine offers e-mail (Lead Information, 10/16/2018), it is marked as Exhibit 48. It is admitted.
9:06:05 AM		Gribben objects; prior ruling.
9:10:07 AM		Levine offers photographs (color photograph of tree line as seen from the Levine property, and black and white copy of Architectural Concept-Massing), they are marked as Exhibit 49.
9:11:31 AM		Gribben objects; it was part of the design packet. Overruled.
9:12:07 AM		Exhibit 49 is admitted.
9:32:26 AM		Gribben objects; relevance. Sustained.
9:36:03 AM		Gribben objects; prior ruling regarding Code compliance. Sustained.
9:37:54 AM		Gribben objects; move to strike testimony.
9:45:22 AM		Gribben objects; facts not evidence. Overruled.
9:46:55 AM		Levine offers City of Seattle Department of Construction and Inspections, Engineering Services, Approved Request for Relief from Prohibition on Steep Slope Development, Project # 6632697, 2/05/2018; marked as Exhibit 50.
9:47:13 AM		Mills objects; interpretation. Gribben objects.
9:49:06 AM		Mills and Gribben withdraw objections.
9:49:18 AM		Exhibit 50 is admitted.
9:50:19 AM		Levine concludes testimony.
9:50:33 AM		Gribben begins cross examination of Levine.
9:59:22 AM		Gribben concludes cross examination of Levine.
9:59:50 AM		Tabbara calls herself as witness, and is sworn in.
10:00:13 AM		Tabbara begins her testimony.
10:01:12 AM		Tabbara concludes her testimony.
10:01:56 AM		Grant calls Bruce Rips as witness.
10:02:43 AM		Rips is sworn in.
10:02:59 AM		Grant begins her direct examination of Rips.
10:10:16 AM		Gribben objects; relevance. Overruled.
10:14:44 AM		Break. Returning at 10:30 AM.
10:31:11 AM		Back on the record. Grant resumes direct examination of Rips.
10:34:12 AM		Hearing Examiner clarifies Grant's question about Code.
10:36:30 AM		Gribben objects; legal conclusion. Overruled.
10:37:51 AM		Gribben objects; Grant withdraws line of questioning.
10:39:52 AM		Gribben objects; dismissed issues. Overruled.
10:42:12 AM		Grant offers 2813 Fourth Avenue West, Streamline Design Review, 11/30/2017. Grant moves to admit 2813 Fourth Avenue West, Streamline Design Review, 11/30/2017.

10:43:36 AM	Gribben objects; dismissed issues and relevance.
10:49:00 AM	Grant withdraws 2813 Fourth Avenue West, Streamline Design Review, 11/30/2017.
10:50:10 AM	Grant offers City of Seattle Department of Construction and Inspections, Engineering Services, Approved Request for Relief from Prohibition on Steep Slope Development, Project # 6632697, 2/05/2018.
10:51:01 AM	Gribben objects; dismissed issue. Sustained, to the extent of the adequacy of the ECA waiver.
10:54:30 AM	Grant refers to Exhibit 50, City of Seattle Department of Construction and Inspections, Engineering Services, Approved Request for Relief from Prohibition on Steep Slope Development, Project # 6632697, 2/05/2018.
10:55:22 AM	Gribben objects; sustained for limited purposes.
10:57:18 AM	Grant offers City of Seattle Department of Construction and Inspections, Land Use Review, Project# 3029801-LU, 1/17/2018. It is marked as Exhibit 51. Grant moves to admit Exhibit 51. It is admitted for limited purposes.
10:57:37 AM	Grant offers Land Use Review, Project# 3029801-LU, 5/16/2018, it is marked as Exhibit 52. Grant moves to admit Exhibit 52. It is admitted for limited purposes.
10:58:15 AM	Gribben objects; dismissed issue. Sustained.
11:04:27 AM	Gribben objects; dismissed issues. Sustained.
11:06:35 AM	Hearing Examiner clarifies Grant's line of questioning and issue.
11:09:23 AM	Gribben objects; dismissed issue/relevance. Sustained
11:13:46 AM	Grant offers City of Seattle Department of Construction and Inspections, Land Use Review Project# 3029801-LU, 6/14/2018, it is marked as Exhibit 53. Grant moves to admit Exhibit 53, it is denied.
11:13:50 AM	Gribben objects; sustained.
11:14:37 AM	Gribben objects; Grant withdraws question.
11:22:49 AM	Mills objects; relevance. Sustained.
11:23:18 AM	Grant concludes direct examination.
11:23:29 AM	Mish begins direct examination of Rips.
11:24:05 AM	Gribben objects; relevance. Overruled.
11:25:11 AM	Gribben objects. Gribben withdraws objection.
11:28:01 AM	Mish concludes direct examination of Rips.
11:28:10 AM	Levine begins direct examination of Rips.
11:30:17 AM	Gribben objects; dismissed issue. Sustained.
11:30:44 AM	Hearing Examiner clarifies Gribben's objection for Levine.
11:32:28 AM	Gribben objects; dismissed issues. Sustained.
11:36:41 AM	Gribben requests Levine to reiterate her question.
11:38:37 AM	Gribben objects, vague. Sustained.
11:38:50 AM	Hearing Examiner requests Levine to clarify her line of questioning.
11:41:02 AM	Gribben objects; vague. Sustained.
11:41:28 AM	Hearing Examiner directs Levine to ask a question.
11:41:40 AM	Gribben objects; dismissed issue. Sustained.

11:42:44 AM	Gribben objects; relevance. Overruled.
11:43:32 AM	Hearing Examiner directs Levine to clarify her remaining lines of questioning.
11:46:36 AM	Levine offers alternative designs; withdrawn due to relevancy.
11:52:24 AM	Gribben objects; speculation. Overruled.
11:54:48 AM	Gribben objects; relevance. Overruled.
11:55:28 AM	Hearing Examiner enquired about Levine's line of questioning.
11:57:34 AM	Gribben objects; sustained. Hearing Examiner directs Levine to remain within her line of questioning.
11:58:51 AM	Gribben objects; overruled.
12:03:55 PM	Gribben objects; facts not evidence, relevance. Sustained.
12:06:35 PM	Gribben objects; sustained.
12:06:59 PM	Gribben objects; overruled.
12:07:55 PM	Hearing Examiner instructs Levine to ask a question.
12:08:16 PM	Levine concludes her direct examination of Rips.
12:08:28 PM	Mills begins his direct examination of Rips.
12:16:22 PM	Hearing Examiner enquires about the scope of Rips' answer.
12:16:34 PM	Break for lunch, returning at 1:30 pm.
1:30:23 PM	Back on the record. Mills resumes his direct examination of Rips.
1:56:42 PM	Hearing Examiner requests that Rips skip over redundant information.
2:08:58 PM	Rips describes and explains the purpose of Exhibit 4.
2:15:32 PM	Rips describes the construction management plan on page 8 of Exhibit 4.
2:17:00 PM	Hearing Examiner reminds everyone to silence their mobile phones.
2:26:33 PM	Mills concludes his direct examination of Rips.
2:26:58 PM	Gribben begins his direct examination of Rips.
2:27:53 PM	Gribben directs Rips to Exhibit 32 (SDCI GIS Web Map).
2:29:26 PM	Gribben directs Rips to Exhibit 8 (SEPA checklist).
2:31:37 PM	Gribben concludes his direct examination of Rips.
2:31:43 PM	Tabbarra begins her direct examination of Rips.
2:33:12 PM	Tabbarra offers 2813 Fourth Avenue West, Streamline Design Review, 11/30/2017. It is marked as Exhibit 54.
2:36:35 PM	Gribben objects; dismissed issues. Overruled.
2:37:40 PM	Tabbarra moves to admit Exhibit 54; admitted.
2:37:52 PM	Gribben objects; dismissed issues. Overruled.
2:38:10 PM	Tabbarra concludes her direct examination of Rips.
2:38:25 PM	Grant begins her direct examination of Rips.
2:39:35 PM	Grant concludes her direct examination of Rips.
2:39:55 PM	Lyons begins his redirect examination of Rips.
2:40:28 PM	Gribben ask Lyons to reiterate page number.
2:42:53 PM	Lyons directs Rips to Exhibit 8 (SEPA Checklist).
2:44:45 PM	Lyons concludes his redirect examination of Rips.
2:44:49 PM	Levine begins her redirect examination of Rips.
2:45:10 PM	Gribben concludes, scope. Overruled.

2:46:00 PM	Hearing Examiner directs Levine to move onto her next question.
2:46:35 PM	Gribben objects, expansive question/scope. Sustained.
2:47:06 PM	Gribben objects; vague and scope. Sustained.
2:48:18 PM	Hearing Examiner emphasizes time limitations in his instructions.
2:49:25 PM	Levine directs Rips to Exhibit 8 (SEPA Checklist).
2:51:07 PM	Gribben objects; hypothetical.
2:51:29 PM	Hearing Examiner emphasizes relevancy in his instructions.
2:54:54 PM	Gribben objects; relevance. Sustained.
2:55:22 PM	Levine concludes her redirect examination of Rips.
2:55:34 PM	Gribben begins his redirect examination of Rips.
2:59:18 PM	Gribben concludes his redirect examination of Rips.
2:59:24 PM	Hearing Examiner enquires about Rips' understanding of the Exhibit 8 (SEPA checklist).
3:00:31 PM	Hearing Examiner enquires Rips' understanding of Exhibit 32 (SDCI GIS web map).
3:01:22 PM	Hearing Examiner enquire about Exhibit 30 (PanGEO Geotechnical Engineering Report, 12/19/2017).
3:01:36 PM	Hearing Examiner concludes his examination of Rips.
3:01:48 PM	Mills calls Dean Griswold as witness.
3:02:12 PM	Griswold is sworn in.
3:02:21 PM	Mills begins his direct examination of Griswold.
3:06:14 PM	Mills directs Griswold to Exhibit 30 (PanGEO Geotechnical Engineering Report, 12/19/2017).
3:20:09 PM	Mills directs Griswold to Exhibit 32 (SDCI GIS web map).
3:24:56 PM	Mills concludes his direct examination of Griswold.
3:25:25 PM	Gribben begins his direct examination of Griswold.
3:28:48 PM	Gribben concludes his direct examination of Griswold.
3:29:03 PM	Leaving for break. Returning at 3:45 pm.
3:46:05 PM	Back on the record. Lyons begins his cross examination of Griswold. Lyons requests Griswold's opinion/assessment of Exhibit 30 (PanGEO Geotechnical Engineering Report, 12/19/2017).
4:02:43 PM	Lyons directs Griswold to Exhibit 32 (SDCI GIS web map).
4:03:16 PM	Gribben objects; question. Sustained.
4:03:37 PM	Gribben objects; facts not in evidence, speculation. Lyons withdraws question.
4:04:05 PM	Gribbens objects; question. Sustained. Hearing Examiner instructs Lyons to ask a question.
4:04:31 PM	Gribben objects; relevance. Hearing Examiner requests Lyons to reiterate question. Sustained.
4:05:51 PM	Lyons concludes his cross examination of Griswold.
4:05:57 PM	Levine begins her cross examination of Griswold.
4:06:21 PM	Gribben objects; relevance. Overruled.
4:09:52 PM	Levine concludes her cross examination of Griswold.

4:09:58 PM	Grant begins her cross examination of Griswold. She directs Griswold to Exhibit 4 (City of Seattle Analysis and Decision of the Director of the Seattle Department of Construction and Inspections, Project#s 3029801-LU & 303630-LU, 2/19/2019).
4:13:18 PM	Grant concludes her cross examination of Griswold.
4:13:22 PM	Gribben begins his redirect examination of Griswold.
4:14:09 PM	Gribben directs Griswold to Exhibit 30 (PanGEO Geotechnical Engineering Report, 12/19/2017).
4:14:41 PM	Gribben concludes his redirect examination of Griswold.
4:15:07 PM	Gribben calls Curtis Bigelow as witness.
4:15:28 PM	Bigelow is sworn in.
4:16:00 PM	Gribben begins his direct examination of Bigelow.
4:20:24 PM	Gribben provides Bigelow a copy of Exhibit 8 (SEPA checklist). Gribbens resumes his direct examination.
4:34:17 PM	Hearing Examiner provides Bigelow the option to summarize answers regarding Exhibit 8.
4:40:50 PM	Gribben directs Bigelow to Exhibit 54 (2813 Fourth Avenue West, Streamline Design Review, 11/30/2017).
4:43:50 PM	Gribben directs Bigelow to Exhibit 8 (SEPA checklist).
4:52:25 PM	Gribben concludes his direct examination of Bigelow.
4:52:58 PM	Grant begins her direct examination of Bigelow.
4:53:28 PM	Grant asks about Bigelow's answer regarding Exhibit 8 (SEPA checklist).
4:54:26 PM	Gribben objects. Sustained.
4:54:59 PM	Gribben objects; question. Overruled.
4:56:05 PM	Gribben objects. Sustained.
4:56:19 PM	Grant concludes her direct examination of Bigelow.
4:56:49 PM	Tabbarra asks a procedural question. Hearing Examiner provides clarification.
4:57:40 PM	Levine begins her direct examination of Bigelow.
4:58:40 PM	Gribbens objects; vauge. Sustained.
5:00:05 PM	Gribbens objects; compound questioning, facts not in evidence. Overruled.
5:00:49 PM	Hearing concluded. Off the record.