

Description	Recording of MUP-19-031 (DD, DR, S, SU, W) ESCALA OWNERS ASSOCIATION 3018037-LU Tuesday, January 28, 2020 Time: 9:00 a.m. Examiner: Ryan Vancil Party Representative: John Sosnowy, for the Appellant Claudia M. Newman, Appellant Counsel Courtney Kaylor, Applicant Legal Counsel G. Richard Hill, Applicant Legal Counsel David P. Carpman, Applicant Legal Counsel Bill Mills, for the Department Shelley Bolser, for the Department John Shaw, for the Department Crystal Torres, for the Department Liza Anderson, Department Legal Counsel		
Date	1/28/2020	Location	LargeHearingRoom

Time	Speaker	Note
9:03:14 AM		On the Record.
9:03:22 AM		Hearing Examiner commences MUP-19-031, and provides preliminary remarks.
9:03:47 AM		Claudia Newman and David Bricklin, present for the Appellant.
9:03:56 AM		Liza Anderson, present for the Department.
9:04:01 AM		Courtney Kaylor and David Carpman, present for the Applicant.
9:04:12 AM		Hearing Examiner continues preliminary remarks.
9:06:59 AM		Newman enquires about opening statements in relation to bifurcated issues.
9:07:13 AM		Hearing Examiner responds to Newman's enquiry regarding opening statements in relation to bifurcated issues.
9:07:46 AM		Kaylor enquires about closing arguments in relation to bifurcated issues.
9:08:01 AM		Hearing Examiner responds to Kaylor's enquiry regarding closing arguments in relation to bifurcated issues.
9:08:48 AM		Kaylor begins the Applicant's opening statements.
9:10:24 AM		Kaylor concludes the Applicant's opening statements. Anderson passes on the Department's opening statements.
9:10:30 AM		Newman begins the Appellant's opening statements.
9:15:43 AM		Newman concludes the Appellant's opening statements.
9:15:54 AM		Hearing Examiner reiterates the decision regarding burden of proof established during second prehearing conference; views an affirmative defense.
9:18:19 AM		Hearing Examiner raises issues of deference and issuance of substantial weight of interpretation of statute regarding the Department's interpretation of statute.
9:18:49 AM		Kaylor responds; addresses Hearing Examiner's enquiry regarding of burden of proof.
9:22:54 AM		Kaylor concludes her response.
9:23:03 AM		Anderson concurs with the Applicant's argument that the burden of proof is on the appellant.

9:23:26 AM	Newman responds; defer to closing.
9:23:36 AM	The Applicant calls Marni Heffron as witness.
9:24:06 AM	Hearing Examiner swears in Marni Heffron.
9:24:14 AM	Kaylor offers the Resume of Marni Heffron, it is marked as Exhibit 1.
9:24:37 AM	Heffron responds to Newman's enquiry regarding Exhibit 1.
9:25:34 AM	Exhibit 1 is admitted to the record.
9:25:46 AM	Heffron responds to Newman's enquiry regarding her involvement in the 1903 5th Avenue project.
9:26:27 AM	Kaylor clarifies the Applicant and Department's respective line of questioning for Heffron.
9:26:41 AM	Heffron responds to Kaylor's enquiry regarding express mitigation of traffic and parking impacts in relation to ordinances of general application.
9:27:11 AM	Kaylor offers Nearby Building Uses/1903 5th Avenue, Seattle, Washington/SDCI #3018037 / Design Recommendation/ Page 5 (8.16.2016), it is marked as Exhibit 2.
9:27:49 AM	Heffron responds to Kaylor's enquiry regarding Exhibit 2.
9:28:54 AM	Kaylor moves to admit Exhibit 2 to the record.
9:29:01 AM	Exhibit 2 is admitted to the record.
9:29:50 AM	Kaylor offer Floor Plans/ 1903 5th Avenue, Seattle, Washington/SDCI #3018037/ Design Recommendation/ Page 55 (8.16.2016), it is marked as Exhibit 3.
9:30:37 AM	Hearing Examiner enquires about Exhibit 3.
9:30:54 AM	Kaylor provides the correct copy.
9:31:08 AM	Heffron responds to Kaylor's enquiry regarding Exhibit 3.
9:35:16 AM	Kaylor refers Heffron to MUP Set found in Exhibit 3.
9:35:40 AM	Heffron responds to Kaylor's enquiry regarding MUP Set found in Exhibit 3.
9:36:05 AM	Kaylor refers Heffron to SDCI - Land Use Review - 3018596 (7.14.2015), it is marked as Exhibit 4.
9:37:56 AM	Kaylor provides clarification regarding Exhibits 3 and 4.

9:38:13 AM	Exhibits 3 and 4 are admitted to the record.
9:38:34 AM	Heffron responds Kaylor's enquiry regarding motorist access.
9:40:08 AM	Heffron responds to Kaylor's enquiry regarding transportation mitigation.
9:40:41 AM	Kaylor refers Heffron to SMC Title 23.
9:41:07 AM	Heffron responds to Kaylor's enquiry regarding code provisions within the SMC Title 23 governing transportation mitigation.
9:44:38 AM	Kaylor refers Heffron to SMC Title 11.
9:44:54 AM	Heffron responds to Kaylor's enquiry regarding code provisions within the SMC Title 11 governing transportation mitigation.
9:46:41 AM	Kaylor refers Heffron to SMC Title 25.
9:46:56 AM	Heffron responds to Kaylor's enquiries regarding SEPA requirements in the SMC.
9:48:44 AM	Heffron responds to Kaylor's additional enquiries regarding SEPA requirements in the SMC.
9:49:16 AM	Kaylor concludes her direct examination of Heffron.
9:50:34 AM	The selected and highlighted SMC sections are marked as Exhibit 5 and admitted to the record.
9:50:56 AM	Bricklin begins the Appellant's cross examination of Heffron.
9:52:15 AM	Heffron responds to Bricklin's enquiry regarding impact mitigation.
9:52:26 AM	Kaylor objects; mischaracterization of testimony.
9:52:45 AM	Hearing Examiner responds; overruled.
9:53:13 AM	Heffron responds to Bricklin's enquiries regarding alley width.
9:54:59 AM	Kaylor objects; facts not in evidence.
9:55:10 AM	Hearing Examiner responds, overruled.
9:55:21 AM	Heffron responds to Bricklin's enquiry regarding alley way impacts; loading docks will be actively managed.
9:56:10 AM	Kaylor objects; calls for speculation.
9:56:27 AM	Heffron responds to Bricklin's further enquiry regarding alley way impacts.

9:57:04 AM	Heffron responds to Bricklin's enquiries regarding loading birth requirements.
9:59:32 AM	Heffron responds to Bricklin's enquiry regarding street level impacts.
10:01:24 AM	Heffron responds to Bricklin's enquiry regarding transportation mitigation.
10:02:00 AM	Heffron responds to Bricklin's enquiry regarding express mitigation of impacts associated with the loading births.
10:02:31 AM	Heffron responds to Bricklin's enquiry regarding sidewalk widening and set backs.
10:03:18 AM	Heffron responds to Brinklin's enquiry regarding SMC 11.62.080 & 11.62.100.
10:04:05 AM	Heffron responds to Bricklin's enquiry regarding SMC 11.74.010, 11.72.020, and 11.72.025.
10:04:35 AM	Heffron responds to Bricklin's enquiry regarding SMC Title 25 and mitigation of alley impact.
10:05:14 AM	Kaylor objects; Heffron did not testify the City will later provide testimony regarding the matter.
10:05:52 AM	Bricklin concludes cross examination of Heffron.
10:05:59 AM	Kaylor begins her redirect of Heffron.
10:06:16 AM	Kaylor refers Heffron to a Packet of Selected and Highlighted SMC section.
10:06:47 AM	Bricklin objects; interpretation.
10:06:58 AM	Hearing Examiner responds; sustained.
10:07:19 AM	Heffron responds to Kaylor's enquiries Bricklin's line of questioning regarding express mitigation caused by ordinance(s).
10:07:44 AM	Recess. Returning at 10:20 off the record.
10:20:47 AM	On the record.
10:20:55 AM	Anderson calls John Shaw as witness.
10:21:00 AM	Hearing Examiner swears-in John Shaw.
10:21:34 AM	Anderson offers The Resume of John Shaw, it is marked as Exhibit 6.
10:22:13 AM	Shaw responds to Anderson's enquiries regarding his work experience and involvement with the 1903 5th Avenue project.

10:22:52 AM	Shaw responds to Anderson's enquiries regarding his experience interpreting the SMC.
10:23:44 AM	Shaw responds to Anderson's enquiries regarding his experience as an urban planner for the City.
10:23:53 AM	Anderson moves to admit Exhibit 6, it is admitted to the record.
10:24:13 AM	Shaw responds to Anderson's enquiry regarding his familiarity of the project.
10:25:10 AM	Anderson enquires about consistency requirements with transportation elements of the Comprehensive Plan.
10:25:36 AM	Shaw responds in the affirmative.
10:25:56 AM	Anderson refers Shaw to excerpts in the Comprehensive Plan, it is marked and admitted as Exhibit 7.
10:27:49 AM	Shaw responds to Anderson's enquiries regarding the application of the Comprehensive Plan.
10:30:06 AM	Bricklin objects; leading.
10:30:15 AM	Hearing Examiner responds; overruled.
10:30:40 AM	Bricklin objects; leading.
10:30:55 AM	Anderson responds; attempting to draw testimony regarding the language and goals of the policy.
10:31:07 AM	Hearing Examiner; overruled.
10:31:54 AM	Shaw responds to Anderson's enquiry regarding scope of direction provided by the language and goals of the Comprehensive Plan.
10:32:23 AM	Anderson enquires about transportation elements.
10:32:52 AM	Shaw refers the Hearing Examiner to page 73 of the Comprehensive Plan.
10:33:25 AM	Shaw refers the Hearing Examiner to page 74 of the Comprehensive Plan.
10:34:13 AM	Shaw refers the Hearing Examiner to page 76 of the Comprehensive Plan.
10:34:57 AM	Shaw refers the Hearing Examiner to page T2.14 of the Comprehensive Plan.
10:35:35 AM	Anderson enquires about T2.14 of the Comprehensive Plan.
10:36:17 AM	Shaw responds to Anderson's enquiry regarding the use/role of alley ways in transportation planning.

10:37:28 AM	Shaw defines arterial for the Hearing Examiner.
10:37:59 AM	Shaw refers the Hearing Examiner to page 84 of the Comprehensive Plan.
10:38:42 AM	Shaw refers the Hearing Examiner to TG-4 and T-4.3.
10:39:29 AM	Shaw refers the Hearing Examiner to TG-5 and T-5.11.
10:40:23 AM	Anderson refers Shaw to page 87 of the Comprehensive Plan.
10:40:44 AM	Shaw responds to Anderson's enquiry regarding page 87 of the Comprehensive Plan.
10:41:34 AM	Shaw responds to Anderson's enquiry regarding the application to all other policies under TG-5.
10:42:24 AM	Shaw refers the Hearing Examiner TG-9 on page 93 of the Comprehensive plan.
10:43:03 AM	Shaw refers the Hearing Examiner to SMC 23.52 - Transportation Concurrency.
10:43:28 AM	Anderson refers Shaw to TG-6.
10:44:12 AM	Shaw responds to Anderson's enquiry regarding safety impacts.
10:45:07 AM	Anderson enquires about T-6.3.
10:46:11 AM	Shaw responds to Anderson's enquiry regarding reduced speed limits.
10:47:02 AM	Anderson concludes her direct examination of Shaw.
10:47:15 AM	Kaylor begins her examination of Shaw.
10:47:42 AM	Shaw responds to Kaylor's enquiry regarding SEPA review.
10:48:19 AM	Bricklin begins the cross examination of Shaw.
10:49:23 AM	Shaw responds to Bricklin's enquiries regarding application of SMC and Comprehensive Plan.
10:50:17 AM	Shaw responds to Bricklin's enquiries regarding community concerns and comments.
10:50:59 AM	Shaw responds to Bricklin's enquiries regarding traffic, safety, and environmental impacts.
10:52:04 AM	Hearing Examiner enquires about the consistency with transportation elements of the Comprehensive Plan.

10:52:38 AM	Shaw responds to Hearing Examiner's enquiries regarding applicable to locally adopted transportation plans.
10:53:04 AM	Hearing Examiner enquires about project level analysis.
10:53:12 AM	Shaw responds in the negative.
10:53:32 AM	Shaw responds to the Hearing Examiner's enquiries regarding Shaw's hearing preparation.
10:54:57 AM	Shaw responds to the Hearing Examiner's enquiries regarding Shaw's level of analysis in relation to elements of transportation plan.
10:55:14 AM	Anderson begins redirect examination of Shaw.
10:55:37 AM	Shaw responds to Anderson's enquiries regarding evaluation of proposal in respect to Comprehensive Plan consistency.
10:56:16 AM	Bricklin objects; leading.
10:56:38 AM	Anderson enquires if Shaw referred to the standards of land use code in the approval process.
10:57:05 AM	Shaw responds to Anderson's enquiry regarding review.
10:57:47 AM	Shaw responds to Anderson's enquiry regarding the minimum efficiency of moving goods.
10:58:13 AM	Anderson concludes redirect of Shaw.
10:58:53 AM	Newman calls John Sosnowy as witness.
10:59:17 AM	Hearing Examiner swears-in Sosnowy.
10:59:42 AM	Sosnowy provides testimony regarding his involvement with development strategy and Escala's Owner's Association.
11:00:30 AM	Sosnowy provides testimony regarding concerns regarding alleyway impact.
11:01:23 AM	Sosnowy responds to Newman's enquiry regarding Sosnowy's involvement.
11:02:54 AM	Sosnowy refers Hearing Examiner to Escala Loading Berth Graphic, it is marked as Exhibit 8.
11:04:44 AM	Sosnowy provides testimony regarding loading berth width.
11:05:52 AM	Sosnowy responds to Newman's enquiry regarding further testimony.
11:06:13 AM	Newman clarifies that Exhibit 8 is intended to be admitted during the second phase of the hearing.

11:06:57 AM	Kaylor objects; opportunity for examination.
11:07:24 AM	Newman responds; demonstrative evidence of impacts in case of dismissal during the first phase of the hearing.
11:08:28 AM	Hearing Examiner clarifies that admission of Exhibit 8 will be reserved for a later time during the hearing.
11:09:44 AM	Sosnowy responds to Newman's enquiry regarding alley way impacts.
11:09:58 AM	Sosnowy responds to Newman's enquiry regarding lobbying efforts directed toward Councilmember Bagshaw.
11:10:57 AM	Sosnowy clarifies the purpose of the UW Freight Lab.
11:11:46 AM	Sosnowy provides testimony regarding further lobbying efforts.
11:12:35 AM	Newman offers Tilghman Steinbruek Alley Code Letter (Aug. 31, 2017), it is marked as Exhibit 9.
11:13:34 AM	Sosnowy responds to Newman's enquiry regarding Exhibit 9.
11:13:43 AM	Kaylor objects; speculation. Overruled.
11:13:53 AM	Sosnowy responds to Newman's enquiry regarding Exhibit 9.
11:14:36 AM	Newman offers appellant City Council Statement of Legislative Intent 56-1-A-1, it is marked as Exhibit 10.
11:15:28 AM	Newman refers Sosnowy to page 2 of Exhibit 10.
11:16:53 AM	Newman offers appellant's SDOT Alley Congestion Response to Statement of Legislative Intent 56-1-A-1, it is marked as Exhibit 11.
11:17:37 AM	Sosnowy responds to Newman's enquiry regarding Exhibit 11.
11:19:02 AM	Hearing Examiner enquires if Exhibit 11 is dated.
11:19:11 AM	Sosnowy responds; 7.31.2018.
11:20:02 AM	Sosnowy responds to further enquiries regarding Exhibit 11.
11:20:40 AM	Sosnowy responds to further enquiries regarding lobbying/legislative efforts.
11:21:18 AM	Newman offers Alley, Loading Berth, & Solid Waste Standards Escala, it is marked as Exhibit 12.
11:22:06 AM	Newman refers Sosnowy to page 2 of Exhibit 12.
11:23:01 AM	Newman refers Sosnowy to page 4 of Exhibit 12.

11:23:48 AM	Sosnowy responds in the affirmative to Newman's enquiry regarding the second phase of the hearing.
11:24:18 AM	Newman refers Sosnowy to page 6 of Exhibit 12.
11:25:07 AM	Sosnowy responds in the affirmative to Newman's enquiry regarding goal of IDT.
11:25:25 AM	Newman refers Sosnowy to page 9; strike that reserve line of questioning for Tilghman.
11:25:48 AM	Newman refers Sosnowy to page 14 of Exhibit 12.
11:26:21 AM	Sosnowy responds to Newman's enquiry regarding proposed land use legislation.
11:27:25 AM	Newman refers Sosnowy to page 15 of Exhibit 12.
11:27:36 AM	Sosnowy responds to Newman's enquiry regarding proposed codes.
11:28:07 AM	Sosnowy responds to Newman's enquiry regarding scope of proposed codes.
11:29:15 AM	Newman offer Alley, Loading Berth, & Solid Waste Standards DSA (July 11, 2019), it is marked as Exhibit 13.
11:29:43 AM	Sosnowy responds to Newman's enquiry regarding Exhibit.
11:30:28 AM	Newman moves to admit Exhibits 9, 10, 11, 12, and 13; Exhibits are admitted to the record.
11:30:59 AM	Kaylor begins cross examination of Sosnowy.
11:31:43 AM	Sosnowy responds to Kaylor's enquiry regarding parking garage access.
11:32:00 AM	Sosnowy responds to Kaylor's enquiry regarding the adoption of proposed code amendments.
11:33:29 AM	Kaylor concludes her examination of Sosnowy.
11:33:41 AM	Newman calls Ross Tilghman as witness. Newman offers Curriculum Vitae of Ross Tilghman, it is marked as Exhibit 14.
11:34:45 AM	Tilghman responds to Newman's enquiries regarding his professional history and involvement.
11:36:22 AM	Tilghman responds to Newman's enquiry regarding experience with SEPA analysis.
11:36:45 AM	Tilghman responds to Newman's involvement with the project.
11:37:18 AM	Newman offer Letter from Ross Tilghman to Michael Dorey (Sep. 26, 2017), it is marked as Exhibit 15.

11:37:41 AM	Newman moves to admit Exhibit 14, it is admitted to the record.
11:38:38 AM	Newman offers Memo from Ross Tilghman to John Shaw, SDCI (Sep. 12, 2019), it is makred as Exhibit 16.
11:39:14 AM	Newman moves to admit E 15 & 16, exhibits are admitted to the record.
11:40:04 AM	Tilghman responds to Newman's enquiries regarding alleyway.
11:41:13 AM	Newman offers Excerpts from Master Use Permit Plan Set, April 1, 2019, it is marked as Exhibit 17.
11:41:40 AM	Tilghman responds to Newman's enquiries regarding Exhibit 17.
11:44:27 AM	Tilghman responds to Newman's enquiries regarding probable significant impacts.
11:45:38 AM	Kaylor objects; issues not raised in appeal.
11:46:14 AM	Newman responds; issues raised in appeal.
11:46:54 AM	Tilghman continues testimony regarding probable significant impacts.
11:47:45 AM	Newman refers Tilghman to Exhibit 17.
11:48:20 AM	Tilghman refers the Hearing Examiner to page A0001 of Exhibit 17, and continues testimony regarding probable significant impacts.
11:49:14 AM	Tilghman responds to Newman's enquiry regarding the Center City Street Car.
11:51:29 AM	Tilghman responds to Newman's enquiry regarding the location of the Centennial Building.
11:53:24 AM	Tilghman continues testimony regarding probable significant impacts.
11:57:54 AM	Tilghman continues testimony regarding probable significant impacts by referring to dock management plan.
11:59:14 AM	Tilghman testifes about impacts on curb-side parking.
12:00:35 PM	Tilghman provides additional testimony regarding service vehicles.
12:01:06 PM	Kaylor objects; issues not raised in appeal.
12:01:33 PM	Newman responds.
12:02:33 PM	Hearing Examiner responds; overruled.
12:02:49 PM	Tilghman continues testimony regarding service vehicles.

12:03:50 PM	Hearing Examiner enquires Newman about anticipated amount of time remaining in respect to witness testimony.
12:04:45 PM	Tilghman continues testimony regarding service vehicles/alleyway usage.
12:06:50 PM	Newman offers Fifth and Virginia TIA (Oct. 2016), it is marked as Exhibit 18.
12:09:03 PM	Tilghman responds to enquiries regarding Exhibit 18.
12:10:17 PM	Newman refers Tilghman to Exhibit 5.
12:10:33 PM	Tilghman responds in the affirmative regarding Newman's enquiry regarding Exhibit 5.
12:10:51 PM	Tilghman responds in the affirmative regarding familiarity of SMCs.
12:11:41 PM	Tilghman responds to Newman's enquiry regarding concurrency.
12:12:33 PM	Tilghman responds to Newman's enquiry regarding mitigation.
12:12:55 PM	Tilghman responds to Newman's enquiry regarding code language.
12:13:59 PM	Tilghman responds to Newman's enquiry regarding code requirements pertaining to loading berths.
12:15:57 PM	Tilghman responds to Newman's enquiry regarding code requirements governing street level use requirements.
12:16:56 PM	Tilghman responds to Newman's enquiries regarding maximum parking capacity.
12:18:26 PM	Tilghman responds to Newman's enquiries regarding sidewalk widening and set-backs.
12:19:46 PM	Tilghman responds to Newman's enquiries regarding prospective changes in foot traffic.
12:20:33 PM	Tilghman responds to Newman's enquiry regarding his opinion of Heffron's testimony.
12:22:48 PM	Tilghman expresses concerns about inadequate code enforcement.
12:23:28 PM	Kaylor objects; speculation.
12:23:35 PM	Newman withdraws line of questioning.
12:23:53 PM	Tilghman responds to Newman's enquiries regarding the probable impacts from non-commercial vehicles.
12:27:52 PM	Tilghman responds to Newman's enquiries regarding SEPA authority.

12:29:19 PM	Newman enquires if SDCI was able to expressly mitigate the probable significant impacts through the application of SEPA authority.
12:31:21 PM	Breaking for Lunch. Returning at 1:45.
12:31:38 PM	Kaylor raises question regarding rebuttal.
12:32:00 PM	Off the record.
1:46:06 PM	On the record.
1:46:38 PM	Newman offers Draft Dock Management Plan 1903-5th Avenue (SDCI #3018037), it is marked as Exhibit 19.
1:46:59 PM	Tilghman responds to Newman's enquiries regarding E19.
1:48:36 PM	Newman moves to admit Exhibits 17, 18, and 19.
1:49:01 PM	Exhibits 17, 18, and 19 are admitted to the record.
1:50:00 PM	Newman enquires about the admission of Core Documents.
1:50:51 PM	Newman offers Analysis and Decision of the Director of SDCI (Oct. 10, 2019), it is marked as Exhibit 20.
1:51:20 PM	Tilghman responds to Newman's enquiries regarding Exhibit 20.
1:51:55 PM	Newman moves to admit Exhibit 20. It is admitted to the record.
1:52:33 PM	Newman refers Tilghman to Steinbreuck Letter.
1:53:41 PM	Newman refers Tilghman to Exhibit 11.
1:54:26 PM	Tilghman responds to Newman's enquiries regarding page 8, Exhibit 11.
1:57:02 PM	Tilghman responds to Newman's enquiries regarding page 9, Exhibit 11.
1:58:14 PM	Newman offers Final 50 Feet Executive Summary, it is marked as Exhibit 21.
1:59:37 PM	Newman offers Alley Infrastructure Inventory and Occupancy Study 2018, UW Supply Chain Transportation & Logistics Center, it is marked as Exhibit 22.
2:00:33 PM	Tilghman responds to Newman's enquiries regarding E22.
2:00:47 PM	Newman refers Tilghman to page 3, Exhibit 22.
2:01:58 PM	Newman offers City of Seattle Freight Master Plan (Sep. 2016), it is marked as Exhibit 23.

2:02:48 PM	Newman moves to admit Exhibit 21 & 22, Exhibts are admitted to the record.
2:03:06 PM	Tilghman responds to Newman's enquiries regarding Exhibit 23.
2:03:27 PM	Kaylor objects; relevance.
2:04:10 PM	Newman responds; example of locally adopted transporation plan.
2:04:57 PM	Hearing Examiner responds; burden of proof.
2:05:18 PM	Kaylor responds.
2:06:22 PM	Hearing Examiner responds; request clarification from appellant counsel.
2:06:44 PM	Newman offers Seattle City Council Res 31706 (Sep. 2016) it is marked as Exhibit 24.
2:07:38 PM	Tilghman responds to Newman's enquiries regarding page 46, Exhibit 23.
2:08:59 PM	Tilghman responds to Newman's enquiries regarding page 47, Exhibit 23.
2:10:27 PM	Newman refers Tilghman to page 81, Exhibit 23.
2:11:03 PM	Newman refers Tilghman to page 82, Exhibit 23.
2:11:16 PM	Tilghman responds to Newman's enquiries regarding Strategy 1.11, Exhibit 23.
2:12:01 PM	Tilghman responds to Newman's enquiries regarding Strategy 2.1, Exhibit 23.
2:12:53 PM	Tilghman responds to Newman's enquiry regarding consistency of action item 2.13, Exhibit 23.
2:13:49 PM	Newman refers Tilghman to page 85, action item 3.13, Exhibit 23.
2:14:32 PM	Tilghman responds to Newman's enquiry regarding consistency pertaining to action item 3.13.
2:15:29 PM	Tilghman responds to Newman's enquiry regarding probable significant impacts pertaining to safety.
2:16:21 PM	Tilghman responds to Newman's enquiry regarding probable significant impacts pertaining to sanitation.
2:16:48 PM	Tilghman responds to Newman's enquiry regarding probable significant impacts pertaining to efficiency.
2:17:04 PM	Newman offers to admit Exhibit 23 & 24, Exhibits admitted to the record.
2:17:25 PM	Kaylor requests rebuttal.

2:18:26 PM	Hearing Examiner responds; rebuttal regarding the freight master plan allowed.
2:19:28 PM	Newman argues her objection to rebuttal examination.
2:20:30 PM	Hearing Examiner responds; rebuttal examination allowed.
2:20:38 PM	Newman expresses her concerns about rebuttal.
2:21:29 PM	Hearing Examiner responds; parameters of rebuttal clarified.
2:22:42 PM	Kaylor commences the Applicant's rebuttal examination of Tilghman.
2:23:09 PM	Kaylor enquires about Tilghman's familiarity with documents of the environmental review. Kaylor offers Addendum to the FEIS for Downtown Height and Density Changes EIS (Sep. 14, 2017). it is marked as Exhibit 25.
2:24:49 PM	Kaylor refers Tilghman to Appendix J, page 27, Exhibit 25.
2:25:48 PM	Kaylor enquires about site access loading and alley operations.
2:28:44 PM	Tilghman responds to Kaylor's enquiry regarding site access loading and alley operations.
2:30:43 PM	Kaylor refers Tilghman to EIS addendum, page 27, Exhibit 25.
2:31:52 PM	Tilghman responds to Kaylor's enquiries regarding significant adverse impacts.
2:32:28 PM	Kaylor moves to admit Exhibit 25 to the record.
2:33:31 PM	Exhibit 25 is admitted to the record.
2:34:00 PM	Kaylor refers Tilghman to Heffron Memorandum (May 8, 2019), it is marked as Exhibit 26.
2:35:13 PM	Tilghman responds to Kaylor's enquiries regarding loading berth length found in Exhibit 26.
2:36:10 PM	Newman objects; relevance in relation to phase 1 of the hearing.
2:38:06 PM	Hearing Examiner clarifies attempts to determine if the ordinance expressly mitigates probable significant adverse impacts.
2:39:20 PM	Tilghman responds to Kaylor's enquiry whether the documents agree/disagree with his position that bays are accessible to trucks.
2:39:30 PM	Kaylor moves to admit Exhibit 26, it is admitted to the record.
2:41:31 PM	Hearing Examiner clarifies phase 1 expectations.

2:44:00 PM	Kaylor concludes her cross examination of Tilghman.
2:44:26 PM	Off the record. Recess for break. Returning at 2:50 p.m.
2:50:55 PM	On the record.
2:51:04 PM	Kaylor begins the Applicant's closing argument.
3:05:04 PM	Kaylor concludes the Applicant's closing argument; Hearing Examiner lacks jurisdictional authority over matter.
3:05:22 PM	City rests on the Applicant's closing argument.
3:05:25 PM	Bricklin begins the Appellant's closing argument.
3:22:37 PM	Bricklin concludes the Appellant's closing argument; deny Applicant's motion for dismissal.
3:23:04 PM	Hearing Examiner clarifies complexities presented by new law.
3:25:52 PM	Hearing Examiner provides clarification; issue of consistency not at issue today.
3:26:04 PM	Hearing Examiner provides clarification; consistency with comprehensive plan is at issue today.
3:27:18 PM	Hearing Examiner clarifies views on project consistency with the transportation element of the comprehensive plan.
3:35:12 PM	Newman enquires about impacts raised by alley description.
3:36:44 PM	Hearing Examiner responds.
3:37:39 PM	Kaylor responds; no questions.
3:38:33 PM	Kaylor clarifies motion to exclude by the respondent.
3:39:45 PM	Hearing Examiner responds; no more motions to exclude.
3:40:38 PM	Newman clarifies witness availability.
3:41:33 PM	Hearing Examiner enquires all parties about time requirements.
3:42:04 PM	Newman responds to the Hearing Examiner's enquiry regarding remaining time requirements; one more day
3:42:07 PM	Kaylor responds to the Hearing Examiner's enquiry regarding remaining time requirements; two days.
3:42:53 PM	Hearing Examiner enquires about availability on February 6, 2020.

3:45:13 PM	Bricklin and Kaylor discuss witness scheduling.
3:45:44 PM	Anderson clarifies the City's witness scheduling.
3:46:55 PM	All parties agree to reserving a half day on February 6, 2020.
3:48:09 PM	Break. off the Record, until 4:00 p.m.
4:00:09 PM	Back on the Record. Commencing phase 2 of hearing.
4:00:19 PM	Hearing Examiner addresses scheduling issues.
4:01:22 PM	Newman calls Kenneth Erickson as witness.
4:01:43 PM	Hearing Examiner swears-in Erickson.
4:02:12 PM	Erickson responds to Newman's enquiries regarding Erickson's professional background.
4:03:01 PM	Erickson responds to Newman's enquiries regarding Erickson's involvement with Escala; hired to manage dock.
4:04:19 PM	Erickson responds to Newman's enquiries regarding Dauntless Security.
4:05:25 PM	Newman offers Escala Loading Experience (Dec. 2019), it is marked as Exhibit 27.
4:06:03 PM	Newman enquires about Exhibit 27.
4:06:57 PM	Newman moves to admit Exhibit 27 to the record.
4:07:06 PM	Exhibit 27 is admitted to the record.
4:08:42 PM	Erickson responds to Newman's enquiries regarding tempo of dock/alley traffic.
4:11:55 PM	Erickson responds to Newman's enquiries regarding tempo of dock/alley congestion.
4:13:46 PM	Erickson clarifies space limitations of the dock under current conditions.
4:16:12 PM	Erickson responds to Newman's enquiries regarding truck driver behaviour.
4:17:04 PM	Erickson clarifies observations of controlling the alleyway and loading bay.
4:18:00 PM	Erickson differentiates method of northbound and southbound ingress.
4:19:13 PM	Erickson differentiates experience with skilled and unskilled drivers.

4:19:48 PM	Erickson responds to Newman's enquiry regarding encounters with skilled and unskilled truck drivers.
4:20:51 PM	Kaylor begins cross-examination of Erickson.
4:21:23 PM	Erickson responds to Kaylor's enquiry about typical business activities.
4:22:16 PM	Erickson responds to Kaylor's enquiries about dock master experience and work history.
4:25:07 PM	Erickson responds to Kaylor's enquiries about contracts that involved alley way access.
4:26:07 PM	Erickson responds to Kaylor's enquiry regarding duration of Escala contract.
4:27:22 PM	Erickson responds to Kaylor's enquiries regarding direct communication with shipping companies and vendors.
4:28:41 PM	Erickson responds to Kaylor's enquiry regarding direct communication between residents and vendors.
4:29:10 PM	Erickson responds to Kaylor's enquiry regarding dock staffing.
4:29:37 PM	Erickson responds to Kaylor's enquiry regarding delivery scheduling requirements.
4:31:12 PM	Erickson responds to Kaylor's enquiry regarding delivery refusal.
4:31:38 PM	Erickson responds to Kaylor's enquiries regarding Daily Activity Report generation.
4:33:27 PM	Erickson responds to Kaylor's enquires regarding loading dock dimensions.
4:34:53 PM	Erickson responds to Kaylor's enquiries regarding truck manuevers in Escala alleyway and loading dock.
4:36:19 PM	Kaylor concludes her cross-examination of Erickson.
4:36:32 PM	Anderson cross-examines Erickson.
4:36:51 PM	Erickson responds to Anderson's enquiries regarding truck driver behaviour.
4:37:20 PM	Anderson refers Erickson to Exhibit 27, 12.2.2019 entry.
4:38:37 PM	Erickson identifies bollards in Exhibit 27.
4:39:10 PM	Erickson identifies painted lanes/parking spaces in Exhibit 27.
4:39:40 PM	Anderson concludes cross examination of Erickson.

4:39:48 PM	Newman begins redirect examination of Erickson.
4:40:02 PM	Erickson responds to Newman's enquiry regarding principles of dock management.
4:40:31 PM	Erickson responds to Newman's enquiry regarding experience instructing and communicating others.
4:41:29 PM	Erickson responds to Newman's enquiry regarding highly skilled drivers.
4:41:53 PM	Erickson responds to Newman's enquiry regarding successful compliance rate among truck driver.
4:44:06 PM	Hearing adjourned. Off the record.