

Description	Recording of MUP-19-031 (DD, DR, S, SU, W), Day 3 (1.30.2020)		
	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		
Date	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		
Location	Crystal Torres, for the Department		
	Liza Anderson, Department Legal Counsel		
Date		1/30/2020	LargeHearingRoom

Time	Speaker	Note
8:31:35 AM		On the record.
8:31:45 AM		Hearing Examiner opens the day by discussing witness scheduling and estimated duration of presentation.
8:39:59 AM		Opposing counsel discusses exhibits.
8:44:21 AM		Newman and Hearing Examiner discuss further issues.
8:44:55 AM		Neither City nor Applicant object to Exhibit 70, it is admitted to the record.
8:47:05 AM		Kaylor objects to the admission of Exhibit 69; relevance.
8:48:21 AM		Newman responds; Exhibit 69 was analyzed in the applicant's packet.
8:49:33 AM		Bricklin shares a screen shot from the City's public website with opposing counsel.
8:50:25 AM		Kaylor responds; project based on Downtown rather than Belltown guidelines.
8:51:11 AM		Hearing Examiner responds; counsel needs to present arguments regarding Exhibit 69 at closing.
8:53:41 AM		Hearing Examiner admits Exhibit 69 to the record.
8:54:00 AM		Newman calls Tilghman as witness, and offers Doors and Encroachments in Alley from Continental Building Graphic it is marked as Exhibit 71.
8:55:46 AM		Tilghman responds to Newman's enquiries regarding Exhibit 71.
9:02:28 AM		Newman moves to admit Exhibit 71, it is admitted to the record.
9:04:42 AM		Tilghman responds to Newman's enquiries regarding Center City Connector, Seattle Streetcar (Sep. 9, 2019), it was marked as Exhibit 72.
9:08:35 AM		Newman offers Heffron Memorandum (Apr. 5, 2019), it is marked as Exhibit 74 .
9:11:33 AM		Newman moves to admit Exhibit 72, it is admitted to the record.
9:12:11 AM		Newman offers SDOT Parking Map, it is marked as Exhibit 75.
9:13:41 AM		Newman refers Tilghman to Exhibit 26.
9:15:38 AM		Tilghman responds to Newman's enquiries regarding Exhibit 26.

9:16:03 AM		Newman refers Tilghman to Exhibit 19.
9:18:18 AM		Tilghman responds to Newman's enquiries regarding Exhibit 19.
9:20:08 AM		Newman refers Tilghman to Exhibit 75.
9:20:52 AM		Tilghman responds to Newman's enquiries regarding Exhibit 75.
9:23:41 AM		Kaylor objects; counsel testimony.
9:23:53 AM		Hearing Examiner responds; sustained.
9:24:00 AM		Newman redirects her line of questioning.
9:24:35 AM		Tilghman continues to respond to Newman's enquiries regarding Exhibit 75.
9:26:52 AM		Newman moves to admit Exhibits 73 & 75, exhibits are admitted to the record.
9:27:34 AM		Exhibit 74 is admited to the record.
9:28:07 AM		Newman Offers Contractor Vehicles Parking at 5th/Stewart, it is marked as Exhibit 76.
9:28:56 AM		Newman offers List of Garage Vehicle Height Limits, it is marked as Exhibit 77.
9:29:51 AM		Tilghman responds to Newman's enquiries regaridng Exhibits 76 and 77.
9:30:19 AM		Kaylor objects; relevance.
9:30:50 AM		Newman responds; relevant.
9:31:06 AM		Hearing Examiner responds; sustained but limit line of questioning.
9:32:30 AM		Kaylor objects; relevance.
9:33:24 AM		Hearing Examiner responds; refers counsel to Notice of Appeal.
9:33:54 AM		Newman responds.
9:34:43 AM		Kaylor responds; notice of appeal does not mention loss of adjacent parking lots.
9:35:32 AM		Newman responds; lack of curb-side parking will exacerbate congestion.
9:37:07 AM		Kaylor responds; opposing counsel raises unraised issues.

9:37:58 AM		Hearing Examiner responds.
9:38:46 AM		Kaylor responds.
9:39:06 AM		Hearing Examiner responds; overrules Kaylor's objection marked at 9:30:19 a.m.
9:40:42 AM		Tilghman resumes response to Newman's enquiries regarding Exhibits 76 and 77.
9:44:07 AM		Newman moves to admit Exhibits 76 and 77, exhibits are admitted to the record.
9:44:54 AM		Newman refers Tilghman to Exhibit 19.
9:45:46 AM		Tilghman responds to Newman's enquiry regarding vendor trucks in relation to Exhibit 19.
9:48:32 AM		Tilghman responds to Newman's enquiry regarding non-vendor trucks in relation to Exhibit 19.
9:49:32 AM		Tilghman responds to Newman's enquiry regarding the proposed mail room in the 1903 5th Avenue project.
9:50:48 AM		Tilghman responds to Newman's enquiry regarding various types of deliveries in relation to Exhibit 19.
9:51:45 AM		Tilghman responds to Newman's enquiry regarding driver behaviour in alley ways.
9:56:14 AM		Newman refers Tilghman to Appendix J, Exhibit 25.
9:59:02 AM		Tilghman responds to Newman's enquiries regarding Appendix J, Exhibit 25.
10:01:35 AM		Newman refers Tilghman to Exhibits 66 & 67.
10:04:09 AM		Tilghman continues his response to Newman's enquiries regarding alley ways, in respect to Exhibits 66 & 67.
10:05:26 AM		Tilghman responds to Newman's enquiry regarding the environmental impacts addressed in Exhibits 66 & 67.
10:06:07 AM		Tilghman responds to Newman's enquiries regarding consistency with Design Guidelines C6.
10:08:13 AM		Tilghman responds to Newman's enquiries regarding solid waste disposal storage.
10:10:48 AM		Tilghman responds to Newman's enquiry regarding residential parking access in respect to Design Guidelines C6.

10:11:45 AM		Tilghman responds to Newman's enquiry regarding chamfering.
10:12:27 AM		Newman concludes examination of Tilghman.
10:12:38 AM		Returning at 10:30 for cross examination. Off the record.
10:31:44 AM		On the record.
10:31:50 AM		Kaylor begins the Applicant's cross examination of Tilghman.
10:32:21 AM		Kaylor refers Tilghman to Exhibit 48.
10:34:46 AM		Tilghman responds to Kaylor's enquiries regarding Exhibit 48.
10:37:00 AM		Kaylor refers Tilghman to Exhibit 19.
10:37:42 AM		Kaylor refers Tilghman to page 38 of Exhibit 20.
10:39:14 AM		Tilghman responds to Kaylor's enquiries regarding Exhibit 20.
10:40:34 AM		Kaylor refers Tilghman to Exhibit 48.
10:41:12 AM		Tilghman responds to Kaylor's enquiries regarding Exhibit 48.
10:44:45 AM		Kaylor refers Tilghman to Exhibit 49.
10:45:24 AM		Kaylor refers Tilghman to Exhibit 50.
10:47:21 AM		Kaylor refers Tilghman to Exhibit 27.
10:48:34 AM		Tilghman responds to Kaylor's enquiries regarding the Escala loading dock test documented in Exhibit 27.
10:51:46 AM		Tilghman responds to Kaylor's enquiries regarding truck length entries in Exhibit 27.
10:53:08 AM		Kaylor provides Tilghman with the Applicant's addendum to Exhibit 61.
10:55:45 AM		Kaylor refers Tilghman to Exhibit 58.
10:56:05 AM		Tilghman responds to Kaylor's enquiries regarding Exhibit 61.
10:59:09 AM		Kaylor refers Tilghman back to Exhibit 61.
11:00:22 AM		Newman objects; lack of foundation.

11:00:34 AM		Kaylor responds; rephrases line of questioning
11:01:01 AM		Tilghman responds that many of the logged delivery trucks were below 30 feet in length.
11:01:44 AM		Kaylor directs Tilghman back to Exhibit 58.
11:02:01 AM		Tilghman responds to Kaylor's enquiries regarding Exhibit 58.
11:03:14 AM		Kaylor refers Tilghman to Exhibit 60.
11:04:30 AM		Tilghman responds to Kaylor's enquiries regarding Exhibit 60.
11:08:14 AM		Kaylor refers Tilghman to Exhibit 61
11:09:46 AM		Kaylor refers Tilghman to Exhibit 62
11:10:31 AM		Tilghman responds to Kaylor's enquiries regarding Exhibit 62.
11:12:07 AM		Kaylor offers Master Use Permit Plan Set, April 1, 2019, it is marked as Exhibit 78.
11:15:30 AM		Tilghman responds to Kaylor's enquiries regarding Exhibit 78.
11:17:20 AM		Kaylor moves to admit Exhibit 78, it is admitted to the record.
11:18:59 AM		Kaylor refers Tilghman to Exhibit 65.
11:19:53 AM		Tilghman responds to Kaylor's enquiries regarding Exhibit 65.
11:20:09 AM		Newman objects; mischaracterization of evidence.
11:20:32 AM		Kaylor redirects her line of questioning.
11:20:50 AM		Kaylor directs Tilghman to Exhibit 20.
11:21:36 AM		Tilghman responds to Kaylor's enquiries regarding Exhibit 20.
11:23:51 AM		Newman Objects.
11:24:02 AM		Hearing Examiner responds; sustained
11:24:29 AM		Newman objects; to Kaylor's enquiry regarding Exhibit 65.

11:25:08 AM		Tilghman responds to Kaylor's rephrased enquiries regarding Exhibit 65.
11:26:21 AM		Kaylor directs Tilghman to Exhibit 70.
11:28:19 AM		Tilghman responds to Kaylor's enquiries regarding Exhibit 70.
11:32:15 AM		Kaylor directs Tilghman to Exhibit 60.
11:32:41 AM		Tilghman responds to Kaylor's enquiry regarding Exhibit 60.
11:33:12 AM		Tilghman responds to Kaylor's additional questions regarding Exhibit 70.
11:33:43 AM		Kaylor directs Tilghman to Exhibit 71.
11:35:26 AM		Tilghman responds to Kaylor's enquiry regarding Exhibit 71.
11:36:23 AM		Kaylor directs Tilghman to Exhibit 20.
11:37:05 AM		Tilghman responds to Kaylor's enquiries regarding Exhibit 20.
11:40:24 AM		Tilghman responds to Kaylor's enquiry regarding parking lot requirements.
11:41:41 AM		Tilghman responds to Kaylor's enquiry regarding vehicular choice and requirements.
11:42:36 AM		Tilghman responds to Sosnowy's testimony from the prior day.
11:43:15 AM		Tilghman responds to Kaylor's enquiry regarding truck height and the Altitude project clearance height requirements.
11:44:03 AM		Kaylor directs Tilghman to Exhibit 59.
11:44:45 AM		Tilghman responds to Kaylor's enquiries regarding Exhibit 59.
11:47:41 AM		Kaylor directs Tilghman to Exhibit 77.
11:48:55 AM		Tilghman responds to Kaylor's enquiries regarding Exhibit 77.
11:49:21 AM		Tilghamn responds to Kaylor's enquiries regarding Exhibit 76.
11:52:37 AM		Kaylor directs Tilghman to Exhibit 61.

11:53:23 AM		Tilghman responds to Kaylor's enquiry regarding Exhibit 61; calculation methods.
11:55:34 AM		Kaylor directs Tilghman to bar graphs found in Exhibit 61.
11:55:52 AM		Tilghman responds to Kaylor's enquiries about the bar graphs found in Exhibit 61.
11:57:31 AM		Kaylor directs Tilghman to December 2, 2019, entry found in Exhibit 27.
11:58:30 AM		Kaylor redirects Tilghman to Exhibit 61.
12:01:07 PM		Tilghman responds to Kaylor's enquiries about Exhibit 61.
12:05:20 PM		Kaylor directs Tilghman to Exhibit 27.
12:06:06 PM		Kaylor directs Tilghman to December 10, 2019, entry found in Exhibit 27.
12:09:19 PM		Kaylor concludes her cross examination of Tilghman.
12:09:36 PM		Anderson waives cross examination.
12:09:47 PM		Newman begins her re-direct examination of Tilghman.
12:11:17 PM		Tilghman responds to Newman's enquiries about December 10, 2019, entry found in Exhibit 27.
12:11:44 PM		Tilghman responds to Newman's enquiries about California closets.
12:12:29 PM		Tilghman responds to Newman's enquiries about contractor services at Escala.
12:13:21 PM		Tilghman responds to Newman's enquiries about contractor behaviour.
12:14:11 PM		Tilghman responds to Newman's enquiries about dumpster occupancy in the alley way.
12:14:48 PM		Tilghman responds to Newman's enquiry about Tilghman's 16 feet basis in the alley way.
12:15:16 PM		Tilghman responds to Newman's enquiry about Exhibit 61.
12:16:27 PM		Tilghman responds to Newman's enquiry about two way traffic in the alley way.
12:17:35 PM		Newman concludes her redirect of Tilghman.
12:17:51 PM		Newman raises procedural issues regarding Exhibit 8.

12:18:58 PM		Hearing Examiner responds; Exhibit 8 is admitted to the record.
12:20:25 PM		Exhibits 79 & 80 admitted to the record.
12:20:36 PM		Break for lunch. Returning at 1:45 p.m. Off the record.
1:46:21 PM		HE opens and returns to the record starting with the applicant
1:49:17 PM		Kaylor begins testimony to identify witnesses
1:50:38 PM		Kaylor begins cross examination of Heffron, who has previously been sworn in for this hearing
1:53:29 PM		Bricklin interjects with a question to Kaylor RE relevance of content
1:53:54 PM		Heffron continues testimony
1:55:57 PM		Heffron begins testimony on Exhibit 25
1:59:43 PM		Heffron testifies on Exhibit 26 and Exhibit 28
2:01:32 PM		Heffron testifies on Exhibit 79
2:04:00 PM		Heffron testifies more on Exhibit 28 about the Dock Master Plan
2:06:08 PM		Heffron testifies on Exhibit 79, page 10's Delivery Table
2:08:44 PM		Heffron testifies on Exhibit 55 freight logistics and references Exhibit 22
2:15:02 PM		Heffron testifies, references Exhibit 22: Alley Infrastructure Study
2:22:02 PM		Motions for Exhibit 81 to be admitted
2:22:21 PM		Heffron testifies RE Exhibit 54
2:24:05 PM		Heffron testifies on Exhibit 81
2:26:36 PM		Heffron testifies on memo
2:28:15 PM		Heffron concludes testimony
2:28:58 PM		Kaylor continues cross examination of Heffron

2:34:10 PM		Kaylor cross examines Heffron RE Exhibit 58
2:35:41 PM		Kaylor concludes cross examination
2:35:56 PM		Exhibit 81 is admitted to the record
2:36:40 PM		Bricklin begins cross examination of Heffron
2:38:54 PM		Heffron responds referencing Exhibit 28 RE alley way length
2:39:41 PM		Bricklin continues cross examination of Heffron
2:42:00 PM		Bricklin references Exhibit 81 in cross examin. of Heffron
2:51:28 PM		Bricklin references Exhibit 22 in cross exam. of Heffron
2:54:31 PM		Bricklin concludes cross exam
2:54:35 PM		Kaylor redirects and begins cross exam. Heffron RE E A106 of Master Use Permit
2:55:44 PM		Heffron responds
2:55:53 PM		Kaylor references the enlarged Exhibit 61
2:56:48 PM		Bricklin objects
2:56:53 PM		Kaylor continues with refrasing of question and coss ex
2:57:47 PM		Kaylor cross examines Heffron RE Exhibits 26 28
2:59:27 PM		Next witness takes the stand
2:59:42 PM		Marco Felice is sworn in
3:00:06 PM		Kaylor begins cross examination of Felice
3:10:52 PM		Exhibit 82 is being submitted as a rebuttal
3:11:12 PM		Resuming Hearing after a brief recess
3:31:50 PM		Bricklin objects to the motion to submit the E82 rebuttal
3:33:28 PM		Kaylor responds to Bricklin's objection

3:35:25 PM		HE asks clarification of Kaylor
3:35:40 PM		Kaylor responds
3:36:22 PM		HE allows the impeaching of the testimony re. Cisco
3:38:32 PM		Kaylor cross examines Felice re. Exhibit 82
3:38:57 PM		Exhibit 82 is admitted to the record and Kaylor cont. cross exam. Of Felice
3:39:18 PM		Bricklin objects to Kaylor, on the basis of no foundation
3:39:26 PM		HE sustains objection
3:39:30 PM		Kaylor cont. cross exam. of Felice
3:41:56 PM		Kaylor ref. Exhibit 26 in cross exam of Felice
3:43:34 PM		Kaylor cross examines Felice re. E20
3:46:32 PM		Bricklin begins cross examination of Felice
3:47:32 PM		Bricklin ref. E26 in cross exam. of Felice
3:47:54 PM		Kaylor objects to question posed on Felice
3:48:08 PM		Bricklin rephrases and cont. cross exam.
3:51:05 PM		No redirection from Applicant
3:51:23 PM		Next witness is called
3:51:36 PM		Ted Caloger is sworn in
3:52:45 PM		Kaylor motions for E83 to be admitted to the record
3:53:19 PM		Kaylor cross examines Caloger re. E83
3:54:24 PM		Exhibit 83 is admitted to the record
3:54:29 PM		Kaylor continues cross exam of Caloger
3:56:07 PM		Kaylor motions to submit Exhibits 84-87

3:58:27 PM		Exhibits 84-87 is admitted to the record
4:00:33 PM		Pgs. 32-34 are taken from Exhibit 87 and are handed to the witness, Caloger, along with Exhibit 68
4:03:06 PM		Kaylor continues to cross exam. Caloger re. pgs.32-34 in Exhibit 87 along with Exhibit 68
4:10:53 PM		Kaylor cross exam. Caloger RE C6 in Exhibit 68
4:12:27 PM		Kaylor concludes cross examination
4:12:34 PM		Bricklin begins cross examination of Caloger
4:14:56 PM		Kaylor objects
4:15:09 PM		Bricklin rephrases
4:15:51 PM		Bricklin cross exam. Caloger re. Exhibit 78, 8106
4:18:38 PM		Kaylor objects
4:19:09 PM		HE overrules objection
4:22:07 PM		Kaylor objects, beyond the scope
4:22:45 PM		Bricklin withdraws initial question and rephrases
4:23:27 PM		Kaylor interjects
4:23:37 PM		Bricklin rephrases
4:23:53 PM		Bricklin concludes cross exam. Caloger
4:23:58 PM		Redirect: Kaylor cross examines Caloger
4:26:55 PM		Kaylor concludes cross exam. of Caloger
4:27:38 PM		Anderson calls on a witness
4:27:42 PM		Crystal Torres is sworn in
4:28:15 PM		Anderson begins cross exam of Torres and motions to submit E 88 to the record
4:30:29 PM		E88 is admitted to the record

4:30:51 PM		Anderson cont. cross exam of Torres
4:31:43 PM		Anderson cross exam. Torres re. Exhibit 20
4:36:13 PM		Anderson asks Torres of C6 in the Design review
4:36:36 PM		Anderson concludes cross exam. of Torres
4:36:56 PM		Bricklin begins cross exam. of Torres
4:38:37 PM		Anderson objects, kaylor clarifies on objection
4:39:01 PM		Bricklin withdraws the question and continues cross exam. of Torres
4:42:44 PM		Bricklin re. pg 33 in Exhibit 68 in cross exam. of Torres
4:43:31 PM		Anderson objects to question, based on scope of question
4:43:46 PM		Bricklin responds to objection
4:43:55 PM		HE overrules objection
4:44:08 PM		Torres continues testimony re. pg. 33 in Exhibit 68, Bricklin cont. cross exam. of Torres
4:45:28 PM		Anderson Objects, based on scope of question
4:45:38 PM		HE overrules objection
4:45:44 PM		Torres cont. testimony and Brickling cont. cross exam of Torres
4:51:24 PM		Bricklin concludes cross exam. of Torres
4:51:29 PM		Anderson redirects, and begins cross exam. of Torres
4:54:04 PM		Anderson concludes cross exam. of Torres
4:54:13 PM		HE discusses scheduling with the Dept.
4:55:21 PM		Kaylor discusses concerns
4:56:31 PM		HE responds
4:56:50 PM		Bricklin responds to concerns

4:57:10 PM		HE responds
5:03:09 PM		HE concludes and closes Hearing