

Description	<p>Minutes for MUP-21-016, Day 1 Magnolia Community Council and Others 2500 W Marina Place Tuesday, September 7, 2021</p> <p>Time: 9:00 a.m. Examiner: Susan Drummond Assistant: Galen Edlund-Cho</p> <p>Party Representatives:</p> <p>Pat Schneider, Counsel for Appellant</p> <p>Ted Coulson, for Appellant</p> <p>Courtney Kaylor, Counsel for Applicant</p> <p>Michael Houston, for Department</p>
Date	<div> <div>9/7/2021</div> <div>Location</div> <div>LargeHearingRoom</div> </div>

Time	Speake	Note
9:00:37 AM		On the record.
9:00:53 AM		Courtney Kaylor and David Carpman for the Applicant.
9:01:08 AM		Pat Schneider and Ted Coulson for the Appellant.
9:01:28 AM		Michael Houston for the Department.
9:02:05 AM		Examiner discloses potential conflict of interest.
9:04:05 AM		Kaylor responds to Examiner's enquiry regarding exhibits.
9:04:21 AM		Coulson responds to Examiner's enquiry regarding exhibits.
9:04:45 AM		Houston responds to Examiner's enquiry regarding exhibits.
9:05:12 AM		Department Exhibits 1-45 are admitted to the record.
9:06:21 AM		Examiner clarifies Appellant's withdrawn exhibits.
9:08:36 AM		Houston clarifies Department's preference regarding order of presentation.
9:09:18 AM		Coulson objects to Department's request.
9:09:35 AM		Kaylor clarifies typical order of presentation.
9:10:28 AM		Examiner responds.
9:10:40 AM		Schneider identifies the Appellant's first witness and begins opening statement.
9:14:58 AM		Schneider refers the Examiner to Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
9:16:34 AM		Schneider refers the Examiner to Admiral's House photographs (Appellant Exhibit 1).
9:18:20 AM		Schneider concludes Appellant opening statement.
9:18:43 AM		Kaylor responds to Examiner's enquiry regarding opening statements.
9:19:26 AM		Schneider calls Michael Houston as witness.
9:19:33 AM		Examiner swears in Michael Houston.
9:19:42 AM		Schneider begins direct examination of Houston.
9:21:38 AM		Schneider refers Houston to page 2 of City of Seattle Analysis and Decision of the Director of the Seattle Department of Construction and Inspections dated April 22, 2021 for Land Use Application 3028072-LU (Department Exhibit 1), Exhibit 1.
9:24:25 AM		Schneider refers Houston to page 6 of City of Seattle Analysis and Decision of the Director of the Seattle Department of Construction and Inspections dated April 22, 2021 for Land Use Application 3028072-LU (Department Exhibit 1), Exhibit 1.
9:25:05 AM		Schneider refers Houston to SMC 23.42.042.
9:27:04 AM		Houston responds to Schneider's enquiries regarding the Ursula Judkins Viewpoint and the public interest concerning public viewpoints.
9:31:38 AM		Kaylor objects; mischaracterization.
9:31:46 AM		Schneider responds.
9:31:57 AM		Examiner responds; overruled.

<u>9:34:59 AM</u>	Houston responds to Schneider's enquiries regarding City of Seattle Analysis and Decision of the Director of the Seattle Department of Construction and Inspections dated April 22, 2021 for Land Use Application 3028072-LU (Department Exhibit 1), Exhibit 1.
<u>9:39:16 AM</u>	Schneider refers Houston to the Statement of Significance, page 7 of Landmark Preservation Board Report, September 1, 2010 (Appellant Exhibit 30).
<u>9:42:25 AM</u>	Examiner addresses the objections to Landmark Preservation Board Report, September 1, 2010 (Appellant Exhibit 30).
<u>9:42:46 AM</u>	Kaylor responds no objections.
<u>9:42:58 AM</u>	Landmark Preservation Board Report, September 1, 2010 (Appellant Exhibit 30) is admitted to the record, it is marked as Exhibit 46.
<u>9:43:25 AM</u>	Schneider refers Houston City of Seattle Ordinance No. 124135 (Appellant Exhibit 2).
<u>9:45:13 AM</u>	Schneider refers Houston to Correction Letter #1 Zoning dated July 30, 2019 (Department Exhibit 25), Exhibit 25.
<u>9:46:53 AM</u>	Schneider refers Houston to Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
<u>9:47:40 AM</u>	Examiner clarifies page number, A3.02 of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
<u>9:51:08 AM</u>	Schneider refers Houston to A1.02 of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
<u>9:55:01 AM</u>	Schneider refers Houston to page 3 of View Corridor and Landscape Maintenance Covenant recorded June 13, 2013 (Appellant Exhibit 4).
<u>9:56:18 AM</u>	Kaylor objects; counsel testimony.
<u>9:56:27 AM</u>	Schneider responds.
<u>9:56:53 AM</u>	Examiner responds; overruled.
<u>9:58:23 AM</u>	Schneider refers Houston to page 12 of View Corridor and Landscape Maintenance Covenant recorded June 13, 2013 (Appellant Exhibit 4).
<u>10:03:40 AM</u>	Kaylor objects; incorrect factual statement.
<u>10:03:52 AM</u>	Schneider responds; rephrases question.
<u>10:06:44 AM</u>	Schneider concludes direct examination of Houston.
<u>10:06:58 AM</u>	Kaylor begins cross examination of Houston.
<u>10:07:41 AM</u>	Houston responds to Kaylor's enquiry regarding Report of Designation of Admiral's House.
<u>10:08:02 AM</u>	Houston responds to Kaylor's enquiries regarding Designated Landmark Boundary.
<u>10:09:21 AM</u>	Kaylor refers Houston to page 19, A4.01 of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
<u>10:10:57 AM</u>	Houston responds to Kaylor's enquiry regarding MUP Decisions and Analyses.
<u>10:11:52 AM</u>	Houston responds to Kaylor's enquiries regarding his regulatory authority.
<u>10:12:32 AM</u>	Kaylor concludes cross examination of Houston.

10:13:04 AM	Schneider refers Houst to pat 19, A4.01 of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
10:14:45 AM	Schneider concludes redirect examination of Houston.
10:15:00 AM	Schneider motions to bring the appeal as a matter of law.
10:16:25 AM	Examiner responds.
10:16:59 AM	Kaylor responds; motion mischaracterizes testimony.
10:20:28 AM	Schneider enquires about written closing statements.
10:20:43 AM	Examiner responds.
10:22:20 AM	Kaylor responds to Examiner's enquiry regarding closing statements.
10:23:43 AM	Coulson responds to Examiner's enquiry regarding closing statements.
10:23:53 AM	Examiner provides clarification regarding closing statements.
10:24:51 AM	Mid morning break. Returning at 10:41 a.m.
10:41:18 AM	On the record.
10:41:32 AM	Coulson calls Elizabeth Campbell as witness.
10:42:04 AM	Examiner swears in Elizabeth Campbell.
10:42:22 AM	Coulson begins direct examination of Campbell.
10:52:34 AM	Coulson refers Examiner to Ursula Judkins Documentary 2013: https://www.youtube.com/watch?v=YxHoCYqa4qw (Appellant Exhibit 33).
10:52:58 AM	Kaylor objects; relevance.
10:54:08 AM	Coulson responds.
10:54:20 AM	Examiner enquires about purpose of Ursula Judkins Documentary 2013: https://www.youtube.com/watch?v=YxHoCYqa4qw (Appellant Exhibit 33).
10:55:01 AM	Coulson responds.
10:55:38 AM	Examiner responds; will review videos outside of hearing, but will admit it to the record.
11:03:11 AM	Coulson refers Campbell to UJV Plan Options (Appellant Exhibit 7)
11:11:23 AM	Coulson refers Campbell to page 3 of UJV Sketch (Appellant Exhibit 26).
11:12:37 AM	Kaylor objects; speculation.
11:12:54 AM	Coulson responds.
11:13:19 AM	Examiner responds.
11:13:23 AM	Coulson rephrases question.
11:13:41 AM	Kaylor objects; speculation.
11:13:50 AM	Examiner responds; overruled.
11:15:17 AM	Coulson concludes direct examination of Campbell.
11:15:29 AM	Kaylor begins cross examination of Campbell.
11:18:19 AM	Kaylor concludes cross examination of Campbell.
11:18:43 AM	Coulson calls Gene Mullins as witness.
11:19:39 AM	Examiner swears in Gene Mullins.
11:19:53 AM	Coulson begins direct examination of Mullins.

11:22:05 AM	Coulson refers Mullins to Admiral's House photographs (Appellant Exhibit 1).
11:26:44 AM	Coulson refers Mullins to Christopher Williams' email to Gene Mullins, August 1, 2008 (Appellant Exhibit 32).
11:30:42 AM	Coulson refers Mullins to Nanney email exchange starting May 23, 2011 (Appellant Exhibit 31).
11:30:54 AM	Kaylor objects to the admission of Nanney email exchange starting May 23, 2011 (Appellant Exhibit 31).
11:33:07 AM	Examiner will allow the admission of Nanney email exchange starting May 23, 2011 (Appellant Exhibit 31).
11:41:38 AM	Coulson concludes direct examination of Mullins.
11:41:50 AM	Kaylor begins cross examination of Mullins.
11:44:51 AM	Kaylor concludes cross examination of Mullins.
11:45:25 AM	Coulson calls Debbie Mullins as witness.
11:45:37 AM	Examiner swears in Debbie Mullins.
11:45:52 AM	Coulson begins direct examination of Mullins.
11:49:13 AM	Coulson refers Mullins to UJV sketch (Appellant Exhibit 26).
11:52:04 AM	Coulson refers Mullins to Public Meeting Photos 9-23-19 (Appellant Exhibit 25).
11:52:20 AM	Coulson refers Mullins to page 3 of UJV sketch (Appellant Exhibit 26).
12:00:53 PM	Coulson concludes direct examination of Mullins.
12:01:02 PM	Kaylor waives cross examination of Mullins.
12:02:15 PM	Kaylor raises exhibits admissions procedures.
12:04:24 PM	Kaylor responds to Examiner's enquiry regarding Christopher Williams' email to Gene Mullins, August 1, 2008 (Appellant Exhibit 32).
12:04:39 PM	Appellant Exhibit 32 is admitted, it is marked as Exhibit 49.
12:04:56 PM	Coulson admit Appellant Exhibit 33, Appellant Exhibit 7, Appellant Exhibit 26, and Appellant Exhibit 9.
12:05:43 PM	No objection to UJV Plan Options (Appellant 7); it is admitted and marked as Exhibit 50.
12:06:26 PM	No objection to UJV Sketch (Appellant Exhibit 26); it is admitted and marked as Exhibit 51.
12:07:40 PM	Kaylor will reserve objection to the relevance of UJV Public Meeting Notice (Appellant Exhibit 9).
12:08:24 PM	Coulson moves to admit Public Meeting Photos 9-23-19 (Appellant Exhibit 25).
12:08:40 PM	Coulson Admiral's House photographs (Appellant Exhibit 1).
12:09:14 PM	Appellant Exhibits 25 and 1 are admitted, and respectively marked as Exhibits 53 and 52.
12:09:25 PM	Schneider moves to admit, Appellant Exhibit 30, Appellant Exhibit 2, and Appellant Exhibit 4.
12:10:24 PM	Appellant Exhibits 2 & 4 are admitted to the record, and respectively marked as Exhibits 55 & 56. Objection noted and reserved.
12:11:08 PM	Lunch. Returning at 1:10 p.m.
1:11:24 PM	On the record.

1:11:43 PM	Coulson calls David Moehring as witness.
1:11:51 PM	Examiner swears in David Moehring.
1:12:08 PM	Coulson begins direct examination of Moehring.
1:13:58 PM	Coulson moves to admit David Moehring Resume (Appellant Exhibit 19).
1:14:10 PM	No objections.
1:14:13 PM	David Moehring Resume (Appellant Exhibit 19) is admitted to the record; it is marked as Exhibit 57.
1:20:27 PM	Coulson refers Moehring to UJV Sketch (Appellant Exhibit 26), Exhibit 51.
1:21:52 PM	Coulson refers Moehring to Public Meeting Photos 9-23-19 (Appellant Exhibit 25), Exhibit 53.
1:24:07 PM	Coulson refers Moehring to UJV Exhibit 1.
1:25:11 PM	Kaylor requests clarification.
1:25:22 PM	Kaylor objects to undisclosed exhibits.
1:25:47 PM	Coulson responds.
1:26:21 PM	Examiner responds; overruled.
1:26:46 PM	Kaylor clarifies that the annotations and illustrations are not in the admitted copy of photo.
1:30:00 PM	Coulson refers Moehring to UJV Exhibit 2.
1:31:44 PM	Coulson refers Moehring to SPR Memo (Appellant Exhibit 10).
1:33:04 PM	Coulson moves to admit SPR Memo (Appellant Exhibit 10).
1:33:10 PM	No objections.
1:33:13 PM	SPR Memo (Appellant Exhibit 10) is admitted to the record; it marked as Exhibit 58.
1:36:54 PM	Coulson refers Moehring to Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
1:39:58 PM	Coulson refers Moehring to Admiral's House photographs (Appellant Exhibit 1), Exhibit 54.
1:40:14 PM	Kaylor enquires about illustrative exhibits.
1:40:32 PM	Coulson responds.
1:40:46 PM	Kaylor objects to the inclusion of undisclosed illustrative exhibits.
1:42:05 PM	Coulson responds.
1:42:09 PM	Kaylor responds.
1:42:41 PM	Examiner responds; will hold on ruling.
1:46:20 PM	Examiner enquires about content of illustrative exhibit.
1:46:46 PM	Kaylor objects.
1:47:51 PM	Coulson responds.
1:48:37 PM	Kaylor responds.
1:49:40 PM	Examiner will not allow testimony on illustrative exhibits.
1:50:07 PM	Coulson responds.
1:50:47 PM	Examiner responds to Moehring's enquiry regarding exhibits presentation.
1:51:23 PM	Returning at 1:56 p.m.

1:57:01 PM		Coulson continues direct examination of Moehring.
1:59:27 PM		Moehring provides testimony regarding side by side comparison of Admiral's House photographs (Appellant Exhibit 1), Exhibit 54 and illustrative exhibit (David Exhibit 1).
2:06:35 PM		Coulson refers Moehring to page 10, A1.01, of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
2:15:44 PM		Coulson refers Moehring to page 11 of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
2:24:06 PM		Coulson refers Moehring to Quitclaim Deed recorded October 5, 2012 (Appellant Exhibit 3).
2:26:12 PM		Coulson refers Moehring to Statutory Warranty Deed recorded June 21, 2013 (Appellant Exhibit 5).
2:26:29 PM		Coulson refers Moehring to View Corridor and Landscape Maintenance Covenant recorded June 13, 2013 (Appellant Exhibit 4).
2:32:27 PM		Coulson refers Moehring to Nanney email exchange starting May 23, 2011 (Appellant Exhibit 31), Exhibit 31.
2:37:49 PM		Coulson moves to admit illustrative exhibits.
2:38:02 PM		Examiner responds; already ruled on illustrative exhibits.
2:39:35 PM		Moehring begins testimony regarding page 6, A0.03, of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
2:48:54 PM		Kaylor objects; scope.
2:49:13 PM		Coulson responds.
2:49:27 PM		Examiner responds.
2:49:38 PM		Kaylor responds; height, bulk, and scale not identified in appeal.
2:50:26 PM		Examiner responds; will allow, but limit to view issue.
2:54:58 PM		Coulson refers Moehring to page 30, L1.1, of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
2:56:57 PM		Examiner clarifies that she plans to conduct a site visit.
3:00:13 PM		Kaylor objects; relevance.
3:00:28 PM		Coulson responds.
3:00:33 PM		Examiner responds; overruled.
3:03:13 PM		Coulson refers Moehring to page 6, A1.01, of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
3:08:04 PM		Coulson refers Moehring to page 8 of UJV vicinity photographs and documents (Appellant Exhibit 20).
3:15:30 PM		Coulson refers Moehring to SPR UJV Website (Appellant Exhibit 23).
3:17:06 PM		Coulson concludes direct examination of Moehring.
3:17:21 PM		Coulson moves to admit Appellant Exhibits 20 & 23.
3:17:33 PM		Applicant responds; no objection to Exhibit 23, but objections to select pages of Appellant Exhibit 20.
3:19:04 PM		Coulson responds.
3:19:15 PM		Kaylor responds.

3:19:58 PM	Examiner admits Appellant Exhibits 23 and 20. The Exhibits are respectively marked as Exhibits 59 & 60.
3:20:27 PM	Official notice is taken of Historic Preservation Easement and Covenants recorded June 11, 2013 (Appellant Exhibit 11); it is marked as Exhibit 61.
3:21:13 PM	Official notice is taken of Appellant Exhibits 3 & 5. The exhibits are respectively marked as Exhibits 62 & 63.
3:22:17 PM	Mid afternoon break. Returning at 3:37 p.m.
3:37:40 PM	On the record.
3:37:43 PM	Kaylor begins cross examination of Moerhing.
3:38:30 PM	Kaylor refers Moehring to David Moerhing Resume (Appellant Exhibit 19), Exhibit 57.
3:43:12 PM	Kaylor moves to consider Moehring's testimony as lay testimony regarding ECA criteria and process and landmarks issues.
3:43:56 PM	Coulson responds.
3:44:04 PM	Examiner responds.
3:44:28 PM	Kaylor clarifies motion.
3:44:56 PM	Coulson responds.
3:45:31 PM	Examiner grants Applicant's motion.
3:46:28 PM	Kaylor refers Moehring to page 9 of the Appellant Notice of Appeal.
3:52:22 PM	Kaylor refers Moehring to page 10 of the Appellant Notice of Appeal.
3:56:19 PM	Kaylor refers Moehring to Admirals House photographs (Appellant Exhibit 1), Exhibit 54.
4:01:22 PM	Kaylor refers Moehring to page 17 of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
4:05:05 PM	Kaylor refers Moehring to page 7 of City of Seattle Ordinance No. 124135 (Appellant Exhibit 2), Exhibit 55.
4:06:58 PM	Kaylor refers Moehring to page 10 of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
4:09:09 PM	Kaylor refers Moehring to View Corridor and Landscape Maintenance Covenant recorded June 13, 2013 (Appellant Exhibit 4), Exhibit 56.
4:18:57 PM	Coulson objects; legal opinion.
4:19:16 PM	Kaylor responds.
4:19:50 PM	Examiner responds; overruled.
4:20:15 PM	Kaylor refers Moehring to Recital 3 of View Corridor and Landscape Maintenance Covenant recorded June 13, 2013 (Appellant Exhibit 4), Exhibit 56.
4:22:44 PM	Moehring responds to Kaylor's enquiries regarding mitigation recommendations.
4:28:46 PM	Moehring responds to Kaylor's enquiry regarding Seattle Parks and Rec's legal requirements and obligations.
4:30:08 PM	Moehring responds to Kaylor's enquiry regarding SMC 18.30.
4:32:58 PM	Moehring responds to Kaylor's enquiries regarding construction practices vis-a-vis landmarks.

4:33:50 PM		Kaylor refers Moehring to UJV vicinity photographs and documents (Appellant Exhibit 20), Exhibit 60.
4:46:11 PM		Moerhing responds to Kaylor's enquiries regarding roof height.
4:46:48 PM		Kaylor concludes cross examination of Moerhing.
4:47:05 PM		Coulson begins redirect examination of Moerhing.
4:48:11 PM		Moerhing responds to Coulson's enquiries regarding architecture specialization.
4:50:32 PM		Moerhing responds to Coulson's enquiries regarding architectural credentials.
4:51:50 PM		Coulson motions for reconsideration on ruling regarding Applicant motion.
4:52:35 PM		Kaylor objects.
4:53:41 PM		Coulson responds.
4:54:49 PM		Examiner responds; order on Applicant motion stands.
4:55:36 PM		Coulson concludes redirect examination of Moerhing.
4:56:33 PM		Coulson responds to Kaylor's enquiry regarding Appellant witness testimony order for following day of hearing.
4:57:11 PM		Kaylor responds to Coulson's enquiry regarding Applicant witness testimony order for following day of hearing.
4:57:59 PM		Houston responds to Examiner's enquiry regarding Department witness testimony order for following day of hearing.
4:58:35 PM		Hearing adjourned. Off the record.