

Description	<p>Minutes for MUP-21-016, Day 2 Magnolia Community Council and Others 2500 W Marina Place Wednesday, September 8, 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>9/8/2021</div> <div>Location</div> <div>LargeHearingRoom</div> </div>

Time	Speake	Note
9:01:14 AM		On the record.
9:01:18 AM		Ted Coulson present for the Appellant.
9:01:25 AM		Courtney Kaylor present for the Applicant.
9:01:29 AM		Michael Houston present for the Applicant
9:01:42 AM		Coulson calls Karen Kiest as witness.
9:01:48 AM		Examiner swears in Karen Kiest
9:02:00 AM		Coulson begins direct examination of Kiest.
9:02:35 AM		Coulson refers Kiest to Karen Kiest Resume (Appellant Exhibit 6).
9:14:23 AM		Kiest provides testimony regarding UJV Plan Options (Appellant Exhibit 7), Exhibit 50.
9:17:51 AM		Coulson refers Kiest to UJV Sketch (Appellant Exhibit 8).
9:20:33 AM		Coulson refers Kiest to UJV Public Meeting Notice (Appellant Exhibit 9), Exhibit 52.
9:21:55 AM		Kiest provides testimony 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.
9:24:26 AM		Kaylor objects; scope.
9:24:56 AM		Coulson responds.
9:25:01 AM		Examiner responds; overruled.
9:27:33 AM		Coulson refers Kiest to Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
9:32:29 AM		Examiner request clarification regarding exhibit page number.
9:42:13 AM		Kaylor objects; scope.
9:43:10 AM		Coulson responds.
9:43:19 AM		Examiner responds; overruled.
9:44:30 AM		Kaylor objects; scope.
9:47:01 AM		Kiest provides testimony regarding the revegetation plan.
9:49:24 AM		Kiest responds to Coulson's enquiry regarding the ECA.
9:49:51 AM		Kiest responds to Coulson's enquiry regarding plant height.
9:53:20 AM		Coulson concludes direct examination of Kiest.
9:53:30 AM		Kaylor begins cross examination of Kiest.
9:57:47 AM		Kaylor refers Kiest to UJV Plan Options (Appellant Exhibit 7), Exhibit 50.
10:06:44 AM		Kaylor concludes cross examination of Kiest.
10:06:54 AM		Coulson waives redirect examination of Kiest.
10:07:12 AM		Coulson moves to admit Karen Kiest Resume (Appellant Exhibit 6) & UJV Sketch (Appellant Exhibit 8).
10:07:43 AM		No objections. Karen Kiest Resume (Appellant Exhibit 6) & UJV Sketch (Appellant Exhibit 8), and Respectively marked as Exhibits 64 & 65.
10:08:10 AM		Examiner swears in Eugenia Woo.

10:08:19 AM	Pat Schneider begins direct examination of Woo.
10:22:11 AM	Schneider refers Woo to Historic Preservation Easement and Covenants recorded June 11, 2013 (Appellant Exhibit 11).
10:27:07 AM	Schneider refers Woo to City of Seattle Ordinance No. 124135 (Appellant Exhibit 2), Exhibit 55.
10:32:51 AM	Examiner request that Woo reiterate her testimony regarding National Register Listing.
10:35:32 AM	Schneider concludes direct examination of Woo.
10:35:43 AM	Kaylor begins cross examination of Woo.
10:36:19 AM	Kaylor refers Woo to SMC 25.12.350.
10:38:39 AM	Woo responds to Kaylor aenquiries regarding City of Seattle Ordinance No. 124135 (Appellant Exhibit 2), Exhibit 55.
10:40:10 AM	Kaylor concludes cross examination of Woo.
10:40:19 AM	Schnneider begins redirect examination of Woo.
10:42:53 AM	Schneider concludes redirect examination of Woo.
10:43:04 AM	Kaylor wiaves recross examination of Woo.
10:44:09 AM	Midmorning break. Returning at 11:00 a.m.
11:00:21 AM	On the record.
11:01:05 AM	Kaylor calls Calls Eric Drivdahl as witness.
11:01:16 AM	Examiner swears in Eric Drivdahl.
11:01:36 AM	Kaylor begins direct examination of Eric Drivdahl.
11:01:50 AM	Kaylor refers Drivdahl to Resume of Eric Drivdahl (Applicant Exhibit 1).
11:03:49 AM	Kaylor moves to admitResume of Eric Drivdahl (Applicant Exhibit 1).
11:03:55 AM	No admitted.
11:04:05 AM	Resume of Eric Drivdahl (Applicant Exhibit 1) is admitted and marked as Exhibit 66.
11:04:28 AM	Kaylor refers Drivdahl to Project Narrative dated May 10, 2019 (Department Exhibit 3), Exhibit 3.
11:05:46 AM	Kaylor refers Drivdahl to Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
11:18:30 AM	Kaylor refers Drivdahl to Project Narrative dated May 10, 2019 (Department Exhibit 3), Exhibit 3.
11:20:25 AM	Kaylor refers Drivdahl to Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
11:23:03 AM	Kaylor refers Drivdal to Photographs and site plan with photograph location key (Applicant Exhibit 11).
11:33:16 AM	Kaylor moves to admit Photographs and site plan with photograph location key (Applicant Exhibit 11).
11:33:21 AM	No objection.
11:33:34 AM	Photographs and site plan with photograph location key (Applicant Exhibit 11) is admitted and marked as Exhibit 67.
11:33:52 AM	Kaylor refers Drivdahl to Renderings (Applicant Exhibit 12).

11:39:24 AM	Kaylor refers Drivdahl to page 7, Criteria 3, of Project Narrative dated May 10, 2019 (Department Exhibit 3), Exhibit 3.
11:41:20 AM	Kaylor refers Drivdahl to page 11, A1.02, of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
11:47:36 AM	Kaylor refers Drivdahl to Renderings (Applicant Exhibit 12).
11:48:43 AM	Drivdahl provides testimony regarding page 16, A2.05, of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
11:52:35 AM	Returning at 11:57 a.m.
11:57:15 AM	On the record.
11:57:57 AM	Drivdahl continues testimony regarding page 3 of Renderings (Applicant Exhibit 12).
12:01:34 PM	Kaylor refers Drivdahl to page 11, A1.02, of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
12:03:23 PM	Kaylor refers Drivdahl to View Corridor and Landscape Maintenance Covenant recorded June 13, 2013 (Appellant Exhibit 4), Exhibit 56.
12:05:14 PM	Kaylor refers Drivdahl to page 2, Recital C, of View Corridor and Landscape Maintenance Covenant recorded June 13, 2013 (Appellant Exhibit 4), Exhibit 56.
12:07:30 PM	Kaylor refers Drivdahl to Annotated Site Plan (Applicant Exhibit 10).
12:08:59 PM	Kaylor moves to admit Renderings (Applicant Exhibit 12).
12:09:08 PM	No objections, it is admitted and marked as Exhibit 68.
12:09:16 PM	Kaylor moves to admit Annotated Site Plane (Applicant Exhibit 10).
12:09:23 PM	No objection, Annotated Site Plane (Applicant Exhibit 10) is admitted and marked as Exhibit 69.
12:10:00 PM	Kaylor moves to admit Annotated planting plan (Applicant Exhibit 9).
12:10:03 PM	No objection.
12:10:07 PM	Annotated planting plan (Applicant Exhibit 9) is admitted and marked as Exhibit 70.
12:11:25 PM	Kaylor refers Drivdahl to Renderings (Applicant Exhibit 12), Exhibit 68.
12:12:32 PM	Kaylor refers Drivdahl to the Appellant Notice of Appeal.
12:14:32 PM	Kaylor refers Drivdahl to page 27 of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
12:15:40 PM	Kaylor refers Drivdahl to page 10 of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
12:22:53 PM	Kaylor refers Drivdahl to Annotated planting plan (Applicant Exhibit 9).
12:25:23 PM	Lunch Break. Returning at 1:25 p.m.
1:25:40 PM	On the record.
1:25:58 PM	Kaylor continues direct examination of Drivdahl.
1:29:31 PM	Kaylor refers Drivdahl to page 30, L1.1, of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.

1:31:57 PM	Kaylor refers Drivdahl to page 28 of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
1:34:12 PM	Kaylor refers Drivdahl to page 7, item 3, of UJV Plan Options (Appellant Exhibit 2), Exhibit 50.
1:35:22 PM	Kaylor refers Drivdahl to page 19 of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
1:36:37 PM	Kaylor refers Drivdahl to page 7, item 3, of UJV Plan Options (Appellant Exhibit 2), Exhibit 50.
1:37:48 PM	Kaylor refers Drivdahl to page 6 of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
1:39:19 PM	Kaylor refers Drivdahl to Admiral's House photographs (Appellant Exhibit 1), Exhibit 54.
1:42:45 PM	Kaylor refers Drivdahl to page 17, A3.01, of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
1:44:23 PM	Kaylor refers Drivdahl to page 11, A1.02, of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
1:45:49 PM	Kaylor refers Drivdahl to page 34 of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
1:47:44 PM	Kaylor refers Drivdahl to page 19, A3.01, of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
1:48:19 PM	Kaylor refers Drivdahl to page 10 of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
1:53:32 PM	Kaylor refers Drivdahl to page 30 of Landmark Preservation Board Report, September 1, 2010 (Appellant Exhibit 30), Exhibit 46.
1:57:15 PM	Kaylor concludes direct examination of Drivdahl.
1:57:26 PM	Schneider begins cross examination of Drivdahl.
2:04:09 PM	Schneider refers Drivdahl to *****
2:05:45 PM	Kaylor objects; calls for a legal conclusion and not supported by the facts.
2:05:57 PM	Schneider responds; rephrase line of questioning.
2:07:04 PM	Kaylor objects; calls for a legal conclusion.
2:07:14 PM	Schneider responds.
2:10:31 PM	Kaylor objects; calls for a legal conclusion.
2:10:50 PM	Schneider responds.
2:11:00 PM	Kaylor responds.
2:11:36 PM	Examiner responds; overruled.
2:11:58 PM	Schneider rephrases line of questioning.
2:12:45 PM	Kaylor objects; calls for a legal conclusion.
2:13:09 PM	Schneider responds.
2:15:21 PM	Schneider responds to the Examiner's enquiry regarding Exhibit page enumeration.
2:15:41 PM	Schneider refers Drivdahl to page 11, A1.02, of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
2:19:52 PM	Kaylor objects; asked and answered.
2:19:59 PM	Schneider responds.
2:20:05 PM	Examiner responds; overruled.
2:23:02 PM	Examiner interjects; provides guidance.

2:23:44 PM	Schneider rephrases line of questioning.
2:24:56 PM	Kaylor objection; form of the question, contains assumption contrary to prior testimony.
2:25:23 PM	Schneider responds.
2:25:29 PM	Kaylor responds.
2:25:43 PM	Examiner responds; sustained, and provided guidance.
2:26:18 PM	Kaylor objection; form of the question, contains assumption contrary to prior testimony.
2:26:28 PM	Examiner responds; provides guidance.
2:26:42 PM	Schneider responds.
2:30:49 PM	Schneider refers Drivdahl to Public Comments Moehring dated 10-2-19 (Appellant Exhibit 26), Exhibit 51.
2:33:55 PM	Schneider refers Drivdahl to A3.02 of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
2:35:38 PM	Schneider refers Drivdahl to A4.04 of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
2:38:30 PM	Schneider refers Drivdahl to Public Comments Moehring dated 10-2-19 (Appellant Exhibit 26), Exhibit 51.
2:38:31 PM	Kaylor objects; asked and answered.
2:38:46 PM	Schneider responds; will move to next line of questioning.
2:42:57 PM	Schneider refers Drivdahl to Public Meeting Photos 9-23-19 (Appellant Exhibit 25), Exhibit 53.
2:54:00 PM	Examiner requests Schneider end share screen.
2:54:12 PM	Kaylor objects; mischaracterization of prior testimony.
2:54:32 PM	Drivdahl responds to Schneider's enquiry regarding Kiest testimony.
3:01:27 PM	Kaylor objects; relevance.
3:01:44 PM	Examiner responds.
3:01:50 PM	Schneider responds.
3:02:21 PM	Kaylor responds.
3:02:23 PM	Schneider responds.
3:03:05 PM	Examiner responds; sustained.
3:04:32 PM	Kaylor objects; scope.
3:05:08 PM	Examiner responds.
3:05:44 PM	Schneider responds to Examiner's enquiry.
3:05:56 PM	Examiner responds; overruled.
3:11:08 PM	Mid afternoon break. Returning at 3:27 p.m.
3:27:32 PM	On the record.
3:27:59 PM	Schneider refers Drivdahl to Admirals House photographs (Appellant Exhibit 1), Exhibit 54.
3:32:19 PM	Kaylor objects; calls for legal conclusion.
3:32:27 PM	Schneider responds.
3:32:38 PM	Examiner responds by requesting reiteration of enquiry.
3:33:03 PM	Kaylor objects; mischaracterization of prior testimony.
3:35:19 PM	Schneider responds to Examiner's enquiry.

<u>3:36:48 PM</u>		Drivdahl responds to Schneiders enquiry regarding park usage as means of egress and ingress.
<u>3:39:39 PM</u>		Schneider concludes cross examination of Drivdahl.
<u>3:39:50 PM</u>		Kaylor begins redirect examination of Drivdahl.
<u>3:40:39 PM</u>		Kaylor refers Drivdahl to A4.01 of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
<u>3:41:58 PM</u>		Kaylor refers Drivdahl to Annotated planting plan (Applicant Exhibit 9).
<u>3:42:33 PM</u>		Kaylor refers Drivdahl to Annotated Site Plan (Applicant Exhibit 10).
<u>3:44:01 PM</u>		Kaylor refers Drivdahl to A4.01 of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
<u>3:44:17 PM</u>		Kaylor refers Drivdahl to page 21, A4.03, of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
<u>3:46:06 PM</u>		Kaylor refers Drivdahl to page 11, A4.02, of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
<u>3:48:41 PM</u>		Kaylor refers Drivdahl to page 21 of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
<u>3:50:30 PM</u>		Kaylor refers Drivdahl to page 20, A4.02, of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
<u>3:53:31 PM</u>		Kaylor refers Drivdahl to page 21 of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
<u>3:54:46 PM</u>		Kaylor refers Drivdahl to page 18, A3.02, of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
<u>3:57:39 PM</u>		Kaylor refers Drivdahl to Public Meeting Photos 9-23-19 (Appellant Exhibit 25), Exhibit 53.
<u>4:02:29 PM</u>		Kaylor refers Drivdahl to Admiral's House photographs (Appellant Exhibit 1), Exhibit 54.
<u>4:02:58 PM</u>		Schneider objects; mischaracterization.
<u>4:03:11 PM</u>		Kaylor rephrases line of questioning.
<u>4:06:29 PM</u>		Kaylor concludes redirect examination of Drivdahl.
<u>4:06:42 PM</u>		Schneider begins recross examination of Drivdahl.
<u>4:08:00 PM</u>		Kaylor objects; mischaracterization.
<u>4:08:08 PM</u>		Examiner responds; guidance to rephrase line of questioning.
<u>4:08:25 PM</u>		Schneider rephrases line of questioning.
<u>4:08:36 PM</u>		Kaylor objects; mischaracterization.
<u>4:08:37 PM</u>		Examiner responds.
<u>4:09:33 PM</u>		Schneider responds.
<u>4:09:37 PM</u>		Kaylor objects; mischaracterization.
<u>4:09:55 PM</u>		Schneider responds.
<u>4:10:13 PM</u>		Kaylor objects; calling for legal conclusion.
<u>4:10:29 PM</u>		Schneider responds.
<u>4:12:18 PM</u>		Kaylor objects; calling for legal conclusion.
<u>4:12:34 PM</u>		Examiner responds; requests clarification.
<u>4:13:11 PM</u>		Examiner responds; overruled.

4:13:21 PM	Drivdahl responds to Schneider's enquiry regarding conditional use permits.
4:14:32 PM	Kaylor objects; statement of legal conclusion.
4:14:45 PM	Schneider responds.
4:17:53 PM	Drivdahl responds to Schneider's enquiries regarding public meeting and comments.
4:20:08 PM	Schneider concludes redirect examination of Drivdahl.
4:20:13 PM	Kaylor waives redirect examination of Drivdahl.
4:20:48 PM	Kaylor calls Kwatee Stamm as witness.
4:21:10 PM	Examiner swears in Kwatee Stamm.
4:21:28 PM	Kaylor begins direct examination of Kwatee Stamm.
4:21:52 PM	Kaylor refers Stamm to Resume of Kwatee Stamm (Applicant Exhibit 5).
4:23:42 PM	Kaylor refers Stamm to page 21, A4.03, of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
4:28:59 PM	Kaylor refers Stamm to page 34, L4.2, of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
4:29:36 PM	Kaylor concludes direct examination of Stamm.
4:29:47 PM	Coulson begins cross examination of Stamm.
4:30:10 PM	Stamm responds to Coulson's enquiries regarding KPLA's business activities regulatory compliance.
4:32:59 PM	Coulson refers Stamm to Correction Letter #1 Revegetation dated July 12, 2019 (Department Exhibit 30), Exhibit 30.
4:33:36 PM	Kaylor objects; scope.
4:33:43 PM	Coulson responds.
4:34:08 PM	Kaylor responds.
4:34:47 PM	Examiner responds; overruled.
4:36:50 PM	Kaylor responds; scope.
4:37:22 PM	Coulson responds.
4:37:28 PM	Examiner responds; sustained.
4:38:01 PM	Coulson responds.
4:38:05 PM	Examiner responds; sustained.
4:38:28 PM	Kaylor responds; clarifies nature of Stamm's testimony on direct.
4:39:12 PM	Coulson refers Stamm to page 21, A4.03, of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
4:40:31 PM	Kaylor objects; scope.
4:40:55 PM	Coulson responds.
4:41:02 PM	Examiner responds; overruled.
4:42:06 PM	Kaylor objects; scope.
4:42:33 PM	Coulson responds.
4:42:42 PM	Examiner responds.
4:42:54 PM	Coulson responds to Examiner's request for clarification.
4:43:16 PM	Examiner responds with guidance regarding scope.

4:43:50 PM		Stamm responds to Coulson's enquiry regarding obscured views.
4:44:11 PM		Kaylor objects; asked and answered.
4:44:19 PM		Examiner responds; overruled.
4:44:47 PM		Kaylor objects; scope.
4:45:15 PM		Examiner responds; sustained.
4:45:24 PM		Stamm responds to Coulson's enquiry regarding view obscured by trees.
4:46:13 PM		Stamm responds to Coulson's enquiry regarding landscaping plans.
4:46:29 PM		Coulson refers Stamm to page 34, L4.2, of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
4:50:31 PM		Coulson refers Stamm to page 21, A4.03, of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
4:51:59 PM		Coulson refers Stamm to page 19 of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
4:53:42 PM		Coulson concludes cross examination of Stamm.
4:53:52 PM		Kaylor begins redirect examination of Stamm.
4:54:17 PM		Kaylor refers Stamm to page 34, L4.2, of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
4:56:30 PM		Kaylor concludes redirect examination of Stamm.
4:56:46 PM		Coulson begins recross examination of Stamm.
4:57:16 PM		Coulson refers Stamm to page 34, L4.2, of Plan Set dated January 18, 2021 (Department Exhibit 4), Exhibit 4.
5:00:14 PM		Coulson concludes recross of examination of Stamm.
5:00:34 PM		Kaylor begins re-redirect of Stamm.
5:01:26 PM		Kaylor concludes re-direct of Stamm.
5:01:43 PM		Coulson begins re-recross of Stamm.
5:01:59 PM		Coulson concludes re-recross of Stamm.
5:02:35 PM		Kaylor responds to Examiner's enquiry regarding Applicant witness testimony.
5:04:02 PM		Kaylor responds to Examiner's enquiry regarding Applicant counsel availability on September 21, 2021.
5:04:59 PM		Coulson enquires about Department witnesses.
5:05:14 PM		Houston responds to Coulson's enquiry regarding Department witnesses.
5:05:33 PM		Hearing adjourned. Off the record.