| Description | Minutes<br>File Name: Neighbors Encouraging Reasonable Development<br>File Nos.: MUP-14-006 (CU, DR, W) and S-14-001<br>Date: September 30, 2014<br>Time: 9:00 a.m.<br>Examiner: Sue A. Tanner<br>Assistant: Linda Vee<br>Party Representatives:<br>Peter Eglick, Appellant Representative<br>eglick@ekwlaw.com<br>Rich Hill, Applicant Representative<br>rich@mhseattle.com<br>William Mills, Department Representative |
|-------------|--|
|             | william.mills@seattle.gov  |
| Date        | 9/30/2014 Location Large Hearing Room  |

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| Time                | Sp       | Note   |
|---------------------|----------|--|
| 9:01:03 AM          |          | On the record. Opening remarks and introductions by the Hearing Examiner                 |
|                     |          |  |
| <u>9:01:22 AM</u>   |          | Party introductions: Peter Eglick and Jane Kiker, Appellant Representatives;             |
|                     |          | Garry Papers and William Mills, Department; Jim Thorpe and Rich Hill, Applicant          |
| 9:02:09 AM          |          | Representative<br>Procedural matters and further opening remarks by the Hearing Examiner |
| <u>3.02.03 Aivi</u> |          |  |
| 9:02:25 AM          |          | Department Planning of Development Project #3017787, Hearing Examiner File               |
| · · · ·             | L        | No. MUP-14-006 and S-14-001  |
| <u>9:04:02 AM</u>   | Į        | Order of proceedings: Appellant, Department, Applicant                                   |
| <u>9:04:55 AM</u>   |          | Preliminary question by the Applicant  |
| <u>9:05:28 AM</u>   | [        | Discussion regarding Type 1 Decisions  |
| <u>9:07:13 AM</u>   |          | Introduction and premarking of the Appellant Exhibits 1 thourgh 10                       |
| <u>9:12:22 AM</u>   | l        | No objection to the Appellant's Exhibits 1 through 10                                    |
| <u>9:12:31 AM</u>   |          | Exhibits 1 through 10 admitted.  |
| <u>9:19:52 AM</u>   |          | Department's Opening Statement   |
| <u>9:20:28 AM</u>   |          | Applicant's Opening Statement  |
| <u>9:26:30 AM</u>   |          | Appellant calls Garry Papers, oath administered.   |
| <u>9:26:39 AM</u>   |          | Direct examination of Papers by Eglick   |
| <u>9:36:39 AM</u>   |          | Appellant offers Exhibit 11: Definition of "Headway" from Webster's Third New            |
|                     | ļ        | International Dicitionary  |
| <u>9:38:21 AM</u>   | ļ        | Exhibit 11 admitted.   |
| <u>9:39:24 AM</u>   | ļ        | Direct examination of Papers by Eglick continues   |
| <u>9:45:15 AM</u>   | <u> </u> | Objection  |
| <u>9:45:20 AM</u>   | ļ        | Sustained  |
| <u>9:47:52 AM</u>   |          | Objection  |
| 9:48:43 AM          |          | Overruled, Examiner will allow Mr Papers to answer the question                          |
| <u>9:49:48 AM</u>   | ļ        | Appellant calls John Shaw, oath administered.  |
| 9:50:23 AM          |          | Direct examination of Shaw by Eglick   |
| 9:51:23 AM          |          | Objection - open ended question  |
| 9:51:37 AM          | ļ        | Question restated  |
| 9:56:21 AM          |          | Direct examination of Shaw continues   |
| 10:12:52 AM         | <u>.</u> | Objection  |
| 10:12:57 AM         | £        | Question clarified   |
| 10:13:02 AM         | <u></u>  | Direct examination of Shaw continues   |
| 10:26:40 AM         |          | Appellant offers Exhibit 12: CAM 117 Seattle Permits                                     |
| 10:27:08 AM         | L        | Exhibit 12 admitted.   |
| 10:28:16 AM         |          | Off the record. Morning break  |
| 10:45:06 AM         |          | Back on the records. Clarification of DPD project number                                 |
| 10:45:37 AM         | [        | Appellant recalls Garry Papers.  |
| 10:45:44 AM         |          | Direct examination of Papers by Eglick   |
| 10:52:35 AM         |          | Objection relevance  |
| 10:52:44 AM         | <u>.</u> | Question restated  |
| <u>10:53:36 AM</u>  |          | Objection relevance  |

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| 10:54:34 AM        | Objection withdrawn   |
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| 10:55:02 AM        | Direct examination of Papers continues  |
|                    | Department offers Exhibit 13: Early Design Guidance Booklet, dated September  |
| <u>10:57:25 AM</u> | 13, 2012  |
| <u>10:57:31 AM</u> | Exhibit 13 admitted   |
| <u>10:57:48 AM</u> | Department offers Exhibit 14: Early Design Guidance Booklet, dated November 21, 2013                                |
| <u>10:59:08 AM</u> | Department offers Exhibit 15: Recommendation 2 Package, dated January 16, 2014                                      |
| 10:59:42 AM        | Exhibits 14 and 15 admitted.  |
| 11:02:38 AM        | Direct examination of Papers continues  |
| 11:07:57 AM        | Objection -   |
| 11:08:09 AM        | Overruled   |
| 11:08:13 AM        | Direct examination of Papers continues  |
| 11:16:50 AM        | Objection   |
| 11:18:09 AM        | Sustained   |
| 11:18:12 AM        | Direct examination of Papers continues  |
| <u>11:25:05 AM</u> | Appellant offers Exhibit 16: Email exchange between Radim Blajez, Mike Mahoney, David Partridge, Garry Papers       |
| 11:26:02 AM        | Objection   |
| <u>11:26:12 AM</u> | Question restated   |
| <u>11:26:49 AM</u> | Exhibit 16 admitted   |
| <u>11:27:15 AM</u> | Direct examination continues  |
| 11:29:52 AM        | Objection relevance   |
| 11:31:56 AM        | Sustained   |
| <u>11:34:11 AM</u> | Direct examination continues  |
| <u>11:34:24 AM</u> | Objection   |
| <u>11:34:34 AM</u> | Overruled   |
| <u>11:37:31 AM</u> | Direct examination continues  |
| <u>11:47:05 AM</u> | Cross examination of Papers by Mills  |
| <u>11:47:38 AM</u> | Off the record. Lunch break.  |
| <u>12:56:04 PM</u> | Back on the record.   |
| <u>12:56:08 PM</u> | Appellant offers Exhibit 17: Land Use Code Interpretation No. 14-005, dated July 11, 2014                           |
| <u>12:58:38 PM</u> | Appellant offers Exhibit 18: Land Use Code Interpretation No. 14-005<br>Supplemental, dated July 17, 2014           |
| <u>12:59:19 PM</u> | Appellant offers Exhibit 19: Land Use Code Interpretation No. 14-005<br>Supplemental Addendum, dated August 1, 2014 |
| <u>12:59:51 PM</u> | Exhibits 17 to 19 admitted  |
| 12:59:58 PM        | Appellant offers Exhibit 20: Resume of Thomas Eanes   |
| <u>1:00:11 PM</u>  | Exhibit 20 admitted   |
| 1:00:17 PM         | Appellant calls Thomas Eanes, oath administered   |
| 1:00:25 PM         | Direct examination of Eanes by Eglick   |
| 1:03:44 PM         | Appellant offers Exhibit 21: Zoning Map   |
| 1:14:33 PM         | Direct examination of Eanes continues   |

| 1:36:26 PM Appellant offers Exhibit 22:   1:36:34 PM Appellant offers Exhibit 23:   1:36:44 PM Appellant offers Exhibit 23:   1:36:44 PM Direct examination of Eanes continues   1:44:05 PM Direct examination of Eanes continues   1:44:55 PM Appellant offers Exhibit 25 through 28   1:48:36 PM Objection   1:48:36 PM Objection   1:48:36 PM Objection   1:56:42 PM Overruled   1:57:20 PM Overruled   1:57:23 PM Cross examination of Eanes continues   2:03:18 PM Objection   2:03:36 PM Ouseion rephrased   2:03:36 PM Ouseion rephrased   2:07:38 PM Objection   2:08:31 PM Question rephrased   2:09:08 PM Objection   2:08:22 PM Recross continues   2:09:31 PM Question rephrased   2:10:02 PM Overruled   2:10:10 PM Overruled   2:11:11 PM Direct examination of Burkhalter by Eglick   2:11:11 PM Direct examination of Oustimovitch, put a daministered   2:12:11 PM Appellant offers Exh   | 1:36:19 PM        | Direct examination of Eanes continues  |
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| 1:36:44 PM Appellant offers Exhibit 24:   1:44:55 PM Direct examination of Eanes continues   1:44:55 PM Cross examination of Eanes by Mills   1:48:16 PM Cross examination of Eanes by Mills   1:48:36 PM Objection   1:48:36 PM Cross examination of Eanes by Mills   1:48:36 PM Objection   1:55:21 PM Cross examination of Eanes by Hill   1:56:42 PM Objection   1:57:20 PM Overruled   1:57:23 PM Cross examination of Eanes continues   2:02:09 PM Redirect   2:03:18 PM Objection   2:03:36 PM Question rephrased   2:07:13 PM Recorss by Mills of Eanes   2:09:41 PM Redirect by Eglick of Eanes   2:10:02 PM Objection   2:10:10 PM Overruled   2:15:06 PM Objection   2:16:11 PM Direct examination of Burkhalter, Jr., oath administered   2:17:18 PM Appellant offers Exhibit 31: Resume of Viad Oustimovitch   2:23:50 PM Appellant offers Exhibit 31: Resume of Viad Oustimovitch   2:31:21 PM Appellant offers Exhibit 31: Resume of Viad Oustimovitch <t< td=""><td>1:36:34 PM</td><td></td></t<>  | 1:36:34 PM        |  |
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| September 18, 2012     3:19:36 PM   Appellant offers     March 24, 2013   Exhibit 34: Comment Letter from Charles Burkhalter, Jr., dated     3:20:06 PM   Appellant offers     Exhibit 35: Comment Letter from Charles Burkhalter, Jr., dated  | <u>3:14:21 PM</u> | Direct examination of Burkhalter by Eglick   |
| March 24, 2013     3:20:06 PM   Appellant offers Exhibit 35: Comment Letter from Charles Burkhalter, Jr., dated  | <u>3:19:17 PM</u> | Appellant offers Exhibit 33: Comment Letter from Brynne Burkhalter, dated September 18, 2012 |
|  | <u>3:19:36 PM</u> |  |
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| <u>3:20:42 PM</u> | Appellant offers Exhibit 36: Comment Letter from Charles Burkhalter, Jr., dated June 12, 2013               |
| <u>3:21:15 PM</u> | Appellant offers Exhibit 37: Comment Letter from Charles Burkhalter, Jr., dated April 10, 2013              |
| <u>3:21:48 PM</u> | Appellant offers <u>Exhibit 38:</u> Comment Letter from Charles Burkhalter, Jr., dated April 21, 2014       |
| 3:22:14 PM        | Exhibits 33 to 38 admitted  |
| <u>3:44:04 PM</u> | Appellant offers Exhibit 39: DPD Project #3013303 Correction Notice, dated November 27, 2013                |
| <u>3:45:17 PM</u> | Appellant offers Exhibit 40: DPD Project #3013303 Correction Notice, dated April 29, 2013                   |
| <u>3:45:47 PM</u> | Appellant offers Exhibit 41: TraffEx Parking Utilitization and Traffic Study, dated February 5, 2013        |
| <u>3:46:42 PM</u> | Appellant offers Exhibit 42: TraffEx Traffic Correction Notice #1 Responses, dated September 20, 2013       |
| <u>3:47:08 PM</u> | Appellant offers Exhibit 43: TraffEx Traffic Correction Notice #1 Responses, dated January 10, 2014         |
| <u>3:47:38 PM</u> | Appelant offers Exhibit 44: TraffEx Traffic Correction Notice #1 Responses<br>Revised, dated March 25, 2014 |
| 3:48:06 PM        | Direct examination of Burkhalter continues  |
| 3:48:18 PM        | Exhibits 39 through 44 admitted   |
| 4:04:50 PM        | Cross examination of Burkhalter continues   |
| 4:14:45 PM        | Appellant offers Exhibit 45: Bus Placard  |
| 4:15:02 PM        | Cross examination of Burkhalter by Mills  |
| 4:16:05 PM        | Objection   |
| 4:16:11 PM        | Question rephrased  |
| 4:16:38 PM        | Objection   |
| 4:17:28 PM        | Overruled   |
| 4:19:31 PM        | Appellant calls William Mills, oath administered.   |
| 4:20:04 PM        | Direct examination of Mills by Eglick   |
| 4:20:50 PM        | Objection   |
| 4:21:01 PM        | Overruled   |
| 4:26:25 PM        | Objection   |
| 4:26:27 PM        | Sustained   |
| 4:26:30 PM        | Question rephrased  |
| 4:33:50 PM        | Objection to the form of the question   |
| 4:33:55 PM        | Question rephrased  |
| 4:36:11 PM        | Direct examination of Mills continues   |
| <u>4:48:54 PM</u> | Appellant offers Exhibit 46: Letter to Diane Sugimura from Peter Eglic, dated July 30, 2014                 |
| 4:49:33 PM        | Exhibit 46 admitted.  |
| 4:50:35 PM        | Appellant offers Exhibit 47: Response from Diane Sugimura, dated August 15, 2014                            |
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