

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

<u>Time</u>	<u>Sp</u>	<u>Note</u>
<u>9:01:03 AM</u>		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 Representative
<u>9:02:09 AM</u>		Procedural matters and further opening remarks by the Hearing Examiner
<u>9:02:25 AM</u>		Department Planning of Development Project #3017787, Hearing Examiner File No. MUP-14-006 and S-14-001
<u>9:04:02 AM</u>		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 through 10
<u>9:12:22 AM</u>		No objection to the Appellant's Exhibits 1 through 10
<u>9:12:31 AM</u>		<u>Exhibits 1 through 10 admitted.</u>
<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 International Dictionary
<u>9:38:21 AM</u>		<u>Exhibit 11 admitted.</u>
<u>9:39:24 AM</u>		Direct examination of Papers by Eglick continues
<u>9:45:15 AM</u>		Objection
<u>9:45:20 AM</u>		Sustained
<u>9:47:52 AM</u>		Objection
<u>9:48:43 AM</u>		Overruled, Examiner will allow Mr Papers to answer the question
<u>9:49:48 AM</u>		Appellant calls John Shaw , oath administered.
<u>9:50:23 AM</u>		Direct examination of Shaw by Eglick
<u>9:51:23 AM</u>		Objection - open ended question
<u>9:51:37 AM</u>		Question restated
<u>9:56:21 AM</u>		Direct examination of Shaw continues
<u>10:12:52 AM</u>		Objection
<u>10:12:57 AM</u>		Question clarified
<u>10:13:02 AM</u>		Direct examination of Shaw continues
<u>10:26:40 AM</u>		Appellant offers Exhibit 12 : CAM 117 Seattle Permits
<u>10:27:08 AM</u>		<u>Exhibit 12 admitted.</u>
<u>10:28:16 AM</u>		Off the record. Morning break
<u>10:45:06 AM</u>		Back on the records. Clarification of DPD project number
<u>10:45:37 AM</u>		Appellant recalls Garry Papers.
<u>10:45:44 AM</u>		Direct examination of Papers by Eglick
<u>10:52:35 AM</u>		Objection relevance
<u>10:52:44 AM</u>		Question restated
<u>10:53:36 AM</u>		Objection relevance

10:54:34 AM	Objection withdrawn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

<u>1:36:19 PM</u>	Direct examination of Eanes continues
<u>1:36:26 PM</u>	Appellant offers Exhibit 22:
<u>1:36:34 PM</u>	Appellant offers Exhibit 23:
<u>1:36:44 PM</u>	Appellant offers Exhibit 24:
<u>1:44:05 PM</u>	Direct examnlation of Eanes continues
<u>1:44:55 PM</u>	Appellant offers Exhibit 25 through 28
<u>1:48:16 PM</u>	Cross examination of Eanes by Mills
<u>1:48:36 PM</u>	Objection
<u>1:48:51 PM</u>	Question rephrased
<u>1:55:21 PM</u>	Cross examination of Eanes by Hill
<u>1:56:42 PM</u>	Objection
<u>1:57:20 PM</u>	Overruled
<u>1:57:23 PM</u>	Cross examination of Eanes continues
<u>2:02:09 PM</u>	Redirect
<u>2:03:18 PM</u>	Objection
<u>2:03:36 PM</u>	Question rephrased
<u>2:07:13 PM</u>	Recorss by Mills of Eanes
<u>2:08:08 PM</u>	Objection
<u>2:08:13 PM</u>	Quesion rephrased
<u>2:08:22 PM</u>	Recross continues
<u>2:09:41 PM</u>	Redirect by Eglick of Eanes
<u>2:10:08 PM</u>	Objection
<u>2:10:10 PM</u>	Overruled
<u>2:15:06 PM</u>	Appellant calls Charles Burkhalter, Jr. , oath administered
<u>2:16:11 PM</u>	Direct examination of Burkhalter by Eglick
<u>2:17:18 PM</u>	Appellant offers Exhibit 30: Blow up of aerial map from Google
<u>2:23:50 PM</u>	Appellant calls Vlad Oustimovitch , oath administered.
<u>2:24:49 PM</u>	Direct examination of Oustimovitch by Eglick
<u>2:31:21 PM</u>	Appellant offers Exhibit 31: Resume of Vlad Oustimovitch
<u>2:31:36 PM</u>	Appellant offers Exhibit 32: Height, Bulk and Scale excerpt of the City Wide Design Guide
<u>2:32:31 PM</u>	Direct examination continues
<u>2:50:20 PM</u>	Cross examination of Oustimovitch by Mills
<u>2:52:49 PM</u>	Redirect
<u>2:58:50 PM</u>	Off the record. Afternoon break
<u>3:14:08 PM</u>	Back on the record
<u>3:14:12 PM</u>	Mr. Burkhalter recalled to the witness stand
<u>3:14:21 PM</u>	Direct examination of Burkhalter by Eglick
<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>	Appellant offers Exhibit 34: Comment Letter from Charles Burkhalter, Jr., dated March 24, 2013
<u>3:20:06 PM</u>	Appellant offers Exhibit 35: Comment Letter from Charles Burkhalter, Jr., dated April 3, 2013

<u>3:20:42 PM</u>	Appellant offers <u>Exhibit 36:</u> Comment Letter from Charles Burkhalter, Jr., dated June 12, 2013
<u>3:21:15 PM</u>	Appellant offers <u>Exhibit 37:</u> 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
<u>3:22:14 PM</u>	<u>Exhibits 33 to 38 admitted</u>
<u>3:44:04 PM</u>	Appellant offers <u>Exhibit 39:</u> DPD Project #3013303 Correction Notice, dated November 27, 2013
<u>3:45:17 PM</u>	Appellant offers <u>Exhibit 40:</u> DPD Project #3013303 Correction Notice, dated April 29, 2013
<u>3:45:47 PM</u>	Appellant offers <u>Exhibit 41:</u> TraffEx Parking Utilitization and Traffic Study, dated February 5, 2013
<u>3:46:42 PM</u>	Appellant offers <u>Exhibit 42:</u> TraffEx Traffic Correction Notice #1 Responses, dated September 20, 2013
<u>3:47:08 PM</u>	Appellant offers <u>Exhibit 43:</u> TraffEx Traffic Correction Notice #1 Responses, dated January 10, 2014
<u>3:47:38 PM</u>	Appellant offers <u>Exhibit 44:</u> TraffEx Traffic Correction Notice #1 Responses Revised, dated March 25, 2014
<u>3:48:06 PM</u>	Direct examination of Burkhalter continues
<u>3:48:18 PM</u>	<u>Exhibits 39 through 44 admitted</u>
<u>4:04:50 PM</u>	Cross examination of Burkhalter continues
<u>4:14:45 PM</u>	Appellant offers <u>Exhibit 45:</u> Bus Placard
<u>4:15:02 PM</u>	Cross examination of Burkhalter by Mills
<u>4:16:05 PM</u>	Objection
<u>4:16:11 PM</u>	Question rephrased
<u>4:16:38 PM</u>	Objection
<u>4:17:28 PM</u>	Overruled
<u>4:19:31 PM</u>	Appellant calls William Mills, oath administered.
<u>4:20:04 PM</u>	Direct examination of Mills by Eglick
<u>4:20:50 PM</u>	Objection
<u>4:21:01 PM</u>	Overruled
<u>4:26:25 PM</u>	Objection
<u>4:26:27 PM</u>	Sustained
<u>4:26:30 PM</u>	Question rephrased
<u>4:33:50 PM</u>	Objection to the form of the question
<u>4:33:55 PM</u>	Question rephrased
<u>4:36:11 PM</u>	Direct examination of Mills continues
<u>4:48:54 PM</u>	Appellant offers <u>Exhibit 46:</u> Letter to Diane Sugimura from Peter Eglic, dated July 30, 2014
<u>4:49:33 PM</u>	<u>Exhibit 46 admitted.</u>
<u>4:50:35 PM</u>	Appellant offers <u>Exhibit 47:</u> Response from Diane Sugimura, dated August 15, 2014