

Description	Minutes File Name: Neighbors Encouraging Reasonable Development File Nos.: MUP-14-006/S-14-001 Date: October 1, 2014 (Day 2) Examiner: Sue A. Tanner Assistant: Linda Vee
Date	10/1/2014
Location	Large Hearing Room

<u>Time</u>	<u>Sp</u>	<u>Note</u>
<u>9:00:06 AM</u>		Back on the record.
<u>9:00:15 AM</u>		Preliminary matters by the Applicant
<u>9:01:38 AM</u>		<u>Exhibits 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 45 admitted</u>
<u>9:07:33 AM</u>		Direct examination of Mills by Eglick continues
<u>9:08:00 AM</u>		Appellant offers <u>Exhibit 48:</u> Letter from Joseph Finley to Jim Thorpe, dated November 26, 2014
<u>9:08:19 AM</u>		Appellant offers <u>Exhibit 49:</u> Letter from Joseph Finley to Daniel Bugbee, dated April 2, 2014
<u>9:08:48 AM</u>		Appellant offers <u>Exhibit 50:</u> Letter from Richard Hill to Diane Sugimura, dated August 7, 2014
<u>9:09:10 AM</u>		Appellant offers <u>Exhibit 51:</u> Letter from Richard Hill to Diane Sugimura Amended, dated August 7, 2014
<u>9:09:35 AM</u>		<u>Exhibits 48 to 51 admitted</u>
<u>9:13:17 AM</u>		Direct examination of Mills continues
<u>9:17:05 AM</u>		Objection
<u>9:18:10 AM</u>		Sustained
<u>9:18:24 AM</u>		Appellant asks to recall John Shaw later.
<u>9:21:34 AM</u>		Objection
<u>9:21:36 AM</u>		Question rephrased
<u>9:22:25 AM</u>		Objection question argumentative
<u>9:22:31 AM</u>		Overruled
<u>9:23:52 AM</u>		Direct examination continues
<u>9:27:19 AM</u>		Objection
<u>9:28:15 AM</u>		Direct examination continues
<u>9:38:24 AM</u>		Objection no foundation of the question
<u>9:38:32 AM</u>		Question withdrawn
<u>9:39:08 AM</u>		Direct examination continues
<u>9:44:49 AM</u>		Appellant offers <u>Exhibit 52:</u> Director's Decision prepared by Ms. David and issued on May 16, 2014
<u>9:45:18 AM</u>		<u>Exhibit 52 admitted</u>
<u>9:46:54 AM</u>		Cross examination of Mills by Hill
<u>9:47:55 AM</u>		Applicant offers <u>Exhibit 53:</u> Letter from Joseph Finley to Diane Sugimura, dated August 6, 2014
<u>9:48:21 AM</u>		<u>Exhibit 53 admitted</u>
<u>9:48:32 AM</u>		Objection
<u>9:48:35 AM</u>		Sustained
<u>9:48:39 AM</u>		Question rephrased
<u>9:49:37 AM</u>		Cross examination continues
<u>9:56:40 AM</u>		Redirect
<u>9:58:09 AM</u>		Appellant calls John Shaw . Shaw still under oath
<u>9:58:25 AM</u>		Direct examination of Shaw by Eglick
<u>10:05:45 AM</u>		Appellant asks the Examiner to prevent the Department and Applicant Counsel to present evidence/testimony as regards to recalculation of the frequent transit service

10:06:45 AM	Applicant responds to Appellant's request
10:07:52 AM	Department's response
10:14:21 AM	Examiner allows the testimony.
10:16:21 AM	Direct examination of Shaw by Eglick continues
10:18:10 AM	Morning break.
10:35:03 AM	Back on the record
10:35:29 AM	Direct examination of Shaw continues
10:39:01 AM	Appellant calls Jim Thorpe , oath administered
10:39:45 AM	Direct examination of Thorpe by Eglick
10:40:17 AM	Objection relevance
10:40:37 AM	Sustained
10:40:56 AM	Direct examination of Thorpe continues
10:45:35 AM	Objection
10:45:40 AM	Overruled
10:48:14 AM	Applicant stipulates to the litigation matter concerning who is the property owner of 3078 SW Avalon
10:49:52 AM	Appellant calls Paul Haury , oath administered.
10:50:26 AM	Direct examination of Haury by Eglick
10:55:22 AM	Appellant offers Exhibit 54 : West Seattle Hub Urban Village Neighborhood Plan
11:30:12 AM	Direct examination of Haury continues
11:36:51 AM	Appellant offers Exhibit 55 : Photographs of parking taken by Paul Haury
11:37:08 AM	Exhibit 55 admitted
11:37:45 AM	Direct examination of Haury continues
11:41:19 AM	Cross examination of Haury by Mills
11:44:13 AM	Afternoon break
12:47:03 PM	Back on the record
12:47:11 PM	Department calls Dean Griswald , oath administered
12:47:53 PM	Direct examination of Griswald by Mills
12:49:01 PM	Applicant notes that they have not presented the issue regarding geotechnical
12:49:54 PM	Witness Griswald excused
12:50:00 PM	Department calls John Shaw . Still under oath
12:50:52 PM	Direct examination of Shaw by Mills
12:54:11 PM	Department offers Exhibit 56 : TraffEx letter to Radim Blazej, dated March 24, 2014
12:59:00 PM	Department offers Exhibit 57 : TraffEx Traffic Study for 3078 SW Avalon Way
1:07:08 PM	Department offers Exhibit 58 : DPD Generated Map from the GIS showing the location addresses
1:12:40 PM	Cross examination of Shaw by Hill
1:15:38 PM	Objection
1:15:42 PM	Overruled
1:16:06 PM	Objection

<u>1:16:10 PM</u>	Sustained
<u>1:16:43 PM</u>	Cross examination of Shaw by Eglick
<u>1:19:23 PM</u>	Discussion of the introduction of the Epley Report
<u>1:24:48 PM</u>	Off the record
<u>1:32:20 PM</u>	Back on the record
<u>1:32:23 PM</u>	Deposition of John Shaw on October 14
<u>1:32:34 PM</u>	Hearing continued to October 17 for the purposes of dealing with the testimony
<u>1:34:15 PM</u>	<u>Exhibits 56 through 58 admitted</u>
<u>1:35:28 PM</u>	Appellant offers <u>Exhibit 59</u> : Calculations done by Mr. Burkhalter
<u>1:35:46 PM</u>	<u>Exhibit 59 admitted.</u>
<u>1:35:50 PM</u>	Department calls Garry Papers
<u>1:35:57 PM</u>	Department offers <u>Exhibit 60</u> : Resume of Garry Papers
<u>1:36:27 PM</u>	<u>Exhibit 60 admitted</u>
<u>1:37:14 PM</u>	Direct examination of Papers by Mills
<u>1:43:20 PM</u>	Department offers <u>Exhibit 61</u> : Environmental Checklist
<u>1:43:30 PM</u>	Department offers <u>Exhibit 62</u> : Attachment A of the Application for Early Design Guidance
<u>1:44:06 PM</u>	Department offers <u>Exhibit 63</u> : Attachment B Response to Guidelines: MUP Application for Design Review
<u>1:44:38 PM</u>	<u>Exhibits 61 through 63 admitted</u>
<u>1:48:55 PM</u>	Direct examination continues
<u>1:55:10 PM</u>	Department offers <u>Exhibit 64</u> : Memos (3)- Memo to Southwest Design Review Board Members, dated September 6, 2014, November 8, 2013, January 3, 2014
<u>1:57:35 PM</u>	<u>Exhibit 64 admitted</u>
<u>2:13:30 PM</u>	Testimony of Papers continues
<u>2:19:19 PM</u>	Objection
<u>2:20:05 PM</u>	Testimony of Papers continues
<u>2:25:25 PM</u>	Objection
<u>2:25:34 PM</u>	Sustained
<u>2:32:58 PM</u>	Testimony of Papers continues
<u>2:38:00 PM</u>	Direct examination of Papers continues
<u>2:42:09 PM</u>	Department offers <u>Exhibit 66</u> : Complete Plan Set, date stamped February 12, 2013
<u>2:43:05 PM</u>	<u>Exhibit 66 admitted</u>
<u>2:44:40 PM</u>	Department offers <u>Exhibit 67</u> : Average Grade Calculation Per Director's Rule 4-2012 Formula 2
<u>2:46:13 PM</u>	<u>Exhibit 67 admitted</u>
<u>2:48:02 PM</u>	Cross examination of Papers by Hill
<u>2:52:06 PM</u>	Cross examination of Papers by Eglick
<u>3:02:15 PM</u>	Objection
<u>3:03:56 PM</u>	Discussion regarding type 2 decisions
<u>3:08:01 PM</u>	Objection
<u>3:08:03 PM</u>	Sustained

<u>3:20:18 PM</u>	Cross examination of Papers continues
<u>3:27:01 PM</u>	Objection
<u>3:27:50 PM</u>	Overruled
<u>3:36:24 PM</u>	Off the record.
<u>3:48:23 PM</u>	Department offers <u>Exhibit 68</u> : Notice of Appeal
<u>3:51:04 PM</u>	Department offers <u>Exhibit 69</u> : Letter from Peter Eglick to Diane Sugimura, dated May 29, 2014
<u>3:51:43 PM</u>	Department offers <u>Exhibit 70</u> : Map of 3078 SW Avalon Way
<u>3:52:04 PM</u>	Department offers <u>Exhibit 71</u> : Full Plan Set
<u>3:53:16 PM</u>	<u>Exhibits 68 through 71 admitted</u>
<u>3:56:16 PM</u>	Department offers <u>Exhibit 72</u> : Land Use Code Interpretation No. 14-005
<u>3:57:30 PM</u>	Department offers <u>Exhibit 73</u> : Land Use Code Interpretation No. 14-005 Supplemental with attachments
<u>3:57:59 PM</u>	Testimony of Bill Mills
<u>4:07:51 PM</u>	Off the record.
<u>4:27:59 PM</u>	Back on the record
<u>4:28:02 PM</u>	Testimony of Mills continues
<u>4:44:13 PM</u>	Cross examination of Mills by Eglick