

Description	<p>Minutes for MUP-17-035 (DR, W) Monday, March 5, 2018 Escala Owners Association 1933 5th Avenue</p> <p>Time: 9:00 a.m. Examiner: Ryan Vancil Assistant: Alayna Johnson</p> <p>Party Representatives:</p> <p>Claudia Newman and David Bricklin, Counsel for Appellant</p> <p>John C. McCullough and Ian S. Morrison, Counsel for Applicant</p> <p>Liza Anderson, Counsel for Seattle Department of Construction and Inspections</p>
Date	<div> <div>3/5/2018</div> <div>Location</div> <div>Large Hearing Room</div> </div>

Time	Speake	Note
9:00:48 AM		Hearing Examiner opens hearing; opening remarks.
9:03:01 AM		Procedural discussion.
9:07:27 AM		Claudia Newman, Counsel for Appellant, begins opening statement.
9:16:39 AM		Newman concludes.
9:16:42 AM		Jack McCullough and Ian Morrison, Counsel for Applicant, and Liza Anderson, Counsel for Department, defer opening statements to the beginning of case-in-chief.
9:17:12 AM		Newman calls John Sosnowy as a witness and he is sworn in.
9:18:00 AM		Newman begins direct examination of Sosnowy.
9:24:24 AM		Newman offers Escala PowerPoint from November 3, 2015, and it is marked as Exhibit 1.
9:26:56 AM		Newman offers zoning map of Belltown as Exhibit 2.
9:43:11 AM		Newman offers PowerPoint from July 7, 2015 and it is marked as Exhibit 3.
9:46:11 AM		Sosnowy refers to a design packet prepared by the Applicant, which will be introduced later as an exhibit by the Applicant.
9:55:35 AM		Newman offers SDCI permit and property records for the property as Exhibit 4 showing the number of public comments received on the project.
10:00:08 AM		Newman offers First Early Design Guidance of the Downtown Design Review Board for the meeting dated 7/7/2015 and it is marked as Exhibit 5.
10:13:50 AM		Newman offers letter from November 12, 2015 from David Bricklin to the Design Review Board Members and it is marked as Exhibit 6.
10:15:56 AM		Newman offers e-mailed letter from Peter Steinbrueck to the Public Resource Center from October 30, 2015 and it is marked as Exhibit 7.
10:17:33 AM		Newman offers Second Early Design Guidance of the Downtown Design Review Board from November 3, 2015 and it is marked as Exhibit 8.
10:19:42 AM		Newman offers letter from Claudia Newman to the Public Resource Center dated February 19, 2016 and it is marked as Exhibit 9.
10:22:20 AM		Newman offers letter from Peter Steinbrueck to the Design Review Board, dated February 10, 2016, and it is marked as Exhibit 10.
10:23:46 AM		Newman offers letter from Claudia Newman to John Shaw, dated March 21, 2016, and it is marked as Exhibit 11.
10:25:54 AM		Newman offers e-mail exchange between Newman and Josy Rush dated 1/27/2016 and it is marked as Exhibit 12
10:26:15 AM		Newman offers e-mail from Claudia Newman to Nathan Torgelson dated June 15, 2016 and it is marked as Exhibit 13.
10:28:29 AM		Newman offers Escala PowerPoint from June 23, 2016 and it is marked as Exhibit 14.
10:34:49 AM		Break. Back at 10:50.
10:49:36 AM		Back on the record.
10:49:41 AM		Newman continues direct examination of Sosnowy.

11:01:02 AM	Newman offers First Recommendation of the Downtown Design Review Board, dated 6/28/2016, and it is marked as Exhibit 15.
11:03:06 AM	Newman offers letter from Newman to Garry Papers, dated 10/24/16, and it is marked as Exhibit 16.
11:06:38 AM	Morrison offers Applicant's Second Early Design Guidance Packet for Sosnowy to reference, and it is marked as Exhibit 17.
11:10:12 AM	Newman offers letter from Binh Lieu, MD, to the 5th and Virginia Development Community, dated 12/10/2016, and it is marked as Exhibit 18. McCullough objects; lack of authentication.
11:10:50 AM	Exhibit 18 is admitted for limited purpose.
11:11:17 AM	Newman moves to admit Exhibits 1-17 and they are admitted.
11:13:00 AM	Newman offers article from The Urbanist, titled "Natural Light in Buildings: NIMBY Rehteoric or Livability Staple," and it is marked as Exhibit 19.
11:16:07 AM	Newman offers letter from Newman to John Shaw and Garry Papers, dated October 4, 2016, and it is marked as Exhibit 20.
11:17:49 AM	Newman moves to admit Exhibits 19 and 20 and they are admitted.
11:19:31 AM	Newman asks about the second design reveiw recomendation meeting.
11:20:09 AM	Newman offers Escala PowerPoint from the second DRB Reecomendation Meeting, held 12/20/2016, and it is marked as Exhibit 21.
11:20:47 AM	Newman offers spreadsheet document titled Unaddressed Guidance as of 12/20/2016, and it is marked as Exhibit 22.
11:40:59 AM	Newman moves to admit Exhibits 21 and 22 and they are admitted.
11:41:39 AM	Newman offers the Final Recommendation of the Downtown Design Review Board, dated 12/20/2016, and it is marked as Exhibit 23.
11:41:46 AM	Newman moves to admit Exhibit 23 and it is admitted.
11:43:35 AM	Newman offers the 12/15/2016 Addendum to the Final Environmental Impact Statement and it is marked as Exhibit 24.
11:46:05 AM	Newman offers letter from Newman to Garry Papers, dated 12/15/2016, and it is marked as Exhibit 25.
11:46:40 AM	Newman offers E-mail from Newman to Papers, dated 12/19/2016, and it is marked as Exhibit 26.
11:48:23 AM	Newman moves to admit Exhibits 24, 25, and 26 and they are admitted.
11:51:37 AM	Newman offers letter to SDCI from Claudia Newman, dated 1/12/2017, and it is marked as Exhibit 27.
11:52:47 AM	Newman moves to admit Exhibit 27 and it is admitted.
11:54:36 AM	Newman offers the Revised Addendum to the EIS (marked as Exhibit 28), letter from Claudia Newman to SDCI dated 7/17/2017 (marked as Exhibit 29), letter from Sosnowy to the Public Resource Center dated 7/15/2017 (marked as Exhibit 30), and letter from Peter Steinbrueck to PRC dated 7/15/2017 (marked as Exhibit 31).
11:59:35 AM	Newman moves to admit Exhibits 28, 29, 30, and 31 and they are admitted.

12:01:13 PM	Newman offers map showing the new residential units and new parking spaces within a one-block radius of Escala, and it is marked as Exhibit 32.
12:06:57 PM	Newman offers document titled "The Final 50 Feet of the Urban Goods Delivery System: Executive Summary" from SDOT and it is marked as Exhibit 33.
12:08:07 PM	Newman moves to admit Exhibits 32 and 33 and they are admitted.
12:08:49 PM	Newman asks about alternatives that should have been considered.
12:19:23 PM	Newman offers Comparison of Projected Downtown Residential Development to Actual Development - 2000 to 2020 and it is marked as Exhibit 34. The FEIS is marked as Exhibit 35.
12:21:11 PM	Newman offers the draft EIS and it is marked as Exhibit 36. The appendices will be added to the exhibit tomorrow.
12:24:26 PM	Newman offers SDCI Notice of Application, 4/24/2017, Notice of Revised Application, 9/14/2017, and Notices of Design Review Early Design Guidance Meeting from 6/1/17, 2/1/18, and 11/16/2017, and they are marked together as Exhibit 37.
12:27:22 PM	Newman moves to admit Exhibits 34, 35, 36, and 37 and they are admitted.
12:28:35 PM	Break for lunch. Back at 1:45.
1:46:22 PM	Back on the record.
1:46:32 PM	Newman continues direct examination of Sosnowy.
1:47:34 PM	Newman offers map of Belltown showing changes since the 2005 EIS and it is marked as Exhibit 38.
1:52:48 PM	Newman moves to admit Exhibit 38 and it is admitted.
1:54:19 PM	Newman offers packet of documents related to MHA and it is marked as Exhibit 39.
1:58:28 PM	Newman moves to admit Exhibit 39 and it is admitted.
1:59:40 PM	Newman offers City of Seattle analysis titled MHA Urban Design Study from June 2016 and it is marked as Exhibit 40.
2:00:54 PM	Newman moves to admit Exhibit 40 and it is admitted.
2:01:48 PM	Newman offers Seattle City Council Legislative Summary for CB 119038, dated 8/2/2017 and it is marked as Exhibit 41.
2:11:39 PM	Newman concludes.
2:11:45 PM	Morrison begins cross examination of Sosnowy.
2:11:55 PM	Morrison asks about Exhibit 34 and Exhibit 32.
2:19:52 PM	Morrison concludes.
2:19:56 PM	Hearing Examiner asks questions of Sosnowy.
2:24:13 PM	Hearing Examiner asks about Exhibit 22.
2:25:01 PM	Hearing Examiner concludes.
2:25:05 PM	Newman begins redirect examination of Sosnowy.
2:28:29 PM	Newman concludes.
2:29:02 PM	David Bricklin, Counsel for Appellant, calls Joel Loveland as a witness.
2:30:36 PM	Loveland is sworn in.
2:30:39 PM	Bricklin begins direct examination of Loveland.

3:03:38 PM	Newman moves to admit Exhibit 41 and it is admitted.
3:04:00 PM	Bricklin offers Loveland's CV and it is marked as Exhibit 42.
3:04:35 PM	Bricklin moves to admit Exhibit 42 and it is admitted.
3:05:05 PM	Bricklin offers report prepared by Loveland on 12/20/2016 and it is marked as Exhibit 43.
3:05:46 PM	Bricklin moves to admit Exhibit 43 and it is admitted.
3:25:07 PM	Bricklin offers second report created by Loveland, dated 2/20/18 and it is marked as Exhibit 44. Bricklin moves to admit Exhibit 44 and it is admitted.
3:36:21 PM	Break. Back at 3:50.
3:50:03 PM	Back on the record.
3:50:10 PM	Bricklin continues direct examination of Loveland.
3:51:14 PM	Bricklin asks about Loveland's conclusions after conducting the two studies.
3:59:38 PM	Bricklin asks questions regarding the Design Review Guidelines for Downtown Development and Belltown Development.
4:00:26 PM	McCullough objects; foundation. Overruled.
4:02:29 PM	McCullough objects; foundation regarding zones. Overruled.
4:05:56 PM	Bricklin concludes.
4:06:15 PM	McCullough begins cross examination of Loveland.
4:31:55 PM	McCullough concludes.
4:32:17 PM	Hearing Examiner asks questions of Loveland.
4:38:43 PM	Hearing Examiner requests that Loveland submit notes from testimony.
4:40:12 PM	Hearing Examiner concludes.
4:40:17 PM	Bricklin begins redirect examination of Loveland.
4:47:58 PM	Bricklin concludes.
4:48:03 PM	Hearing Examiner asks questions of Loveland.
4:50:36 PM	Hearing Examiner concludes.
4:51:09 PM	Hearing Examiner closes hearing.