

Description	<p>Minutes for MUP-18-001 (P) Thursday, April 12, 2018 David Moehring 3641 22nd Ave West</p> <p>Time: 9:00 a.m. Examiner: Ryan Vancil Assistant: Alayna Johnson</p> <p>Party Representatives:</p> <p>David Moehring, Appellant</p> <p>Brandon Gribben, Applicant Legal Counsel</p> <p>Joseph Hurley, for Department SDCI</p>
Date	<div> <div>4/12/2018</div> <div>Location</div> <div>Large Hearing Room</div> </div>

Time	Speak	Note
9:03:21 AM		Hearing Examiner opens hearing.
9:03:41 AM		Parties are introduced. David Moehring, Appellant, is present.
9:04:00 AM		Brandon Gribben, Counsel for Applicant, is present.
9:04:06 AM		Loren Landerholm, applicant and owner, is also present.
9:04:26 AM		Joseph Hurley is present for the Department.
9:04:41 AM		Opening statement.
9:06:33 AM		Procedural matters addressed.
9:06:57 AM		Hearing Examiner responds to Appellant's Motion to Continue.
9:07:48 AM		Moehring begins argument regarding motion to continue and for discovery.
9:19:18 AM		Motion is denied.
9:27:39 AM		Moehring begins opening statement.
9:35:56 AM		Moehring concludes.
9:36:01 AM		Hurley begins opening statement.
9:36:22 AM		Cheryl Waldman, SDCI, outlines the Department's case.
9:37:00 AM		Gribben begins opening statement.
9:37:58 AM		Gribben concludes.
9:38:39 AM		Moehring offers copies of exhibits.
9:40:18 AM		Gribben makes objection to Moehring as a fact witness. Sustained.
9:40:44 AM		Moehring begins testimony.
9:41:53 AM		Moehring requests that the SDCI Analysis and Decision is marked as Exhibit 1.
9:45:16 AM		Exhibit 1 is admitted.
9:45:26 AM		Moehring offers SDCI List of documents posted to PRC and it is marked as Exhibit 2.
9:46:06 AM		Gribben objects; relevance.
9:46:08 AM		Moehring responds.
9:46:41 AM		Overruled. Exhibit 2 is admitted.
9:47:14 AM		Moehring offers zoning maps and they are marked as Exhibit 3.
9:49:29 AM		Gribben objects; relevance.
9:49:47 AM		Moehring responds.
9:50:34 AM		Objection sustained.
9:51:22 AM		Exhibit 3 is admitted for limited purposes.
9:51:52 AM		Moehring offers the project plan sets from the application.
9:53:09 AM		Applicant's copy of the plan sets will be substituted; Appellant's copy is incomplete. They are marked as Exhibit 4.
9:56:03 AM		Exhibit 4 is admitted.
9:56:18 AM		Moehring offers early drawings from the Applicant.
9:57:13 AM		Gribben objects; relevance.
9:57:25 AM		Moehring responds.
9:57:51 AM		Gribben replies.
9:58:05 AM		Moehring responds.
10:05:39 AM		Moehring withdraws the exhibit.

10:06:02 AM	Moehring offers part of Appellant's response to Applicant's motion to dismiss as Exhibit 5.
10:06:50 AM	Gribben objects; exhibit is only to reference code. Sustained.
10:07:28 AM	Moehring offers SDCI Vehicle Access Easement Standards dated 10/31/2017 and it is marked as Exhibit 5.
10:07:51 AM	Gribben objects; document explains the code.
10:08:06 AM	Moehring responds.
10:08:26 AM	Overruled.
10:09:14 AM	Moehring explains how the exhibit is relevant.
10:10:10 AM	Waldman asks clarifying question.
10:10:18 AM	Moehring responds.
10:11:11 AM	Exhibit 5 is admitted.
10:11:46 AM	Moehring offers SDCI tip sheet 213A and it is marked as Exhibit 6.
10:12:32 AM	Gribben requests offer of proof.
10:12:38 AM	Moehring responds.
10:14:44 AM	Moehring concludes.
10:14:49 AM	Gribben objects; duplicative of the code.
10:15:19 AM	Overruled. Exhibit 6 is admitted.
10:16:00 AM	Moehring offers Applicant's answers to Appellant's first interrogatories.
10:17:37 AM	Gribben objects; relevance.
10:17:45 AM	Sustained.
10:17:58 AM	Moehring offers definition of "exclusive" as Exhibit 7.
10:18:08 AM	Gribben objects; dictionary definitions are not necessary exhibits.
10:18:43 AM	Moehring responds.
10:19:02 AM	Overruled. Exhibit 7 is admitted.
10:19:30 AM	Moehring offers his own resume as an exhibit.
10:20:48 AM	Hearing Examiner rules that the resume is unnecessary since he is not a fact witness.
10:21:24 AM	Break. Back at 10:40.
10:40:16 AM	Back on the record.
10:40:31 AM	Moehring calls Michael Oxman as a witness.
10:41:01 AM	Oxman is sworn in.
10:41:27 AM	Moehring begins direct examination of Oxman.
10:41:38 AM	Oxman's resume is marked as Exhibit 8.
10:43:41 AM	Moehring moves to admit Exhibit 8 and it is admitted.
10:44:24 AM	Moehring offers Seattle Department of Construction and Inspections Director's Rule 16-2008.
10:44:34 AM	Gribben objects; relevance.
10:45:00 AM	Moehring responds.
10:47:46 AM	Overruled.
10:48:05 AM	Director's rule is marked and admitted as Exhibit 9.
10:51:08 AM	Gribben objects; testifying.
10:51:17 AM	Moehring responds.
10:54:01 AM	Overruled.

10:54:19 AM	Moehring offers e-mailed arborist's report as Exhibit 10.
10:54:42 AM	Gribben objects; relevance.
10:55:06 AM	Moehring responds.
10:55:53 AM	Gribben replies.
10:56:26 AM	Moehring responds.
10:57:15 AM	Overruled. Exhibit 10 is admitted for limited purpose.
10:59:12 AM	Gribben objects; testifying.
10:59:18 AM	Sustained.
11:00:03 AM	Gribben objects; leading. Sustained.
11:00:47 AM	Question rephrased.
11:01:08 AM	Objects; question answered.
11:01:21 AM	Hearing Examiner responds.
11:05:53 AM	Objection; question unclear.
11:06:10 AM	Moehring responds.
11:06:17 AM	Overruled.
11:07:13 AM	Gribben objects; speculation. Overruled.
11:10:38 AM	Gribben objects; speculation.
11:11:01 AM	Moehring responds.
11:11:33 AM	Overruled. Objection goes to the weight of testimony.
11:13:50 AM	Gribben objects; lack of foundation. Sustained.
11:14:31 AM	Gribben objects; outside the scope of witness's expertise and what was provided in the witness and exhibit list.
11:15:38 AM	Sustained.
11:16:57 AM	Gribben objects; lack of foundation.
11:17:06 AM	Sustained.
11:17:38 AM	Gribben objects; lack of foundation and speculative.
11:17:47 AM	Overruled.
11:18:14 AM	Gribben objects; relevance. Overruled.
11:23:45 AM	Gribben objects; relevance.
11:24:04 AM	Moehring withdraws question.
11:25:09 AM	Gribben objects; relevance.
11:25:14 AM	Moehring responds.
11:25:33 AM	Gribben replies.
11:25:43 AM	Hearing Examiner asks clarifying question.
11:26:16 AM	Gribben responds.
11:26:33 AM	Overruled.
11:29:13 AM	Moehring offers photographs of the subject property as an exhibit.
11:34:56 AM	The photographs are marked and admitted as Exhibit 11.
11:35:20 AM	Moehring offers the pre-application site visit report as an exhibit.
11:40:23 AM	Moehring moves to admit the report as Exhibit 12.
11:40:40 AM	Hearing Examiner pulls out the photographs referenced by the witness and they are marked and admitted as exhibit 12.
11:43:35 AM	Gribben objects; witness is reading from something; requests to see a copy.

11:45:16 AM	Gribben objects; code provision is not relevant.
11:45:33 AM	Overruled.
11:46:15 AM	Moehring offers e-mail from Ben Roberts to Neil Buchanan.
11:48:02 AM	Moehring moves to admit the e-mail as Exhibit 13.
11:48:15 AM	Gribben objects; document is irrelevant and incomplete.
11:48:37 AM	Moehring responds.
11:48:53 AM	Gribben replies.
11:50:07 AM	Moehring withdraws exhibit.
11:50:18 AM	Moehring offers the City's responses to interrogatories.
11:54:10 AM	Gribben responds.
11:56:14 AM	Moehring refers to Exhibit 10.
11:57:40 AM	Gribben objects; lack of foundation. Overruled.
11:58:58 AM	Gribben objects; calls for legal conclusion. Sustained.
12:00:23 PM	Gribben objects; no question.
12:00:30 PM	Moehring rephrases.
12:00:47 PM	Gribben objects; calls for legal conclusion. Sustained.
12:02:32 PM	Gribben objects; relevance. Overruled.
12:08:08 PM	Moehring concludes.
12:08:32 PM	No cross examination from the Department.
12:08:36 PM	Gribben begins cross examination of Oxman.
12:14:26 PM	Gribben asks about Exhibit 12.
12:16:45 PM	Procedural question.
12:17:01 PM	Break for lunch. Return at 1:30.
1:30:38 PM	Back on the record.
1:30:43 PM	Gribben continues cross examination of Oxman.
1:31:31 PM	Gribben refers to Exhibit 4.
1:34:13 PM	Gribben refers to Exhibit 10.
1:37:25 PM	Gribben concludes.
1:37:45 PM	Moehring begins redirect examination of Oxman.
1:38:09 PM	Gribben objects; calls for legal conclusion. Overruled.
1:38:32 PM	Moehring concludes.
1:38:43 PM	Gribben calls Ryan Ringe as a witness.
1:39:02 PM	Ringe is sworn in.
1:39:08 PM	Gribben begins direct examination of Ringe.
1:41:36 PM	Gribben moves to admit Ringe's resume as Exhibit 13 and it is admitted.
1:42:32 PM	Gribben refers to Exhibit 4.
1:48:13 PM	Gribben concludes.
1:48:23 PM	Moehring begins cross examination of Ringe.
1:52:53 PM	Moehring objects; outside scope of direct. Sustained.
1:56:26 PM	Gribben objects; outside scope of direct.
1:56:35 PM	Sustained.
1:57:33 PM	Gribben objects; outside scope. Overruled.

2:03:30 PM	Moehring refers to Exhibit 4.
2:05:35 PM	Gribben objects; outside the scope of direct.
2:07:53 PM	Moehring concludes.
2:13:13 PM	Gribben calls William Mills as a witness.
2:13:54 PM	Mills is sworn in.
2:14:00 PM	Gribben begins direct examination of Mills.
2:15:38 PM	Gribben refers to Exhibit 4.
2:26:23 PM	Hurley offers Webster's dictionary definition of "exclusive."
2:26:51 PM	Gribben offers the definition as Exhibit 14.
2:30:18 PM	Gribben moves to admit Exhibit 14 and it is admitted.
2:31:14 PM	Gribben offers SDCI Land Use Forum meeting minutes and it is marked as Exhibit 15.
2:40:36 PM	Gribben moves to admit Exhibit 15.
2:40:46 PM	Moehring objects; relevance.
2:41:47 PM	Overruled. Exhibit 15 is admitted.
2:42:16 PM	Gribben offers Interpretation No 95-001 and it is marked as Exhibit 16.
2:47:17 PM	Gribben moves to admit Exhibit 16.
2:47:28 PM	Moehring objects; relevance.
2:47:47 PM	Gribben responds.
2:48:43 PM	Overruled.
2:49:17 PM	Exhibit 16 is admitted.
2:49:22 PM	Gribben offers the Hearing Examiner decision for file S-95-004 and it is marked as Exhibit 17.
2:52:34 PM	Gribben moves to admit Exhibit 17 and it is admitted.
2:54:02 PM	Gribben concludes.
2:54:11 PM	Moehring begins cross examination of Mills.
2:56:20 PM	Gribben objects; outside scope. Sustained.
2:56:51 PM	Gribben objects; outside scope. Sustained.
3:06:41 PM	Gribben objects; speculation. Moehring rephrases.
3:07:12 PM	Gribben objects; outside scope.
3:07:21 PM	Moehring responds.
3:07:41 PM	Sustained.
3:09:44 PM	Moehring refers to Appellant's tab 9.
3:12:28 PM	Objection; testifying.
3:12:35 PM	Rephrased.
3:13:16 PM	Gribben objects; speculation, relevance, outside scope.
3:13:44 PM	Overruled.
3:22:38 PM	Moehring concludes.
3:22:43 PM	Gribben begins redirect examination of Mills.
3:24:00 PM	Gribben concludes.
3:24:04 PM	Hearing Examiner asks questions of Mills.
3:29:54 PM	Hearing Examiner concludes.
3:29:59 PM	Break. Back at 3:45.

3:46:37 PM	Back on the record.
3:46:48 PM	Hurley calls himself as a witness for the Department.
3:47:02 PM	Hurley is sworn in and begins testimony for the Department.
3:52:32 PM	Hurley concludes.
3:52:36 PM	Gribben begins direct examination of Hurley.
3:55:39 PM	Gribben concludes.
3:55:42 PM	Moehring begins cross examination of Hurley.
4:00:51 PM	Gribben objects; outside scope.
4:01:39 PM	Overruled.
4:08:17 PM	Gribben objects; outside scope. Sustained.
4:10:05 PM	Moehring offers example of another unit lot subdivisoin. Gribben objects; relevance, outside scope.
4:11:23 PM	Overruled.
4:13:02 PM	Gribben asks for clarification.
4:15:26 PM	Gribben objects; outside scope, relevance.
4:15:37 PM	Overruled.
4:17:17 PM	Gribben renews objection.
4:18:14 PM	Objection withdrawn.
4:20:56 PM	Gribben objects; outside scope, relevance.
4:21:09 PM	Sustained. Question rephrased.
4:27:04 PM	Moehring concludes.
4:27:08 PM	Hearing Examiner asks questions of Hurley.
4:34:04 PM	Hearing Examiner concludes.
4:34:08 PM	Gribben begins redirect examination of Hurley.
4:37:14 PM	Gribben concludes.
4:38:04 PM	Gribben calls Landerholm as a witness and he is sworn in.
4:38:34 PM	Gribben begins direct examination of Landerholm.
4:39:24 PM	Gribben concludes.
4:39:28 PM	No questions from Moehring.
4:39:40 PM	Procedural discussion.
4:41:54 PM	Closing argument briefs will be due on 4/20 and responses on 4/24.
4:43:48 PM	Hearing Examiner closes hearing.