

**BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE**

**NOTICE OF APPEAL HEARING  
Hearing Examiner File: W-13-005, W-13-006**

On Tuesday, September 10, 2013 beginning at 9:00 a.m., the City Hearing Examiner will hold a public hearing at the Office of Hearing Examiner, Suite 4000, 700 Fifth Avenue (Seattle Municipal Tower, 40<sup>th</sup> Floor), Seattle Washington, to consider the following matter:

**The appeal of Avalonbay Communities, Inc. and The Richmark Company of the determination of Non-Significance (DNS) issued by the Director, Department of Planning and Development, regarding amendments to the Pike/Pine Conservation Overlay District (23.73) in the Land Use Code.**

The authority for the hearing and the jurisdiction of the Hearing Examiner are derived from Seattle Municipal Code 25.05.680, and the hearing will be conducted in accordance with procedures for hearing contested cases in Chapter 3.02 of the Seattle Municipal Code and the Hearing Examiner Rules. The hearing is open to the public, but only persons qualifying as parties or called by the parties as witnesses will have the opportunity to testify.

Consistent with applicable rules, the parties will each have an opportunity at the hearing to offer testimony and to present witnesses and other evidence that they believe supports their view. To be admitted, evidence must be relevant, come from a reliable source, and have some value toward proving the point of the party who offers it. If a party intends to refer to any exhibits (documents, photographs, etc.) at the hearing, the party must bring copies of the exhibits for the other parties and for the Hearing Examiner.

DATE OF NOTICE: July 17, 2013

Office of Hearing Examiner  
P.O. Box 94729  
Seattle, Washington 98124-4729  
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**City of Seattle**

**Office of Hearing Examiner**

Sue A. Tanner, Hearing Examiner  
Anne Watanabe, Deputy Hearing examiner

July 17, 2013

**IMPORTANT  
APPEAL INFORMATION**

The adequacy of the Environmental Impact Statement issued by the Director, Department of Planning and Development, regarding the amendments to the Pike/Pine Conservation Overlay District (23.73) in the Land Use Code (proposed) has been appealed by Avalonbay Communities, Inc. and The Richmark Company. An appeal hearing on this matter (Hearing Examiner File W-13-005, W-13-006) is scheduled for **Tuesday, September 10, 2013, BEGINNING AT 9:00 a.m.**, in the Office of Hearing Examiner on the 40<sup>th</sup> Floor, Seattle Municipal Tower, Suite 4000, 700 5<sup>th</sup> Avenue. This hearing is open to the public, but only the parties to the appeal and persons called as witnesses will have an opportunity to testify.

Prior to hearing, the parties are encouraged to acquaint themselves with the hearing process and the issues being appealed. The Hearing Examiner can base a decision only on the facts presented at hearing, in light of what the City's laws require or allow. You need to be prepared to present information that supports your view. The Office of Hearing Examiner has a booklet entitled "**Public Guide to Appeals and Hearings Before the Hearing Examiner**" that explains the hearing process and provides helpful information and suggestions for those participating in hearings. Please contact the Office or visit our website to get this booklet and to get the **Hearing Examiner Rules**, which govern the conduct of hearings. The Hearing Examiner website is [www.seattle.gov/examiner/](http://www.seattle.gov/examiner/).

When a party writes to the Hearing Examiner requesting something, (these requests are also called "motions"), it is important that the other parties comment in writing to the Hearing Examiner. If the Hearing Examiner does not receive a response from the other parties within 7 days of the date the Examiner receives the motion, it can be assumed that they agree with the request. (The Public Guide explains this and other procedural items.)

Whenever you write to the Hearing Examiner about the appeal, you must also send a copy of that correspondence to each of the other parties. Party representatives in this matter are:

Appellant  
Avalonbay Communities, Inc.  
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Courtney Flora, Attorney  
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Appellant  
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Department  
Dennis Meier  
DPD  
(206) 684-8270  
dennis.meier@seattle.gov

Please contact this Office (684-0521) if you have questions regarding the appeal process.