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, 40th Floor), Seattle Washington, to consider the following matter:

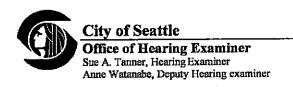
The appeal of Avalonbay Communities, Inc. and The Richmark Company of the determination of Non-Significance (DNS) issued by the Director, Department of Planning and Development, regarding amendments to the Pike/Pine Conservation Overlay District (23.73) in the Land Use Code.

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 <u>must</u> 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 Telephone: (206) 684-0521 Fax: (206) 684-0536



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 <u>Tuesday, September 10, 2013, BEGINNING AT 9:00</u> a.m., in the Office of Hearing Examiner on the 40th Floor, Seattle Municipal Tower, Suite 4000, 700 5th 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/.

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. Jack McCullough, Attorney Courtney Flora, Attorney McCullough Hill Leary, P.S. 701 Fifth Avenue, Suite 6600 Seattle, WA 98104	Appellant The Richmark Company Ramona Monroe, Attorney Stoel Rives, LLP 600 University Street, Suite 3600 Seattle, WA 98101	Department Dennis Meier DPD (206) 684-8270 dennis.meier@seattle.gov
Seattle, WA 98104 (206) 812-3388	Seattle, WA 98101 (206) 386-7500	

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