

**BEFORE THE HEARING EXAMINER
CITY OF SEATTLE**

In the Matter of the Appeal of

**NEIGHBORS ENCOURAGING
REASONABLE DEVELOPMENT**

of a decision and interpretation issued by the
Director, Department of Planning and
Development

Hearing Examiner Files:
**MUP-15-022 (W)
S-15-003**

PREHEARING ORDER

A prehearing conference was held in this matter on September 16, 2015, before the undersigned hearing examiner pro tem. Participating were Neighbors Encouraging Reasonable Development, hereafter "NERD", by its representatives Paul Haury and Charles Burkhalter, Jr.; the Department of Planning and Development, hereafter "DPD", represented by Andrew McKim and Jerry Suder; and the Applicant, Jay Jannette, by Jessica Clawson, McCullough Hill Leary, P.S.

1. The following dates or times have been agreed to by the parties and shall be the schedule for this appeal unless a motion for continuance of the hearing is filed and granted.

September 24: Any dispositive or other motions shall be filed and served.

October 1: Any responses to motions shall be filed and served.

October 13: Appellant shall notify DPD and Applicant as to any changes in its request for production and to the previously filed witness list, if any.

October 20: Responses to requests for production shall be provided and Respondents' witness lists shall be filed and served.

November 5: Hearing

2. The parties each agreed to service by e-mail. The hearing examiner will receive copies of filings through the Office of the Hearing Examiner.
3. The following statement is intended as clarification of the issue regarding the SEPA component of the MUP decision appeal. Appellant shall file any correction to this statement no later than September 22.

Appellant does not claim that the determination of non-significance as to probable adverse impacts of the project on the environmentally critical area involved is erroneous

but claims that the determination should not have been limited to those impacts because the interpretation on which the count of dwelling units was based is in error.

Entered this 18th day of September, 2015.

Margaret Klockars

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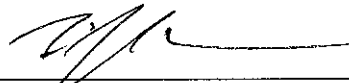
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CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that on this date I sent true and correct copies of the attached **Prehearing Order** to each person listed below, or on the attached mailing list, in the matter of **Neighbors Encouraging Reasonable Development**, Hearing Examiner File: **MUP-15-022 (W)**, in the manner indicated.

| Party | Method of Service |
|---|---|
| Paul LaBellarte/Columbia Builders c/o Jessica M. Clawson 701 Fifth Ave, Suite 6600 Seattle, WA 98104 jessica@mhseattle.com Laura Counley lcounley@mhseattle.com | <input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger |
| N.E.R.D. c/o Paul Haury 4115 32 nd Ave SW Seattle, WA 98126 phaury@fulcrum.net Chuck Burkhalter 4031 32 nd Ave SW Seattle, WA 98126 cburkhalterjr@yahoo.com | <input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger |
| Andy McKim DPD Andy.McKim@seattle.gov Jerry Suder Jerry.Suder@seattle.gov | <input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger |

Dated: September 18, 2015



Tiffany Ku
Legal Assistant