

# EXHIBIT A

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**BRIEF IN SUPPORT OF APPEAL OF HEARING  
EXAMINER'S RECOMMENDATION ON REZONE  
MODIFICAITON - 30**

PDX/117426/155180/AAL/5793641.7

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## CITY OF TACOMA

### HEARING EXAMINER PRO TEM WICK DUFFORD PRESIDING OCTOBER 12, 13, 15, 16, 2009 "The Point at Northshore"

File Numbers:

Rezone Modification (REZ2007-40000089068), Preliminary Plat (PLT2007-40000089069), Variances (MLU2007-40000089065), Site Plan Approval (SIT2007-40000089067), Wetland/Stream Assessments (WET2007-40000105839), and Wetland/Stream Exemptions (WET2007-40000105876)

EXH. NO.	DESCRIPTION	SUBMITTED BY	A	E	W	COMMENTS
1	Site Plan (full-size), prepared by Apex Engineering, LLC, submitted August 29, 2008	Northshore Investors LLC	X			Admitted on 10-12-09
2	Boundary Survey, prepared by Apex Engineering, LLC, submitted January 29, 2007	Northshore Investors LLC	X			Admitted on 10-12-09
3	Applicant's justification titled "Lot Area Reduction and Right of Way Modification Request", revised November 8, 2007	Northshore Investors LLC	X			Admitted on 10-12-09
4	Applicant's justification titled "Major Modification to Northshore Country Club PRD"	Northshore Investors LLC	X			Admitted on 10-12-09
5	Applicant's justification titled "Responses to Variance Criteria" Revised 11-08-07	Northshore Investors LLC	X			Replaced with updated applicant's response
6	Letter, from Apex Engineering, dated November 3, 2008	Northshore Investors LLC	X			Admitted on 10-12-09
7	Single Family Detached approximate lot widths	Northshore Investors LLC	X			Admitted on 10-12-09
8	Hearing Examiner Recommendation for file numbers 120.924, 125.238 and 127.140 dated March 2, 1981	City of Tacoma	X			Admitted on 10-12-09
9	Open Space Taxation Agreement, Pierce County recording number 8110300211	City of Tacoma	X			Admitted on 10-12-09
10	North Shore Concomitant Zoning Agreement, Pierce County recording number 8111120139	City of Tacoma	X			Admitted on 10-12-09
11	Map, titled "Intensity Designation"	City of Tacoma	X			Admitted on 10-12-09
12	Map, titled "Tier Designation"	City of Tacoma	X			Admitted on 10-12-09

#### KEY

A = Admitted

E = Excluded

W = Withdrawn

EXH. NO.	DESCRIPTION	SUBMITTED BY	A	E	W	COMMENTS
13	Letter, "North Shore Golf Course Ponds and Ditches", prepared by J.S. Jones and Associates, Inc., dated December 27, 2006	Northshore Investors LLC	X			Admitted on 10-12-09
14	Revised Wetland/Stream Exemption Request, received date of August 29, 2008	Northshore Investors LLC	X			Admitted on 10-12-09
15	JARPA application, received date of November 9, 2007	Northshore Investors LLC	X			Admitted on 10-12-09
16	Functional Analysis, prepared by J.S. Jones and Associates, Inc., dated November 12, 2007	Northshore Investors LLC	X			Admitted on 10-12-09
17	Wetland Assessment, prepared by J.S. Jones and Associates, Inc., dated November 9, 2007 including updated maps with received date of November 13, 2007	Northshore Investors LLC	X			Admitted on 10-12-09
18	Letter from J.S. Jones and Associates dated May 19, 2008	Northshore Investors LLC	X			Admitted on 10-12-09
19	Wetland #1 Basin Map, received date November 19, 2008	Northshore Investors LLC	X			Admitted on 10-12-09
20	Wetland #2 Basin Map, received date November 19, 2008	Northshore Investors LLC	X			Admitted on 10-12-09
21	Conceptual Storm Drainage Report for The Point at Northshore, prepared by Apex Engineering, PLLC, dated November 9, 2007	Northshore Investors LLC	X			Admitted on 10-12-09
22	Conceptual Storm Drainage Report for The Point at Northshore, prepared by Apex Engineering, PLLC, dated November 18, 2008	Northshore Investors LLC	X			Admitted on 10-12-09
23	Summary of Portions of the Conceptual Storm Drainage Report, received date of November 19, 2008	Northshore Investors LLC	X			Admitted on 10-12-09
24	Conceptual Storm Drainage Report for Joe's Creek Basin at The Point at Northshore, prepared by Apex Engineering, PLLC, dated September 5, 2007	Northshore Investors LLC	X			Admitted on 10-12-09

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EXH. NO.	DESCRIPTION	SUBMITTED BY	A	E	W	COMMENTS
25	Joint Statement Pertaining to Status of Related Litigation, prepared by Jay P. Derr, GordonDerr LLP; Gary D. Huff, Karr Tuttle Campbell; and Aaron M. Laing, Schwabe, Williamson & Wyatt, dated August 19, 2009	Northshore Investors LLC, Save NE Tacoma, and the City of Tacoma	X			Admitted on 10-12-09
26	Preliminary Geotechnical Engineering Study, prepared by Pacific Geo Engineering, LLC, dated November 17, 2006	Northshore Investors LLC	X			Admitted on 10-12-09
27	Supplemental Geotechnical Engineering Study, prepared by Pacific Geo Engineering, LLC, dated July 16, 2007	Northshore Investors LLC	X			Admitted on 10-12-09
28	Transportation Impact Study, prepared by Transportation Engineering Northwest, LLC, dated January 29, 2007	Northshore Investors LLC	X			Admitted on 10-12-09
29	Letter, from Transportation Engineering Northwest, LLC, dated July 19, 2007 (submitted September 20, 2007)	Northshore Investors LLC	X			Admitted on 10-12-09
30	Point at Northshore Residential Total Trip Generation Study, prepared by Transportation Engineering Northwest, LLC, submitted November 9, 2007	Northshore Investors LLC	X			Admitted on 10-12-09
31	Letter, from Transportation Engineering Northwest, LLC, dated July 17, 2008 (submitted August 29, 2008)	Northshore Investors LLC	X			Admitted on 10-12-09
32	Intersection Sight Distance Exhibit, prepared by Apex Engineering, PLLC, dated November 6, 2007 (received November 9, 2007)	Northshore Investors LLC	X			Admitted on 10-12-09

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EXH. NO.	DESCRIPTION	SUBMITTED BY	A	E	W	COMMENTS
33	E-mail, from Jeff Schramm, Transportation Engineering Northwest, LLC, dated November 17, 2008 (received November 19, 2008) including a Northshore Parkway and Fairwood Boulevard queue analysis, private road section drawing, Northshore Boulevard Gated Turnaround Exhibit, and Northshore Blvd and Fairwood Blvd Preliminary Channelization Plan	Northshore Investors LLC	X			Admitted on 10-12-09
34	Archaeological Assessment of the Pointe at Northshore, prepared by Drayton Archaeological Research, dated January 19, 2007	Northshore Investors LLC	X			Admitted on 10-12-09
35	Phase I Environmental Site Assessment and Soil Sampling, prepared by Wolfe Environmental Consulting, Inc., dated November 22, 2006	Northshore Investors LLC	X			Admitted on 10-12-09
36	Soil and Surface Water Sampling and Analysis, prepared by Wolfe Environmental Consulting, Inc., dated July 3, 2007	Northshore Investors LLC	X			Admitted on 10-12-09
37	Typical elevations, floor plans and site layouts for both the single-family detached homes and the townhomes, submitted by Apex Engineering, PLLC on January 29, 2007	Northshore Investors LLC	X			Admitted on 10-12-09
38	Typical landscape plans for the proposed community park area, pocket parks, pedestrian trail, and south entry, prepared by Thomas V. Rengstorf Associates, submitted November 9, 2007	Northshore Investors LLC	X			Admitted on 10-12-09
39	External Boundary Typical Cross Section Exhibit, prepared by Apex Engineering, PLLC, dated November 6, 2007	Northshore Investors LLC	X			Admitted on 10-12-09
40	Overall Layout (color version), prepared by Apex Engineering, PLLC, dated November 8, 2007	Northshore Investors LLC	X			Admitted on 10-12-09

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