

**BEFORE THE HEARING EXAMINER  
FOR CITY OF REDMOND**

In the Matter of the Appeal of	)	NO. APP_____
	)	
	)	
<b>WPDC Cleveland LLC</b>	)	<b>Origins Appeal</b>
	)	
	)	
of approved Building Permit	)	
BLDG-2016-09802/BPLN2016-02092	)	RESPONSE TO REQUEST FOR
Authorizing alterations to the structure at	)	HEARING EXAMINER ACTION
16390 Cleveland Street, Redmond	)	
<u>Issued February 17, 2017</u>	)	

Since the March 17, 2017 Order Setting Hearing and Pre-Hearing Schedule was issued, there has been a string of procedural email communications in the above-captioned appeal.

As noted in the Order, the parties agreed to the May 31, 2017 hearing date in order to allow the consolidation of the instant appeal with appeals of future permits also required for completion of the project that is the subject of the building permit appealed from. The Applicant made clear its position that its agreement to waive the 90 day decision deadline established in RZC 21.76.040.D.2.a was premised on going forward to appeal hearing not later than May 31, 2017. However, in emails dated March 16th (from Orrico for Applicant, Haney for City, and Laing for Appellant), all parties acknowledged that if anything should happen that delays the permit processing for any reason (for example, the Design Review Board (DRB) meeting is delayed or the DRB needs more than one meeting to make its decision), the May 31 date would likely no longer be viable and the next appeal hearing calendar is June 13, 2017.

On April 11, 2017, the Appellant submitted an email noting that timely notice had not been issued for the April 20th DRB meeting, extending the DRB appeal period into the set briefing schedule and that a stop work order had been issued for the portion of the work subject to the current appeal. This email asserted it would not be possible to adhere to the established schedule.

On the same day, the Applicant indicated by email that it would not agree to continue to a later hearing date. On April 12th, the Applicant indicated by email that it was withdrawing its site entitlement application and "will not be refileing it", and requesting to maintain the established schedule.

On April 12th, the Appellant requested confirmation from the Applicant that there would be no future resubmittal of a request for approval of "the mezzanine that is subject to the stop work order and agreeing that it will not provide doors, windows or other exterior modifications to the

building--ever". The Applicant confirmed again (by email the same date) that the site entitlement plan was withdrawn and would not be refiled.

On April 18, 2017, the Appellant emailed procedural concerns as follows (roughly abbreviated/paraphrased):

- a renewed request for confirmation that the improvements in the withdrawn site plan entitlement application would not be resubmitted in the future to avoid conflict with RZC 21.76.095.E.6, RCW 36.70B.060(3), RCW 36.70B.110, and RCW 36.70B.120(2);
- an assertion that the jurisdiction of the undersigned is in question since the permit appealed from is one of a number of required permits;
- a renewed request that the appeal be stayed until it is known whether all required approvals are issued and can be appealed in one consolidated hearing; and
- a request for a stop work order for all construction pursuant to the building permit based on the fact the language of RZC 21.76.090.B.2, which Appellant asserts required all activity related to the building permit to have ceased on March 2 (the date the appeal was filed), and yet Applicant's representatives and contractors have been observed continuing to work since March 2.

The requests encompassed in the April 18th email exceed the scope of procedural communications contemplated and invited by the March 17, 2017 Order.

## **ORDER**

1. The undersigned requests that the Appellant submit a proper motion, to which the other parties will be able/required to respond, in order that the requests can be addressed within the record of these proceedings.
2. The motion and responses shall comply with the motions schedule established in the March 17, 2017 Order.
3. If the Appellant contends that construction being conducted violates RZC 21.76.090.B.2, the Applicant may pursue a stop work order through the City outside these proceedings and/or may submit a limited motion addressing solely that issue, and may request expedited resolution of the limited motion, which may be granted on a showing of good cause and citation to authority.
4. All submittals shall be directed by email to the attention of the Office of the Hearing Examiner at the email address below. The Clerk's office will circulate email communications to all parties and the Examiner.

Office of the Hearing Examiner  
Attention Cheryl Xanthos, Deputy City Clerk  
[cdxanthos@redmond.gov](mailto:cdxanthos@redmond.gov)

**Ordered** April 21, 2017.

By:



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Sharon A. Rice  
Redmond Hearing Examiner