

Appellant's Exhibit 10

(as referenced in June 30, 2017

Appellant WPDC Cleveland LLC's Witness and Exhibit List)

Hearing Examiner Sharon A. Rice

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

BEFORE THE HEARING EXAMINER
FOR THE CITY OF REDMOND

In the Matter of the SEPA Appeal of

File Nos: BLDG-2016-09802
BPLN2016-02092

WPDC CLEVELAND, LLC

**DECLARATION OF RICK
DRIFTMIER, AIA**

of approved Building Permit BLDG-2016-09802/BPLN-2016-02092 authorizing alterations to the structure at 16390 Cleveland Street, Redmond Issued February 17, 2017.

RICK DRIFTMIER, AIA, being first duly sworn upon oath, deposes and says:

1. I am over the age of 18, and competent to testify in a court of law as to the matters asserted herein. I am a licensed architect and a Principal Architect of The Driftmier Architects, P.S. I have personal knowledge of the facts and circumstances set out in this declaration.

2. My business, The Driftmier Architects, P.S., was established in 1980 and is located at 7983 Leary Way NE, Redmond WA 98052, which is about two blocks north and west of the Prime Steakhouse restaurant in Downtown Redmond's Old Town. I have over 35 years of experience as an architect. Our offices have been located in the Old Town portion of Redmond's Downtown since 2002.

DECLARATION OF RICK DRIFTMIER, AIA - 1

SCHWABE, WILLIAMSON & WYATT, P.C.
Attorneys at Law
1420 5th Avenue, Suite 3400
Seattle, WA 98101-4010
Telephone: 206.622.1711

PDX\131246\221725\AA\20598372.1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

3. In late-February 2017, one of my employees noticed what appeared to be construction activity occurring in what, in my long-experience with the area, I understood to be an empty, abandoned warehouse located at 16390 Cleveland Avenue, Redmond, WA 98052 right next to the Prime Steakhouse. I made some inquiry and learned that the warehouse was being converted to a marijuana retail sales business and that no onsite parking would be required of the new business.

4. On February 22, 2017 I contacted the owner of the adjacent abutting parcel located at 16330 Cleveland Avenue, Redmond, WA 98052, which is the site of the Prime Steakhouse.

5. I have since learned that the proposed tenant improvements and change of use permits are for what is called the Origins Cannabis project. I have reviewed the approved building permit Architectural plans for Origin's Tenant Improvements and the Change of Use stamped approved by Jozanne Moe on January 25, 2017, the Structural plans for Origins Redmond project stamped approved by Jay Kelley on February 14, 2017, Statement of Special Instructions Structural plans for Origins Redmond project, stamped "Site Copy BLDG-2016-09802", the 2015 Washington State Energy Code (WSEC) Compliance Form for Commercial Buildings – Project Summary dated December 1, 2016 (stamped "Site Copy" in red text), the 2015 WSEC Compliance Form for Commercial Buildings – Lighting Summary dated December 5, 2016 (stamped "Site Copy" in red text),) and material submitted to the City of Redmond's Design Review Board, all of which are publicly available and accessible on the City's website.

6. Based on my familiarity with the applicable codes and my professional experience, I have determined that the approved Origins Cannabis building permit for the interior renovations (the permit expressly states that it is an "Interior Only Permit" and "All exterior work is under a separate permit."), has several key deficiencies, which I have

DECLARATION OF RICK DRIFTMIER, AIA - 2

SCHWABE, WILLIAMSON & WYATT, P.C.
Attorneys at Law
1420 5th Avenue, Suite 3400
Seattle, WA 98101-4010
Telephone: 206.622.1711

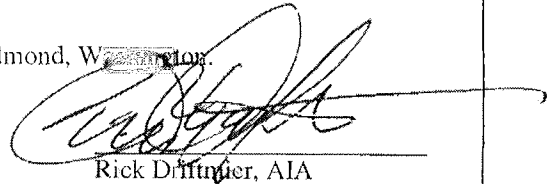
PDX\131246\221725\AAL\20598372.1

1 summarized and attached hereto as **Exhibit A**. It is my opinion that the building
2 improvements, as permitted, does not comply with the 2015 International Building Code.

3 7. In the 15 years our offices have been located in Redmond's Old Town district,
4 I have not seen any business operating in the old warehouse located at 16390 Cleveland
5 Avenue, Redmond, WA 98052.
6

7 *I declare under penalty of perjury under the laws of the State of Washington that the*
8 *foregoing is true and correct to the best of my knowledge and belief.*
9

10 DATED this 28th day of April, 2017 at Redmond, Washington.

11 
12
13 Rick Driftmier, AIA

14
15
16
17
18
19
20
21
22
23
24
25
26
DECLARATION OF RICK DRIFTMIER, AIA - 3

SCHWABE, WILLIAMSON & WYATT, P.C.
Attorneys at Law
1420 5th Avenue, Suite 3400
Seattle, WA 98101-4010
Telephone: 206.622.1711

PDX\131246\221725\AAL\20598372.1

EXHIBIT A

Review of Drawings labeled as: "Origin's Tenant Improvement and Change of Use" and signed by Thomas G. Morris of Morris Architects, Inc. PS dated 12-05-16, revised 1-20-17 and approved by the City of Redmond 1-25-17.

Review by The Driftmier Architects, PS on 4-28-17

Street Frontage Improvements

- The comments from Gary Lee on A1.0 indicate that 10ft of the building will need to be removed on the east side. But, the drawings do not reflect this.

Use and Occupant Load

- Cover Sheet indicates the project proposes changing the use from Warehouse to Mercantile. A change in use typically triggers the requirement for buildings to be brought fully up to code for ADA, energy, IBC, and zoning.
- The current occupant load calculations show 68 people for Retail Space A. Since it has over 50 occupants, 2 exit doors need to be provided and exterior doors need to swing outward. All the doors shown along Cleveland are swinging inward.
 - However, it appears the occupant load calculations are incorrect. A load of 1 person per 30 sf for sales area is shown. The current code allows for 1 person per 60 sf. Also, 1 person per 100 sf for the employee room is shown. We typically see jurisdictions calculate break rooms at 1 person per 15 sf because it is an area of assembly.

ADA

- The shelving in the storage room does not allow for ADA clearances around the door. The attached sheet shows the different clearances required depending on the approach direction to doors. The shelves are within the clearances for all of the optional approaches.
- ADA door clearances are not provided at the Employee Room. Stair handrails need to extend 11" past the bottom stair, and this would include the railing and half wall on the south side of the stairs. In order to approach a door from straight on, there needs to be 12" of room on the push side of the door.
 - Therefore, as someone approaches the Employee Room door from the sales area, there needs to be 1'-11" from the door opening to the first riser. Currently the plans show about 1'-6". The door would need to move 5" to the east or the stairs move 5" to the west. Moving the door 5" to the east would cause it to hit the exterior wall and would not open to the required 90 degrees.
 - Additionally, ADA clearance is not provided when leaving the Employee Room. A minimum of 48" needs to be provided in front of the door on the Employee Room side. If a closer is provided on the door, then it needs to be 56". Currently, the drawing

shows about 45". So, the door will need to move to the west, which would cause the stair to move even further to the west.

Plumbing

- The required drinking fountains are not shown. Since the occupancy is over 30 people, a drinking fountain is required. Since one is required, ADA requires that there be two drinking fountains. In past projects, the City of Redmond has not allowed businesses to simply provide water bottles but has required plumbed drinking water be provided.
- Code requires all tenant spaces to have access to a toilet room, and it has to be within 500 ft. The toilet room is certainly within 500ft of Retail Space B, but the toilet room is inside Retail Space A and not in a common area. The current layout indicates that Retail Space B cannot be occupied during times that Retail Space A is not open. If Retail Space A is closed and locked, then occupants of Retail Space B would not have access to a toilet facility.

Permit Sequence

- For a building in this condition and that does not meet the current energy code, building exiting code and ADA requirements, the sequencing of the permits is unusual. It is very common for a building's exterior to be completed under one permit, and then at a later date for the interior tenant improvement to be completed under a separate permit. However, I have never seen a remodel be permitted separately for the interior improvements first, followed by an exterior remodel at a later date. As outlined below, this sequencing creates code issues.
- If the interior remodel is completed without the exterior improvements, the building will not meet the energy code, building exiting or ADA requirements.
 - The only person doorway into the building is a plywood door that is raised ~6" off the ground. This does not meet the energy, building or ADA code.
 - With a new HVAC system being installed in the interior remodel, this requires the entire building to be brought up to the current energy code. If the exterior improvements are not made under the same permit, then the existing openings will not meet the current energy code. This includes the sliding door on the east side of the building and the openings on the south side of the building.
- In a project where the intent is to remodel both the interior and exterior, it does not make sense to split up the work into separate permits, especially with the interior remodel occurring first, unless these are certain city code requirements the project is attempting to avoid.

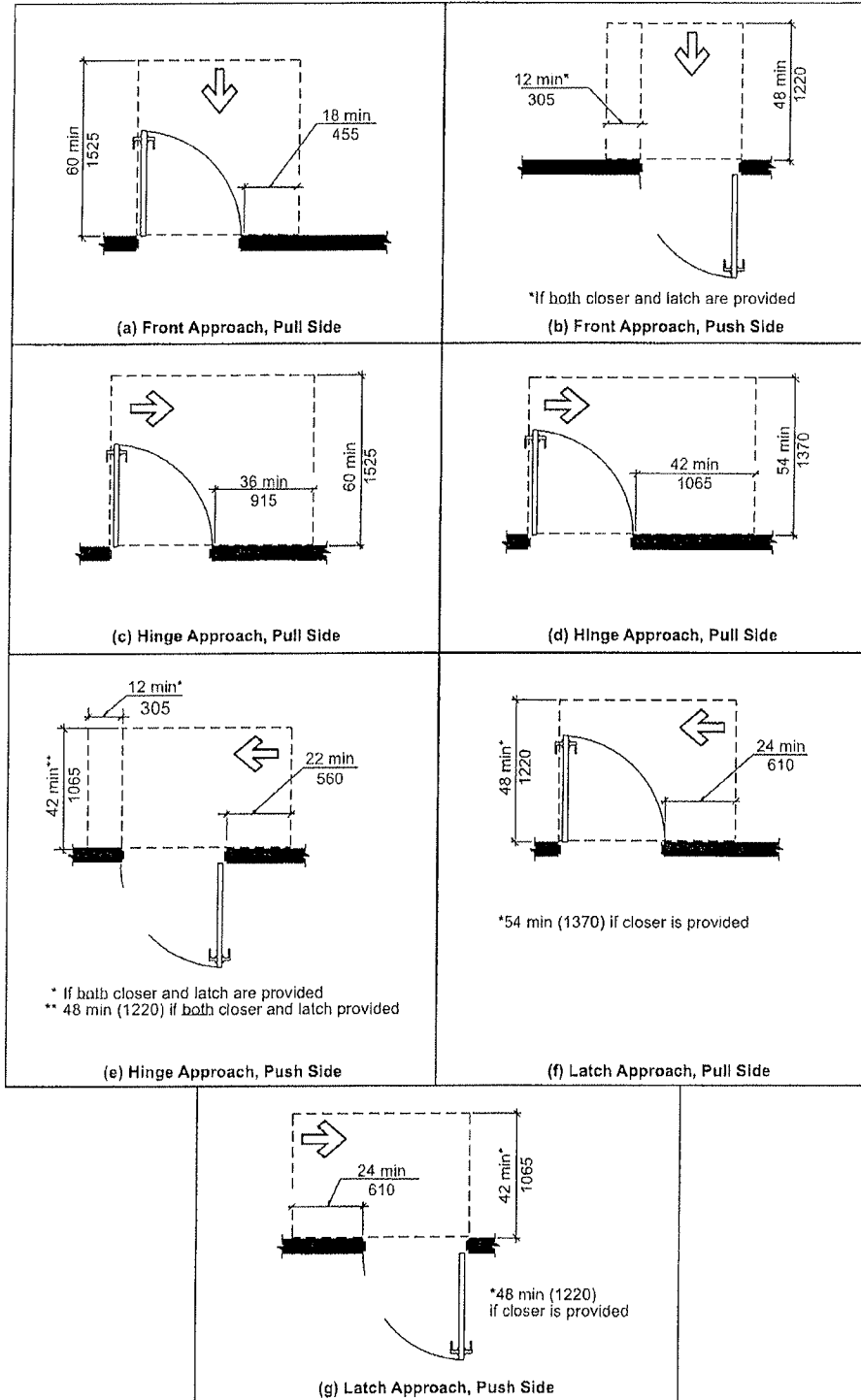


FIG. 404.2.3.2
MANEUVERING CLEARANCE AT MANUAL SWINGING DOORS