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BEFORE THE HEARING EXAMINER  
FOR THE CITY OF REDMOND

In the Matter of the Appeal of  
**RTC 74<sup>th</sup> Street Property LLC**  
Of the November 17, 2017 Approval of BLDG-  
2016-09558 related to the Redmond Town  
Center Apartments project in Redmond, WA

No. \_\_\_\_\_

**Redmond Town Center  
Apartments Impact Fees Appeal**  
**APPELLANT’S WITNESS AND  
EXHIBIT LIST**

Pursuant to the Hearing Examiner’s December 19, 2017 Order Setting Hearing and Pre-  
Hearing Document Exchange Schedule, Appellant RTC 74<sup>th</sup> Street Property LLC submits the  
following as its list of witnesses and documents:

**I. WITNESSES**

1. Roberta Lewandowski, former Redmond Planning Director, addressing City approval process, including conditions on development approvals.
2. Jeff Haynie, P.E., TENW – Transportation Engineer, addressing transportation impacts and impact fee exemptions/credits.
3. Michael J. Read, P.E., TENW –Transportation Engineer, addressing transportation impacts and impact fee exemptions/credits.
4. Curtis Chin, P.E., TENW – Transportation Engineer, addressing transportation impacts and impact fee exemptions/credits.



- 1 11. Memorandum from Technical Committee to Planning Commission, dated  
2 April 10, 1995. The memorandum is the Technical Committee's  
3 recommendation to the Planning Commission regarding the RTC  
4 Development Guide Amendments.
- 5 12. RTC - EIS Addendum Appendix C Traffic Analysis Report, dated  
6 April 10, 1995. The addendum includes a history of environmental review  
7 and comparison of traffic impacts of revised master plan development to  
8 previously approved master plan.
- 9 13. Excerpts from Draft EIS Addendum dated August 18, 1997. This exhibit  
10 evaluates proposed changes to the 1995 Adopted Mater Plan, including  
11 transportation impacts.
- 12 14. Determination of Nonsignificance and Adoption of Existing  
13 Environmental Document City, dated August 28, 2001. The  
14 Determination contains a memorandum from Transportation Engineering  
15 Northwest ("TENW") to the City of Redmond regarding Trip Generation  
16 Analysis, dated July 25, 2001.
- 17 15. Applicant's Response, dated January 10, 1995. The exhibit is the RTC  
18 Applicant's Response to Review Comments on 9/7/94 Draft Application.
- 19 16. Redmond Downtown Park Vicinity Map. Shows park and open space  
20 lands serving the Downtown, including Town Center Open Space.
- 21 17. Resolution No. 1095, dated June 15, 1999. The resolution forwards a  
22 recommendation to the Metropolitan King County Council to partially  
23 approve public benefit rating system application for current use taxation  
24 for RTC Public Open Space land. Includes valuation of land.
- 25 18. Ordinance No. 1800 of the City of Redmond, effective September 5, 1994.  
26 The ordinance adopts the Pro (Parks, Recreation and Open Space) Plan  
27 2000 to update the city parks, recreation and open space plan, including  
the Capital Facilities Plan.
19. Ordinance No. 1847 of the City of Redmond, effective July 31, 1995. The  
ordinance adopts a comprehensive plan meeting the requirements of the  
Growth Management Act.
20. Table and diagrams of Open Space plans. The exhibit contains a table  
comparing the amount of space in different categories included in the  
previously approved RTC Master Plan and the proposal to revise the  
Master Plan.
21. Public Access Open Space Agreement, dated September 17, 1996. The  
agreement is between Town Center Associates and the City of Redmond  
regarding a part of the RTC site.
22. Public Access Open Space Agreement, dated September 24, 1996. The  
agreement is between Walls, Butler, Madden & Teel, L.P. and the City of  
Redmond regarding a part of the RTC site.

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- 23. Open Space Taxation Agreement Taxation, dated August 19, 1999. The agreement is between PPR Redmond Retail, LLC and Walls, Butler, Madden & Teel, L.P.
- 24. Public Access Open Space Agreement, dated September 17, 1996. The agreement is between Town Center Associates and the City of Redmond regarding a part of the RTC site.
- 25. Memorandum from City Council to Planning Commission, dated June 15, 1995. The memorandum is the Planning Commission's recommendation to the City Council for approval of the 1995 Master Plan
- 26. Minutes of Special Meeting of Redmond City Council, dated June 27, 1995. The minutes document a portion of the City Council discussion leading to approval of the 1995 Master Plan.
- 27. RTC EIS Addendum Appendix A, dated 1995. The appendix identifies Master Plan & Development Guide Amendments that were proposed to facilitate development of RTC per the 1995 Master Plan.
- 28. RTC Traffic Mitigation Agreement, dated March 8, 1996. The agreement is between the City of Redmond and Town Center Associates regarding mitigating transportation impacts of construction of mixed use development at RTC.
- 29. Appendix C Pro Rata Mitigation from RTC TIA, dated April 1995. The appendix includes tables detailing Pro-Rata Transportation Mitigation Fees required for development per the 1995 Master Plan.
- 30. Resolution No. 1023, dated June 18, 1996. The resolution adopts a six-year transportation improvement program.
- 31. Facsimile from Don Caims (City of Redmond) to Jim Haney (Ogden, Murphy, Wallace), dated October 26, 1995. The document includes letters regarding clarifications concerning the Transportation Mitigation Agreement.
- 32. Letter from Don Caims to Donald Marcy (Cairncross and Hempelmann), dated September 5, 1995. The letter is regarding comments on the Transportation Mitigation Agreement.
- 33. RTC Transportation Mitigation, undated. The document contains comments on Traffic Mitigation including requirements for improvements, and alternatives.
- 34. City of Redmond Building Permit, dated February 1, 1996. The permit authorizes RTC Phase I construction.
- 35. Ordinance No. 1907 of the City of Redmond, effective October 10, 1996. The Ordinance adopts GMA transportation impact fees.
- 36. Ordinance No. 1908 of the City of Redmond, effective October 10, 1996. The ordinance establishes a new community development guide section dealing with administration of transportation impact fees.

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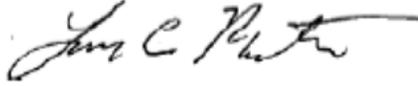
- 37. Ordinance No. 1913 of the City of Redmond, effective November 14, 1996. The ordinance amends a chapter of the Redmond Municipal Code and the Redmond Community Development Guide to set an impact fee for park, recreation, open space or trail facilities.
- 38. Ordinance No. 2072 of the City of Redmond, effective March 30, 2000. The ordinance amends the impact fee exemptions sections of the Redmond Municipal Code and the Redmond Community Development Guide.
- 39. Memorandum to Planning Commission from Technical Committee, dated September 12, 2001. The memorandum recommends approval of revisions to the Comprehensive Plan policies and regulations of the Mixed Use/Shopping Center sub-district within the City Center Neighborhood relating to the limit on GLA of commercial space in RTC and designating RTC as a receiving area for Transfer of Development Rights.
- 40. Determination of Nonsignificance and Adoption of Existing Environmental Document. This SEPA document was issued in connection with the proposal to construct a two-story Bon Marche department store in RTC.
- 41. Memorandum from Jeff Haynie (TENW) to Don Cairns, dated July 25, 2001. The memorandum documents a comparison of the p.m. peak hour trip generation for the approved RTC development and the actual trip generation through the most recent phase of development.
- 42. Ordinance No. 1992, effective July 30, 1998. The ordinance adopts the comprehensive plan amendments for Town Center, DGA 97-002, to allow an increase in gross leasable commercial development in RTC and increase the height limit for mixed retail/Residential uses in RTC.
- 43. Memorandum from Jeff Haynie to Rob Crittenden, dated May 20, 2016. The memorandum is a summary of TENW's understanding of the status of the entitled trips on the RTC site.
- 44. Memorandum from Curtis Chin (TENW) to Larry Martin RTC, dated October 20, 2017. The memorandum is regarding 2017 Updated RTC Traffic Counts.
- 45. Memorandum from Michael Read ("TENW") to Min Luo (City of Redmond), dated July 11, 2016. The memorandum is the Phase II Traffic Impact Analysis for the proposed RTC Apartments.
- 46. Aerial of Project Site Vicinity from Phase II Traffic Impact Analysis, dated July 11, 2016. This was prepared by TENW.
- 47. RTC Apartments Vicinity Map, dated 2017. The map shows the location of RTC Apartments at 7405-168<sup>th</sup> Ave NE, parcel number: 7202410132.
- 48. Letter from Macerich Company to Roberta Lewandowski ("City of Redmond"), dated July, 24, 2001. The letter requests consideration of Comprehensive Plan and Development Guide Amendments.

- 1 49. Agreement Regarding Allocation of Rights to Exemption From and/or  
2 Credit Against Impact Fees, dated April 5, 2017. The document is entered  
3 by G&I VII Redmond Development LLC, *et al.* and RTC 74<sup>th</sup> Street  
4 Property, LLC regarding in the Redmond Apartment Project in RTC.
- 5 50. Email from Sarah Vanags (Pyle) to Larry Martin, dated  
6 November 2, 2016. The email states reasons why impact fee credits do  
7 not apply for the open space provided by RTC.
- 8 51. Email from Jeff Haynie to Larry Martin, dated November 9, 2016. The  
9 email exchange is regarding transportation credits.
- 10 52. City of Redmond Receipt, dated November 17, 2017. The receipt covers  
11 impact fees paid for the Redmond Apartments Project Phase II building  
12 permit.
- 13 53. Email from Larry Martin to Jim Haney, dated June 14, 2016. The email is  
14 to confirm the appeal runs from issuance of the building permit.
- 15 54. House Bill Report – ESHB 2842, dated December 18, 1992. The bill  
16 amends both SEPA and RCW 82.02.
- 17 55. Note, dated August 23, 2002. This note was provided by the City of  
18 Redmond public records clerk. It is regarding impact fees for the Bon  
19 Marche building permit.
- 20 56. City of Redmond Impact Fee Calculation form, undated. The form details  
21 the calculation of impact fees for the Bon Marche development project.
- 22 57. City of Redmond Building Permit, issued April 3, 1998. The permit  
23 authorizes construction of the “REI Building”, a two story retail building  
24 with on-site surface parking.
- 25 58. Ordinance No. 1914 of the City of Redmond, effective  
26 November 14, 1996. The Ordinance adds a section to the Redmond  
27 Community Development Guide to provide for reimbursements for  
dedications of park, recreation, open space or trail facilities which exceed  
the need created by the development.
59. Final Bill Report ESHB 2842. The report is the Legislative Report on  
RCW 82.02.100.
60. Final Park Impact Fee Worksheet, generated December 21, 2016. The  
exhibit includes tables detailing components of the 2006 park impact fees.
61. Park Impact Fees Update 2017. The exhibit contains slides regarding  
updating the City of Redmond Park Impact Fees.

Appellant reserves the right to disclose and/or introduce any exhibits in rebuttal.

1 DATED this 17th day of January, 2018.

2 Davis Wright Tremaine LLP  
3 Attorneys for Appellant

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5 By \_\_\_\_\_

6 Larry C. Martin, WSBA #8499

7 Charles E. Maduell, WSBA #15491

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**CERTIFICATE OF SERVICE**

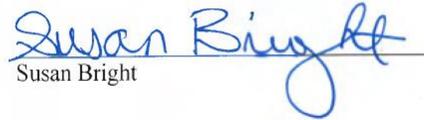
I hereby certify that I caused the document to which this certificate is attached to be delivered to the following as indicated:

Daniel Kenny  
Ogden Murphy Wallace P.L.L.C.  
901 Fifth Avenue, Suite 3500  
Seattle, WA 98164

Messenger  
Via Electronic Filing  
Federal Express  
Facsimile  
Email



DATED and signed this 17<sup>th</sup> day of January, 2018 at Bellevue, Washington.

  
Susan Bright

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