



# APPEAL APPLICATION FORM

(Appeal of LAND-2015-01949)

To file an appeal of a Type I or II decision or a SEPA determination, please complete the attached form and pay the applicable fee by 5:00 p.m. on the last day of the appeal period.

Form submission and payment must be by **PERSONAL DELIVERY** at City Hall 1<sup>st</sup> Floor Customer Service Center c/o Office of the City Clerk-Hearing Examiner, 15670 NE 85<sup>th</sup> Street. Contact the Office of the Hearing Examiner with process questions at 425-556-2191.

### Standing to Appeal:

- **Appeal to the Hearing Examiner of a SEPA determination** - Any interested person may appeal a threshold determination, adequacy of a final EIS, and the conditions or denials of a requested action made by a nonelected City official based on SEPA. No other SEPA appeals shall be allowed.
- **Appeal to the Hearing Examiner of an Administrative, Technical Committee or Design Review Board Decision (Type I or II)** - the project applicant, owner, or any person who submitted written comments (party of record) prior to the date the decision was issued may appeal the decision. The written appeal and the applicable fee must be received by the City of Redmond's Office of the Hearing Examiner no later than 5:00 p.m. on the 14<sup>th</sup> calendar day following the date of the decision.

Should the appellant prevail in the appeal, the application fee will be refunded (City of Redmond Resolution No. 1459). The application fee will not be refunded for appeals that are withdrawn or dismissed.

Hearing Examiner or City Council decision may be appealed to Superior Court by filing a land use petition which meets the requirements set forth in RCW Chapter 36.70C. The petition must be filed and served upon all necessary parties as set forth in State law and within the 21-day time period as set forth in RCW Section 36.70C.040. Requirements for fully exhausting City administrative appeal opportunities must be fulfilled.

*Page 2 A*

Please continue to page 2 to select your appeal type.

File No: _____ Date Received: _____ Receipt No. _____	(Staff Use Only)  <div style="border: 1px solid blue; padding: 5px; width: fit-content; margin: auto;"> <p style="text-align: center; margin: 0;">RECEIVED CITY OF REDMOND</p> <p style="text-align: center; margin: 0; color: red;">NOV 20 2018</p> <p style="text-align: center; margin: 0;">OFFICE OF THE HEARING EXAMINER</p> </div>
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ORIGINAL



**Please check the applicable appeal:**

- Appeal to the Hearing Examiner of a SEPA determination *RZC 21.70.190(E)*. **(Please be sure to understand the type of SEPA appeal you are filing, and if a further appeal to the underlying action is needed.)**
- Appeal to the Hearing Examiner of an Administrative, Technical Committee or Design Review Board Decision (Type I or II) *RZC 21.76.060(I)*

**Section A. General Information**

Name of Appellant: CORE DESIGN, INC. c/o Joshua P. Beard, RLA on behalf of Property Owner Amalani LLC

Address: c/o Duana T. Koloušková, Johns Monroe Mitsunaga Koloušková PLLC  
Project Applicant Representative  
11201 SE 8<sup>th</sup> St., Suite 120  
Bellevue, Washington, 98007

Email: kolouskova@jmmlaw.com

Signature:

Phone: (work) 425-451-2812

Dated: 11-20-2018

Name of project that is being appealed: MAPLEWOOD – Site Plan Entitlement

File number of project that is being appealed: LAND-2015-01949

Date of decision on project that is being appealed: November 7, 2018

Expiration date of appeal period: November 21, 2018

What is your relationship to the project?

- Party of Record
- Project Applicant
- Government Agency

Pursuant to the Redmond Zoning Code, only certain individuals have standing to appeal a decision on application or appeal (See page 1 above). Below, please provide a statement describing your standing to appeal, and reference all applicable City Code citations.;

Amalani LLC has standing as the property owner. Core Design has standing as the property owner's representative and applicant.

**Section B. Basis for Appeal**

Please fill out items 1-4 below. Reference all applicable City Code citations and attach additional sheets if necessary.

1. Please state the facts demonstrating how you are adversely affected by the decision:

Please see the attached narrative.

2. Please provide a concise statement identifying each alleged error of fact, law, or procedure, and how the decision has failed to meet the applicable decision criteria:

Please see the attached narrative.

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3. Please state the specific relief requested:

Please see the attached narrative.

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4. Please provide any other information reasonably necessary to make a decision on the appeal:

Please see the attached narrative.

---

**Do not use this form if you are appealing a decision on a:**

- Shoreline Permit (must be appealed to the State Shoreline Hearings Board *RZC 21.68.200(C)(6)(b)*)
- Shoreline Variance or a Shoreline Conditional Use Permit (must be appealed to the State Shoreline Hearings Board *RZC 21.68.200(C)(6)(c)*)
- Hearing Examiner decision on a SEPA appeal (not an appealable action as successive appeals are not allowed *RZC 21.70.190(D)*)
- Hearing Examiner decision on an application (must be appealed to Superior Court)
- City Council approval or denial (must be appealed to Superior Court *RZC 21.76.060(Q)*)

~~Page E~~ CW

## **Section B. Basis for Appeal**

**Please fill out items 1-4 below. Reference all applicable City Code citations and attach additional sheets if necessary.**

**1. Please state the facts demonstrating how you are adversely affected by the decision:**

Site Plan Entitlement Permit Extension Denial: Core Design, as the project representative and applicant, submitted a request for one-year extension pursuant to RZC 21.76.090 on behalf of the property owner, Amalani LLC. This request was based on construction and sequencing challenges involving an adjacent project, the 166<sup>th</sup> Townhomes project, and ownership changes during the past year. Timing of the adjacent project affects the construction schedule of this Maplewood project. The City's SPE approval expressly recognizes the interconnection of infrastructure improvements between the two projects. *See e.g.* SPE Approval, dated December 8, 2015, Condition 1.a., page 10. The 166<sup>th</sup> Townhomes project infrastructure is under construction now, which is known to the City. The major components that affect the timing of Maplewood are currently getting underway, however, this applicant does not have any authority or control over 166<sup>th</sup> Townhomes infrastructure construction.

The City failed to explain the basis for its denial, merely denying the extension without detail.

Expiration of the SPE would impose a significant economic hardship on the application as such would require the application to begin again with a new application despite the existing approval.

Retaining Wall Application Extension Denial: Core Design, as the project representative and applicant, submitting a request for extension pursuant to 2015 IBC Section 105.3.2 on behalf of the property owner, Amalani LLC. The City had previously issued an extension approval on this application without any notification that it would only allow limited extensions and without notice that the prior extension would be the final extension granted. As noted above, the extension request relates to construction and sequencing challenges involving an adjacent project, the 166<sup>th</sup> Townhomes project, and ownership changes during the past year. Timing of the adjacent project affects the construction schedule of this Maplewood project. The Retaining Wall permit cannot issue until after the Coordinated Civil Review is completed, which is not yet complete.

Expiration of the application would impose a significant economic hardship on the application as such would require the application to begin again with a new application despite the permit being virtually ready to issue.

**2. Please provide a concise statement identifying each alleged error of fact, law, or procedure, and how the decision has failed to meet the applicable decision criteria:**

Site Plan Entitlement Permit Extension Denial: The City erred in denying the extension despite the request's compliance with all criteria under RZC 21.76.090. The City also erred in failing to explain the basis for its denial. The City's errors are compounded by the significant impact such SPE Extension Denial has on the applicant.

Retaining Wall Application Extension Denial: The City erred in denying the extension despite the request's compliance with all criteria under 2015 IBC Section 105.3.2. The City also erred in basing its denial on a presumption of no activity under the application. Finally, the City's errors are compounded by the impact that such denial has on the project, forcing the applicant to start the process anew as is the case for the Site Plan Entitlement.

**3. Please state the specific relief requested:**

Site Plan Entitlement Permit Extension Denial: Reversal of the extension denial and grant of a one-year extension under RZC 21.76.090.

Retaining Wall Application Extension Denial: Reversal of the extension denial and grant of a 90-day extension pursuant to RMC 15.08.020, 15.08.050(6), and 2015 International Building Code Section 105.3.2.

**4. Please provide any other information reasonably necessary to make a decision on the appeal:**

Further legal argument will be provided upon setting of a hearing date before the Examiner. The Applicant is particularly prejudiced in this matter in light of the project's infrastructure linkage to the adjacent 166<sup>th</sup> Townhome project. City staff is fully aware of that link and that Maplewood permitting actions are directly tied to construction activities currently underway by the owners of 166<sup>th</sup> Townhomes. Conversely, the City has not provided any rational explanation for its two extension denials despite the significant hardship such denials would work on the Maplewood project and the applicant.

COPY



November 7, 2018

Mr. Joshua Beard  
Core Design Inc.  
14711 NE 29<sup>th</sup> PL [Suite 101]  
Bellevue, WA 98007

Subject: Denial of Extension for Maplewood - Site Plan Entitlement  
File #LAND-2015-01949

Dear Mr. Beard:

The Technical Committee considered your request for an extension of the Maplewood Townhomes – Site Plan Entitlement (LAND-2015-01949). The original approval for this project was issued by the Technical Committee on December 5, 2016. At the November 7, 2018 meeting, the Technical Committee denied your request for an extension as the submitted justification letter dated October 18, 2016 fails to show proper justification of any criteria as shown below and as required by Redmond Zoning Code 21.76.090.

Pursuant to the Redmond Zoning Code (RZC 21.76.090), the approval period may be extended on a yearly basis by the approval authority upon showing proper justification. Proper justification consists of one or more of the following conditions:

- (a) Economic Hardship
- (b) Change of Ownership
- (c) Unanticipated construction and/or site design problems
- (d) Other circumstances beyond the control of the applicant determined acceptable by the approval authority.

Should you have any questions, you may contact Heather Maiefski, Planner at (425) 556-2437 or via email at [hmaiefski@redmond.gov](mailto:hmaiefski@redmond.gov).

Sincerely,

---

ERIKA VANDENBRANDE  
Director  
Planning and Community Development

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MARTIN PASTUCHA  
Director  
Public Works Department



# APPEAL APPLICATION FORM

(Appeal of BLDG-2017-03776 (BPLN-2017-00513))

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*Page B*

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**Please check the applicable appeal:**

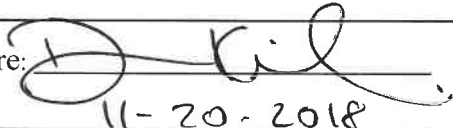
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Bellevue, Washington, 98007

Email: kolouskova@jmmlaw.com

Signature: 

Phone: (work) 425-451-2812

Dated: 11-20-2018

Name of project that is being appealed: MAPLEWOOD TOWNHOMES RETAINING WALL  
PERMIT EXTENSION REQUEST

File number of project that is being appealed: BLDG-2017-03776 (BPLN-2017-00513)

Date of decision on project that is being appealed: November 16, 2018

Expiration date of appeal period: November 30, 2018

What is your relationship to the project?

- Party of Record
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Page D  
C

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COPY

**From:** [Carol Lewis](#)  
**To:** [Diane Nelson](#); [Michael T. Atwood](#)  
**Cc:** [Joshua Beard](#)  
**Subject:** RE: BLDG-2017-03776(BPLN-2017-00513) - Maplewood Townhomes Retaining Wall Permit Extension Request  
**Date:** Friday, November 16, 2018 2:33:00 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)

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Hello Diane,

The fourth extension was denied due to lack of building permit activity.

2015 IBC A105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing unless such application has been pursued in good faith or a permit has been issued: except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

At this time you haven't demonstrated justifiable cause for this fourth extension request.



**Carol Lewis**  
Development Services Supervisor | City of Redmond  
☎: 425.556.2410 | ✉: [clewis@redmond.gov](mailto:clewis@redmond.gov) | [Redmond.gov](http://Redmond.gov)  
MS: 2SPL | 15670 NE 85<sup>th</sup> St | Redmond, WA 98052



NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this e-mail account is a public record. Accordingly, this e-mail, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

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**From:** Diane Nelson [mailto:[dsn@coredesigninc.com](mailto:dsn@coredesigninc.com)]  
**Sent:** Friday, November 16, 2018 11:50 AM  
**To:** Michael T. Atwood <[matwood@redmond.gov](mailto:matwood@redmond.gov)>  
**Cc:** Carol Lewis <[CLEWIS@REDMOND.GOV](mailto:CLEWIS@REDMOND.GOV)>; Joshua Beard <[jpb@coredesigninc.com](mailto:jpb@coredesigninc.com)>  
**Subject:** RE: BLDG-2017-03776(BPLN-2017-00513) - Maplewood Townhomes Retaining Wall Permit Extension Request

**External Email Warning!** Use caution before clicking links or opening attachments.

Can you please let me know the reason that the extension was denied.

Thank you.

**Diane S. Nelson**  
Project Assistant  
Core Design Inc.

Office: 425.885.7877

[www.coredesigninc.com](http://www.coredesigninc.com)  
We've moved! Please visit our  
website for the new locations.

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**From:** Michael T. Atwood <[matwood@redmond.gov](mailto:matwood@redmond.gov)>  
**Sent:** Friday, November 16, 2018 9:37 AM  
**To:** Diane Nelson <[dsn@coredesigninc.com](mailto:dsn@coredesigninc.com)>  
**Cc:** Carol Lewis <[CLEWIS@REDMOND.GOV](mailto:CLEWIS@REDMOND.GOV)>  
**Subject:** BLDG-2017-03776(BPLN-2017-00513) - Maplewood Townhomes Retaining Wall Permit Extension Request

Diane,

I regret to inform you that your 4<sup>th</sup> request to extend the permit for the Maplewood Townhomes retaining wall has been denied.

I have attached a copy of the extension request form you had submitted previously for reference.

Thank you,

Michael T. Atwood  
Certified Permit Technician  
Development Services Center  
425-556-2421  
[matwood@redmond.gov](mailto:matwood@redmond.gov)

City Logo



This message has been scanned for malware by Websense. [www.websense.com](http://www.websense.com)

Click [here](#) to report this email as spam.