



**CITY OF REDMOND**  
**APPEAL APPLICATION FORM**

EXHIBIT A

(Staff Use Only)

File No: LAND-2016-01162  
Date Received:  
6/14/16

**This appeal application form is for appeals of Technical Committee and Hearing Examiner decisions only.**

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

- Shoreline Permit
- Shoreline Variance
- Shoreline Conditional Use Permit
- Hearing Examiner decision on a SEPA appeal
- City Council approval or denial

**Appeal Applications may be delivered to the Office of the City Clerk-Finance/Hearing Examiner by email, mail, personal delivery or by fax before 5:00 P.M on the last day of the appeal period.**

**City of Redmond Office of the City Clerk-Finance/Hearing Examiner Contact Information:**

**Mailing Address:**

Office of the City Clerk/  
Hearing Examiner  
P.O. Box 97010, 3NFN  
Redmond, WA 98073

**Personal Delivery:**

City Hall, 2<sup>nd</sup> Floor  
Customer Service Center  
C/O City Clerk's Office  
15670 NE 85<sup>th</sup> Street  
Redmond, WA 98073

**Phone:** 425-556-2191

**Fax:** 425-556-2198

**Email:** [cdxanthos@redmond.gov](mailto:cdxanthos@redmond.gov)

**Web:** <http://www.redmond.gov>

Appeals of City Council decisions 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.

**Section A. General Information**

Name of Appellant: NATURAL AND BUILT ENVIRONMENTS LLC  
Address: % ROBERT PANTLEY, 2025 ROSE POINT LANE  
City: KIRKLAND State: WA Zip: 98083 Email: angela@pantley.com  
Phone: (home) \_\_\_\_\_ (work) 425-828-4663 (cell) \_\_\_\_\_

What is your relationship to the project?

☐ Interested Citizen ☒ Project Applicant ☐ Government Agency



**CITY OF REDMOND**  
**APPEAL APPLICATION FORM**

EXHIBIT A

(Staff Use Only)

File No: \_\_\_\_\_

Date Received: \_\_\_\_\_

Name of project that is being appealed: Assessed School Impact Fees, Lake WA School Dist.  
File number of project that is being appealed: BLDG 2015-09804  
Date of decision on project you are appealing: MAY 31, 2016  
Expiration date of appeal period: JUNE 14, 2016

Please choose the applicable appeal:

- ☒ Appeal to the Hearing Examiner of a Technical Committee Decision  
☐ Appeal to City Council of a Hearing Examiner decision on an appeal  
☐ Appeal to City Council of a Hearing Examiner decision on an application

Pursuant to the Redmond Zoning Code, only certain individuals have standing to appeal a decision on application or appeal. Below, please provide a statement describing your standing to appeal. (Please review the back page to determine if you have standing to appeal.)

PLEASE SEE ATTACHED

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

If you are appealing a Technical Committee Decision, please fill out items 1, 2, and 3 **only**. If you are appealing a Hearing Examiner's decision on an application, or a Hearing Examiner's decision on an appeal, you only need to fill out item 4 below. Attach additional sheets if necessary.

1. Please state the facts demonstrating how you are adversely affected by the decision (attach additional sheets as necessary):

SEE ATTACHED



**CITY OF REDMOND**  
**APPEAL APPLICATION FORM**

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**(Staff Use Only)**

**File No:** \_\_\_\_\_

**Date Received:** \_\_\_\_\_

2. Please provide a concise statement identifying each alleged error and how the decision has failed to meet the applicable decision criteria (attach additional sheets as necessary):

PLEASE SEE ATTACHED

3. Please state the specific relief requested (attach additional sheets as necessary):

PLEASE SEE ATTACHED

4. Please provide a written statement of the findings of fact or conclusions (as outlined in the Hearing Examiner's decision) which are being appealed (attach additional sheets as necessary):

PLEASE SEE ATTACHED

**BEFORE THE HEARING EXAMINER CITY OF REDMOND**

In re the matter of the Appeal by  
NATURAL AND BUILT ENVIRONMENTS, LLC

Appellant,

RE Challenge of Assessed School Impact Fees of the  
Lake Washington School District.

BLDG 2015-09804

NOTICE AND STATEMENT OF  
APPEAL OF SCHOOL IMPACT FEES

(Type 1 Permit – Administrative Appeal)

**A. Appellant.**

This appeal is brought by:

NATURAL AND BUILT ENVIRONMENTS LLC  
c/o Robert Pantley and Angela Rozmyn  
2025 Rose Point Lane  
Kirkland, WA 98033  
Telephone: 425-828-4663  
Email: [angela@pantley.com](mailto:angela@pantley.com)

NATURAL AND BUILT ENVIRONMENTS LLC, (hereinafter the “Appellant”) brings this appeal to challenge the School Impact Fees assessed by the Lake Washington School District as part of the City of Redmond building permit process. This appeal sets forth the Notice of Appeal and the Appeal Statement of Appellant.

**B. Jurisdiction.**

Redmond Municipal Code 3.10.140 (previously 20D.60.10-090) provides that the assessment of impact fees may be appealed along with the underlying permit those fees are tied to. This section also allows fees to be paid under protest. Redmond Zoning Code 21.76.050 and -.060 provides that a building permit is a Type 1 permit with appeal to this Hearing Examiner.

1           The Appellant paid school impact fees under protest in order for the City to issue the  
2           underlying building permit. Appellant did so to reserve this opportunity for appeal in the  
3           event the Appellant and District could not reach consensus on appropriate fee rates prior to  
4           the expiration of the appeal deadline.

5           **C.       Decision Appealed.**

6           City of Redmond building permit, BLDG 2015-09804, issued May 31, 2016, and  
7           attached hereto as Exhibit A.

8           **D.       Appellant's Interest.**

9           Appellant is the property owner, permit holder and the party which paid the impact  
10          fees subject to this review.

11          **E.       Appeal Issue.**

12          Whether the assessment of school impact fees was disproportionate to the impacts of  
13          the SRO development and inconsistent with the requirements of RCW 82.02.020, -.050 *et*  
14          *seq.* and Redmond Municipal Code Chapter 3.10?

15          **F.       Factual Summary and Basis of Appeal.**

16          The project underlying this appeal is a 96-unit Single Resident Occupancy ("SRO")  
17          development which previously was the subject of Hearing Examiner review and decision.  
18          Several years ago, when the concept of an SRO was novel, the Appellant and Lake  
19          Washington School District ("District") agreed that the best way to guess at impacts and  
20          assess school impact fees would be on a per-kitchen basis. At that time, there was no data at  
21          the time to substantiate the Appellant's expectation that these units would not be conducive  
22          toward residency by K-12, i.e. school age, children.

23          Now that several SRO developments have been occupied for several years, Appellant  
24          has data to substantiate that these SRO units are, in fact, not occupied by school age children  
25          except on very rare occasion. Appellant reviewed all its occupancy data, for all its residential

1 suites, which spans 3-5 of occupancy for some developments. The result is consistent with  
2 the design of the projects as well as the income level and demographic of the residents who  
3 reside at these communities, none of which is conducive to residency by school-age  
4 children. This data is contained in the attached letter, Exhibit B, previously provided under  
5 separate cover to the District. Of over 400 SRO units that the Appellant has developed  
6 across five different projects, only three school age children have resided in an SRO unit and  
7 each time only for one year.

8 This review supports Appellant's appeal issue, namely that assessing impact fees on a  
9 per-kitchen basis for residential suites is far in excess of actual impact. For example, while  
10 Appellant paid an assessment of 8 multi-family impact fees for the Vision 5 development,  
11 only one single school age child has resided in a residential suite since occupancy three years  
12 ago. The District's continued assessment of multi-family impact fees on a per-kitchen basis  
13 is not proportionate to the impacts of the development and in violation of RMC 3.10.010 *et*  
14 *seq.* and RCW 82.02.020, -.050 *et seq.*

15 Instead, Appellant has suggested that the maximum the District may rationally assess  
16 is one multi-family impact fee per SRO development, with even that assessment being in  
17 excess of the impacts of each development.

18 Further, the District failed to properly assess credit or adjustment under RMC  
19 3.10.130. The property previously was developed for a single family residential use. Credit  
20 should have been awarded for that use. Further, an adjustment under the same code is  
21 warranted due to the nature of the SRO development and data as to occupancy.  
22  
23  
24  
25

1 This appeal is brought pursuant to Redmond Municipal Code including but not  
2 limited to Chapter 3.10 RMC and RCW 82.02.020 et seq, along with all authority  
3 interpreting and applying such law.<sup>1</sup>

4 **G. Relief Requested.**

5 For the reasons explained above, Appellant respectfully requests the Hearing  
6 Examiner to review the District's assessment of impact fees and revise the assessment to a  
7 maximum of one multi-family school impact fee per SRO development, or other evidentiary-  
8 based assessment based on proportionate impact and compliant with Redmond Code and  
9 Washington State law.

10 DATED this 14<sup>th</sup> day of June, 2016.

11 JOHNS MONROE MITSUNAGA  
12 KOLOUŠKOVÁ, PLLC

13 By 

14 Duana T. Koloušková, WSBA #27532  
15 Attorneys Natural and Built  
16 Environments LLC.

17 *1625-16 Notice and Statement of Appeal 06-13-16*

18  
19  
20  
21  
22  
23  
24 <sup>1</sup> Appellant further reserves all constitutional and equitable arguments, respectfully recognizing that such  
25 exceed the Examiner's jurisdiction and review authority.



# City of Redmond Development Services Center

15670 NE 85th St, Redmond, WA 98073 • (425) 556-2473

## Permit & Inspection Record

**Permit Number: BLDG-2015-09804**

|   |                                   |
|---|-----------------------------------|
| <b>Permit Type:</b> Mixed Use   | <b>Issued:</b> May 31, 2016       |
| <b>Work Class:</b> New  | <b>Expires:</b> Nov 28, 2016      |
| <b>Project Name:</b> 162Ten   | <b>Valuation:</b> \$ 4,460,256.57 |
| <b>Site Address:</b> 16210 NE 80TH ST   | <b>Parcel Number:</b> 0225059057  |
| <b>Desc of Work:</b> MU NEW - 162TEN - 5 stories with elevator. 96 residential suites with retail frontage. 30 parking stalls. LEED Platinum Plus, with City's first Woonerf (Living Street). Live-Work artist community. |                                   |
| MU NEW - On grade parking Type IA (S-2 7,626 sq ft) 1 floor mixed use Type IA (B 827 sq ft, R-2 519 sq ft) below 4 levels   |                                   |
| Type VA (R-2 32,806 sq ft including exterior courtyards and roof deck). Total area of work is 41,778 sq ft  |                                   |
| <b>Lot Number:</b>  |                                   |
| <b>Lender:</b> Lender   | 555-555-1212                      |

|   |                      |              |
|---|----------------------|--------------|
| <b>Contractor:</b> NATURAL AND BUILT ENVIRONMENTS | 2025 ROSE POINT LANE | 425-828-4663 |
| robert@pantley.com                                | KIRKLAND, WA 98033   |              |

### Conditions (if any):

### Inspections:

The following inspections may be required for your permit. Please notify the City of an inspection request by midnight the day prior to date inspection is needed. This may be done by phoning the City's Inspection Request Line at 425-556-2435 or online (with pre-registration) at <https://land.redmond.gov>. The following inspection items are listed here for inspection request reference and have not yet been inspected for your project. Inspectors can assist you with any questions about inspections at 425-444-2425.

Using the IVR PIN # printed below, the following inspection numbers are required to be used when calling in for an inspection.  
IVR PIN #: 132868

- 636 BLDG Special Grading/Excavation/Filling
- 609 BLDG Reinforced Steel/Prestress
- 600 BLDG Concrete
- 660 BLDG Structural Observations
- 642 BLDG Expansion/Adhesive Anchors
- 612 BLDG Structural Welding
- 648 BLDG Special Cases
- 465 BLDG Other
- 400 BLDG Footings/Setback
- 405 BLDG Foundation Walls
- 410 BLDG Slab Insulation
- 415 BLDG Roof Nailing
- 420 BLDG Floor Framing
- 425 BLDG Exterior Shear Wall
- 470 BLDG Pre-Construction
- 500 CIV Footing Drains
- 510 CIV Downspouts/Drains
- 530 CIV External Fire Line System Tests

(Over)

Date Printed: May 31, 2016 9:24 am

EXHIBIT A



## EXHIBIT A

[illegible]

**Legend:**

AP=Approved

CN=Correction Required

COMP=Complete

DN=Denied

INR=Inspection Not Required

NR=Not Ready

PA=Partial Approval

REV=Revision

ST=Stop Work

*For residential building permits only, final inspection allows homeowner to occupy. Certificate of Occupancy will be mailed to owner.*

## EXHIBIT A

478 BLDG Moisture Proofing Letter  
427 BLDG Fire Safing  
430 BLDG Framing  
431 BLDG Glazing  
435 BLDG Wall/Vault Insulation  
437 BLDG Venting/VIAQ  
440 BLDG Interior Shear/Rated Wall Nail  
441 BLDG Sheetrock Nailing  
445 BLDG Ceiling/Floor Insulation  
450 BLDG Ceiling Grid  
790 FIRE Approval  
900 PLNG Approval  
920 CIV Approval  
950 CIV Engineering Manager Approval  
455 BLDG Final

(Over)

Date Printed: May 31, 2016 9:24 am



Natural and Built Environments, LLC  
450 Central Way, Suite 3000  
Kirkland, WA 98033

Lake Washington School District  
P.O. Box 97039  
Redmond, WA 98073-9739

June 10, 2016

Dear David,

Out of our over 400 residential suites, we typically have 0 or 1 K-12 students in residence. Currently, we have one student in the residential suites in our Arete community. There are no other K-12 students in the rest of our residential suites (Tudor Manor, Emerald 10, Sedona, and Vision 5).

The table below reflects the total count of K-12 students who have resided in our residential suite communities since February of 2013.

| Project      | Certificate of Occupancy | Total # K-12 Students | Total Length Of Stays (Years) | MF Impact Fees (based on # kitchens) |
|--------------|--------------------------|-----------------------|-------------------------------|--------------------------------------|
| Tudor Manor  | 6/9/2011                 | 0                     | 0                             | 9                                    |
| Emerald 10   | 9/26/2012                | 0                     | 0                             | 5                                    |
| Vision 5     | 7/8/2013                 | 1                     | 1                             | 8                                    |
| Sedona       | 12/11/2014               | 0                     | 0                             | 10                                   |
| Arete        | 9/4/2015                 | 2                     | 1                             | 14                                   |
| <b>Total</b> |                          | <b>3</b>              | <b>2</b>                      | <b>46</b>                            |

Sincerely,

Natural and Built Environments, LLC  
Muse MGMT, LLC  
Angela Rozmyn, LEED AP  
Director of Sustainable Development  
450 Central Way, Suite 3000  
Kirkland, WA 98033  
angela@pantley.com  
(425) 765-4037