

Notice of Appeal of Final Waterfront LID Assessment Recommendation.
Final Waterfront LID No. 6751
Hearing Examiner Case No. CWF-0227
Parcel Owners: John A. Bates and Carolyn Corvi
King County Parcel No. 2538830420
Address: 1521 Second Avenue, Apt. 1501, Seattle, WA 98101

We, John A. Bates and Carolyn Corvi, owners of the condominium property located at 1521 2nd Avenue, Apt 1501, Seattle WA, 98101 (Parcel No. 2538830420), objected to the Final Assessment for our parcel and now submit this appeal of the Recommendations of the Hearing Examiner regarding Waterfront LID No. 6751 Case No. CWF-0227 pursuant to:

SMC 20.04.090.C

Any finding, recommendation, or decision of the Hearing Examiner, or officer designated by the City Council to conduct a hearing pursuant to RCW 35.44.070 and RCW 35.44.080, shall be subject to appeal to the City Council, which may direct that the appeal shall be heard by a committee thereof.

However, we are not able to follow the instructions pursuant to:

SMC 20.04.110 - Appeal to City Council.

In the event of an appeal to the City Council or a committee thereof the notice of appeal shall cite by page and line and quote verbatim that portion or portions of the findings, recommendations and decisions of the Hearing Examiner or officer from which the appeal is taken. The notice of appeal shall also include a concise statement of the basis therefor and in the event that appellant deems the references on the findings, recommendations and decisions inadequate, a reference by metered index numbers to the places in the electronically prepared record of the hearing where the pertinent material may be found. The notice of appeal shall also designate by name or title and by sub number the items or exhibits in the record to which reference will be made in argument or comment before the City Council or committee. Preparation of a written verbatim transcript of all or any designated part of the hearing shall be at the appellant's initiative and expense, but shall not be required unless within five (5) working days after the filing of a notice of appeal the City Council or designated committee thereof so notifies the appellant, who in no event shall be required to pay the cost of any portion of a verbatim transcript not pertinent to appellant's own appeal.

Because the City has not provided “metered index numbers”, therefore our appeal cannot reference them. However, as part of the prehearing conference, we recommend that the Public Works committee secure and provide appellants with such a record, so that the appeals can then be supplemented with that additional information, so as to make the Committee’s consideration of each individual appeal more efficient and fair. Instead page numbers of attached exhibits are referenced.

We request and demand an appeal hearing with the City Council

We appeal from the following portions of the Final Waterfront LID Assessment Findings and Recommendation of the Hearing Examiner:

Page 60 of the Recommendation document states:

CWF-0227 (2538830420) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection includes these issues in the same summary form as many other objections but does include much more additional argument. Regardless of the amount of argument for the points raised by the Objector, the objection raises these issues without adequate supporting quantitative analysis demonstrating that the City valuation is inaccurate or that there will be no special benefit. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

The Hearing Examiner (HE) failed to consider my argument likely because of the volume and complexity of the entire LID documentation and hearing process. This is clearly erroneous and that we did provide exhibits and statements of fact. See attachment "LID Objection".

Just because one condo building with 58 objectors has common issues and common goals, it's no reason for the HE to conclude that "The objection includes these issues in the same summary form as many other objections but does include much more additional argument".

The comments, exhibits and evidence in our objections represent what condo owners believe is wrong with the LID and the special benefit

assessment. We believe it was the correct evidence to prove what is happening in the downtown core, our condo value, our benefit from the "park" and increased property taxes for the last 6 or 7 years.

Obviously, it was very hard to predict what testimony or evidence the city would produce at the hearing and how the HE will manage the discussion. It was extremely difficult to follow the questions, answers and discussion on Zoom.

It now appears our evidence, exhibits and goals did not match the HE's requirements; "Regardless of the amount of argument for the points raised by the Objector, the objection raises these issues without adequate supporting quantitative analysis demonstrating that the City valuation is inaccurate or that there will be no special benefit".

Unfortunately, our experience on appeals with the HE has been less than satisfactory. After data, exhibits, expert testimony, and being quoted out of context "on the record", it was very disappointing in the end. The HE just said "I believe what the city employees said, so I can't dispute their decisions".
