#### **FILED**

5:01 pm, Mon, September 21, 2020

OFFICE OF THE CITY CLERK

From: Julie Biniasz

To: City Clerk Filing

Cc: Blaine Weber

Subject: Waterfront LID Appeal

**Date:** Monday, September 21, 2020 4:58:05 PM

Attachments: <u>image001.png</u>

**CAUTION: External Email** 

Hello City Clerk,

## Message:

Attached are our notice of Appeal and Exhibits for

Notice of Appeal

Waterfront LID No. 6751

Hearing Examiner Case No. CWF-0236

Property Owners: Julie Biniasz and Blaine Weber [Note: Hearing Examiner mistakenly listed

Mr. Weber's last name as "Webster"]

Parcel Number 2538830060

Address: 1521 Second Avenue, Apt. 700 Seattle, WA 98101

Please confirm that your office has received this and if there is anything else you need or anyone else I need to serve in order to perfect this appeal.

Thank you,

Julie Biniasz and Blaine Weber

We, Julie Marie Biniasz-Weber and Blaine Weber, owners of the condominium property located at 1521 2nd Avenue, Apt 700, Seattle WA, 98101 (Parcel No. 2538830060), 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-0097. 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.

The City of Seattle 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:

- 1. The City of Seattle and its appraiser has failed to demonstrate how we benefit from the six improvements to be funded by the LID, as most of the improvements are a great distance from our condominium building, and in fact for the most part greater than four blocks away.
- 2. We were wrongfully denied the ability to cross examine Robert McCauley of ABS, in spite of substantive lay evidence. In particular, we need to see how Mr. McCauley determines our "value life" to be so much higher that other projects in the vicinity. Additionally, Mr. McCauley's analysis
- 3. The Special Benefit Allocation for our unit is not "roughly proportionate", in fact it is shockingly disproportionate and heavily biased. Our assessment of nearly \$25,000, when compared to other nearby residential towers is unfair and unreasonable.
- 4. The LID improvement boundaries further exacerbate the disproportion, for example, most of the Pike-Pine improvements occur east of the I-5 Freeway, where the LID boundary exempts many parcels that directly benefit.
- 5. The LID assessment does not include many projects currently under construction or in for permits this further exacerbates the disproportionate allocation of assessments.
- 6. The Special Benefit Allocation for our unit does not consider detrimental aspects of the LID improvements.

Thank you,
Julie Biniasz and Blaine Weber

Julie Biniasz | Founding Broker



Julie Biniasz | Senior Global Real Estate Advisor Founding Member Realogics Sotheby's International Realty Founding Member Citrone-Partners 2715 First Avenue, Seattle 98121

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