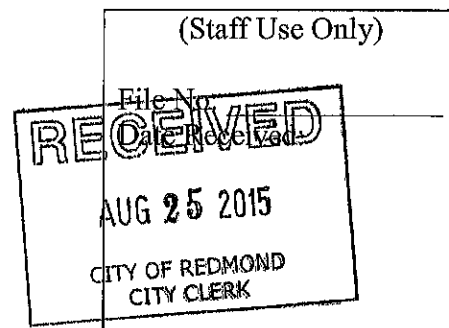




CITY OF REDMOND
APPEAL APPLICATION FORM



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

Physical Address:
City Hall, 3rd Floor
15670 NE 85th Street
Redmond, WA 98052

Phone: 425-556-2191
Fax: 425-556-2198
Email: 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: Berkshire Home Builders LLC
Address: 14410 Bel Red Road
City: Bellevue State: WA Zip: 98007 Email: jamib@murrayfranklyn.com
Phone: (home) 425.644.2323 (work) 425.649.8139 (cell) 253.347.5331

What is your relationship to the project?

Interested Citizen Project Applicant Government Agency



CITY OF REDMOND
APPEAL APPLICATION FORM

(Staff Use Only)

File No: _____
Date Received: _____

Name of project that is being appealed: Wang Short Plat
File number of project that is being appealed: LAND-2015-00271
Date of decision on project you are appealing: August 14, 2015
Expiration date of appeal period: August 28, 2015

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.)

Appellant Berkshire Home Builders LLC ("Berkshire") is a Washington limited liability company that owns the property that is the subject of the short subdivision at issue in this appeal. Berkshire, through its authorized agent The BlueLine Group, is also the applicant for the short subdivision at issue in this appeal. Berkshire is represented in this appeal by its company counsel Jami Balint.

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):

Appellant is adversely affected by the decision because, as the applicant, appellant is required to spend substantial sum of money, and the project will experience delays, to improve pre-existing deficiencies along 134th Ave NE.



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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):

The City erred in determining there is not a safe route for children walking from the project to the Rose Hill Middle School. Children can access Rose Hill by walking west along 134th to 132nd Ave. NE, then south along 132nd to 75th, a route that is only approximately one half of one mile. All streets along this route have sidewalks. The City erred in determining portions of 134th Ave NE do not provide safe walking conditions for students or pedestrians and in imposing condition of approval A.1.g (requiring an interim walkway along 134th Avenue NE). The applicable decision criteria, RCW58.17, and 21.74.020(1) requires the city to establish the improvements are necessary for public safety, which the City has not done. An alternative route with sidewalks exists and the conditions on 134th Avenue NE, a flat and straight road with sufficient shoulder width, are adequate for pedestrian safety. The requirement for safe walking conditions does not necessitate sidewalks in every instance, and in this case sidewalks are not necessary. The City also erred in determining RZC 21.52.030 and 21.54.010(F) provide authority for the condition. The cited code provisions do not provide authority to require improvements to offsite streets with preexisting deficiencies absent a finding that the improvements are necessary as a direct result of the proposed development, and even then the applicant can only be required to pay its proportionate share of the necessary improvement. The City erred by requiring the applicant to fully fund improvements to remedy pre-existing deficiencies in off-site streets, and by imposing a condition that isn't proportionate to impacts.

3. Please state the specific relief requested (attach additional sheets as necessary):
Appellant respectfully requests the Hearing Examiner to modify the approval of the short subdivision by eliminating condition of approval 1.g.

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):



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APPEAL APPLICATION FORM

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File No: _____
Date Received:

Standing to Appeal

TECHNICAL COMMITTEE DECISIONS

For appeals of a Technical Committee Decision on a Type I or II permit, the project applicant 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 must be received by the City of Redmond's Office of the Hearing Examiner no later than 5:00pm on the 14th calendar day following the date of the decision by the Department.

HEARING EXAMINER DECISION ON APPEALS OF TECHNICAL COMMITTEE DECISIONS

For appeals of a Hearing Examiner Decision on an Appeal of a Technical Committee Decision, the project applicant, any person who participated in the public hearing as provided in RZC 21.76.060, or the City may appeal.

HEARING EXAMINER DECISIONS

For appeals of a Hearing Examiner Decision, the project applicant, any person who participated in the public hearing as provided for in RZC 21.76.060, or the City may appeal.