



CITY OF REDMOND
APPEAL APPLICATION FORM

(Staff Use Only)

File No: _____
Date Received: _____

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

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: Anjuman e Burhani

Address: C/O Tupper Mack Wells, PLLC 2025 1st Avenue, Suite 1100

City: Seattle State: WA Zip: 98121 Email: _____

doll@tmw-law.com; mack@tmw-law.com Phone: (home) _____ (work) _____

(206) 493-2300 (cell)

What is your relationship to the project?

- Interested Citizen Project Applicant Government Agency



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File No: _____
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Name of project that is being appealed: Amen. to Comp. P. & Zoning Code Re Non-Res. & OBAT Overlay

File number of project that is being appealed: SEPA-2015-02323

Date of decision on project you are appealing: 12/28/2015

Expiration date of appeal period: 1/26/2016

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 attachment for Anjuman e Burhani's response to this request.

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):

_Please see attachment for Anjuman e Burhani's response to this request._____



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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):

___ Please see attachment for Anjuman e Burhani's response to this request. _____

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

___ Please see attachment for Anjuman e Burhani's response to this request. _____

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 attachment for Anjuman e Burhani's response to this request. _____



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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.

Section A. Standing

The catalyst for the Comprehensive Plan and zoning code amendments, proposed by Mr. Eugene Zakhareyev, for which the City of Redmond (“City”) has issued a Determination of Non-Significance was an application by Anjuman e Burhani (AEB) for site plan entitlement for a mosque. AEB is a community of Redmond residents, employers, and employees who pooled their life savings to purchase a run-down property. This property, located at 15252 NE 51st St in Redmond, is zoned R-5 and adjacent to the OBAT Height Overlay.

City staff determined that AEB’s proposal is consistent with the City’s design standards and zoning code. The City has specifically determined that the project is compatible with the residential zone in which it is proposed. AEB is preparing an application for a building permit.

At various public meetings on the proposed AEB mosque, Mr. Zakhareyev expressed his opposition to site plan approval. Mr. Zakhareyev thereafter filed an application for the comprehensive plan amendments. The City has determined that these amendments would require all non-residential uses within Residential zones to obtain a Conditional Use Permit. In addition, the amendments proposed by Mr. Zakhareyev would require the extension of the OBAT Height Limit Overlay by an additional 300 feet into adjacent residential zones.

Comments from AEB on the Determination of Non-Significance (“DNS”) for Project File Number LAND-2015-02261, titled Amendment to Comprehensive Plan and Zoning Code Regarding Non-Residential Uses in Residential Zones and to Extend the Overlake Business and Advanced Technology Zone (OBAT) Height Limit Overlay, were submitted by phone to the City of Redmond (hereafter “Plan and Zoning Amendments” or “Amendments”) on 1/11/2016.

The City’s DNS harms AEB’s members (and City residents generally) because it fails to comply with the policies and requirements of the State Environmental Policy Act (SEPA) and its implementing regulations, and fails to comply with the City of Redmond’s SEPA policies. Specific unanalyzed harms associated with the proposal include increased traffic, reduced parking, air pollution, greenhouse gas emissions, and demands on transportation associated with discouraging compatible non-residential uses from locating in residential areas and concentrating those uses in limited areas located away from urban areas. In addition, the City has failed to analyze the cumulative impacts of the Plan and Zoning Amendments and the other proposals in the 2015-2016 Comprehensive Plan Amendment docket.

Section B. Basis for Appeal

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

AEB members are residents of the City of Redmond and work in the City. The impacts described herein will be detrimental to all City residents, including AEB’s members. The Plan and Zoning Amendments would require all non-residential uses within Residential zones to obtain a Conditional Use Permit. Examples of affected uses include bed and breakfasts,

transportation facilities, satellite dishes, radio towers, local utilities, indoor recreational facilities, parks, day care facilities, religious institutions like churches and mosques, agriculture production, produce stands, home businesses, and piers or other water-oriented accessory structures. In addition, the Amendments would require the extension of the OBAT Height Limit Overlay by an additional 300 feet into adjacent residential zones.

These Amendments will discourage siting otherwise compatible non-residential uses in residential zones. The resulting concentration of uses in the limited remaining areas in which they are permitted outright will increase traffic, parking, air pollution, greenhouse gas emissions, and demands on transportation.

In addition, the City has failed to analyze the cumulative impacts of the Plan and Zoning Amendments along with other potential Comprehensive Plan and Zoning Code amendments under consideration by the City. Without this cumulative impacts analysis, the City cannot meet its obligation to properly analyze the proposal's environmental impacts.

Subsection 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):

1. The City issued the DNS without following the decision-making requirements for incorporating environmental considerations and information into its decision, thereby violating RCW 43.21C.030, WAC 197-11-050(2), WAC 197-11-060, WAC 197-11-100, WAC 197-11-310, WAC 197-11-315, WAC 197-11-330, and WAC 197-11-335.
2. The City acted unlawfully and unreasonably in failing to analyze or disclose interjurisdictional impacts of the Plan and Zoning Amendments as described in WAC 365-196-620(4).
3. The City acted unlawfully and unreasonably in failing to analyze the environmental impacts of the various Comprehensive Plan and zoning code amendments "together as one action under SEPA so that the cumulative effect of various proposals can be evaluated together" as provided in WAC 365-196-620(3)(d) and under SEPA's provision for proposals that are similar or closely related under WAC 197-11-060 and timely evaluation of impacts under WAC 197-11-050(2).
4. The DNS and the Checklist do not adequately disclose or discuss the Plan and Zoning Amendments' traffic impacts, including but not limited to impacts to traffic patterns, parking, and levels of service in violation of SEPA, chapter 43.21C RCW and the SEPA Rules, chapter 197-11 WAC.
5. The DNS and Checklist do not adequately disclose or discuss the impacts of the Plan and Zoning Amendments on air quality in violation of SEPA, chapter 43.21C RCW and the SEPA Rules, chapter 197-11 WAC.
6. The DNS and Checklist do not adequately disclose or discuss the impacts of the Plan and Zoning Amendments on greenhouse gas emissions in violation of SEPA, chapter 43.21C RCW and the SEPA Rules, chapter 197-11 WAC.

7. The DNS and Checklist do not adequately disclose or discuss the impacts of the Plan and Zoning Amendments on public transportation in violation of SEPA, chapter 43.21C RCW and the SEPA Rules, chapter 197-11 WAC.
8. The DNS and Checklist do not adequately disclose or discuss the impacts of the Plan and Zoning Amendments on public utilities in violation of SEPA, chapter 43.21C RCW and the SEPA Rules, chapter 197-11 WAC.
9. The DNS and Checklist do not adequately disclose or discuss the impacts of the Plan and Zoning Amendments on water quality caused by concentrating uses in limited areas.
10. The DNS and the Checklist do not adequately disclose or discuss or require appropriate mitigation to avoid significant adverse impacts in violation of SEPA, chapter 43.21C RCW and the SEPA Rules, chapter 197-11 WAC.
11. The DNS and the Checklist do not adequately disclose or discuss likely construction-related impacts to businesses locating in remaining areas where the uses affected by the Plan and Zoning Amendments will locate in violation of SEPA, chapter 43.21C RCW and the SEPA Rules, chapter 197-11 WAC.
12. The DNS and the Checklist violate SEPA and the City's SEPA regulations by not adequately disclosing or discussing the Plan and Zoning Amendments' inconsistencies with the City's Comprehensive Plan, neighborhood plans, Shoreline Plan, critical areas regulations, and other land use regulations.

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

The City should withdraw the DNS. The City should analyze Plan Amendment's environmental impacts and its consistency with the City's existing code and policies. The City should also analyze the Plan and Zoning Amendments alongside the rest of the 2015-2016 Comprehensive Plan docket.

Subsection 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:

The Hearing Examiner has not issued a decision, accordingly there are no findings of fact or conclusions of law being appealed. AEB is appealing the City's DNS. Accordingly, AEB is appealing the determination that the project will not have significant adverse environmental impacts.