



CITY OF REDMOND
APPEAL APPLICATION FORM

(Staff Use Only)

File No: _____

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DEVELOPMENT
SERVICES CENTER

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

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JAN 26 2016

OFFICE OF THE
HEARING EXAMINER

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: Susan Wilkins

Address: 18024 NE 99th Ct, Redmond, WA 98052

City: Redmond **State:** Washington **Zip:** 98052 **Email:** susanwi_1234@yahoo.com

Phone: (home) 425-558-3740

What is your relationship to the project?

X Interested Citizen



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File No: _____

Date Received: _____

Name of Project that is being appealed: DNS for Zakhareyev Comprehensive Plan Amendment

File Number of project that is being appealed: SEPA-2015-02323 / LAND-2015-02261

Date of decision on project you are appealing: December 28, 2015

Expiration date of appeal period: January 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 having standing to appeal.)

Response: The SEPA DNS for this project was issued on December 28, 2015 and I submitted comments on January 11, 2016. As an interested citizen who has been following this project, I am submitting my appeal by the January 26, 2016 deadline.

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):

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):

Response to 1 & 2:

As part of the 2015-2016 Comprehensive Plan and Zoning Code Amendment Process, Eugene Zakhareyev on behalf of Friends of Overlake Neighborhood Group submitted a request to the City of



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Redmond for two amendments. One amendment would alter the building heights in the neighborhoods that border the Overlake Business and Technical (OBAT) area. The other amendment would require Conditional Use Permits for all non-residential uses in residential neighborhoods.

The SEPA Checklist for the project was submitted on November 25, 2015 and the Determination of Non-significance (DNS) for the project was issued on December 28, 2015.

As part of the project review process, the Technical Committee can recommend approval or denial of the amendments to the Planning Commission. The Technical Committee recommended that both amendments be denied.

The Technical Committee issued a 44-page document on January 15, 2016.
This report had the heading:

Project File Number: LAND-2015-02261

Project Name: Amendment to the 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.

Related File Number: SEPA-2015-02323

Applicant: Friends of Overlake Neighborhood Group

Applicant's contact: Eugene Zakhareyev

Incorporated into their report was the recommendation that the Zoning Code would be amended to include the phrase *"A neighborhood meeting is required for a new use or a substantial improvement to an existing use that would increase the capacity for people to gather."* This phrase would be added to the Residential Land Use Tables for **Community Indoor Recreation**, for **Parks, open space, trails and gardens**, and for **Religious Institutions** in each corresponding sections in the Redmond Zoning Code RZC 21.08.020 through RZC 21.08.140. This amendment to the Zoning Code was not included in the Comprehensive Plan Amendments proposed by Zakhareyev or addressed in the associated SEPA-02323 Checklist/DNS.

Zoning code amendments are Type VI reviews that require a SEPA determination. The proposed Zoning Code amendment found in the January 15, 2016 Technical Report that recommends that the phrase *"A neighborhood meeting is required for a new use or a substantial improvement to an existing use that would increase the capacity for people to gather"* be added to the code will be considered in the Public Hearing by the Planning Commission that is scheduled for February 10, 2016. The above referenced Zoning Code amendment has not gone through the required review process.

The Zoning Code amendment that the Technical Committee proposes states: "A neighborhood meeting is required for a new use or a substantial improvement to an existing use that would increase the capacity for people to gather." This requirement would significantly affect the usage of parks, open space, trails and gardens. It also attempts to control citizens' behavior in its reference to looking to exercise control over an increase in the capacity for people to gather both recreationally and religiously. This amendment seems like an intrusive overstep of government and should be submitted for review by the public through the SEPA process before it is included in the Technical Report.

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

In light of the addition of the proposed Zoning Code amendment that will be addressed during the Zakhareyev Hearing on February 10, 2016, I am asking that one of the following actions be taken:

- the SEPA DNS for the Zakhareyev Amendment be withdrawn and reissued with the additional Zoning Code amendment information included for review.

OR

- a separate SEPA review process be initiated for the Zoning Code amendment that runs concurrently with the Zakhareyev Amendment process and gets reviewed at the same meeting with the Zakhareyev Amendment.

OR

- a separate SEPA review process be initiated for the proposed Zoning Code amendment that will be reviewed independently from the Zakhareyev Amendment. In this case, the Technical Report would need to be reissued as two separate reports, each dealing with the respective amendments.

Submitted by Susan Wilkins
January 26, 2016