

ATTACHMENT F

Jodi L. Daub

From: Sarah Stiteler
Sent: Wednesday, January 13, 2016 1:46 PM
To: Jodi L. Daub
Subject: FW: COMMENTS ON SEPA-2015-02323 Zakhareyev Comprehensive Plan Amendment

Jodi – for PC packet, please send 1) the response to Susan and 2) the comments she sent along with my response to Planning Commission.

Thanks,
Sarah

Susan,

Thank you for your comments on this application. I will forward your e-mail to the Planning Commission.

In response to your question regarding temporary uses: you are correct that short term temporary uses such as Christmas tree lots or temporary encampments are allowed in residential areas currently as Type I, administrative permits but with the proposed amendment they would require a Conditional Use Permit.

Please let me know if you have any additional questions.

Thanks,
Sarah

Sarah Stiteler, AICP, Senior Planner
City of Redmond
15670 NE 85th Street
Redmond, WA 98052
(425) 556-2469
ssiteler@redmond.gov

From: Susan Wilkins [mailto:susanwi_1234@yahoo.com]
Sent: Monday, January 11, 2016 1:49 PM
To: Sarah Stiteler
Subject: COMMENTS ON SEPA-2015-02323 Zakhareyev Comprehensive Plan Amendment

Comments on the State Environmental Policy Act Determination of Non-significance
for the Zakhareyev Comprehensive Plan Amendment
Project: SEPA-2015-02323

Dear Planning Commission Members,

The Friends of Overlake Neighborhood Group has proposed an amendment to the Redmond Comprehensive Plan that would require a Conditional Use Permit for all non-residential uses in Residential Zones.

The Redmond Zoning Code currently allows uses in residential zones for a number of non-residential uses. In my neighborhood, non-residential uses include a number of schools (RHS, RMS, Mann, Rockwell, Einstein and many preschools) as well as Hartman Park and the Redmond Pool. I am concerned that - under this new amendment - any modification to these properties would be require Conditional Use Permits. For example, playground replacements at the schools or restroom remodels at Hartman Park currently require a construction permit. Under this amendment, I believe that these improvements would require a Conditional Use Permit since they are non-residential uses.

Additionally, I am concerned that Temporary Use Permits that are currently issued for non-standard activities in residential areas would also fall under the terms of this amendment and each Temporary Use Permit would require a Conditional Use Permit. (I could be wrong on this interpretation - could this issue be clarified?)

Land Use Policy LU-30 in the Comprehensive Plan would have the following sentence appended to it:

To maintain the character of the residential areas and impose conditions for future compatibility, require a Conditional Use Permit for all non-residential uses in Residential zones.

The Zakhareyev amendment would apply to all residential neighborhoods in the entire city. It would add a layer of cost for all applications since Conditional Use Permits require a hearing before a hearing examiner. It would require additional time for each application. This amendment would be an undue burden and its overall effect should be carefully considered.

Please consider my comments when reviewing the approval of this amendment.

Sincerely,
Susan Wilkins
18024 NE 99th Ct
Redmond, WA 98052

Click [here](#) to report this email as spam.

Jodi L. Daub

From: Lori Peckol
Sent: Thursday, January 14, 2016 1:50 PM
To: doll@tmw-law.com
Cc: Sarah Stiteler; hozaifa@cassubhailaw.com
Subject: LAND-2015-02261; comments

Mr. Doll,

Thank you for your comments regarding this requested amendment. You may recall that in response to your earlier request to be treated as a party of record, I asked for your mailing address since that is what we need for all parties of record. When you provided it to Ms. Stiteler on January 13 of this week, we were able to fully respond to your request.

Best regards,

Lori

From: Brad Doll [<mailto:doll@tmw-law.com>]
Sent: Thursday, January 14, 2016 1:29 PM
To: Sarah Stiteler
Cc: Hozaifa Cassubhai
Subject: LAND-2015-02261; comments

Good afternoon Sarah,

Thank you for taking my call on January 11, 2016 regarding the proposed Redmond Comprehensive Plan Amendments designated LAND-2015-02261 and SEPA-2015-02323 (the "Plan Amendments"). As I relayed in our call and in a voicemail, I represent Anjuman-e-Burhani. During our call I reiterated the request earlier made to Ms. Peckol that I be treated as a party of record for notices concerning the Plan Amendments.

During our call you alerted me to the City's issuance of a DNS for the Plan Amendments. I had not received notice or a copy of the DNS. I downloaded a copy the City's DNS on January 11, 2016, following our call.

In response to the question you asked on January 11, 2016, regarding why Anjuman-e-Burhani might appeal the City's Determination of Non-significance, I relayed that Anjuman-e-Burhani has several concerns regarding the Plan Amendments. Those concerns include that the Plan Amendments are not consistent with the City's code, the GMA and the City's Comprehensive Plan. I also expressed that the Plan Amendments are unnecessary given the scope of the City's existing provisions for review of land use permit applications.

In addition, I relayed to you that Anjuman-e-Burhani is concerned that the Plan Amendments are intended to discriminate against Anjuman-e-Burhani and prevent the construction of a mosque on property currently zoned residential but just outside the current OBAT boundaries. I also commented that Anjuman-e-Burhani believes the adoption of the Plan Amendments would violate the state and federal constitutions' protections for religious freedom.

Thank you for receiving these comments by phone on the Plan Amendments and the City's SEPA determination.

Best regards,

Brad

Bradford Doll
Tupper|Mack|Wells PLLC
2025 First Avenue | Suite 1100 | Seattle, WA 98121
206.493.2300 | 206.493.2310 (fax)
doll@tmw-law.com
www.tmw-law.com

Click [here](#) to report this email as spam.

Tupper|Mack|Wells PLLC

2025 First Avenue, Suite 1100
Seattle, WA 98121
Phone (206) 493-2300
Fax 493-2310

BRADFORD DOLL
Direct (206) 493-2324
doll@tmw-law.com

February 5, 2016

Via Electronic Mail

Lori Peckol
Planning Manager
City of Redmond Planning Department
lpeckol@redmond.gov

City of Redmond Planning Commission
planningcommission@redmond.gov

Re: Proposed Comprehensive Plan Amendment; LAND-2015-02261;
Revisions to Comprehensive Plan policies LU-30, OV-77 and Map 12.7

Dear Ms. Peckol and members of the Planning Commission:

On behalf of Anjuman-e-Burhani, we respectfully request that the Planning Commission and City Council reject the revisions proposed by Mr. Eugene Zakhareyev to Redmond Comprehensive Plan policies LU-30 and OV-77 and Map 12.7 (the "Amendments").

Redmond's Community Vision Statement describes Redmond as a place "treasured" for its "welcoming atmosphere" and "diversity."¹ The City endeavors to adopt policies and regulations that treat "property owners fairly" and allow "reasonable economic use for all properties" while requiring "predictability" in permit decisions.² As described herein, adoption of the Amendments would violate local, state, and federal law and undercut the City's goals for fairness, predictability, and diversity.

Anjuman-e-Burhani is a small religious community of local residents and employees, many of whom work for Redmond's technology companies like Microsoft. In 2010, individual members devoted their personal savings to fund the purchase of a dilapidated property and design a Code-compliant mosque. This property, located at 15252 NE 51st St in Redmond (across SR-520 from the OBAT Height Overlay zone), is zoned R-5. Prior to purchasing the property, Anjuman-e-Burhani members consulted with City staff concerning

¹ Redmond Comprehensive Plan, Community Vision Statement, at 2-3. Likewise, Redmond's Community Framework goals promise "a community that is welcoming" and "characterized by diversity . . ."

² Redmond Comprehensive Plan Policy FW-3.

their intended use and were explicitly assured that a mosque in this location with a limited membership was code-compliant (the “Proposal”).

The Amendments arise out of Mr. Zakhareyev’s targeted opposition to the Proposal. Mr. Zakhareyev lives across the street from, and is a vocal opponent of, the Proposal’s planned location.³ Mr. Zakhareyev has authored blog postings and testified at public hearings against the Proposal. Mr. Zakhareyev proposed the Amendments shortly after Anjuman-e-Burhani announced the Proposal.⁴ The City should acknowledge the Amendments for what they are: an attempt to discourage members of the Redmond community—including Anjuman-e-Burhani—from establishing churches and places for religious worship in Redmond. Ignoring this apparent motive would conflict with the City’s longstanding support for religious and ethnic diversity.

Changing the rules applicable to a project of this kind would also send the wrong message to Redmond’s businesses and property owners. Anjuman-e-Burhani invested its members’ private assets in clearing a decades-old dump site. It then sought and responded to public comments on the Proposal’s design. Since filing its Site Entitlement application in 2013, Anjuman-e-Burhani voluntarily held an open house at the site and fielded questions at two additional public meetings. It also redesigned the project in response to Design Review Board and public comments. The Amendments would punish Anjuman’s members for their extensive efforts to respond to comments.

Most importantly, the Amendments are simply unwarranted against the backdrop of Redmond’s ample existing protections for residential zones—as pointed out in the City of Redmond’s Technical Committee Report.

I. The Planning Commission Must Recommend Denial of the Proposal Because the Amendments Do Not Meet City Criteria For Plan Amendments.

Proposed Comprehensive Plan Map Amendments must be reviewed by the Planning Commission and City Council pursuant to “amendment criteria.”⁵ If a proposal does not comply “with the applicable decision criteria in RZC 21.76.070” the Planning Commission

³ See, for example, Mr. Zakhareyev’s March 2014 blog posting encouraging opposition to the Anjuman-e-Burhani Mosque. Attach. A. The original is available here: http://redmondcity.blogspot.com/2014/03/letter-land-use-action-for-new-mosque_28.html. The e-mail address provided by Mr. Zakhareyev on his application for the Amendments lists his e-mail address as moston051@gmail.com. This is the same e-mail address associated with the owner of the Mosque on 51st blog: <http://mosqueon51st.blogspot.com/>

⁴ The City assigned file number LAND-2013-00171 to the Anjuman-e-Burhani Mosque application.

⁵ RZC 21.76.070(F)(5)(a)–(h).

The City’s zoning code requires that a Technical Committee recommendation on a Type VI Review “shall be based on the decision criteria for the application set forth in the RZC” RZC 27.76.060(F). The Technical Committee Report fails to address the criteria for changing a Plan Map.

“shall recommend denial.”⁶ Appropriate amendments are those that bear “a substantial relation to the public health and safety”, are warranted based on “changed circumstances” or respond to “a mistake”.

The applicant has not justified the Amendments under these criteria. Mr. Zakhareyev claims the Amendments will protect “established residential neighborhood quality of life”; clarify “the purposes of the comprehensive plan and [enhancing] the unique character of the residential neighborhoods at the edges of OBAT area”; and promote “compatibility on the edges of zones that allow more intense uses than [sic] abutting zones and to minimize adverse impacts such as glare.”⁷ The applicant has not described a public health or safety issue, changed circumstances arising after the City’s adoption of its residential zoning code, or a mistake in the current City Plan.

The Amendments cannot be justified under the City’s criteria because the City’s Plan and codes already ensure compatibility between religious institutions and residential uses:

- Churches, temples, synagogues, and other places of worship are scrutinized with regard to parking, signage, size, height, traffic, design, location, setbacks, lot size, lot coverage, and lighting.⁸ Traffic, for example, is addressed through preparation of a Traffic Mitigation Plan, which is subject to City review and comment. Also, the City enforces its code to mitigate impacts on adjoining land uses.⁹
- The City’s code provides for 20-foot setbacks from all property lines, a 30-foot building height limit, and a maximum height limit of 50 feet for certain exempt religious facilities.¹⁰ The City’s code further provides that in the event of conflicts between the City’s design standards and the zoning code, the zoning code supersedes the City’s design standards.¹¹
- Religious institutions with fewer than 250 seats, like the Proposal, are subject to review under the Site Entitlement Process. This process includes review by the Design Review Board, public notice, environmental review, and the potential for one or more public meetings.

⁶ RZC 21.76.060(L)(3).

⁷ Attach. C at 37.

⁸ RCZ 21.08.280.

⁹ Tech. Comm. Rpt. at 10.

¹⁰ The City’s height limit may increase for religious structures such as minarets or bell towers when an increased setback is provided. For the Anjuman-e-Burhani Mosque, this translates to a setback of 75’ for the portion of the building with a minaret which has a height of 46’ from the average grade.

¹¹ RZC 21.58.020D.

- The 250 “seat” cap on capacity for religious facilities permitted outright in residential zones further ensures compatibility with adjacent land uses by limiting future intensity of use.

In light of the existing stringent review process, development limitations, and the record which does not reflect impacts on residential property owners from non-residential uses, there is no justification for the Amendments.

Moreover, adopting the Amendments would violate the City’s criteria for Comprehensive Plan revisions.¹² First, the Amendments would significantly reduce the value of the Anjuman-e-Burhani property and deprive Anjuman-e-Burhani’s members of their personal investment in the design of this place of worship. The Amendments are, accordingly, materially detrimental to “uses or property in the immediate vicinity.”¹³

Also, Plan amendments should be consistent “with [the] preferred growth and development pattern in Section B of the Land Use Element of the Comprehensive Plan”.¹⁴ But in this instance the Amendments actually require the City to modify a Land Use General Policy described in Section B: LU-30. Under LU-30, religious facilities are allowed in residential zones. The fact that the City must change a core element of its “preferred growth and development pattern” in order to adopt the Amendments is proof this criteria is not met.

Additional examples of inconsistency between the Amendments and the GMA, City Plan policies, and preferred growth and development patterns are described below, but incorporated here by reference.

II. The Proposed Amendments Violate the City Code, Growth Management Act, and City Plan.

The Amendments violate several GMA Goals, including the prohibition on “arbitrary and discriminatory actions.” RCW 36.70A.020(6). Mr. Zakhareyev’s vague justification for the Amendments, their timing relative to Anjuman-e-Burhani’s project, and the applicant’s public history in opposition to the mosque indicate a discriminatory intent. The fact that the proposed OBAT Overlay extends just far enough to reach the Anjuman-e-Burhani property further indicates the Amendments are targeted and discriminatory.

The Amendments are also inconsistent with the GMA’s urban growth and sprawl goals.¹⁵ City staff acknowledge the conditional use review could discourage non-residential uses in residential areas.¹⁶ This would, in turn, encourage sprawl and traffic as business and facilities locate in commercial and mixed use areas. The City’s Technical Committee points

¹² RZC 27.76.070(FF)(5)(a); RZC 27.76.070(J)(3).

¹³ RZC 27.76.070(FF)(5)(e).

¹⁴ RZC 27.76.070(J)(3)(c).

¹⁵ RCW 36.70A.020(1), (2).

¹⁶ Tech. Comm. Rpt. at 3, 13, 14.

out that the Amendments would also conflict with GMA Goal number 7: ensuring timely, fair, and predictable review.¹⁷

The Amendments would also violate the GMA's internal consistency requirements. The City has proposed revising two policies in the event the Amendments are approved. This would not, however, resolve newly-created conflicts. For example, the Amendments would create new conflicts between the revised boundaries of the OBAT zone and adjacent zones. The City has not proposed revisions to other components of its Comprehensive Plan and development regulations that would be necessary as a result of this change to the OBAT Overlay. Moreover, extending the OBAT Overlay into single-family residential areas is not consistent with the City's described purpose for the Overlay.¹⁸

The Amendments would also create internal inconsistency between the revised Plan Policies and current Plan Policies including FW-3, FW-22, FW-45, LU-26, LU-11, LU-14, LU-26, FW-3, LU-4, CC-15, and LU-5. The Amendments are also inconsistent with Redmond's Community Vision Statement and Redmond's Community Framework, which describe Redmond as a welcoming and diverse community."¹⁹

The City has also not reviewed the proposed Amendments in light of other Plan amendments the City is considering. GMA regulations state that Comprehensive Plan amendments should generally be considered together as one action under the State Environmental Policy Act ("SEPA") so that the cumulative effect of various proposals can be evaluated together, consistent with RCW 36.70A.130 (2)(b).²⁰ This rule echoes City Plan Policy PI-14, which requires the City to establish a docket of proposed amendments so the City can "better evaluate their cumulative impact."

The City has not evaluated the cumulative effect of the various proposal. For purposes of the GMA, the City Ordinance No. 2805 found only that the amendments are "potentially compliant with one another and with the Growth Management Act." The City has not looked cumulatively at the docket for SEPA purposes. The City should consider rescinding the Determination of Non-Significance and re-scheduling consideration of the Amendments until the full slate of Plan Amendments are evaluated together.

III. The Amendments Violate the State and Federal Constitutions

The Amendments violate various provisions of the state and federal constitutions, including provisions providing for substantive due process, equal protection, and freedom of religion. For example, the Washington Constitution guarantees that "no one shall be molested or disturbed in person or property on account of religion." Article 1, § 11. When

¹⁷ Tech. Comm. Rpt. at 13.

¹⁸ RZC 21.12.180.

¹⁹ Redmond Comp. Plan at 2-3; Redmond Plan Policy FW-45.

²⁰ WAC 365-196-650(3)(d).

the coercive effect of an enactment operates against a party's practice of religion, it unduly burdens the constitutional freedom to exercise religious rights. When governmental action has a coercive effect, the government has the burden to show that the means chosen to enforce the government interest were necessary and the least restrictive available to achieve the ends sought.

Current City code acknowledges that religious facilities typically include "separate structures on-site, such as bell towers, crosses, statuary, or other symbolic religious icons" ²¹ These structures are integral components of the religious facility, and necessary to achieve its purpose.

The City currently regulates impacts associated with religious facilities without prohibiting these structures. Special Regulations applicable to religious institutions mitigate impacts on adjoining uses while allowing a wide range of possible locations for religious assembly. ²² These include restrictions on traffic, parking, and height. The City code also imposes heightened public notice and review requirements based on a facility's seating capacity.

The Amendments would revise these existing regulations without any reasonable argument that current regulations are insufficient. *See, e.g.*, Tech. Comm. Rpt. at 9 ("non-residential uses currently permitted within Residential zones do no warrant a CUP/Type IV review"); 10 (City "has sufficient code authority to condition and enforce for" impacts of small religious institutions). The Technical Committee does not recommend adoption of the Amendments, only the addition of a requirement to hold a single public meeting.

The Amendments do not serve any public health or safety purpose. Moreover, the Amendments are not the least restrictive way to address Mr. Zakhareyev's purported goals. Also, the Amendments would impose an enormous financial burden on Anjuman-e-Burhani. Under these facts, the City does not have a compelling interest in the Amendments as applied to religious institutions.

IV. The City Has Not Complied With Its Code in Evaluating and Describing the Proposed Amendments.

City code requires that changes to the City's zoning maps must follow consideration of "amendment criteria."²³ Those amendment criteria apply here, because the Amendments

²¹ RZC 21.08.280(C)(6).

²² RZC 21.08.280(A).

²³ RZC 21.76.070(FF) (5).

include changes to the OBAT Overlay.²⁴ The Technical Committee Report does not acknowledge the applicability of these criteria or discuss the amendment criteria.

The City should also review the Amendments pursuant to RZC 21.76.070(J)(3), which apply to all Plan amendments. For example, the City should evaluate the impact of the Amendments on the capacity to meet “other needed land uses”.²⁵ The Amendments would leave religious facilities as a use permitted outright only in certain mixed use and commercial zones. Likely consequences include a loss in capacity in those zones.²⁶ At the same time, as City staff noted, the height requirements for some uses may effectively preclude them from being sited in Redmond’s residential neighborhoods.²⁷

Moreover, the City has not analyzed whether the Amendments are consistent with all applicable local, state, and federal laws and with the City’s vision, policies, and adopted functional plans. Nor has the City analyzed whether the Amendment should have been addressed as part of a periodic update or neighborhood plan update. As described herein, the Amendments conflict with various provisions of the GMA, the City’s Plan, and its development regulations.

V. Conclusion

The Amendments are intended to preclude a religious community from establishing a lawful use after years of effort. The Amendments are unjustified given the City’s current Code and Plan policies. Moreover, the Amendments would violate the GMA and the Washington and federal constitutions. Worse still, the Amendments would suggest to residents, businesses, and employees within Redmond that Redmond does not welcome religious diversity and does not value predictability in land use planning.

For all of these reasons, the Planning Commission and City Council should reject the proposed Amendments outright or, at a minimum, defer their consideration until after a meaningful public review and comment period. Thank you for considering these comments.

²⁴ The location of the OBAT Overlay is depicted in City Plan Map 12.7, titled “Overlake Business and Advanced Technology (OBAT) Height Limits”, Attachment B, and the City’s Zoning Map, available at <http://www.redmond.gov/common/pages/UserFile.aspx?fileId=62763>.

²⁵ RZC 27.76.060(J)(3)(g).

²⁶ *See, e.g.*, Technical Committee Report at 14 (“The applicant’s proposed amendments could interfere with the provision of land uses and services . . . resulting in fewer potential places for non-residential uses such as religious institutions and communication infrastructure to locate due to additional height limits.”).

²⁷ Technical Committee Report at 13 (The Amendments “would also likely have adverse impacts on the opportunities for religious institutions and communication and utility uses to locate in residential zones since these uses tend to include features that exceed the height of single family homes.”).

Ms. Lori Peckol and City of Redmond Planning Commission
February 5, 2016
Page 8

Please feel free to contact us with any questions.

Sincerely,

TUPPER MACK WELLS PLLC

A handwritten signature in black ink, appearing to read 'Bradford Doll', written in a cursive style.

BRADFORD DOLL

Enclosure(s)

G+1 0

[More](#) [Next Blog»](#)

[Create Blog](#) [Sign In](#)

Redmond Neighborhood Blog

Redmond News and Opinion - covering neighborhoods, schools, and local governments of Greater Redmond, WA.

[Home](#) [Traffic](#) [Neighborhoods](#) [City of Redmond, WA](#)

[LW School District No 414](#) [EvergreenHealth](#) [Local Organizations](#)

[How to get around](#) [About Us](#)

Friday, March 28, 2014

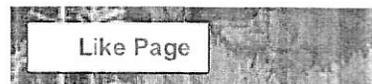
LETTER: Land Use Action for New Mosque on NE 51st Draws Neighborhood Reaction

If you drive by the northbound on-ramp to 520 on 51st street, you probably haven't noticed the small yellow sign posted to a gate announcing plans to develop a 20,000-square foot religious facility and community center. My fellow residents of the adjacent neighborhood north of 51st and East of 520 didn't notice it either.

But when we did find out, we were concerned. Our neighborhood is purely residential: 51st Street is the natural divider between our homes and Microsoft corporate campus to the South. The proposed 20,000 sq. ft. structure, is ten times the size of the average 2,000 sq. ft. single family homes in our subdivision. Not only would this be the first non-residential addition to our community, but it would also be really, really *large*. [Read More >>](#)

While we struggled to understand how a 20,000 sq. ft. facility with 50 feet high minaret and with 36 parking stalls is even scaled to our neighborhood, we examined the applicant's traffic study. Despite serving a projected 70 families – none of whom reside in

Please send Letters, News and Tips to Bob Yoder:
redmondblog@gmail.com



Be the first of your friends to li



POPULAR POSTS

[City Council to Make Decision on Hartman Pool within the next 45 days](#)

Attachment A

our neighborhood- the study fails to describe how any of those families traveling from Bellevue, Kirkland, or either direction of 520 will ever arrive at the facility.

The site's only access to a public roadway is between the Metro stop and 520 on 51st. Given the proximity to the 520 northbound onramp, WA-DOT will not allow a left turn into or out of the premises. So how will mosque visitors coming from Bellevue, Kirkland or 520 heading east on 51st turn onto the premises if they cannot turn left – North – into the driveway? We see a handful of possibilities for cars to turn from East to West on 51st: illegal U-turns, use of Microsoft campus for turnabouts, or zipping through our winding subdivision.

Every one of those options sound bad to us. Neighborhood residents and Microsoft employees alike will attest that traffic on 51st is already busy on weekdays, and the intersection at 154th Ave is usually painful for anyone making a left turn. This facility, with its non-resident members, would compound those problems.

Even more troubling, the plans only include 36 parking spaces. To put that in perspective, there's a 10,000 square foot mosque just East of Marymoor Park that offers over 100 parking spaces, and that's in an industrial park with overflow parking readily available. This proposed facility is in a residential neighborhood whose street parking already serves Metro commuters and Microsoft overflow on weekdays, and we are talking about adding 20,000 sq. ft. building for congregation of over 70 families.

It is glaringly obvious that 36 parking stalls will not be enough. Although the project applicant offers workarounds such as valet parking on site or leasing a parking lot and providing shuttle service to it, we're left wondering how such a plan fits a vision of "Sustainable Redmond." If the project requires overflow parking mitigations from its outset, then what about the future growth?

So more than a dozen of us took our concerns to City Hall, where we learned the applicant has been working with city planners for the past three years to bring the facility's plans up to code. While we're still scratching our heads over how these plans meet code, we're also wondering why we have only just heard about a project of this scale that has been planned for three years.

[The City Council meeting last night was loaded with neighborhood and downtown news.](#)

[Developer plans to build two, 9-Story Towers on the old Post Office site](#)

["It's okay to say Merry Christmas" signs return](#)

[COMMENTARY: A summary of LWSD problems in passing their Bonds](#)

[Pedestrian hit and killed on NE 80th](#)

[UPDATED: Superintendent Traci Pierce lays out funding schedule for building more schools](#)

[Congressman puts Trump and Carson into perspective](#)

[Redmond Elementary wins award, runs a vibrant Lunch Buddy program, and is now constructing a wing of six classrooms](#)

In residential zones like our neighborhood, residents, guests and area visitors are the priority customers. A facility that serves a congregation whose members are not local to our community – who will therefore increase through-traffic on winding streets where our children play and ride bikes home from school – will neither enhance our neighborhood nor increase our quality of life. This development brings us only nuisance – and yet the applicant appears to expect we will welcome it with open arms.

So from my neighborhood to yours, please consider how this strange development proposal may affect you: do you live or work in the area of 51st and 520? Are you concerned about Redmond's sustainability? Do you believe large development projects should require more community notification or engagement? Please email city planner at tmjohnson@redmond.gov before the April 1st 5 PM deadline for public comments.

In addition, please attend the recently announced Information Session to be held April 14th at 7 p.m. in the City Council Chambers – recently organized in response to the “surprising” number of comments the city has received on this proposal. Anyone who cares about sustainable development of the city in general and the Overlake neighborhood in particular should attend.

Sincerely,
Eugene Zakhareyev

Like  50

at [3/28/2014](#) 

 Recommend this on Google

13 comments:

Anonymous said...

If a neighborhood is zoned residential, how is a mosque or a church or a temple considered to be residential?

[Messy and disruptive sewer pipe installation planned along parts of West Lake Sammamish Blvd and River Trail](#)

MISSION AND EDITING POLICY

The "Redmond Blog" reports news and opinion on local governments, organizations and neighborhoods so that they can be more responsive and "in touch" with each other. You are invited to send me your news, submit a Letter or write a COMMENT below a post. COMMENTS are moderated and publishing them may be delayed.

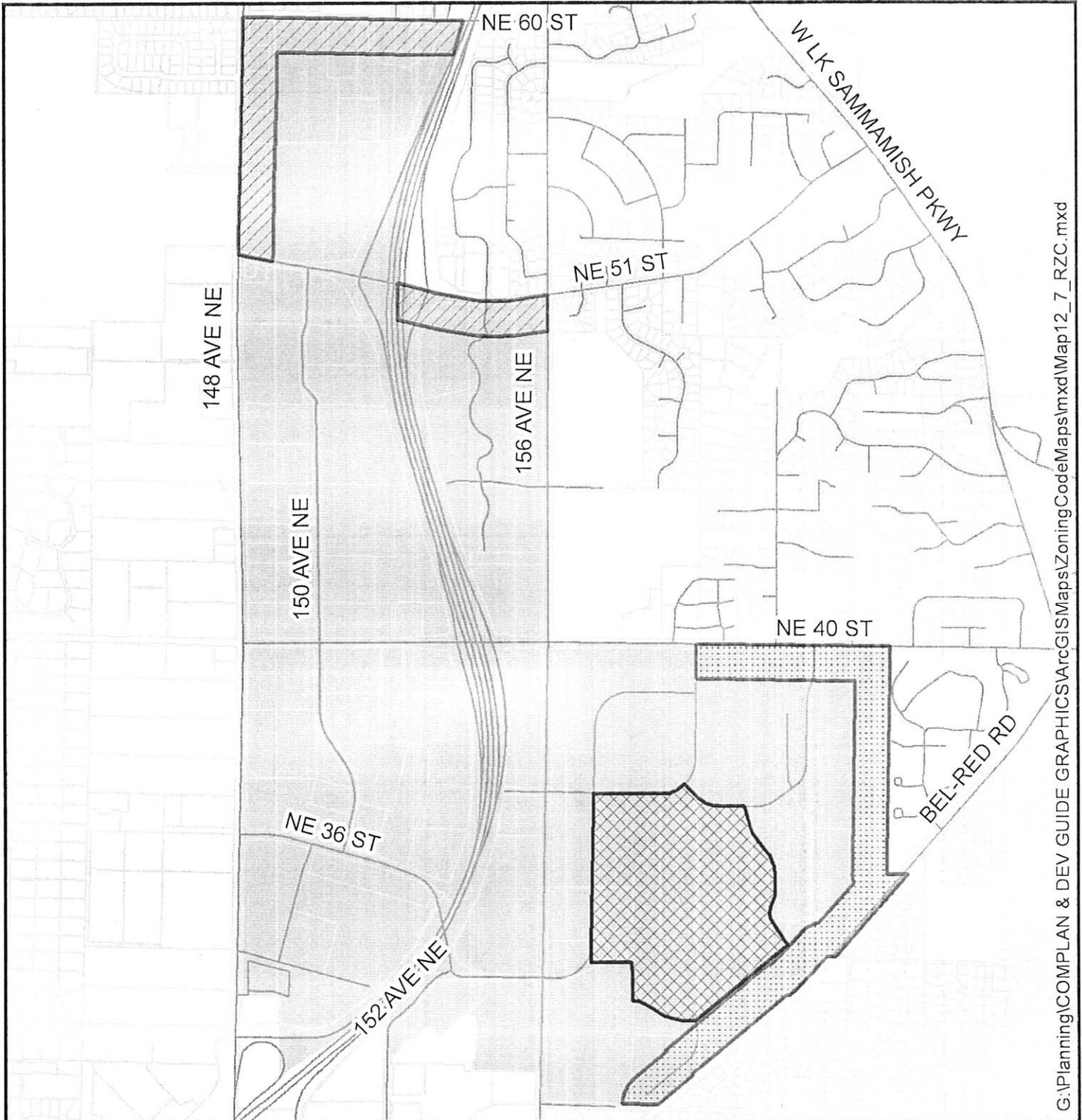
Please send your news and Letters to redmondblog@gmail.com

Best Wishes,

Bob Yoder

[EMAIL](#) [twitter](#)
[FACEBOOK](#) [LinkedIn](#)

Search This Blog



G:\Planning\COMPLAN & DEV GUIDE GRAPHICS\ArcGIS\Maps\ZoningCode\Map12_7_RZC.mxd

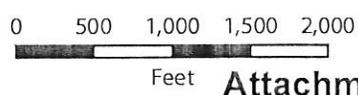
Legend

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| <p>Height Limit Overlay Area</p> <ul style="list-style-type: none">  35-foot limit  45-foot limit  148-foot limit | <p>Parcel</p> <p>OBAT Zone</p> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|



Map 12.7
Overlake Business and Advanced Technology (OBAT)
Height Limits

Effective: February 14, 2015



Memorandum

To: Planning Commission

From: Sarah Stiteler, Senior Planner, 556-2469, ssiteler@redmond.gov

Date: January 15, 2016

Subject: Amendment to Comprehensive Plan and Zoning Code Regarding Non-Residential Uses in Residential Zones and to Extend the OBAT Height Limit Overlay

BACKGROUND

Mr. Eugene Zakhareyev on behalf of Friends of Overlake requested the following Comprehensive Plan amendments: 1) require that all proposed non-residential uses in Residential zones obtain a Conditional Use Permit (CUP) and 2) extend a height overlay in the Overlake employment zones to residential zones.

The Technical Committee recommends denial of the applicant's request for the reasons described in the attached report. However, the Committee does recommend a Zoning Code amendment to require a neighborhood meeting as part of the development review process for three non-residential uses where people are likely to gather: 1) Community indoor recreation, 2) Parks, open space, trails and gardens, and 3) Religious institutions with fewer than 250 seat capacity. The purpose is to provide additional opportunities for public input during the review process while not requiring a public hearing and discretionary review process.

PREPARATION FOR JANUARY 27 STUDY SESSION

Please review the enclosed Technical Committee Report and exhibits in preparation for the Commission's first study session on this topic on January 27. The exhibits include examples showing the Technical Committee's proposed amendments to the Zoning Code as well as the applicant's applications to amend Comprehensive Plan policies LU-30 and OV-77. The SEPA Threshold Determination of Non-Significance was issued on December 28, 2015. Please contact Sarah Stiteler with any questions as you review the Technical Committee report.

REVIEW SCHEDULE

The January 27, 2016 study session is for the purpose of staff overview of the Technical Committee's recommendation and analysis, and initial Planning Commission issue identification and discussion in preparation for a public hearing and study session on February 10, 2016.

ENCLOSURES

Technical Committee Report with exhibits



TECHNICAL COMMITTEE REPORT
TO THE PLANNING COMMISSION

To: Planning Commission

From: Technical Committee

Staff Contacts: Rob Odle, Planning Director, 425-556-2417
Lori Peckol, AICP, Policy Planning Manager, 425-556-2411
Sarah Stiteler, AICP, Senior Planner, 425-556-2469

Date: January 15, 2016

Project File Number: LAND-2015-02261

Project Name: 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.

Related File Numbers: SEPA-2015-02323

Applicant: Friends of Overlake Neighborhood Group

Applicant's Contact: Eugene Zakhareyev

Recommendation and Reasons: The Technical Committee recommends:

1. Amend the Redmond Zoning Code to require a neighborhood meeting for three non-residential uses in Residential zoned areas including A) Community indoor recreation; B) Parks, open space, trails and gardens; and, C) Religious institutions with fewer than 250 seats because:
 - The requirement for a neighborhood meeting for these non-residential uses will provide opportunity for public input while continuing to allow nonresidential uses that are appropriate for residential zones to be permitted through an administrative rather than discretionary type of review and decision making process,

Comprehensive Plan and Zoning Code Amendment:
Non-Residential Uses in Residential Zones
and OBAT Height Limit Overlay

- Current review time and permit costs will be maintained and not increase.
- Special Regulations and other provisions within the Zoning Code will continue to be used for evaluation of non-residential uses regardless of the review process used, and
- The proposal supports Comprehensive Plan policies that encourage use of options for public involvement and communication such as websites, surveys, workshops, open houses and other meetings, and policies that encourage an applicant to involve the community early in the design process in a manner appropriate to the scale and nature of the proposal.

2. Deny the applicant's request to require that all non-residential uses within Residential zones require a Conditional Use Permit and to add this policy direction to Comprehensive Plan policy LU-30 because:

- Many non-residential land uses that are allowed by the Zoning Code such as home businesses, public parks and religious institutions with less than 250 seats would no longer be permitted provided code requirements are met and instead would require a quasi-judicial, discretionary decision process for uses that do not warrant it, and
- It would create additional review time and permit cost and could deter development of these land uses that are commonly located in residential neighborhoods.

3. Deny the applicant's request to require the extension of the OBAT Height Limit Overlay Areas by 300' into adjacent Residential zones because:

- The applicant's proposal is not consistent with the purpose of the OBAT Zone Height Limit Overlay Areas, which is to minimize adverse impacts such as height and glare from office and commercial uses permitted in the OBAT zone on residences in adjacent zones,
- The Comprehensive Plan supports non-residential uses in Residential zones and the Zoning Code provides for exceptions to height that allow for the specific needs of certain non-residential uses such as icons that are part of religious structures or antenna structures, and
- The proposal to extend the OBAT Height Limit Overlay into adjacent Residential zones will conflict with these height exceptions in the Zoning Code.

I. APPLICANT PROPOSAL

The applicant proposes to amend the Comprehensive Plan by adding language to two Comprehensive Plan policies, LU-30 and OV-77 to: 1) require all non-residential uses within Residential zones be reviewed through a Conditional Use Permit (CUP) process, and; 2) extend the height limit overlay area of the OBAT zone by 300 feet into nearby residential zones. While the applicant did not identify proposed amendments to the Zoning Code, amendments would be necessary to implement the requested policy amendments. See Exhibit D for the applicant's application.

II. RECOMMENDATION

The Technical Committee recommends amending the Zoning Code to require a neighborhood meeting as part of the development review process for the three non-residential uses listed below when an applicant proposes either a new use or a substantial improvement to an existing use that would increase the capacity for people to gather. Currently, these uses are permitted outright in Residential zones and do not require a neighborhood meeting. These uses are:

- Community indoor recreation
- Parks, open space, trails and gardens
- Religious Institution with fewer than 250 seats

The neighborhood meeting requirement would allow additional opportunity for public input since only written comments are received under the current review process. Also, the neighborhood meeting provides for public dialogue about a proposal early in review process as well as the opportunity for interested parties to ask questions about the City's review process and schedule.

The Technical Committee recommends denial of the applicant's request to amend Comprehensive Plan policy LU-30 to require a Conditional Use Permit for all non-residential uses within Residential zones since this would result in a discretionary review process, additional time and cost, and could deter location of these uses in residential zones.

The Technical Committee also recommends denial of the applicant's request to amend policy OV-77 to extend the OBAT Height Limit Overlay into adjacent Residential zones by 300 feet. The purpose of the OBAT Height Limit Overlay is to limit heights of commercial and office structures within the defined areas to limit impacts on adjacent residential areas. Extending the Overlay would maintain the residential height limits of 35 in these Residential zones. However, the Overlay area with the 45 feet limit would exceed the 35 feet height limit in Residential zones. These height limits could interfere with the location of non-residential uses in Residential zones by not allowing height exceptions for uses which are governed through Special Regulations specific to the use, such as religious institutions and communications structures. Further, height limits in the Residential zones adjacent to the OBAT height limit overlay areas are not warranted and

would be inconsistent with Residential zones elsewhere in the City where there are not similar height limitations.

Exhibit A shows the Technical Committee recommended amendments.

III. BACKGROUND, FACTORS CONSIDERED, AND ALTERNATIVES

A. BACKGROUND AND REASON FOR THE PROPOSAL

I. Non-Residential Land Uses in Residential Zones

The applicant has requested a policy amendment to require that all non-residential uses in Residential zones be reviewed through a Conditional Use Permit process. The applicant states that the proposed amendment “will better protect the interests of the residents in Residential zones, as well as allow the City to better enforce zoning requirements.” The applicant also states that allowed nonresidential uses in Residential zones may greatly affect the character of the neighborhood, but Conditional Use Permits are not required for all uses. Further, the applicant states that the change will impose conditions on new developments so that the compatibility with residential uses can be enforced, as well to ensure greater resident participation in the land use application approval process.

The Redmond Zoning Code (RZC) identifies six types of review processes based on: the public notice that is required, the level of discretion, e.g., whether it will be administratively reviewed and decided upon or if it is to be a Hearing Examiner and/or City Council review and decision, whether a public hearing is required, and the appeal body in the event of an appeal.

Comprehensive Plan policy LU-30 speaks to non-residential uses within Residential zones. Additional text requested by the applicant is in italics:

- Allow some compatible nonresidential uses in Residential zones, such as appropriately scaled schools, religious facilities, home occupations, parks, open spaces, senior centers and day care centers. Maintain standards in the Redmond Zoning Code for locating and designing these uses in a manner that respects the character and scale of the neighborhood. *To maintain the character of the residential areas and impose conditions for future compatibility, require a Conditional Use Permit for all non-residential uses in Residential zones.*

The Comprehensive Plan supports the location of non-residential uses within residential zones, recognizing that having schools, parks, religious institutions, home businesses and day cares nearby is important for residents’ access to these services and contributes to the fabric of a community.

Some nonresidential uses may only be appropriately located on certain parcels within a residential zone due to the potential impacts. The Zoning Code requires a Conditional Use Permit for these non-residential uses so that the City’s Hearing Examiner and City Council can consider the appropriateness of the use on a

specific parcel in terms of compatibility with other uses in the same zone and vicinity and impose conditions to ensure compatibility. The City requires a Conditional Use Permit for the following non-residential uses within Residential zones:

- Schools (K – 12)
- Public safety, e.g., fire stations
- Religious institution (250 to 750 seats)
- Equestrian facility (allowed in RA-5 and R-1)
- Bed and Breakfast Inn (between three and eight rooms)
- Regional utilities
- Antenna support structures
- Antenna array and base station (CUP may be required)
- Heliport
- Float plane facility
- Day care centers
- Athletic sports and play fields
- Golf course
- Marine recreation
- Commercial swimming pool

These land uses may be appropriate to locate within Residential zones in certain locations and conditions. RZC 21.76.070 K includes decision criteria for Conditional Use Permits (CUP) that address considerations such as characteristics of the subject property and immediate vicinity, the size and characteristics of the proposed use in relation to adjacent uses, traffic, and adequacy of public facilities and services.

The Conditional Use Permit is considered a Type IV review, which involves a series of actions including:

Review Procedures for Type IV Permits – Conditional Use Permits	
Notice	Notice of Application, mailed to owners and occupants of properties within 500'; Major Land Use Action sign for notice of public hearing
Review	Technical Committee. Hearing Examiner then recommendation to City Council

Comprehensive Plan and Zoning Code Amendment:
 Non-Residential Uses in Residential Zones
 and OBAT Height Limit Overlay

Comment	Written and Public Hearing
Decision	City Council
Appeal	Superior Court

Conditional Use Permit reviews and decisions are quasi-judicial and discretionary in nature. The Hearing Examiner holds a public hearing on the proposal and makes a recommendation to the City Council, based on the Technical Committee recommendation, consideration of established review criteria within the RZC, public testimony and other factors. As the legislative body for the City, the City Council makes the decision on the proposal which is appealable to King County Superior Court.

Non-residential land uses in Residential zones that *do not* require a Conditional Use Permit include the following:

- Local utilities
- Amateur radio towers/ Large satellite dishes
- Roadside produce stand
- Bed and Breakfast Inns (two or less rooms)
- Crop Production
- Road, Ground, Passenger and Transit Transportation (Regional light rail transit system only, no vehicle storage)
- Family day care providers
- Home business
- Pier, dock, float
- Water-oriented accessory structure
- Community indoor recreation
- Parks, open space, trails and gardens
- Religious institutions with less than 250 seats
- Short-Term temporary uses, e.g. seasonal retail sales; encampments

Review and decisions for these land use proposals is done through an administrative process. Some of these land uses are Type I review, including home businesses, family day care providers and certain types of amateur radio towers, which require administrative review and decision by the appropriate department. The majority are Type II reviews that require the following actions:

Comprehensive Plan and Zoning Code Amendment:
 Non-Residential Uses in Residential Zones
 and OBAT Height Limit Overlay

Review Procedures for Type II Permits – Administrative	
Notice	Notice of Application, mailed to owners and occupants of properties within 500'
Review	Staff review, using RZC Special Regulations and other applicable RZC provisions
Comment	Written
Decision	Technical Committee
Appeal	Hearing Examiner

The RZC does not require a CUP and discretionary decision making process for these non-residential uses as fewer impacts are anticipated and these uses are appropriate to locate in residential zones. If a Type I or Type II proposal is determined to meet established review criteria, the proposal may be approved by the appropriate department (Type I) or the Technical Committee (Type II).

The Special Regulations associated with many non-residential uses are used to review a proposal whether it involves either a Type I or II permit type or a Type IV CUP. For example, Religious institutions that have less than 250 seats as well as those with 250 – 750 seats are subject to Special Regulations (RZC 21.08.280) that require a traffic mitigation plan, and address the storage of large vehicles, maximum building height, design and location within shoreline areas.

Other non-residential uses such as home businesses are specifically regulated in the RZC and include limits on total trips; day care providers are limited to 12 children and are also regulated through the State; and amateur radio towers and monopoles also are evaluated with Special Regulations. The RZC contains specific Special Regulations for the following non-residential uses in Residential zones.

- Float plane facility
- Antenna support structures
- Large satellite dish/amateur radio tower
- Antenna array and base station
- Day care center
- Family day care provider
- Religious institution
- Home business
- Pier, dock, float
- Water-oriented accessory structure

Some of the above uses require a CUP/Type IV review; others are a Type I or Type II, administrative use. In either case the Special Regulations are used for evaluation and decisions.

2. Extension of OBAT Height Limit Overlay

The OBAT Height Limit Overlay map in Exhibit B was established to reduce height and glare impacts from employment campuses on adjacent residential areas. Within the reduced height areas, structures such as buildings on the Microsoft campus within 300 feet of a Residential zone are limited to either 35 or 45 feet in height, depending on the location.

The applicant requests that these existing height limit overlays be extended into adjacent Residential zones for 300 feet in width to “serve the best interests of the community by making sure new developments do not compromise established residential neighborhood quality of life”.

The applicant also proposes additional text to policy OV-77 as follows in support of the recommendation: (see italics)

- Emphasize transitions from the Employment Area to the single-family portions of Overlake through entryway treatments, such as landscaped medians similar to those located at NE 51st Street and 156th Avenue NE. Work in collaboration with residents to find opportunities to create and maintain neighborhood entryways that incorporate landscaping and other natural features where right-of-way is sufficient or upon appropriately located public land. *Extend any overlays defined for OBAT in the Redmond Zoning Code into nearby Residential zones.*

The RZC allows non-residential uses in Residential zones some exceptions to height based on the specific characteristics of the use. In Single Family Urban Residential zones for example, the standard maximum height of structures is 35 feet, and non-residential uses may exceed that under certain conditions as identified through the Special Regulations for a specific use.

Religious institutions in Residential zones are allowed a height of up to 50 feet including any religious symbols; however, structures must conform to additional Special Regulation location and setback requirements. For example, a minimum setback of 20 feet from all property lines is required for a structure, with an additional five feet of setback required for each one foot of height over 30 feet.

Other examples of exceptions to height within Residential zones include mechanical (HVAC) or fire station equipment (e.g. hose towers) –which may exceed the highest point of the existing or proposed structure by no more than 15 feet. (RZC 21.08.170M). In addition, monopoles and amateur radio towers are allowed to extend up to 65’ or higher in Residential zones. (RZC 21.56 Wireless Communication Facilities).

B. FACTORS CONSIDERED AND ALTERNATIVES

Staff considered several factors in the process of developing a recommendation as summarized below.

1. What would be the major process differences if all nonresidential uses in Residential zones were required to be reviewed through a CUP process compared to administrative review?

The key differences between the CUP (Type IV review) requested by the applicant and administrative review are:

- 1) Opportunity for comment,
- 2) Cost and time for permitting,
- 3) The amount of discretion allowed the decision maker: more discretion for CUP or Type IV permit types and least amount of discretion for administrative decisions, and
- 4) The appeal body in the event of an appeal.

As noted, a Type IV, Conditional Use Permit requires a public hearing and review by the Hearing Examiner and decision by the City Council. Type I and Type II decisions are administrative: Type I review requires no Notice of Application and decisions are made by the appropriate department; Type II processes provide a Notice of Application which interested persons may respond to in writing.

The time involved for review under an administrative Type I or Type II process versus a Type IV (CUP) process will depend on the nature of the proposal and its specific issues. In general, a Type IV review is longer because of the need to schedule a public hearing with the Hearing Examiner with notice to the public 21 days in advance of the hearing, and subsequent review by the City Council. Permit costs for the CUP are approximately \$1,300 higher than Type II reviews for example, if undergoing the Pre-Review Entitlement Process (PREP). A CUP is considered to be a Major Land Use Action and requires a large, 4 x 8 sign to be posted, estimated to cost approximately \$400.

The CUP/Type IV review is a discretionary, quasi-judicial process with a recommendation by the Hearing Examiner and a decision by City Council. In general, appeals for administrative decisions are heard by the City's Hearing Examiner and appeals for a Type IV, CUP would be heard by Superior Court.

Considering these differences, non-residential uses currently permitted within Residential zones do not warrant a CUP/Type IV review, which elevates the decision on a proposal to a quasi-judicial one involving the Hearing Examiner and City Council. The Technical Committee does recommend requiring a neighborhood meeting for three nonresidential uses to gain the benefit of opportunity for additional public comment without the added time and expense of a Type IV process.

2. Have there been issues in terms of impacts associated with nonresidential uses in Residential zones?

Staff has researched experiences with certain non-residential uses within residential zones in Redmond and the extent to which impacts such as additional traffic, overflow parking and lighting have been an issue and how these issues were addressed. For parks located within Residential zones, the City has worked with residents to mitigate issues that were raised in neighborhood meetings such as lighting and overflow parking. In one situation, No Parking signs were installed to discourage on street parking and lighting was designed to provide safety while minimizing spillage into nearby residences. For Religious institutions, parking overflow has been addressed by shared parking with other facilities and the religious institution holding additional services at non-peak times. The City has issued parking tickets when excessive parking has not abated. The City has sufficient code authority to condition and enforce for these kinds of impacts.

3. Does the current review process allow adequate opportunity for public input regarding proposed development of nonresidential uses in Residential zones?

Currently, Type II permit decisions typically do not require a neighborhood meeting. When an application is accepted by the City, a Notice of Application is sent to owners and occupants of properties within 500 feet of the proposed action. For these administrative decisions, if a proposal meets the specific review criteria for the land use action requested, a permit will be approved by the Technical Committee.

In reviewing the types of non-residential land uses permitted in Residential zones, three uses were identified that typically involve gatherings of people and the potential for associated impacts: 1) Community indoor recreation, 2) Parks, open space, trails and gardens, and 3) Religious institutions with fewer than 250 seats.

Public input to inform design of new community indoor recreation facilities and new parks, open space, trails and gardens will likely be provided through a park master plan process. If there is a change or addition to an existing park, it may not be sufficiently large to warrant a master plan but a neighborhood meeting is typically held. Applicants for religious institutions with fewer than 250 seats are not currently required to seek public input.

For the three uses cited above, the Technical Committee recommends the addition of a neighborhood meeting as a requirement when these uses are proposed in Residential zones. The neighborhood meeting requirement for Community indoor recreation and Parks, open space, trails and gardens formalizes a process and requirement for public input that is now general practice. For religious institutions with less than 250 seats, a neighborhood meeting will support a more transparent process. It will provide a public forum for interested persons to ask questions, learn about and comment on a proposed project while still allowing smaller congregations the ability to apply

for a Type II permit with less review time and lower cost than what is required through the CUP process.

4. What is the reasoning for requiring these three non-residential uses to have neighborhood meetings as opposed to others?

The RZC allows non-residential uses in Residential zones and encourages their location within Residential zones under specific conditions. Many non-residential uses in Residential zones require either the Type I or Type II, administrative review, as they have been determined to result in fewer impacts than those requiring the CUP/Type IV review. However, Community indoor recreation; Parks, open space, trails and gardens; and Religious institutions with less than 250 seats are uses in which it is anticipated that people will gather and should include opportunities for additional public input. A neighborhood meeting for these uses will allow additional input for proposals that are appropriately reviewed under an administrative review process while balancing the needs of the applicant and the public.

5. Is there another option for the type of review process that could be appropriate when considering non-residential uses in Residential zones?

Staff considered the Type III review process which would require a public hearing and decision by the Hearing Examiner. If all non-residential uses in Residential zones were required to go through this process, it would involve considerable additional time and cost for such proposals. Also, similar to a Type IV decision, it would no longer be an administrative review and decision and would become discretionary. The Technical Committee believes that this is not an appropriate solution; however, the addition of a neighborhood meeting for three non-residential uses in which people gather will provide opportunities for public input.

6. Should the Overlake Business and Advanced Technology Zone (OBAT) Height Limit Overlay Areas be extended into adjacent Residential zones?

The Technical Committee does not recommend the extension of the OBAT height limit overlay as the purpose of the OBAT height limits is to limit the height for commercial and office structures within the overlays that may have impacts on adjacent Residential zones. In addition the proposal to extend the OBAT Height Limit Overlay into adjacent Residential zones will conflict with height exceptions which are necessary for the location of non-residential uses in Residential zones.

C. ALTERNATIVES

1. Require a neighborhood meeting for three non-residential land uses in Residential zones: A) Community indoor recreation; B) Parks, open space, trails and gardens; and C) Religious institutions with fewer than 250 seats.

Also, maintain the current review process for these uses and the OBAT Height Limit Overlay map as shown on Exhibit B. This would allow public dialogue about and comment on a proposal early in development review as well as the opportunity for interested parties to ask questions about the City's review process and schedule. The Technical Committee recommends this alternative: the effect will be to keep the review process the same for these non-residential uses in Residential zones except to add the requirement for a neighborhood meeting. This will not add significantly to costs and the neighborhood meeting for the three land uses would be a minimal addition to review time. In addition, with no extension of the OBAT Height Limit Overlay areas into adjacent residential areas, some exceptions to height for non-residential uses in Residential zones would continue to be allowed per the RZC.

2. Require a Type III process for non-residential uses within Residential zones.

This would require review and public hearing by the Hearing Examiner and provide additional and formal opportunity for public input compared to existing conditions. Similar to the Type IV process, it is a quasi-judicial, discretionary review that is lengthier with additional expense, but with a decision by the Hearing Examiner instead of City Council. Examples of the types of applications that require this type of process are designations or demolitions of landmark structures, master planned developments and shoreline conditional use permits. This alternative would extend the review process and require additional cost for proposals that do not warrant this. Decisions on proposals under this alternative would become quasi-judicial and discretionary. The Technical Committee does not recommend the additional review and expense for non-residential uses that are currently allowed in Residential zones through an administrative review. In addition, this change would be inconsistent with the overall classification of permit types and decisions in the RZC.

3. Require a Type IV permit type – CUP and extend OBAT Height Limit Overlay into residential zones (applicant's request).

Similar to Alternative 2, this alternative would provide additional and formal opportunity for public input compared to existing conditions. However, requiring a CUP for all non-residential uses in Residential zones will add time and expense and inappropriately require a quasi-judicial review which may not result in a better outcome since several non-residential uses are already required to comply with special regulations. For example, religious institutions regardless of size are required to meet special requirements for parking, traffic, lighting and proximity to an arterial street. Home businesses are required to meet special requirements such as for parking, utility demand, traffic, and size.

The proposal to extend the OBAT Height Limit Overlay into adjacent Residential zones would further limit the height of all non-residential uses and support greater consistency in structure heights in Residential zones.

However, it would also likely have adverse impacts on the opportunities for religious institutions and communication and utility uses to locate in residential zones since these uses tend to include features that exceed the height of single family homes. In addition, it would result in a special height limit in a Residential zone when it is not warranted and would create an inconsistency with Residential zones elsewhere in the City where there are not similar height limitations. The Technical Committee does not recommend this alternative.

IV. ADDITIONAL SUPPORTING ANALYSIS

A. COMPLIANCE WITH CRITERIA FOR AMENDMENTS

Redmond Comprehensive Plan Policy PI-16 directs the City to take several considerations, as applicable, into account as part of decisions on proposed amendments to the Comprehensive Plan.

The following is an analysis of how the Technical Committee recommendation complies with the requirements for amendments. Additional analysis is provided for how the applicant's proposal addresses these requirements.

1. **Consistency with Growth Management Act (GMA), State of Washington Department of Commerce Procedural Criteria, VISION 2040 or its successor, and the King County Countywide Planning Policies.**

The Technical Committee's recommendation takes into account direction by the GMA, including citizen participation and coordination as one of the Act's stated goals: "Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts." The proposed amendment would provide additional opportunities for citizen input and transparency into development projects. GMA, the State of Washington Department of Commerce, VISION 2040, and King County Countywide Planning Policies also emphasize creating opportunity for public review and participation.

The applicant's proposed amendments are consistent with the above in terms of being supportive of public participation. However, the applicant's proposal is inconsistent with GMA Goal #7 which states that applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability. In addition, the applicant's proposal to require a CUP review for all non-residential uses within Residential zones and additional height limits within Residential zones could result in negative impacts to the efficient provision of public facilities and services such as parks.

2. **Consistency with Redmond's Comprehensive Plan, including the following sections as applicable:**

a. **Consistency with the goals contained in the Goals, Vision and Framework Policy Element.**

One of the eight goals for Redmond contained in the Goals, Vision and Framework Policy Element is, "to cultivate a well-connected community, working together and with others in the region to implement a common vision for Redmond's sustainable future." The Technical Committee's proposed amendment supports this goal and policy FW-2 as well: "Encourage active participation by all members of the Redmond community in planning Redmond's future" and is consistent with other goals within this Element. Further, the Vision speaks to Redmond having infrastructure and services that meet the needs of a growing population that promote a safe and healthy community.

The applicant's proposed amendments could interfere with the provision of land uses and services by making the review process longer and more costly and by resulting in fewer potential places for non-residential uses such as religious institutions and communication infrastructure to locate due to additional height limits.

b. **Consistency with the preferred land use pattern as described in the Land Use Element.**

The Technical Committee's recommendation is consistent with Redmond's preferred land use pattern by continuing to support a permit process that provides for location of non-residential uses in residential zones in a predictable and effective manner. The applicant's proposal could detract from the preferred land use pattern by making the review process for these uses longer and more costly and by resulting in fewer potential places for non-residential uses such as religious institutions and communication infrastructure to locate due to additional height limits.

c. **Consistency with Redmond's community character objectives as described in the Community Character/Historic Preservation Element or elsewhere in the Comprehensive Plan.**

The Technical Committee's recommendation is consistent with policy PI-3 which reads, "Provide opportunities for public review of plans, regulations and development proposals, while tailoring the review approach and specific issues to the appropriate stage of plan preparation and implementation." In addition, PI-8 states "Use all public involvement and communication options at the City's disposal, such as websites; surveys; workshops, open houses and other meetings; and citizen advisory groups." The recommendation for additional public input by requiring a neighborhood meeting for three non-residential land uses in Residential zones support these policies.

The applicant's proposed amendment to require a CUP process would also support these policies but would add unnecessary permit processing time and additional cost.

d. Consistency with other sections including the Transportation Element as applicable.

The Technical Committee recommendation supports Neighborhood Policy NP-6: "Identify techniques and methods that can be used to address neighborhood issues and opportunities. Choose solutions that are compatible with Redmond's Comprehensive Plan and development regulations." Utility Policy UT-9 speaks to providing expeditious permitting, recognizing that avoiding utility project delay can minimize service disruptions and associated costs for residents and businesses. If approved, the applicant's proposed amendments could result in such delays with extended review times. The Technical Committee's recommendation is also consistent with policy LU-30 "Allow some compatible nonresidential uses in Residential zones, such as appropriately scaled schools, religious facilities, home occupations, parks, open spaces, senior centers and day care centers. Maintain standards in the Redmond Zoning Code for locating and designing these uses in a manner that respects the character and scale of the neighborhood."

3. Potential general impacts to the natural environment, such as impacts to critical areas and other natural resources, including whether development will be directed away from environmentally critical areas and other natural resources.

The proposed amendment is not likely to impact the natural environment including impacts to critical areas and other natural resources.

4. Potential general impacts to the capacity of public facilities and services. For land use related amendments, whether public facilities and services can be provided cost-effectively and adequately at the proposed density/intensity.

The proposed amendment is not likely to impact the capacity of public facilities and services. The Technical Committee's recommendation to require a neighborhood meeting will provide additional public input to the process of locating these services, i.e., community indoor recreation, parks and religious institutions with less than 250 seats. The applicant's proposal to require a discretionary review for non-residential uses in Residential zones and additional height limits could prevent public facilities and services from being provided cost-effectively.

5. Potential general economic impacts, such as impacts for business, residents, property owners, or City Government.

The Technical Committee's recommendation is intended to allow for greater opportunity to anticipate and address potential impacts related to the

development of three non-residential land uses in Residential zones: Community indoor recreation; Parks, open space, trails and gardens; and Religious institutions with fewer than 250 seats. The requirement for a neighborhood meeting with any of these land uses will allow the public to ask questions and provide additional input to an applicant and the City when considering a new or expanded development. Providing facilities and services in an expeditious manner will benefit business, residents, property owners and City Government.

6. **For issues that have been considered within the last four annual updates, whether there has been a change in circumstances that makes the proposed amendment appropriate or whether the amendment is needed to remedy a mistake.**

The amendment has not been considered within the last four annual updates, nor has there been a change in circumstances.

V. AUTHORITY AND ENVIRONMENTAL, PUBLIC AND AGENCY REVIEW

A. AMENDMENT PROCESS

RZC Sections 21.76.070.AE and 21.76.050.K require that amendments to the Comprehensive Plan or Zoning Code (except zoning map amendments consistent with the Comprehensive Plan) be reviewed under the Type VI process. Under this process, the Planning Commission conducts a study session(s), an open record hearing(s) on the proposed amendment, and makes a recommendation to the City Council. The City Council is the decision-making body for this process.

B. SUBJECT MATTER JURISDICTION

The Redmond Planning Commission and the Redmond City Council have subject matter jurisdiction to hear and decide whether to adopt the proposed amendment.

C. WASHINGTON STATE ENVIRONMENTAL POLICY ACT (SEPA)

A Determination of Non-Significance and SEPA Checklist was issued for this non-project action on December 28, 2015.

D. 60-DAY STATE AGENCY REVIEW

State agencies will be sent 60-day notice of this proposed amendment no later than January 20, 2016.

E. PUBLIC INVOLVEMENT

The public has opportunities to comment on the proposed amendment through the Planning Commission review process and public hearing which will be held on February 10, 2016. Public notice of the public hearing will be published in the Seattle Times on January 20, 2016.

F. APPEALS

RZC 21.76.070.J identifies Comprehensive Plan Amendments as a Type VI permit. Final action is by the City Council. The action of the City Council on a Type VI proposal may be appealed by filing a petition with the Growth Management Hearing Board pursuant to applicable requirements.

VI. LIST OF EXHIBITS

- Exhibit A: Recommended Amendments to the Redmond Zoning Code and examples
- Exhibit B: OBAT Height Limits – Map 12.7
- Exhibit C: SEPA Threshold Determination
- Exhibit D: Applicant's requested amendments

Conclusion in Support of Recommendation: The Technical Committee has found the recommendation to be in compliance with the Redmond Zoning Code, Redmond Comprehensive Plan, Redmond Municipal Code, and State Environmental Policy Act (SEPA).

ROBERT G. ODLE,
Planning Director
Planning and Community Development
Department

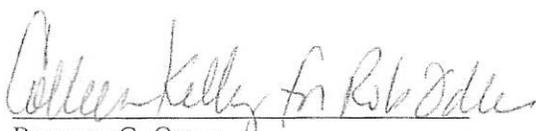
LINDA DE BOLDT,
Director of Public Works
Public Works Department

Type VI proposal may be appealed by filing a petition with the Growth Management Hearing Board pursuant to applicable requirements.

VI. LIST OF EXHIBITS

- Exhibit A: Recommended Amendments to the Redmond Zoning Code and examples
- Exhibit B: OBAT Height Limits – Map 12.7
- Exhibit C: SEPA Threshold Determination
- Exhibit D: Applicant's requested amendments

Conclusion in Support of Recommendation: The Technical Committee has found this recommendation to be in compliance with the Redmond Zoning Code, Redmond Comprehensive Plan, Redmond Municipal Code, and State Environmental Policy Act (SEPA).


ROBERT G. ODLE,
Planning Director
Planning and Community Development
Department


LINDA DE BOLDT,
Director of Public Works
Public Works Department

EXHIBIT A

Technical Committee's recommended amendment to the Redmond Zoning Code includes:

- A. Add the following text to three uses in the Allowed Uses and Special Regulations portion of the Table for each Residential zone:

In the Special Regulations notes on the right side of the page add: (See Example 1)

"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."

Include in each of the following Residential zones:

- RZC 21.08.030 R-1 Single-Family Constrained Residential
- RZC 21.08.040 R-2 Single-Family Constrained Residential
- RZC 21.08.050 R-3 Single-Family Constrained Residential
- RZC 21.08.060 R-4 Single-Family Urban Residential
- RZC 21.08.070 RIN (Residential Innovative) Single-Family Urban Residential
- RZC 21.08.080 R-5 Single Family Urban Residential
- RZC 21.08.090 R-6 Single-Family Urban Residential
- RZC 21.08.100 R-8 Single-Family Urban Residential
- RZC 21.08.110 R-12 Multifamily Urban Residential
- RZC 21.08.120 R-18 Multifamily Urban Residential
- RZC 21.08.130 R-20 Multifamily Urban Residential
- RZC 21.08.140 R-30 Multifamily Urban Residential

- B. Add the following text to Table 21.76.050A Permit Types to include the following language in the Type II column in the "Input Sought" box:

"Neighborhood meeting only required for short plats meeting certain criteria or as otherwise required within the RZC."



Redmond Zoning Code

Transportation, Communication, Information, and Utilities			
12	Road, Ground, Passenger and Transit Transportation	N/A	Regional light rail transit system only. No vehicle storage.
13	Local utilities	Adequate to accommodate peak use.	
14	Regional utilities		A Conditional Use Permit is required.
15	Heliport	N/A	A Conditional Use Permit is required. Does not include medical airlift. Permitted only abutting Lake Sammamish.
16	Float plane facility		<p>A. A Conditional Use Permit is required. Permitted only abutting Lake Sammamish.</p> <p>B. Piers, docks, and floats associated with the operation of float planes shall meet, as a minimum, the location criteria contained in RZC 21.68.070, In-Water Structures. Piers and docks are also subject to standards for residential piers and docks contained in RZC 21.68.070.E, <i>Piers, Docks, and Floats</i>. (SMP)</p> <p>C. Only one float plane per lot is permitted. (SMP)</p> <p>D. Float planes shall observe speed regulations for watercraft and vessels contained in RMC 14.16.030, Speed Regulations, except that these speeds may be exceeded for a short duration of time during landing and takeoff of planes. (SMP)</p> <p>E. Float plane facilities or operation of float planes is prohibited on the Sammamish River, Bear Creek and Evans Creek. (SMP)</p> <p>F. Float plane facilities and operation shall comply with FAA standards, including standards for fueling, oil spill cleanup, firefighting equipment, and vehicle and pedestrian separation. (SMP)</p>
17	Antenna support structures		<p>A. A Conditional Use Permit is required. See RZC 21.76.070.K, <i>Conditional Use Permit</i>.</p> <p>B. See RZC 21.56, <i>Wireless Communication Facilities</i>, for specific regulations that may apply.</p>
18	Large satellite dish / amateur radio tower		See RZC 21.56, <i>Wireless Communication Facilities</i> , for specific regulations that may apply.
19	Antenna array and base station	N/A	A Conditional Use Permit may be required; see RZC 21.56, <i>Wireless Communication Facilities</i> , for specific development requirements.
Arts, Entertainment, and Recreation			
20	Community indoor recreation	Adequate to accommodate peak use.	Includes noncommercial indoor recreation uses, such as community clubhouses, indoor swimming pools, and other similar facilities. <u>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.</u>
21	Parks, open space, trails and gardens	1,000 sq ft gfa (0, adequate to accommodate peak use.)	Permitted if public or noncommercial. A Conditional Use Permit is required for commercial facilities. <u>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.</u>
22	Athletic, sports, and play fields	Adequate to accommodate peak use.	A Conditional Use Permit is required.
23	Golf course		
24	Marine recreation		
25	Commercial swimming pool		
Education, Public Administration, Health Care, and Other Institutions			
26	Day care center	Employee (1.0)	A Conditional Use Permit is required. Day care uses are only permitted in a building or building complex used for other uses, such as a school, church, meeting hall, or some other building used for more than one purpose. See RZC 21.08.310, <i>Day Care Centers</i> , for specific regulations which may apply.
27	Family day care provider	Vehicle used by the	Family day care providers are permitted as home businesses.



Redmond Zoning Code

		business (1.0).	See RZC 21.08.340, <i>Home Business</i> , for specific regulations which may apply.
28	Public safety	Adequate to accommodate peak use	A Conditional Use Permit is required.
29	Grade schools (K-12)		
30	Religious Institution	1,000 sq ft gfa for assembly (1.0) or 5 fixed seats (1.0); 3 seats (1.0).	A. Permitted use if less than 250 seats. A Conditional Use Permit is required for religious institutions with between 250 and 750 seats. See RZC 21.08.280, <i>Churches, Temples, Synagogues and Other Places of Worship</i> , for specific regulations which may apply. B. A Traffic Mitigation Plan is required. See RZC 21.08.280.C.5. C. <u>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.</u>
Agriculture			
31	Crop production	N/A	A Conditional Use Permit is required.
32	Equestrian facility		
Other			
33	Home Business	Vehicle used by the business (1.0).	See RZC 21.08.340, <i>Home Business</i> , for specific regulations which may apply.
34	Roadside produce stand	N/A	
35	Pier, dock, float		See RZC 21.68.070, <i>In-Water Structures</i> , for special height, setback and area requirements. (SMP)
36	Water-oriented accessory structure		See RZC 21.68.070.G, <i>Water-Oriented Accessory Structures</i> , for special height, setback and area requirements. (SMP)

(Ord. 2652; Ord. 2709; Ord. 2803)

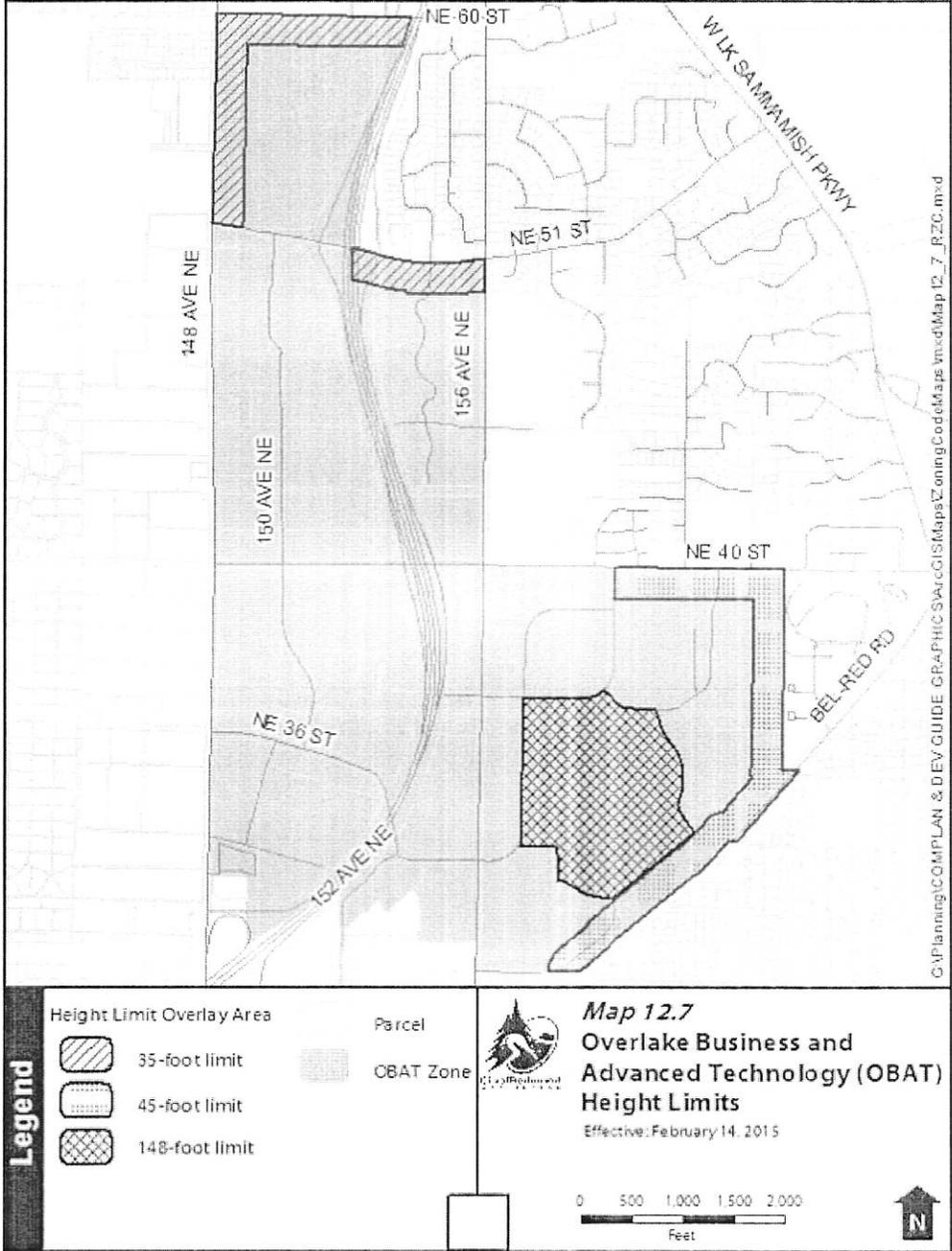
Effective on: 10/17/2015

Table 21.76.050A Permit Types						
	Permit Type					
	Type I Administrative	Type II Administrative	Type III Quasi-Judicial	Type IV Quasi-Judicial	Type V Quasi-Judicial	Type VI Legislative
Level of Impact and Level of Discretion Exercised by decision maker	Least level of impact or change to policy/regulation. Least level of discretion.					Potential for greatest level of impact due to changes in regulation or policy. Greatest level of discretion.
Input Sought	Minimal-generally no public notice required. No public hearing.	Notice of Application provided. No public hearing. Neighborhood meeting only required for short plats meeting certain criteria.*	Notice of Application provided. Neighborhood meeting may be required. Public hearing is required.	Notice of Application provided. Neighborhood meeting may be required. Public hearing is required.	Notice of Application provided. Neighborhood meeting may be required. Public hearing is required.	Notice of Public Hearing provided.
Public Hearing prior to Decision?	No	No	Yes. Hearing Examiner (or Landmarks Commission) ²	Yes. Hearing Examiner	Yes. City Council	Yes. Planning Commission
Decision Maker	Appropriate Department	Technical Committee	Hearing Examiner (or Landmarks Commission) ²	City Council	City Council	City Council
Administrative Appeal Body	Hearing Examiner (Hearing Examiner decision on appeal may be appealed to City Council)	Hearing Examiner (Hearing Examiner decision on appeal may be appealed to City Council)	City Council	None (decision appealable to Superior Court)	None (decision appealable to Superior Court)	None (decision appealable to Superior Court)

TABLE NOTES:

- Shoreline Substantial Development Permits, Shoreline Variances, and Shoreline Conditional Use Permits are appealable directly to the State Shorelines Hearings Board.
- Landmarks Commission makes decisions for Certificate of Appropriateness Level III permits.

* or as otherwise required within the RZC





STATE ENVIRONMENTAL POLICY ACT (SEPA) DETERMINATION OF NON-SIGNIFICANCE

For more information about this project visit www.redmond.gov/landuseapps

PROJECT INFORMATION

PROJECT NAME: Zakhareyev Comp Plan Amendment

SEPA FILE NUMBER: SEPA-2015-02323

PROJECT DESCRIPTION:

Extend OBAT overlays into residential areas.
Require Conditional Use Permit for non-residential uses applications in residential neighborhoods.

PROJECT LOCATION: City Wide

SITE ADDRESS:

APPLICANT: Friends of Overlake Neighborhood Group

LEAD AGENCY: City of Redmond

The lead agency for this proposal has determined that the requirements of environmental analysis, protection, and mitigation measures have been adequately addressed through the City's regulations and Comprehensive Plan together with applicable State and Federal laws.

Additionally, the lead agency has determined that the proposal does not have a probable significant adverse impact on the environment as described under SEPA.

An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

CITY CONTACT INFORMATION

PROJECT PLANNER NAME: Sarah Stiteler

PHONE NUMBER: 425-556-2469

EMAIL: ssiteler@redmond.gov

IMPORTANT DATES

COMMENT PERIOD

Depending upon the proposal, a comment period may not be required. An "X" is placed next to the applicable comment period provision.

There is no comment period for this DNS. Please see below for appeal provisions.

'X' This DNS is issued under WAC 197-11-340(2), and the lead agency will not make a decision on this proposal for 14 days from the date below. Comments can be submitted to the Project Planner, via phone, fax (425)556-2400, email or in person at the Development Services Center located at 15670 NE 85th Street, Redmond, WA 98052. Comments must be submitted by 01/11/2016.

APPEAL PERIOD

You may appeal this determination to the City of Redmond Office of the City Clerk, Redmond City Hall, 15670 NE 85th Street, P.O. Box 97010, Redmond, WA 98073-9710, no later than 5:00 p.m. on 01/26/2016, by submitting a completed City of Redmond Appeal Application Form available on the City's website at www.redmond.gov or at City Hall. You should be prepared to make specific factual objections.

DATE OF DNS ISSUANCE: December 28, 2015

For more information about the project or SEPA procedures, please contact the project planner.

RESPONSIBLE OFFICIAL: Robert G. Odle
Planning Director

SIGNATURE: _____

RESPONSIBLE OFFICIAL: Linda E. De Boldt
Public Works Director

SIGNATURE: _____

Address: 15670 NE 85th Street Redmond, WA 98052

CITY OF REDMOND

ENVIRONMENTAL CHECKLIST

12/2/15
Senior Planner
Sarah Stittler, AICP,
PROJECT ACTION
(Revised 5/27/15)

Purpose of the Checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the City of Redmond identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply" and indicate the reason why the question "does not apply". It is not adequate to submit responses such as "N/A" or "does not apply"; without providing a reason why the specific section does not relate or cause an impact. Complete answers to the questions now may avoid unnecessary delays later. If you need more space to write answers attach them and reference the question number.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the City can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. When you submit this checklist the City may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Planner Name: _____

Date of Review: _____

To Be Completed By Applicant	Evaluation for Agency Use Only
<p>A. BACKGROUND</p> <p>1. Name of proposed project, if applicable: <i>Comprehensive plan & zoning Code amendments</i></p> <p>2. Name of applicant: <i>Eugene Zakhareyev</i></p> <p>3. Address and phone number of applicant and contact person: <i>54th Ave NE, Redmond WA 98052</i></p> <p>4. Date checklist prepared: <i>11/25/2015</i></p> <p>5. Agency requesting checklist: <i>City of Redmond</i></p> <p>6. Give an accurate, brief description of the proposal's scope and nature:</p> <p>i. Acreage of the site: <u>N/A</u></p> <p>ii. Number of dwelling units/ buildings to be constructed: _____</p> <p>iii. Square footage of dwelling units/ buildings being added: _____</p> <p>iv. Square footage of pavement being added: <u>N/A</u></p> <p>v. Use or principal activity: <u>N/A</u></p> <p>Other information: <u>N/A</u></p>	

To Be Completed By Applicant	Evaluation for Agency Use Only
<p>7. Proposed timing or schedule (including phasing, if applicable):</p> <p>2016</p> <p>8. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No If yes, explain.</p> <p>N/A</p> <p>I am not aware of any other environmental information that has been prepared or will be prepared that is directly related to this proposal.</p> <p>9. List any environmental information you know about that has been prepared or will be prepared directly related to this proposal.</p> <p>N/A</p> <p>future additions, expansion or further activity related to or connected with this proposal.</p> <p>10. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, explain.</p> <p>N/A</p>	

To Be Completed By Applicant	Evaluation for Agency Use Only
<p>11. List any government approvals or permits that will be needed for your proposal, if known.</p> <p>N/A</p> <p>12. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.</p> <p>Comprehensive Plan Policy and Zoning Code amendments to: * Emphasize and expand Overlake's transition areas between employment and residential areas uses by limiting maximum building height; * Require a greater level of review of non-residential development proposed in residential areas citywide.</p> <p>13. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.</p> <p>The proposed amendment will affect Overlake neighborhood and all of the City of Redmond.</p>	

Item 6, Background. Please refer to response for

Item 11, Background. Also, please refer to response for item

The proposed amendments to the Comprehensive Plan and Zoning Code would require City Council approval.

To Be Completed By Applicant	Evaluation for Agency Use Only
<p>B. <u>SUPPLEMENTAL</u></p> <p>Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.</p> <p>When answering these questions, be aware of the extent the proposal or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.</p> <p>1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?</p> <p style="text-align: center;">N/A animals, fish, or marine life, amendments would affect plants, It is unlikely that the proposed</p> <p style="text-align: center;">Proposed measures to avoid or reduce such increases are:</p> <p>2. How would the proposal be likely to affect plants, animals, fish, or marine life?</p> <p style="text-align: center;">N/A of noise hazardous substances; or production storage, or release of toxic or to water, emissions to air; production, amendments would increase discharge It is not likely that the proposed</p> <p style="text-align: center;">Proposed measures to protect or conserve plants, animals, fish or marine life are:</p>	

To Be Completed By Applicant	Evaluation for Agency Use Only
<p>3. How would the proposal be likely to deplete energy or natural resources?</p> <p>N/A</p> <p>Proposed measures to protect or conserve energy and natural resources are:</p> <p>It is unlikely that the proposed amendments would affect environmentally sensitive areas.</p> <p>4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?</p> <p>N/A</p> <p>Proposed measures to protect such resources or to avoid or reduce impacts are:</p> <p>It is unlikely that the proposed amendments would deplete energy or natural resources.</p>	

To Be Completed By Applicant	Evaluation for Agency Use Only
<p>5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?</p> <p>N/A</p> <p>Proposed measures to avoid or reduce shoreline and land use impacts are:</p> <p>It is unlikely that the proposed amendments would increase demands on transportation or public services and utilities.</p> <p>6. How would the proposal be likely to increase demands on transportation or public services and utilities?</p> <p>The proposal would contribute to better transportation planning for new developments in the city of Redmond</p> <p>Proposed measures to reduce or respond to such demand(s) are:</p> <p>It is unlikely that the proposed amendments would affect land and shoreline use.</p>	

To Be Completed By Applicant	Evaluation for Agency Use Only
<p>7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.</p> <p>N/A</p>	

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____ 

Name of Signee: Eugene Zakhareyev _____

Position and Agency/Organization: _____

Relationship of Signer to Project: Signer _____

Date Submitted: 11/25/2015 _____

The proposed amendments are not likely to conflict with local, state or federal laws or requirements for the protection of the environment.



Comprehensive Plan Amendment



(2014-2015) AMENDMENT PACKAGE

Office Use Only

DATE: _____ ACCEPTED BY: _____

LAND: _____

PAYMENT METHOD: NO FEE

This application is for requesting an amendment to Redmond's Comprehensive Plan and associated Zoning Code provisions as part of the 2014-2015 Comprehensive Plan amendment process.

BACKGROUND

Changes to the Comprehensive Plan, and some Zoning Code regulations such as property-specific zoning designations, are allowable once per year under state law. As the first step in this process, the City invites interested parties to identify proposed changes. Afterward, the Redmond Planning Commission and then City Council review and confirm the list of amendments to be considered over the course of the year, including privately-initiated amendments. The purpose of establishing this list (known as the annual *Comprehensive Plan Docket*) is to coordinate proposed changes and to help the community track progress.

APPLICATION PROCESS AND DEADLINE

Any individual, organization, business, or other group may propose an amendment. For site-specific proposals, a minimum of 75% of property owners must confirm agreement by signing this document. Proposals to amend the Comprehensive Plan and associated Zoning Code provisions must be received in person by 5 pm on **Thursday, May 29, 2014**. Proposals received after the deadline will be considered as part of subsequent annual docketing processes. There is no fee for Comprehensive Plan or Zoning Code amendments requested during this process, nor are fees required for associated State Environmental Policy Act (SEPA) review. See page 3 for submittal instructions.

STAFF CONSULT AND APPLICATION DEADLINES

Consultation with Long Range Planning staff is required prior to submitting an application. Contact Pete Sullivan, Senior Planner, to coordinate; ppsullivan@redmond.gov

Purpose of staff consult is to:

- review the proposal
- answer questions;
- preliminarily identify consistency issues; and
- ensure application completeness.

The 2014-15 Comprehensive Plan Amendment process includes two deadlines as described below:

Round 1: May 29, 2014

An application must be received by 5PM on this date for consideration in 2014-15 Comprehensive Plan Amendment docket.

Round 2: June 6, 2014

If Round 1 submittal is determined incomplete it will be returned. Applicants must provide complete applications by this date to be recommended for inclusion in 2014-15 Comprehensive Plan Amendment docket.

Ready to arrange a pre-consult meeting? Contact Pete Sullivan, Senior Planner, at ppsullivan@redmond.gov



Comprehensive Plan Amendment



COMPREHENSIVE PLAN APPLICATION

NOTICE: Materials delivered by courier or by mail will not be accepted.

Amendment Name: Require Conditional Use Permit for non-residential uses applications in residential neighborhoods

Site Address(if applicable): _____

Parcel Number(s)(if applicable) _____

Acres: _____ (if applicable) Zoning designation: _____ (if applicable)

CONTACT INFORMATION

Applicant: Friends of Overlake neighborhood group

Company Name: (if applicable) _____

Mailing Address: 5126 154th Ave NE

City: Redmond State: WA Zip: 98052

Phone: 408-421-2126 Fax: _____ Email: moston051@gmail.com

AUTHORIZED AGENT

The undersigned hereby certifies that all information submitted with this application is complete and correct to the best of my knowledge.

Print Name: Eugene Zakhareyev Date: 5/29/2014

Signature: Eugene Zakhareyev

Digitally signed by Eugene Zakhareyev
DN: cn=Eugene Zakhareyev, o=, email=moston051@gmail.com, c=US
Date: 2014.05.26 22:00:28 -0700

ELECTRONIC SUBMITTAL STANDARDS

After staff pre-consult, application materials must be completed electronically, and submitted as follows:

- A. PDF File format File Naming Standards:
Application forms should be submitted as PDF documents. Email attachments should be clearly named so they correspond to the forms identified on Page 3.
- B. Send PDFs as email attachments:
Include "Comprehensive Plan Amendment Application" in the subject line and send to ppsullivan@redmond.gov
- C. Application should be packaged as 4 PDFs
The Comprehensive Plan Amendment application has four components as described on Page 3. Each component should be submitted a stand-alone PDF. Additional responses to applications questions, or other materials such as maps, calculations, or reports should be embedded in the PDF for which they support.

Ready to arrange a pre-consult meeting? Contact Pete Sullivan, Senior Planner: ppsullivan@redmond.gov

DESCRIPTION OF PROPOSED AMENDMENT

If this proposal is for a text amendment, provide the description of the amendment in the space below or attach to this form. Reference the Comprehensive Plan page number. The Comprehensive Plan can be accessed at www.redmond.gov/compplan.

Amend section LU-30 to include "To maintain the character of the residential areas and impose conditions for future compatibility, require Conditional Use Permit for all allowed nonresidential uses in Residential zones".

ANSWER SECTION BELOW

What is the current Comprehensive Plan land use designation and zoning?

What is your desired Comprehensive Plan land use designation and zoning?

Describe what type of development is envisioned for the area propose for the amendment . A conceptual drawing of the proposed development may be required.

What land uses are located on and adjacent to the area proposed for amendment?

SUBMITTAL REQUIREMENTS

The application package includes four forms as described below. Also see E-submittal standards, Page 2.

1. Complete & signed copy of **this form**. E-sign is ok.
 - If site specific amendment, include **Signature Document** with signatures of at least 75% of the property owners within the affected geographic area.
 - If site specific or area-wide map amendment, include a **map** with the following information:
 - Parcels and streets in affected area
 - Parcel numbers and street address (es) in affected area.
 - Scale between 1-inch equals 100' and 1 inch equals 800 feet.
2. Complete and signed **General Application form**. Direct link to electronic form [here](#) (opens a PDF document)
3. State Environmental Policy Act (SEPA) **Application and Checklist** Direct link to electronic form [here](#) (opens a PDF document)
4. SEPA **Critical Areas Fee Worksheet** (No fees collected; but worksheet still required) Direct link to electronic form [here](#) (opens a PDF document)

Items 2-3 above can also be accessed at www.redmond.gov/anduseforms

Ready to arrange a pre-consult meeting? Contact Kate Sullivan Senior Planner at kps111@redmond.gov

COMPREHENSIVE PLAN AMENDMENTS QUESTIONS

Questions 1 through 8 apply to all proposed amendments. Please answer the questions on this page or attach additional pages as needed, embedding them in the same PDF as this page. Please refer to the Standards on Page 2.

1. What is your proposed amendment intended to accomplish?

~~Allowed nonresidential uses in Residential zones may greatly affect the character of the neighborhood, but Conditional Use Permit is not required for all uses. The change will impose conditions on new developments so that the compatibility with residential uses can be enforced, as well will ensure greater residents' participation in the land use application approval process.~~

2. How will your proposal support the goals contained in Redmond's Comprehensive Plan? Goals are shown on page 6.

~~The proposal will provide for better planning for Redmond's sustainable future while keeping and enhancing the quality of life in the city residential neighborhoods.~~

3. How will your proposal support other applicable policies and provisions from Redmond's Comprehensive Plan? Plan can be accessed at www.redmond.gov/compplan or click [here](#).

~~The amendment will clarify the purposes of the comprehensive plan and will serve to enhance the unique character of the residential neighborhoods of the city of Redmond.~~

4. What impacts might your proposal have on the natural environment, such as critical areas or other natural areas?

~~The proposal will not have effect on the natural environment.~~

5. What economic impacts might your proposal have, such as impacts for businesses, residents, property owners, or Redmond City Government?

~~The amendment will better protect the interests of the residents in Residential zones, as well as allow the city to better enforce the zoning requirements.~~

6. How will your proposal address the long-term interests and needs of the community as a whole?

~~The proposal will serve best interests of the community by making sure new developments do not compromise established residential neighborhood quality of life.~~

7. Are you aware of any public support for your proposed amendment?

~~The proposal is supported by Friends of Overlake, neighborhood group of over 50 residents of Overlake neighborhood.~~

8. If your proposal has been considered within the last four years, what circumstances have changed to make the proposed amendment appropriate?

~~To the best of our knowledge, there was no such proposal in the last four years.~~

LAND USE MAP QUESTIONS

Questions 9-14 apply only to changes to the Land Use Plan Map or land use designations. For all other additional questions, describe both positive and negative impacts and any mitigation that would be required to offset negative impacts.

9. Describe the suitability of the area for the proposed designation, considering the adjacent land uses and the surrounding development pattern, and the zoning standards under the potential zoning classification.

10. What is the potential for the uses allowed under the proposed designation to be incompatible with uses or property in the immediate vicinity of the subject property? How would adverse impacts be mitigated?

11. Describe the extent to which the proposal supports: a) Redmond's preferred land use pattern as described in the Comprehensive Plan Land Use Element, and b) the community character object contained in Redmond's Comprehensive Plan. *See the Community Character or Land Use Element of the Comprehensive Plan or the elements specific to neighborhoods.*

12. Describe any probable advance environmental impacts that might result from the proposed change in land use designation. How would any adverse impacts be mitigated?

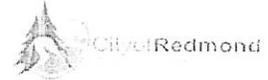
13. Describe the extent in which adequate public facilities and services are likely to be available to serve the development allowed under the proposed land use designation.

14. If a change in allowed uses is proposed, discuss the need for the land use which would be allowed and whether the change would result in loss of capacity to accommodate other needed uses. Consider especially, whether the proposed change complies with the City policy HO-17, which would prohibit any rezone that reduces capacity for residential development without first approving another rezone that at least replaces the lot capacity elsewhere in the City.

- To conserve agricultural lands and rural areas, to protect and enhance the quality of the natural environment, and to sustain Redmond's natural resources as the City continues to accommodate growth and development.
- To retain and enhance Redmond's distinctive character and high quality of life, including an abundance of parks, open space, good schools and recreational facilities.
- To emphasize choices and equitable access in housing, transportation, stores and services.
- To support vibrant concentrations of retail, office, service, residential and recreational activity in Downtown and Overlake.
- To maintain a strong and diverse economy and to provide a business climate that retains and attracts locally owned companies, as well as internationally recognized corporations.
- To provide opportunities to live a healthy lifestyle, enjoy a variety of community gathering places and celebrate diverse cultural opportunities.
- To provide convenient, safe and environmentally friendly transportation connections within Redmond and between Redmond and other communities for people and goods.
- To cultivate a well-connected community, working together and with others in the region to implement a common vision for Redmond's sustainable future.



Comprehensive Plan Amendment



(2014 2015) AMENDMENT PACKAGE

Office Use Only	
DATE: _____	ACCEPTED BY: _____
LAND: _____	
PAYMENT METHOD: NO FEE	

This application is for requesting an amendment to Redmond's Comprehensive Plan and associated Zoning Code provisions as part of the 2014-2015 Comprehensive Plan amendment process.

BACKGROUND

Changes to the Comprehensive Plan, and some Zoning Code regulations such as property-specific zoning designations, are allowable once per year under state law. As the first step in this process, the City invites interested parties to identify proposed changes. Afterward, the Redmond Planning Commission and then City Council review and confirm the list of amendments to be considered over the course of the year, including privately-initiated amendments. The purpose of establishing this list (known as the annual *Comprehensive Plan Docket*) is to coordinate proposed changes and to help the community track progress.

APPLICATION PROCESS AND DEADLINE

Any individual, organization, business, or other group may propose an amendment. For site-specific proposals, a minimum of 75% of property owners must confirm agreement by signing this document. Proposals to amend the Comprehensive Plan and associated Zoning Code provisions must be received in person by 5 pm on **Thursday, May 29, 2014**. Proposals received after the deadline will be considered as part of subsequent annual docketing processes. There is no fee for Comprehensive Plan or Zoning Code amendments requested during this process, nor are fees required for associated State Environmental Policy Act (SEPA) review. See page 3 for submittal instructions.

STAFF CONSULT AND APPLICATION DEADLINES

Consultation with Long Range Planning staff is required prior to submitting an application. Contact Pete Sullivan, Senior Planner, to coordinate: ppsullivan@redmond.gov

Purpose of staff consult is to:

- review the proposal
- answer questions;
- preliminarily identify consistency issues; and
- ensure application completeness.

The 2014-15 Comprehensive Plan Amendment process includes two deadlines as described below:

Round 1: May 29, 2014

An application must be received by 5PM on this date for consideration in 2014-15 Comprehensive Plan Amendment docket.

Round 2: June 6, 2014

If Round 1 submittal is determined incomplete it will be returned. Applicants must provide complete applications by this date to be recommended for inclusion in 2014-15 Comprehensive Plan Amendment docket.

Ready to arrange a pre-consult meeting? Contact Pete Sullivan Senior Planner at ppsullivan@redmond.gov



Comprehensive Plan Amendment



COMPREHENSIVE PLAN APPLICATION

NOTICE: Materials delivered by courier or by mail will not be accepted.

Amendment Name: Extend OBAT overlays into residential areas

Site Address(if applicable): _____

Parcel Number(s)(if applicable) _____

Acres: _____ (if applicable) Zoning designation: _____ (if applicable)

CONTACT INFORMATION

Applicant: Friends of Overlake neighborhood group

Company Name: (if applicable) _____

Mailing Address: 5126 154th Ave NE

City: Redmond State: WA Zip: 98052

Phone: 408-421-2126 Fax: _____ Email: moston051@gmail.com

AUTHORIZED AGENT

The undersigned hereby certifies that all information submitted with this application is complete and correct to the best of my knowledge.

Print Name: Eugene Zakhareyev Date: 5/29/2014

Signature: Eugene Zakhareyev

Digitally signed by Eugene Zakhareyev
DN: cn=Eugene Zakhareyev, o=City of Redmond, email=e.zakhareyev@redmond.gov
Date: 2014.05.29 07:48:37 -0700

ELECTRONIC SUBMITTAL STANDARDS

After staff pre-consult, application materials must be completed electronically, and submitted as follows:

- A. PDF File format File Naming Standards:
Application forms should be submitted as PDF documents. Email attachments should be clearly named so they correspond to the forms identified on Page 3.
- B. Send PDFs as email attachments:
Include "Comprehensive Plan Amendment Application" in the subject line and send to ppsullivan@redmond.gov
- C. Application should be packaged as 4 PDFs
The Comprehensive Plan Amendment application has four components as described on Page 3. Each component should be submitted a stand-alone PDF. Additional responses to applications questions, or other materials such as maps, calculations, or reports should be embedded in the PDF for which they support.

Ready to arrange a pre-consult meeting? Contact Pete Sullivan, Senior Planner | ppsullivan@redmond.gov

COMPREHENSIVE PLAN AMENDMENTS QUESTIONS

Questions 1 through 8 apply to all proposed amendments. Please answer the questions on this page or attach additional pages as needed, embedding them in the same PDF as this application (see the filing standards on Page 2).

1. What is your proposed amendment intended to accomplish?

~~The purpose of the overlays on edges of OBAT area (as defined in RCZ 21.12.210) is to promote compatibility on the edges of zones that allow more intense uses than abutting zones and to minimize adverse impacts such as glare. The overlay should be extended into Residential zones same 300 feet as on edge of OBAT area.~~

2. How will your proposal support the goals contained in Redmond's Comprehensive Plan? Goals are shown on page 6.

~~The proposal will provide for better planning for Redmond's sustainable future while keeping and enhancing the quality of life in the city residential neighborhoods.~~

3. How will your proposal support other applicable policies and provisions from Redmond's Comprehensive Plan? Plan can be accessed at www.redmond.gov/compplan or click [here](#).

~~The amendment will clarify the purposes of the comprehensive plan and will serve to enhance the unique character of the residential neighborhoods at the edges of OBAT area.~~

4. What impacts might your proposal have on the natural environment, such as critical areas or other natural areas?

~~The proposal will not have effect on the natural environment.~~

5. What economic impacts might your proposal have, such as impacts for businesses, residents, property owners, or Redmond City Government?

~~The amendment will better protect the interests of the residents in Residential zones.~~

6. How will your proposal address the long-term interests and needs of the community as a whole?

~~The proposal will serve best interests of the community by making sure new developments do not compromise established residential neighborhood quality of life.~~

7. Are you aware of any public support for your proposed amendment?

~~The proposal is supported by Friends of Overlake, neighborhood group of over 50 residents of Overlake neighborhood.~~

8. If your proposal has been considered within the last four years, what circumstances have changed to make the proposed amendment appropriate?

~~To the best of our knowledge, there was no such proposal in the last four years.~~

LAND USE MAP QUESTIONS

Questions 9-14 apply only to changes to the Land Use Map or land use designations. Questions 9-14 describe both positive and negative impacts of a change. Questions 9-14 describe negative impacts.

9. Describe the suitability of the area for the proposed designation, considering the adjacent land uses and the surrounding development pattern, and the zoning standards under the potential zoning classification.

10. What is the potential for the uses allowed under the proposed designation to be incompatible with uses or property in the immediate vicinity of the subject property? How would adverse impacts be mitigated?

11. Describe the extent to which the proposal supports: a) Redmond's preferred land use pattern as described in the Comprehensive Plan Land Use Element, and b) the community character object contained in Redmond's Comprehensive Plan. *See the Community Character or Land Use Element of the Comprehensive Plan or the elements specific to neighborhoods.*

12. Describe any probable adverse environmental impacts that might result from the proposed change in land use designation. How would any adverse impacts be mitigated?

13. Describe the extent in which adequate public facilities and services are likely to be available to serve the development allowed under the proposed land use designation.

14. If a change in allowed uses is proposed, discuss the need for the land use which would be allowed and whether the change would result in loss of capacity to accommodate other needed uses. Consider especially, whether the proposed change complies with the City policy HO-17, which would prohibit any rezoning that reduces capacity for residential development without first approving another rezoning that at least replaces the lot capacity elsewhere in the City.

GOALS FOR REDMOND

- To conserve agricultural lands and rural areas, to protect and enhance the quality of the natural environment, and to sustain Redmond's natural resources as the City continues to accommodate growth and development.
- To retain and enhance Redmond's distinctive character and high quality of life, including an abundance of parks, open space, good schools and recreational facilities.
- To emphasize choices and equitable access in housing, transportation, stores and services.
- To support vibrant concentrations of retail, office, service, residential and recreational activity in Downtown and Overlake.
- To maintain a strong and diverse economy and to provide a business climate that retains and attracts locally owned companies, as well as internationally recognized corporations.
- To provide opportunities to live a healthy lifestyle, enjoy a variety of community gathering places and celebrate diverse cultural opportunities.
- To provide convenient, safe and environmentally friendly transportation connections within Redmond and between Redmond and other communities for people and goods.
- To cultivate a well-connected community, working together and with others in the region to implement a common vision for Redmond's sustainable future.

Comments to Technical Committee Report on amendments to Comprehensive Plan and Zoning Code (LAND-2015-02261)

DATE: 10-Feb-2016

TO: Planning Commission

FROM: Eugene Zakhareyev, Friends of Overlake

The applicant thanks Technical Committee for research into feasibility of implementing amendments as proposed and alternative solutions. However the applicant respectfully disagrees with the committee recommendation to deny the amendments.

The applicant firmly believes that the proposed amendments will contribute to more rigorous land use development process in the City of Redmond and Overlake neighborhood and will better protect the residents in existing residential neighborhoods while allowing variety of non-residential uses thereof.

About the applicant: the amendment was submitted by Friends of Overlake group, group of over 100 residents in Overlake neighborhood. Initial proposal and comments were presented and discussed on the group FB page.

Applicants' response to Technical Committee report

The document below addresses Technical Committee report, discussing each amendment proposed separately.

Amendment "to require all non-residential uses within Residential zones be reviewed through a Conditional Use Permit (CUP) process"

The applicant believes that the alternative amendment proposed by the Technical Committee (*to require a neighborhood meeting for three non-residential uses in Residential zoned areas including A) Community indoor recreation; B) Parks, open space, trails and gardens; and, C) Religious institutions with fewer than 250 seats*), by requiring public meeting for these uses instead of Type IV (CUP) review process falls short of the original amendment intended goal.

The goal of the proposed amendment is to allow Redmond residents to participate in a more transparent process, where the decision on land use development impacting lives of many is made by the city's elected officials in a public hearing (rather than by the city staff in a closed meeting as is the case with Type II permits), and takes into consideration public testimony. The fact that the decisions in CUP process are quasi-judicial and discretionary and are made by the City Council is vital to improving the public's role in the process and is a key point of the amendment. Introducing public meeting into Type II process does not achieve the intended effect.

Additionally, while the Technical Committee report agrees that the proposed amendment is in line with state, county and the city of Redmond general policies and development goals, the report argues that implementing the proposal would incur additional monetary and time costs deterring permitted non-residential development in residential areas.

The applicant agrees with the report that *all* non-residential uses currently requiring Type II permitting process are not equally impactful and is willing to limit the proposed amendment to (quote the report): "*three non-residential uses*] when an applicant proposes either a new use or a substantial improvement to an existing use that would increase the capacity for people to gather".

For those uses (to wit A) Community indoor recreation; B) Parks, open space, trails and gardens; and, C) Religious institutions with fewer than 250 seats), the applicant believes that the changes in the process are justified, as such land uses affect much larger residential population. The report concentrates on additional costs of development, quoting, for example, additional signage cost of \$400, completely leaving out the costs for the public, should Type II decision be challenged by the city resident(s). To illustrate the costs of appeal, the land use attorneys

typically charge from \$300 per hour, and traffic study review by the traffic engineer will incur costs of thousands dollars.

Hence the applicant believes that while reviewing potential impact of the changes in permitting process, the Technical Committee should not only concern themselves with the costs to developer, but also with the costs to the city residents during the process, and the potential costs to the developer, city and the residents in case of appeals.

The Technical Committee report states that *"the Comprehensive Plan supports the location of non-residential uses within residential zones, recognizing that having schools, parks, religious institutions, home businesses and day cares nearby is important for residents' access to these services and contributes to the fabric of a community"*. The applicant wholeheartedly agrees that having multitude of services is important to the community; but such uses as parks, recreation centers and religious establishments tend to serve much wider communities than immediate nearby residents, with the residents bearing the majority of nuisances such as parking issues, increased non-local traffic and additional traffic congestion.

Based on the Technical Committee report findings, the applicant believes that the proposed amendment can be changed to include only three non-residential uses that would require Type IV (CUP) review process, specifically A) Community indoor recreation; B) Parks, open space, trails and gardens; and, C) Religious institutions with fewer than 250 seats. That would address the Technical Committee concerns about monetary and time cost increases for majority of the uses while still protecting the interests of the residents in cases of impactful uses.

The applicant also believes that using Type III review process may provide viable alternative to additionally address the Technical Committee costs concerns.

The applicant believes that suggested compromise will address the concerns expressed in the Technical Committee report while retaining the spirit of originally submitted amendment.

The applicant disagrees with the Technical Committee proposed alternative of requiring neighborhood meeting for three non-residential uses as part of Type II review process as it does not serve the stated goals of the submitted amendment.

Further below the applicant presents in depth rebuttal of the statements made in the Technical Committee report to support the proposition above.

In the section below, the applicant addresses “Factors considered and alternatives” portion of the Technical Committee report, specifically subsections

Process differences

The applicant agrees with the Technical Committee that Type IV permitting process represents additional expense for the developer in land use application process, however the city has duty not only to the developer but to its residents as well. As such, more transparent process involving general public and elected officials instead of administrative process serves both the community and ultimately the developer by preventive unnecessary litigation on later stages.

The applicant agrees with the Technical Committee that there are three non-residential uses that represent major risk to the existing residential community that would warrant more public process, specifically

- 1) community indoor recreation
- 2) parks, open space, trails and gardens
- 3) religious institutions with less than 250 seats

As those uses may have major impact on day-to-day quality of life of the residents as well as on potential values of the existing residences, the applicant believes that the increase in time\costs in permitting process is justified by the benefits all parties gain in process that involves public and elected officials.

Issues in terms of impacts

The Technical Committee references the research performed by the city staff to identify the non-residential uses impact on the communities, and claims that the said research did not identify major issues in such uses.

As the specific research is not part of the report, the applicant lacks the ability to review the findings. However, the applicant did interview Redmond residents in vicinity of existing non-residential developments and found that there are cases where the city’s assertions are at odds with the residents’ observations.

Additionally, the city did not identify specific statistics as to mitigations of the impacts of non-residential uses in residential areas. If the Technical Committee report intends to show that non-residential uses in residential areas have negligible or easily addressable effect on the lives of the residents, such statistical data is needed.

Current review process and opportunity for public input

The Technical Committee report recommends adding mandatory neighborhood meeting to the existing Type II process for three non-residential uses identified above and claims that will serve to support more transparent process.

The applicant disagrees with the Technical Committee position for following reasons

- The residents are able to submit comments to the city using the current process
- The city is not obligated to address the comments submitted, and the proposed meeting does not change that

The proposed amendment makes sure that the public comments are addressed properly via CUP process; and that will include public meeting by the virtue of the process as it is defined today.

Reasoning to require meetings for three non-residential uses only

The Technical Committee report recommends adding mandatory neighborhood meeting to the existing Type II process only for three non-residential uses identified above due to the high impacts those uses may have in residential neighborhoods.

The applicant agrees that it is possible to identify three non-residential uses that may have the greatest impact on residential areas and that currently follow Type II permitting process. However the applicant disagrees that the neighborhood meeting is the proper way to mitigate the potential impact and insists that CUP process provides both needed transparency and public involvement.

Another review process option

The Technical Committee report discusses using Type III permitting process instead of CUP (Type IV) process for non-residential uses in residential areas. The applicant believes that Type III process may be viable alternative as it is a process that involves public and the decision is made by the third party (Hearing Examiner) based on facts and public testimony.

The applicant again disagrees with the Technical Committee that the fact the decision on impactful land uses becomes quasi-judicial and discretionary is detrimental, and believes that this will benefit the residents and developers alike in providing fair transparent process that takes into account needs of all parties involved.

In the section below, the applicant addresses “Additional supporting analysis” portion of the Technical Committee report, specifically subsections

GMA compliance

The Technical Committee report alleges that proposed amendment contradicts planning goal #7 of GMA. The goal states “(7) *Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.*” The applicant believes that the amendment does not interfere with the permitting as it does not introduce new arbitrary practice. CUP is defined in Redmond Zoning Code and serves to provide fair handling of land use applications that may have significant effect not only on the property being developed but on neighboring properties as well as other residents of the city of Redmond.

Additionally, the proposed amendment supports goal #11 of GMA “(11) *Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.*” CUP provides for transparent process in cases where public welfare may be affected.

Redmond Comprehensive plan

The proposed amendment supports Redmond development goals, specifically:

- *To retain and enhance Redmond’s distinctive character and high quality of life, including an abundance of parks, open space, good schools and recreational facilities*

Who is better judge of the existing community character than the neighborhood residents? The proposed amendment allows the residents to participate in permitting process, and proposed permitting process takes into account the public opinion on proposed developments.

- *To cultivate a well-connected community, working together and with others in the region to implement a common vision for Redmond’s sustainable future.*

Transparent decision making process with public involvement will support community sense of togetherness and will work on involving residents into the process.

Moreover, the amendment supports range of the city policies listed below.

Framework policies

FW-21 Strengthen ongoing dialogue between each neighborhood and City officials.

FW-22 Make each neighborhood a better place to live or work by preserving and fostering each neighborhood’s unique character and preparation for a sustainable future, while providing for compatible growth in residences and other land uses, such as businesses, services or parks.

Land use policies

LU-30 Allow some compatible nonresidential uses in Residential zones, such as appropriately scaled schools, religious facilities, home occupations, parks, open spaces, senior centers and day

care centers. Maintain standards in the Redmond Zoning Code for locating and designing these uses in a manner that respects the character and scale of the neighborhood.

Compatible growth (emphasis in quotation added) is assured via transparent decision making process, public involvement during the process makes sure that the character of the neighborhood is respected and retained.

Contrary to the Technical Committee report claims (*“proposed amendments could interfere with the provision of land uses and services by making the review process longer and more costly and by resulting in fewer potential places for non-residential uses”*), allowing public to have its say during the permitting process and involving elected officials in actual decisions will not result in fewer places for allowed non-residential uses, but will make sure that such uses will fit with the community and will be truly welcomed by the residents, rather than resulting in costly litigation involving the city, developers and concerned citizens.

The applicant maintains that the proposed amendment fully supports Redmond Comprehensive plan policies and serves to evolve Redmond Zoning Code to protect existing residential community values while allowing compatible and properly scaled non-residential uses.

Potential general impacts to the capacity of public facilities and services. Potential economic impacts

The applicant believes that involving the community in decision making and using transparent process is cost-effective and proper way of using the resources. The changes in process will serve to build relationship of trust between the city and its residents and may result in decrease in number of appeals, thus saving even more city resources.

Amendment “to extend the height limit overlay area of the OBAT zone by 300 feet into nearby residential zones”

The Technical Committee report recommends denying the amendment on the grounds that extending overlay may “*interfere with the location of non-residential uses in Residential zones by not allowing height exceptions for uses which are governed through Special Regulations specific to the use, such as religious institutions and communications structures*” as well as claims that such extended overlay will be inconsistent with the zoning code elsewhere in the city.

OBAT overlay area purpose is to limit the height of the buildings in transition areas between Overlake employment area and established residential neighborhood. The Technical Committee report recommendation concentrates on the fact that the current overlay is set for commercial construction, however the focus of the amendment submitted is on overlay stated *purpose* and the reason it exists, namely protection of established residential Overlake neighborhood. The applicant finds it extremely logical that the same standard should apply to both sides of the streets [that represent the natural boundaries of OBAT area].

Allowing exceptional heights on residential side of OBAT border makes overlay stated purpose unattainable, by allowing new structures on the boundary of OBAT area that are higher than what overlay currently allows. The proposed amendment fixes that by setting the maximum height uniformly in transition area both on OBAT and residential area sides.

Additionally, overlay is by definition a special district applying stricter standard in the area where such standard is desired. As such, OBAT transition overlay applies to Overlake neighborhood alone and modifying it does not introduce additional inconsistencies into the zoning code.

To: Planning Commission Members

Subject: Zakareyev Amendment to the Redmond Comprehensive Plan

Project File Number: LAND-2015-02261

Date: February 10, 2016

Dear Planning Commission Members:

Eugene Zakareyev, on behalf of the Friends of Overlake Neighborhood Group, proposed two amendments to the Redmond Comprehensive Plan.

The Zakareyev Amendment had two parts. One part would require that all proposed non-residential uses in Residential Zones obtain a Conditional Use Permit. The second part extends the height limits in the Overlake Building and Technology (OBAT) into the adjacent residential neighborhood.

On January 11, 2016, I submitted comments on this proposal noting my objection to the requirement for Conditional Use Permits in Residential Zones for all non-residential uses because I felt that it would add a layer of bureaucracy and cost that was unnecessary. Additionally, it would apply to all residential neighborhoods in Redmond, including my neighborhood on Education Hill. I did not comment on the OBAT amendment.

The Zakareyev Amendment was processed as a single amendment. It seems that there should have been two separate amendments submitted by the same proponent, but processed separately. This administrative decision has created confusion.

In the January 15, 2016 Technical Committee Report for these amendments, the report recommended that both parts of the amendments be denied. It also recommended that Redmond Zoning Code be amended to require a neighborhood meeting for three non-residential uses in Residential zoned areas including A.) Community indoor recreation; B.) Parks, open space, trails and gardens; and, C.) Religious institutions with fewer than 250 seats.

RZC 21.76.060 (F) states that when the Technical Committee makes a recommendation on a Type VI Review, they can recommend that the amendment be APPROVED, APPROVED WITH CONDITIONS, or DENIED.

If the amendments are being DENIED, then there can be no further conditions or recommendations.

However, the recommendation by the Technical Committee that the amendments be denied can be overturned by the Planning Commission, in which case, the Planning Commission can approve one or both of the amendments.

It is not clear which amendment the additional conditions requiring neighborhood meetings should be attached to. In the event that the Planning Commission recommends that the Redmond City Council approve one or both parts of the Zakareyev Amendment and also recommends that the Redmond Zoning Code be amended to include the neighborhood meetings, I would like to request that the recommendation for neighborhood meetings be processed as a separate Type VI Permit because it is substantially different from the original amendments.

I am particularly concerned that requiring neighborhood meetings for non-residential uses would significantly affect our ability to develop and maintain park trails, especially in the newly acquired Keller Farm and also in Hartman Park. I am also concerned that requiring neighborhood meetings for religious institutions would interfere with our right to practice our religions and to assemble. Also note that RZC 21.76.070(J)(2)(b)(iii) requires that Comprehensive Plan amendments be consistent with existing local, state and federal laws. I question whether the neighborhood meeting as it applies to religious institutions would be in compliance with the law.

Thank you for considering my comments,

Susan Wilkins
18024 NE 99th Ct
Redmond, WA 98052

Attachment: RZC 21.76 Review Procedures

RZC 21.76 Review Procedures

21.76.050 PERMIT TYPES AND PROCEDURES

1. **Purpose.** The purpose of this chapter is to provide detailed administrative review procedures for applications and land use permits classified as Types I through VI.
2. **Scope.** Land use and development decisions are classified into six processes based on who makes the decision, the amount of discretion exercised by the decision maker, the level of impact associated with the decision, the amount and type of input sought, and the type of appeal opportunity...

Table 21.76.050A notes that Type VI permits have "Potential for greatest level of impact due to changes in regulation or policy. Greatest level of discretion [is expected.]"

Table 21.76.050B notes that there are 3 Permit Types that require the Type VI decision:

- Comprehensive Plan Map and/or Policy Amendment
- Zoning Code Amendment (text)
- Zoning Code Amendment (that requires a Comprehensive Plan Amendment)

Figure 21.76.050F / Flow Chart for Type VI Process (see flow chart on next page) shows the steps that have occurred for the Zakareyev Comprehensive Plan Amendment that is under review.

- 1.) The SEPA Determination of Non-significance was issued on December 28, 2015.
- 2.) The Technical Committee Recommendation to the Planning Commission was published on January 15, 2016. RZC 21.76.060 F applies to this recommendation.
- 3.) Study Session - was scheduled for January 27, 2016. (Rescheduled for Feb 10.)
- 4.) Planning Commission Public Hearing - Feb 10, 2016.

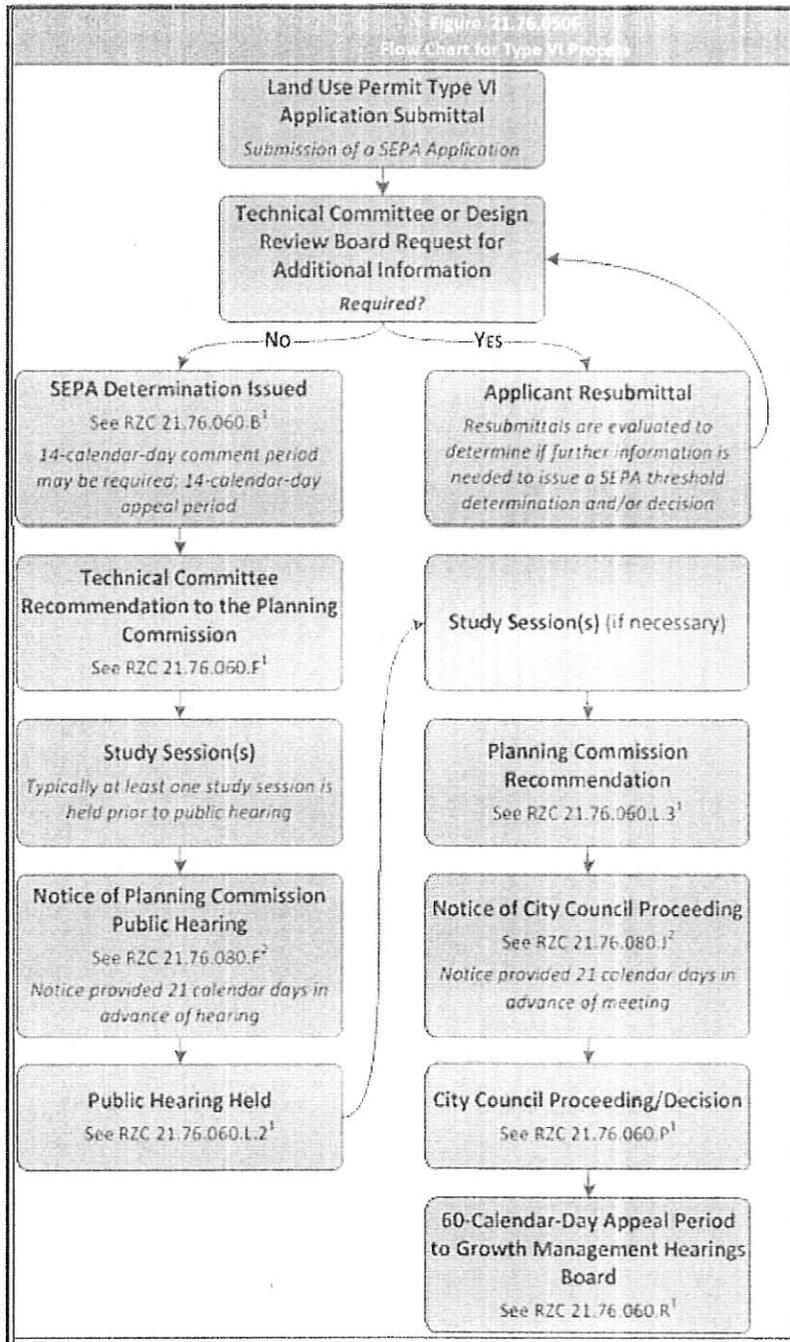
21.76.060 PROCESS STEPS AND DECISION MAKERS

F. Technical Committee Recommendations on Type VI Reviews.

The Technical Committee shall make a recommendation to the... Planning Commission for all Type VI Reviews. The Technical Committee's recommendation shall be based on the decision criteria for the application set forth in the RZC, and shall include any conditions necessary to ensure consistency with the City's development regulations. Based upon its analysis of the application, the Technical Committee may recommend:

- approval,
- approval with conditions or with modifications, or
- denial.

Note that there is no provision for denial with conditions or modifications.



21.76.070 Land Use Actions and Decision Criteria

J. Comprehensive Plan and Policy Amendments

(2)(b).(iii.) The proposed Comprehensive Plan amendment is consistent with existing local, state, and federal laws;

Jodi L. Daub

From: Sarah Stiteler
Sent: Wednesday, February 17, 2016 2:50 PM
To: Eugene Zakhareyev
Cc: Jodi L. Daub
Subject: RE: Tonights planning commission meeting

Eugene,

I will send this electronically to Planning Commissioners asap and make sure they have hard copy at the meeting tonight.

Sarah

Sarah Stiteler, AICP, Senior Planner
City of Redmond
15670 NE 85th Street
Redmond, WA 98052
(425) 556-2469
ssiteler@redmond.gov

From: Eugene Zakhareyev [<mailto:eugenez@outlook.com>]
Sent: Wednesday, February 17, 2016 2:28 PM
To: Sarah Stiteler
Subject: Tonights planning commission meeting

Hi Sarah!

I would appreciate if you could pass the following to the commission as additional comment:

"At the last commission meeting there were comments made by AEB mosque community representative as to the potential harm the amendments will cause the community should they be accepted; additionally AEB community appealed Determination of Significance for the amendments. Since then, the appeal was withdrawn and I believe that indicates change in position of AEB community.

Would like to emphasize once more that none of the amendments are discriminatory to any population, as stating that would mean that the city of Redmond permission review process is discriminatory. The purpose of the first amendment is a transparent fair process involving the community; and in the case of OBAT extension it is for consistency of original overlay purpose."

Hopefully the members of commission can get it before the study session?

Thanks much,
Eugene

P.S. Will probably be watching the meeting on TV, unless there is need for me to be present.

Click [here](#) to report this email as spam.

Tupper|Mack|Wells PLLC

2025 First Avenue, Suite 1100
Seattle, WA 98121
Phone (206) 493-2300
Fax 493-2310

BRADFORD DOLL
Direct (206) 493-2324
doll@tmw-law.com

February 17, 2016

Via Electronic Mail

Sarah Stiteler
Senior Planner
City of Redmond Planning Department
SSTITELER@redmond.gov

City of Redmond Planning Commission
planningcommission@redmond.gov

Re: Proposed Comprehensive Plan Amendment; LAND-2015-02261;
Revisions to Comprehensive Plan policies LU-30, OV-77 and Map 12.7

Dear Ms. Stiteler and members of the Planning Commission:

The Anjuman-e-Burhani community has not changed its position with regard to the Comprehensive Plan and zoning code revisions proposed by Mr. Zakhareyev (the "Amendments"): we reiterate our request that the Planning Commission recommend denial of the Amendments.

The record does not support the need to revise the City's Plan or zoning code. The Technical Committee Report and Issue Matrix demonstrate that the City closely regulates design and use of non-residential properties to avoid impacts on residential properties. No evidence contradicting those conclusions has been provided.

Moreover, amending the City's Plan and zoning code is not an appropriate response to a single resident's animus towards his neighbor. The oral comments made by Mr. Zakhareyev on February 10, 2016, underscore that the Amendments are intended to obstruct development of a parcel near Mr. Zakhareyev's home. This parcel, owned by Anjuman-e-Burhani, is zoned R-5 and would be subject to the revised OBAT height overlay proposed by Mr. Zakhareyev. Anjuman-e-Burhani's proposed development of that parcel was, according to Mr. Zakhareyev himself, the "inspiration" for the Amendments.¹

Sincerely,

TUPPER MACK WELLS PLLC

¹ http://redmond.granicus.com/MediaPlayer.php?view_id=2&clip_id=693 (beginning at 48:05).

Ms. Sarah Stiteler and City of Redmond Planning Commission
February 17, 2016
Page 2

A handwritten signature in black ink, appearing to read 'Bradford Doll', written in a cursive style.

BRADFORD DOLL

To: Planning Commission Members

Subject: Zakareyev Amendment to the Redmond Comprehensive Plan

Project File Number: LAND-2015-02261

Date: February 10, 2016

Dear Planning Commission Members:

Eugene Zakareyev, on behalf of the Friends of Overlake Neighborhood Group, proposed two amendments to the Redmond Comprehensive Plan.

The Zakareyev Amendment had two parts. One part would require that all proposed non-residential uses in Residential Zones obtain a Conditional Use Permit. The second part extends the height limits in the Overlake Building and Technology (OBAT) into the adjacent residential neighborhood.

On January 11, 2016, I submitted comments on this proposal noting my objection to the requirement for Conditional Use Permits in Residential Zones for all non-residential uses because I felt that it would add a layer of bureaucracy and cost that was unnecessary. Additionally, it would apply to all residential neighborhoods in Redmond, including my neighborhood on Education Hill. I did not comment on the OBAT amendment.

The Zakareyev Amendment was processed as a single amendment. It seems that there should have been two separate amendments submitted by the same proponent, but processed separately. This administrative decision has created confusion.

In the January 15, 2016 Technical Committee Report for these amendments, the report recommended that both parts of the amendments be denied. It also recommended that Redmond Zoning Code be amended to require a neighborhood meeting for three non-residential uses in Residential zoned areas including A.) Community indoor recreation; B.) Parks, open space, trails and gardens; and, C.) Religious institutions with fewer than 250 seats.

RZC 21.76.060 (F) states that when the Technical Committee makes a recommendation on a Type VI Review, they can recommend that the amendment be APPROVED, APPROVED WITH CONDITIONS, or DENIED.

If the amendments are being DENIED, then there can be no further conditions or recommendations.

However, the recommendation by the Technical Committee that the amendments be denied can be overturned by the Planning Commission, in which case, the Planning Commission can approve one or both of the amendments.

It is not clear which amendment the additional conditions requiring neighborhood meetings should be attached to. In the event that the Planning Commission recommends that the Redmond City Council approve one or both parts of the Zakareyev Amendment and also recommends that the Redmond Zoning Code be amended to include the neighborhood meetings, I would like to request that the recommendation for neighborhood meetings be processed as a separate Type VI Permit because it is substantially different from the original amendments.

I am particularly concerned that requiring neighborhood meetings for non-residential uses would significantly affect our ability to develop and maintain park trails, especially in the newly acquired Keller Farm and also in Hartman Park. I am also concerned that requiring neighborhood meetings for religious institutions would interfere with our right to practice our religions and to assemble. Also note that RZC 21.76.070(J)(2)(b)(iii) requires that Comprehensive Plan amendments be consistent with existing local, state and federal laws. I question whether the neighborhood meeting as it applies to religious institutions would be in compliance with the law.

Thank you for considering my comments,

Susan Wilkins
18024 NE 99th Ct
Redmond, WA 98052

Attachment: RZC 21.76 Review Procedures

RZC 21.76 Review Procedures

21.76.050 PERMIT TYPES AND PROCEDURES

1. **Purpose.** The purpose of this chapter is to provide detailed administrative review procedures for applications and land use permits classified as Types I through VI.
2. **Scope.** Land use and development decisions are classified into six processes based on who makes the decision, the amount of discretion exercised by the decision maker, the level of impact associated with the decision, the amount and type of input sought, and the type of appeal opportunity...

Table 21.76.050A notes that Type VI permits have "Potential for greatest level of impact due to changes in regulation or policy. Greatest level of discretion [is expected.]"

Table 21.76.050B notes that there are 3 Permit Types that require the Type VI decision:

- Comprehensive Plan Map and/or Policy Amendment
- Zoning Code Amendment (text)
- Zoning Code Amendment (that requires a Comprehensive Plan Amendment)

Figure 21.76.050F / Flow Chart for Type VI Process (see flow chart on next page) shows the steps that have occurred for the Zakareyev Comprehensive Plan Amendment that is under review.

- 1.) The SEPA Determination of Non-significance was issued on December 28, 2015.
- 2.) The Technical Committee Recommendation to the Planning Commission was published on January 15, 2016. RZC 21.76.060 F applies to this recommendation.
- 3.) Study Session - was scheduled for January 27, 2016. (Rescheduled for Feb 10.)
- 4.) Planning Commission Public Hearing - Feb 10, 2016.

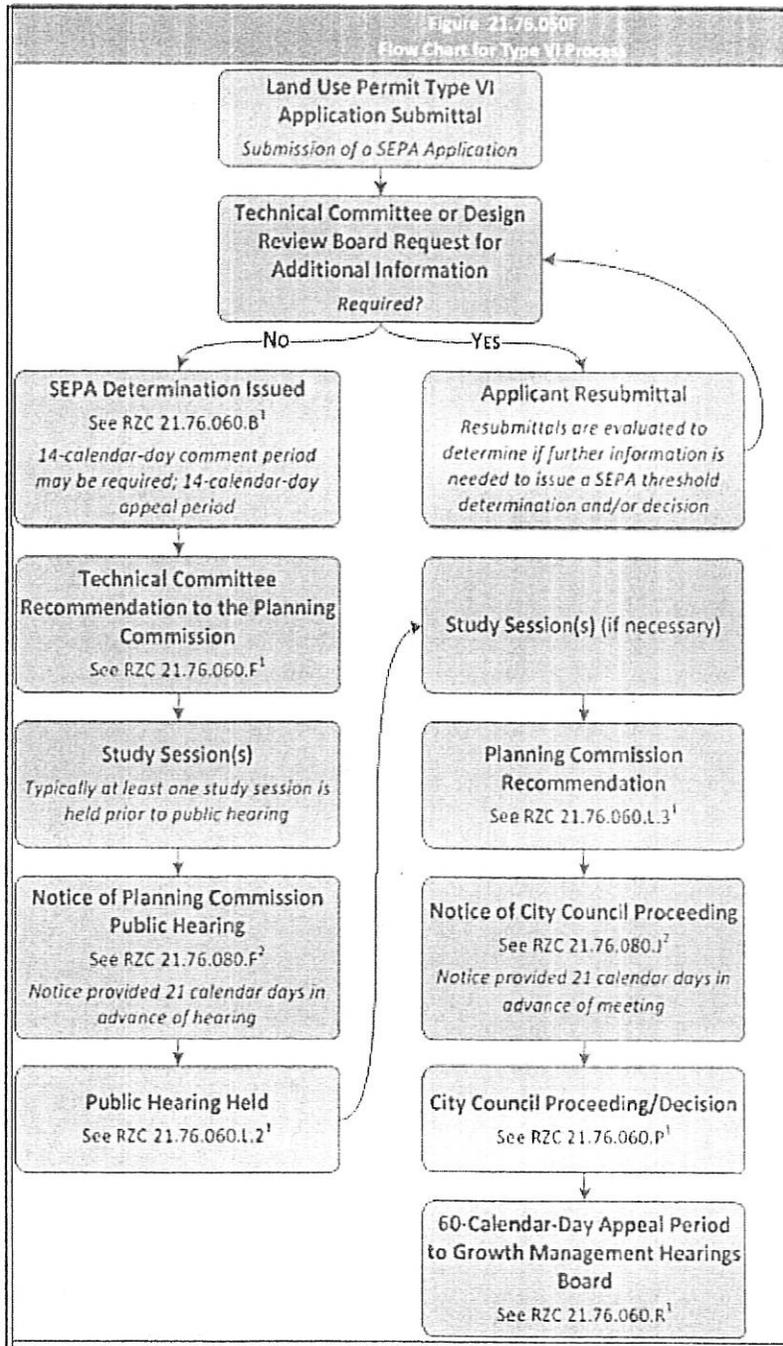
21.76.060 PROCESS STEPS AND DECISION MAKERS

F. Technical Committee Recommendations on Type VI Reviews.

The Technical Committee shall make a recommendation to the... Planning Commission for all Type VI Reviews. The Technical Committee's recommendation shall be based on the decision criteria for the application set forth in the RZC, and shall include any conditions necessary to ensure consistency with the City's development regulations. Based upon its analysis of the application, the Technical Committee may recommend:

- approval,
- approval with conditions or with modifications, or
- denial.

Note that there is no provision for denial with conditions or modifications.



21.76.070 Land Use Actions and Decision Criteria

J. Comprehensive Plan and Policy Amendments

(2)(b)(iii.) The proposed Comprehensive Plan amendment is consistent with existing local, state, and federal laws;