

**CITY OF REDMOND**  
**APPEAL APPLICATION FORM**

(Staff Use Only)

File No: \_\_\_\_\_

Date Received: \_\_\_\_\_

**This appeal application form is for appeals of Technical Committee and Hearing Examiner decisions only.**

**Do not use this form if you are appealing a decision on a:**

- Shoreline Permit
- Shoreline Variance
- Shoreline Conditional Use Permit
- Hearing Examiner decision on a SEPA appeal
- City Council approval or denial

**Appeal Applications may be delivered to the Office of the City Clerk-Finance/Hearing Examiner by email, mail, personal delivery or by fax before 5:00 P.M on the last day of the appeal period.**

**City of Redmond Office of the City Clerk-Finance/Hearing Examiner Contact Information:**

**Mailing Address:**  
Office of the City Clerk/  
Hearing Examiner  
P.O. Box 97010, 3NFN  
Redmond, WA 98073

**Physical Address:**  
City Hall, 3<sup>rd</sup> Floor  
15670 NE 85<sup>th</sup> Street  
Redmond, WA 98052

**Phone:** 425-556-2191  
**Fax:** 425-556-2198  
**Email:** [cdxanthos@redmond.gov](mailto:cdxanthos@redmond.gov)  
**Web:** <http://www.redmond.gov>

Appeals of City Council decisions may be appealed to Superior Court by filing a land use petition which meets the requirements set forth in RCW Chapter 36.70C. The petition must be filed and served upon all necessary parties as set forth in State law and within the 21-day time period as set forth in RCW Section 36.70C.040. Requirements for fully exhausting City administrative appeal opportunities must be fulfilled.

**Section A. General Information**

Name of Appellant: STUART ANDERSON

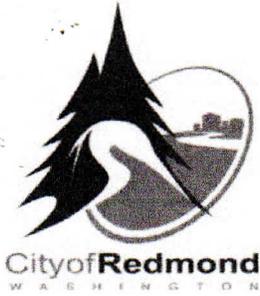
Address: 7683 SE 21TH ST.

City: MERCER ISLAND State: WA Zip: 98040 Email: stuartg1010@hotmail.com

Phone: (home) - (work) 425.890-2046 (cell) -

What is your relationship to the project?

- Interested Citizen  Project Applicant  Government Agency



**CITY OF REDMOND**  
**APPEAL APPLICATION FORM**

(Staff Use Only)

File No: \_\_\_\_\_

Date Received: \_\_\_\_\_

Name of project that is being appealed: A NEW FACILITY FOR SUNBELT RENTALS

File number of project that is being appealed: REG 120011

Date of decision on project you are appealing: 10/2/15

Expiration date of appeal period: 10/16/15

Please choose the applicable appeal:

- Appeal to the Hearing Examiner of a Technical Committee Decision
- Appeal to City Council of a Hearing Examiner decision on an appeal
- Appeal to City Council of a Hearing Examiner decision on an application

Pursuant to the Redmond Zoning Code, only certain individuals have standing to appeal a decision on application or appeal. Below, please provide a statement describing your standing to appeal. (Please review the back page to determine if you have standing to appeal.)

---

---

---

---

**Section B. Basis for Appeal**

If you are appealing a Technical Committee Decision, please fill out items 1, 2, and 3 **only**. If you are appealing a Hearing Examiner's decision on an application, or a Hearing Examiner's decision on an appeal, you only need to fill out item 4 below. Attach additional sheets if necessary.

1. Please state the facts demonstrating how you are adversely affected by the decision (attach additional sheets as necessary):

SEE ATTACHED RESUME

---

---

---

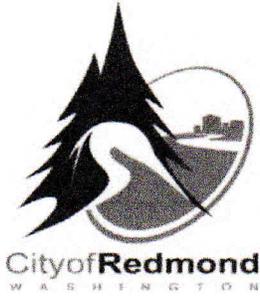
---

---

---

---

---



**CITY OF REDMOND**  
**APPEAL APPLICATION FORM**

(Staff Use Only)

File No: \_\_\_\_\_

Date Received: \_\_\_\_\_

2. Please provide a concise statement identifying each alleged error and how the decision has failed to meet the applicable decision criteria (attach additional sheets as necessary):

SEE ATTACHED RESPONSES

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

4. Please provide a written statement of the findings of fact or conclusions (as outlined in the Hearing Examiner's decision) which are being appealed (attach additional sheets as necessary):

## **Appeal of Decision by “Transportation Deviation Review Team” to deny requested and formerly approved deviation request on Project PRE120011**

### ***1. Please state the facts demonstrating how you are adversely affected by the decision:***

This project review started in April of 2012 and included several review sessions as part of the PREP submittal process attended by City Staff representing the City of Redmond Department of Public Works, including Kurt Seeman, the legal representative for the City to review all Transportation requirements that applied to the project. After reviewing the initial proposed site development plans for the site, Mr. Seeman provided a list of items that were required to be addressed including: providing a traffic analysis, providing a street lighting study along 185<sup>th</sup> Ave NE, showing street frontage improvements along 185<sup>th</sup> with new curb, planting strip, and sidewalk. Mr. Seeman also required that the site plan be expanded to show all existing curb cuts within 150 feet of the side on both sides of the street. Since the survey plan showed an existing curb and sidewalk and an existing curb cut and driveway, he directed the design team to request a deviation if we were proposing to leave the existing curb, sidewalk and driveway in place and have the street improvement requirements waived.

We had a traffic study prepared, a street lighting prepared, and we prepared the additional information regarding the 185<sup>th</sup> Ave NE streetfront with a request to allow for the street improvements be waived and submitted that information to Kurt Seeman for his and the Technical Committee’s review. At a subsequent pre-submittal meeting with all of the City Engineering Staff – including Dennis Lisk, Project Planner, Kurt Seeman, Transportation, Jim Streit, Water/Sewer, Lisa Rigg, Stormwater, Kevin Murphy, Natural Resources, and Barry Nelson, Fire – Kurt Seeman informed the design team that there would be no new improvements required along the property frontage at 185<sup>th</sup> Ave NE. When Dennis Lisk sent out the PREP Review Tracking Sheet for our October 4<sup>th</sup>, 2012 progress review meeting with comments from each reviewer, Kurt Seeman had change his status requirements to “R” meaning all items resolved. Using the existing driveway and not replacing the sidewalk was approved.

Based on this official City approval, We proceeded with complete the engineering and design of the site as well as the design of the building. The location and orientation of the building was based on the location of the existing lone driveway that serves this site – a driveway that was installed with approval by the City of Redmond, along with the existing driveway that serves the adjacent site, with both driveways being constructed at the same time. The grading and drainage of the site is based on the location of the existing driveway that was approved to serve the site. The completed landscape design was based on the location of the existing driveway. If the driveway would be required to move further to the south on the property, the entrance would bring vehicles and customers to the back side of the building so the building would have to be relocated, plan flipped, or both. So obviously, for the City to reverse the decision they made on allowing the existing driveway to be used, now adversely impacts the project which would directly mean project redesign and additional cost.

As the existing street and sidewalks were constructed – either by the City of Redmond, or their design approval, the street improvements were not made in the street right-of-way as a portion of the existing sidewalk encroaches into the project property. This impacts the current site layout and requiring the construction of a new planting strip and sidewalk will further impact and adversely affect the design of the site unless the area of landscaping along the east property were allowed to be reduced.

There have been no changes in the design of the site, and the conditions along 185<sup>th</sup> Ave NE, or in the category of 185<sup>th</sup>, since the City engineers sat in a room with the design team, and one by one approved the site plan with the existing sidewalk and driveway in place.

**Appeal of Decision by “Transportation Deviation Review Team” to deny requested and formerly approved deviation request on Project PRE120011**

**2. *Please provide a concise statement identifying each alleged error and how the decision has failed to meet the applicable decision criteria:***

The intent of the City’s Pre-Review Entitlement Process (PREP) is to allow for direct input by the Engineering Department to facilitate the design team in the design of the project and the identification of applicable requirements. From April to December of 2012 the design team was engaged in that process in the preparation and review of the project site plan and site engineering plans for the construction of a new facility for Sunbelt Rentals. The PREP team for the City of Redmond approved the request for the deviation to allow for the use of the existing driveway that serves the site along with allowing for the existing sidewalk, curb and gutters in the right-of-way along the east side of the property to remain in place instead of replacing them with a new City standard. The City’s PREP team and, Kurt Seeman, and the Technical Review Committee were correct in their decision to approve the deviation request. The property owner, the design team civil engineer, and the design team architect attended the last review meeting where the PREP staff stated that the plans were ready for formal submittal – with all drawings showing the existing driveway and sidewalks remaining in place.

The error now being made by the City’s staff and a “Transportation Deviation Review Committee”- (where was this committee when the deviation was originally approved?) - is that there is no justification to reverse the decision that was made to approve the deviation. The fact the project was delayed to a point where the owner has to go through the site plan review process again, doesn’t give the City a second shot at imposing requirements on the project that were resolved over a six month design review process with the City.

There have been no changes in the design for this project since the deviation was approved, there have been no changes to the conditions on or off site or within the 185<sup>th</sup> Ave corridor, and there have been no changes to the City’s requirements for street improvements affecting the project. City has no basis to reverse the decision, if the City is interested in maintaining consistency and fairness in the review of projects and in maintaining transparency in how the manage the review of projects.

The City’s error in being arbitrary and capricious in reversing the deviation approval completely affects the financial viability of this project and means that that error can terminate the realization of constructing the planned facility.

**Appeal of Decision by “Transportation Deviation Review Team” to deny requested and formerly approved deviation request on Project PRE120011**

**1. *Please state the specific relief requested***

We are requesting that the existing curbcut and driveway at 185<sup>th</sup> Ave NE be allowed to remain and to serve the project site as the site entry access.

We are requesting that the existing sidewalk remain as it matches the street improvements in front of the existing buildings and sites along both sides of 185<sup>th</sup> Ave NE, south of project site and north of the project site to NE 76<sup>th</sup> Street.

**IAA**

---

IVARY & ASSOCIATES. ARCHITECTS

