APPEAL (LAND-2018-00794)
DENIAL OF DEVIATION REQUEST (DEVREQ-2018-00530)
PLANNING DEPARTMENT REPORT TO HEARING EXAMINER

MEMO TO: Sharon Rice, Hearing Examiner
FROM: Planning Department
DATE: September 24, 2018
PREPARED BY: Ben Sticka, Planner
            Andy Chow, Senior Transportation Engineer
SUBJECT: JOHN DEVORE’S APPEAL OF A DEVIATION REQUEST THAT DENIED A REQUEST FOR RECONSIDERATION TO ALLOW A SECOND DRIVEWAY DEVIATION REQUEST (DEVREQ-2018-00530).

REQUEST: The appellant John Devore is appealing the City’s denial of a request for reconsideration to allow a second driveway, Deviation Request (DEVREQ-2018-00530). On June 28, 2018 the City of Redmond Technical Committee issued its decision to deny a request for reconsideration to allow a second residential driveway at Mr. Devore’s property located at 11235 165th Court NE, Redmond, WA 98052.

HEARING DATE: September 24, 2018
ATTACHMENTS

EXHIBIT 1: Appellant’s initial deviation request, dated April 30, 2018
EXHIBIT 2: City’s denial response to appellant, dated May 25, 2018
EXHIBIT 3: Appellant’s request for reconsideration of a May 25, 2018 denial, dated June 8, 2018
EXHIBIT 4: Technical Committee slide show, dated June 20, 2018.
EXHIBIT 5: City’s denial of a request for reconsideration, dated June 28, 2018
EXHIBIT 6: Appeal application, dated July 19, 2018
EXHIBIT 7: Deviation timeline, dated July 30, 2018
EXHIBIT 8: Location map, dated August 1, 2018
EXHIBIT 9: City of Redmond Procedures for Deviation Requests

BACKGROUND

Appellant: John Devore, c/o PER-SPEK-TIV, George Belmore
PO Box 5060
Spanaway, WA 98387

Applicant: John Devore, c/o PER-SPEK-TIV, George Belmore
PO Box 5060
Spanaway, WA 98387

Deviation Key Dates

Applicant Deviation Request: April 30, 2018
City Denies Deviation: May 25, 2018
Applicant Requests Reconsideration of Deviation Denial: June 8, 2018
City Denies Reconsideration of Deviation Denial: June 28, 2018
Appeal Submitted: July 19, 2018

Appeal Filed: July 19, 2018

Hearing Date: September 24, 2018

Location: Located at 11235 165th Ct. NE, Redmond, WA 98052

Parcel Size: The total area of the site is approximately 0.95 acres.
**Neighborhood:** The proposed project is within the Education Hill neighborhood within the Comprehensive Plan.

**Land Use Designation:** This property is located within the Single-Family Constrained, land use designation within the Education Hill Neighborhood.

**Zoning Designation:** The subject site is zoned R-1 (Single-Family Constrained) zone, located in the Education Hill Neighborhood.

**Surrounding Land Use and Zoning:**

<table>
<thead>
<tr>
<th></th>
<th>Zoning</th>
<th>Land Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>R-1 (Single-Family Constrained)</td>
<td>Single-Family Homes</td>
</tr>
<tr>
<td>East</td>
<td>R-1 (Single-Family Constrained)</td>
<td>Single-Family Homes</td>
</tr>
<tr>
<td>South</td>
<td>R-1 (Single-Family Constrained)</td>
<td>Single-Family Homes</td>
</tr>
<tr>
<td>West</td>
<td>R-4 (Single-Family Urban Residential)</td>
<td>Single-Family Homes</td>
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**Access:** Vehicular access for this site is from 165th Court NE via NE 113th Street.

**SEPA:** SEPA is not required for a Deviation request.

**NOTICE OF DECISION:** Denial of Request for Reconsideration was issued on June 28, 2018 (Exhibit 5: City’s denial of a request for reconsideration, dated June 28, 2018).

**BACKGROUND**

The subject site is a single-family residential lot on 0.95 acres located in the Equestrian Tracts subdivision, which consists of 38-lots located at 11235 165th Court NE, Redmond, WA 98052 (Exhibit 8: Location map, dated August 1, 2018). The home is zoned R-1 (Single-Family Constrained) with a Comprehensive Land Use designation of Single-Family Constrained. The home is located within the North Redmond neighborhood. The streets within the subdivision are all private streets.

On April 30, 2018, the appellant submitted a deviation from Redmond Zoning Code Appendix 2.D(4)(a) to allow a second driveway at 11235 165th Court NE (Exhibit 1: Appellant’s initial deviation request, dated April 30, 2018) whereas Redmond Zoning Code only allows one
driveway per residential lot. Please note, the letter from the appellant indicates March 1, 2018. However, the request was not received by the City until April 30, 2018. Redmond Zoning Code Appendix 2. D(4)(b) and (f) state that driveways are to be 150 feet from an intersection regardless of the street classification. The review team believed that an on-site turnaround was feasible to serve the same purpose as the proposed second driveway, without the need for a new driveway. Following the review of the deviation request, the City Development Engineering Manager denied the request to allow a second driveway on May 25, 2018 (Exhibit 2: City’s denial response to appellant, dated May 25, 2018). Upon receipt of the denial, the applicant submitted a request for reconsideration to the City on June 8, 2018 (Exhibit 3: Appellant’s request for reconsideration of May 25, 2018 denial, dated June 8, 2018). Following review of the request for reconsideration, the City Technical Committee denied the request for reconsideration on June 28, 2018 (Exhibit 5: City’s denial of a request for reconsideration, dated June 28, 2018). Upon receipt of the letter denying the request for reconsideration, the applicant submitted an appeal of the request for reconsideration on July 19, 2018 (Exhibit 6: Appeal application, dated July 19, 2018).

JURISDICTION

In accordance with RZC [21.76.050(D)], Permits and Actions Not Listed, “If a permit or land use action is not listed in the table in Redmond Zoning Code [RZC 21.76.050(C)], Classification of Permits and Decisions, the Administrator shall make a determination as to the appropriate review procedure based on the most analogous permit or land use action listed.”

Pursuant to Redmond Zoning Code (RZC 21.02.050) Appendices: “The Redmond Municipal Code (RMC) grants the Technical Committee authority to adopt and amend technical regulations and standards in order to implement the provisions of the RZC and to govern construction details and the operation and maintenance of infrastructure required for development. These technical regulations and standards are found in the appendices to the RZC. Upon adoption by the Technical Committee, the appendices have the force of law and shall be complied with by all developers and property owners. In the event of any conflict between the appendices and provisions of the RZC, the RZC shall control.” The introduction to Appendix 2. indicates the following: “This appendix has been approved by the Director of Public Works, who may approve design deviations in specific situations where conditions warrant and are properly documented. Such site-specific design deviations shall not constitute general changes to these standards.” Based on this, the land use action (decision on the deviation) is similar to a Type 1 permit and can be classified as such, unless there is a specific definition of land use action that precludes this.

The City also outlines deviation requests in the following document titled: City of Redmond Procedures for Requesting and Approving Engineering Deviation Requests (Exhibit 9: City of
Redmond Procedures for Deviation Requests). The purpose statement indicates the following: "A deviation is required for any design or construction alteration from City of Redmond standards for a development proposal. Deviations from these standards may be granted upon evidence that such deviation is in the public interest and the requirements for safety, function, fire protection, transit needs, appearance, maintainability and long-term maintenance costs, based upon sound engineering and technical judgement, fully meet the intent of the standard. Technical documentation such reports, engineering drawings and/or calculations, for design proposal or alternative evaluation prepared by or under the direct supervision of Washington State licensed professional engineer must be stamped and signed." This document indicates: "The Development Engineer Manager shall notify the applicant of the decision on the deviation application by letter or email within fifteen (15) days of receiving the deviation application."

In accordance with RZC Section 21.76.060(I), Appeal of Type I Decisions, the appellant is required to specify the basis of their appeal. An appeal must be based on an error of law or fact, procedural error, or new evidence which could not have been reasonably available at the time of the public hearing or consideration of approval. The appellant must provide: 1) facts demonstrating that they were adversely affected by the decision, 2) a concise statement identifying each alleged error and the manner in which the decision fails to satisfy the applicable decision criteria, 3) the specific relief requested, and 4) any other information reasonably necessary to make a decision on the appeal.

**BURDEN OF PROOF**

The burden of proof for demonstrating that the City's decision to issue the denial of the request for reconsideration for the second driveway Deviation Request (DEVREQ-2018-00530) letter on June 28, 2018, was in error lies on the appellant. Appellant must carry their burden and prove that the decision is not supported by a preponderance of the evidence or was clearly erroneous. RZC 21.76.060(I)(4). "The Hearing Examiner shall accord substantial weight to the decision of the department director..." RZC 21.76.060(I)(4).

**APPELLANT'S BASIS FOR APPEAL**

The appellant John Devore, c/o PER-SPEK-TIV, George Belmore is appealing the denial of the request for reconsideration to allow a second driveway deviation (DEVREQ-2018-00530), dated June 28, 2018.

The Hearing Examiner limited the scope of the appeal to the following assertion:
1. The City erred in its decision on the denial of the request for reconsideration request. The denial of the request for reconsideration letter indicates the following: The Technical Committee has carefully reviewed your request and evaluated the impact to your project. Section D in the RZC Appendix 2 does not only apply to public streets. The Technical Committee has determined that your request for reconsideration request was denied due to the following: (1) the proximity to the intersection, (2) limited sight distance to the north, (3) regulations limiting the number of driveways to one, and (4) a dangerous or confusing traffic pattern should the driveway be constructed.

**RELIEF SOUGHT BY APPEAL**

The appellant is seeking the following relief through this appeal:

1. The Hearing Examiner should direct City staff to approve the request for reconsideration of the denial of the Deviation Request (DEVREQ-2018-00530) to allow a second driveway at the Devore residence, (Exhibit 5: City denial of a request for reconsideration, dated June 28, 2018).

**ANALYSIS**

The appellant is proposing a second residential driveway location at an irregular three-leg uncontrolled intersection located at the intersection of Northeast 113th Street and 165th Court Northeast. The site plan provided by applicant fails to identify the intersection street which is located directly at the proposed second driveway. The appellant’s property is located within a 38-lot single-family subdivision, which has only one access point via Northeast 113th Street (a private street) to Northeast 116th Street, which is a public road (Exhibit 8: Location Map). City staff has provided the City of Redmond (COR) Administrative Engineering Deviation Procedure document (Exhibit 9: City of Redmond Procedures for Deviation Requests) to the appellant at the counter when the appellant inquired about the building permit application. From the appellant’s initial deviation request (Exhibit 1: Appellant’s initial deviation request, dated April 30, 2018), the applicant fails to address the criteria for granting engineering deviations as outlined in Section 2 of the COR’s Administrative Engineering Deviation Procedure (Exhibit 9, City of Redmond Procedures for Deviation Requests). The Deviation Review Team studied the site location along with the aerial imagery for analysis of the 2nd criteria out of seven criteria related to safety. Based on the aerial imagery with property line information and the location of the proposed 2nd driveway (Exhibit 8, Location Map), the Deviation Review Team is concerned that the proposed 2nd driveway location will create unsafe situations due to the (1) existing vegetation from the adjacent north neighbor and will block the driver sightlines, (2) location at the irregular three-leg uncontrolled intersection, and (3) confusing traffic patterns that would
result. Since this property has an existing driveway with the option to design the oversized vehicle maneuver around onsite, it will be a safer approach instead of allowing the 2nd driveway to be installed for safety reason. Staff further confirmed that “driveways” as discussed in RZC Appendix 2.D (“Driveways, as used in this appendix, shall refer to vehicle entrances to individual lots and the intersection of access corridors with public streets.”) is not only intended for public streets, but also includes private streets.

STAFF RECOMMENDATION

Based on the analysis included in this report, staff recommends that the Hearing Examiner uphold the Technical Committee’s decision (Exhibit 5: City’s denial of a request for reconsideration, dated June 28, 2018) that denied a second driveway, as it failed to meet any criteria for granting the deviation request.

CONCLUSIONS IN SUPPORT OF THE STAFF RECOMMENDATION

The appellant John Devore, c/o PER-SPEK-TIV, George Belmore has not provided proof or facts illustrating how the City erred. The appellant has the burden to prove that the City erred in the denial of the request for reconsideration to allow a second driveway. After evaluating all submitted material, the Technical Committee was unable to support the deviation request for a second driveway, as it is self-imposed hardship and excessive, and will create unsafe traffic conditions within the neighborhood as indicated in Redmond Zoning Code Appendix 2.D.4.f which states: “Driveways shall not be permitted where, in judgement of the Technical Committee, dangerous or confusing traffic patterns would result.” Appellant was not able to establish that he met the requirements for a deviation and therefore no deviation can be granted.

Erika Vandenbrande
Erika Vandenbrande, Planning Director
Department of Planning and Community Development

Martin Pastucha, Public Works Director
Department of Public Works
PER-SPEK-TIV
Friday, March 1st, 2018

To: City of Redmond Technical Committee
15670 NE 85th Street, Redmond, WA 98073-9710

Subject: Engineering Deviation Request

Scope#: Request to construct a second driveway access to site.

Parcel #: 236640-0200

Owner: John Devore

Site Address #: 11235 – 165th CT. N.E., Redmond, WA 98052

Authority of Jurisdiction: City of Redmond

Current Zoning: (R-1) (single family Constrained Residential)

Building Setbacks:
Front 30 ft. Primary Road (Diamond)

Interior 20 ft.

Rear 30 ft.

Height 35 ft.

Lot Size: 41,550 sq. ft. (0.95 Acres)

Agent: George A. Belmore dba Perspektiv
(253) 278-9098, gabelmore@mac.com
PO Box 5060, Spanaway, WA 98387

This office was provided with architectural plans, engineering which required relocation of the septic tanks and drain field. The Health Department has approved the design and installation of this new system.

We were hired to assist in permit submittal acquisition, we conducted a number of visits in the feasibility stage which resulted in our current proposal which is to construct a 1080 sq. ft. 30 ft. X 35 ft. detached private-use unheated garage.

The next-door neighbor directly to the south has two driveways as do nearly half of the home sites in this 36-lot small single access dead-end subdivision. The subdivision has speed bumps on every street to help control the 25-mph requirement. The dead-end street we enter from has only 6 lots on it.

This major change was selected to not retroactively install a fire sprinkler system in the entire existing residence. That decision by the owner required new Architectural and Engineering plans be developed and a new site plan be provided. Additional requirements requested by counter staff, involved a Drainage plan by a civil engineer and a Tree Preservation Plan by a licensed Arborist locating the trees in the front yard.

Our goal from day one was to minimize any impact to the lot and the trees on site. The original site as is sits has an existing access on the northeast corner which know trees required to removed and just grass for a direct access into the new garage. Planning staff also agreed that that was a natural location and mitigated any tree removal. Engineering however wanted us to use the existing driveway in the southeast corner of lot and cut across the entire front yard and then use the driveway in front of the garage basically eliminating the road approach. At a minimum this increases the size of the impervious area and reduces the parking in the original driveway. This proposal would require a convoluted three point turn every time to gain access and egress to the garage.

GEORGE A. BELMORE dba Per-spek-tiv, (253) 278-9098, gabelmore@mac.com, PO BOX 5060, SPANAWAY, WA 98387
In fact it appears to be Arbitrary and Capricious as the following examples referenced in Appendix 2 page 16 (4) titled Location and Number of Driveways. He the engineer at our meetings stated we could not have two driveways per this section and consequently this same section stated “The separation requirement shall typically not be applied between single-family driveways on local streets. We brought it to his attention that we understood that requirement to mean a single-family lot on an arterial or a single-family subdivision entrance not as described in the quotes above. We had previously underlined that section and brought it to his attention at the next meeting along with the planner after which she stated he wants his way and his interpretation. Stands unless you apply for a variance or deviation. It appeared to us he felt challenged and then would not discuss options. So here we are, we are applying for a deviation that I don't think even applies as reflected by your own code and justified by the number of others within the same subdivision enjoying the same benefits.

We also don't ever want to create a dangerous situation for anyone, but this location is perfect for the client and provides great un-obstructed visibility down either street to the sides and straight down the road we would access from. This is a secondary garage and not the primary, as such it will not have a great number of traffic trips a day. As the entrance to a typical subdivision and the normally much higher speeds involved on the higher rated arterials. We would entertain the arch through the center of the property as narrow as possible along with the driveway straight from the road out front into the new proposed garage but would like to revisit with arborist if it could be done without removing the large legacy trees, which would be required to be removed if we go along with the proposal from the city.

RESPECTFULLY

GEORGE A. BELMORE
May 25th, 2018

George Belmore
Perspektiv
PO Box 5060
Spanaway, WA 98387

Via Email: gabelmore@mac.com

Subject: Response to Subject (Second residential driveway) Deviation Request (DEVREQ-2018-00530)

Dear Mr. Belmore:

Thank you for your letter dated March 1st, 2018 to request a deviation on the number of allowed driveways per residential lot.

The deviation letter lists several reasons why a second driveway should be allowed. The letter states that this design will minimize the impact to the lot, save on-site trees, not dramatically increase impervious surface, and will help with turning into the proposed detached garage. Also, it states that there will be good visibility entering and existing the driveway at the intersection of 165th Ct NE and NE 113th St.

The Deviation Review Team has carefully reviewed your deviation request and evaluated the impact to your project. We have determined that your deviation request is denied. The City Code is clear when it comes to second residential driveways and driveway spacing from an intersection. RZC Appendix 2.D.4a only allows only one driveway per residential lot and the City consistently applies this code to projects regardless of location. Additionally RZC Appendix 2 D.4.b and f states that driveways are to be 150’ from an intersection regardless of the street classification. The review team believes that an on-site turnaround is feasible to serve the same purpose as the proposed second driveway without the need for a new driveway.

The applicant may request a reconsideration of the above deviation decision. The applicant must file the reconsideration request with the Development Engineer within ten (10) business days of the issuance of the original decision (before 6/8/18) the reconsideration request must include the original deviation application, the written decision, new reasons supporting reconsideration, and additional support justification. The ten days referred to above starts from the date of this letter.
Please do not hesitate to contact me if you have any questions.

Sincerely,

Lisa Riggs, P.E.
Development Engineering Manager
Development Services, Planning Department
City of Redmond

CC City Staff:
Andy Chow, P.E., Senior Transportation Engineer, Planning
Min Luo, P.E., Senior Transportation Engineer, Planning
Colin Sherrill, E.I.T., Associate Engineer, Planning
Rob Critenden, P.E., Traffic Operations Manager, Public Works
Don Cairns, P.E., Transportation Planning Manager, Planning
Angie Venturato, E.I.T., Transportation Engineer, Planning
PER-SPEK-TIV

Friday, JUNE 8th, 2018

To: City of Redmond Technical Committee

Subject: Reconsideration Request for a previously submitted Deviation

Scope: Request to construct a second driveway access to site.

Parcel: 236940-0200

Owner: John Devore

Site Address: 11235-165th Cl. N. E., Redmond, WA 98052

Authority of Jurisdiction: City of Redmond

Current Zoning: (R-1)

Agent: George A. Belmore dba Perspektiv

The following reasons supporting our reconsideration request begin by your reference of Redmond City Code - Appendix 2. Construction Specification and Design Standards for Streets and Access specifically with Section "D Driveways. Driveways, as used in this appendix, shall refer to vehicular entrances to individual lots and the intersection of access corridors with public streets."

In reading this previous sentence and interpreting it by using the definitions referenced with section 21.78 of the RMC.

This entire section is based on driveways as vehicle entrances to individual lots AND the intersection of ACCESS CORRIDORS with PUBLIC STREETS.

First of all this is a tract with private roads and owned and maintained by all the owners and referenced as Tract "A" on the attached Plat Map. The first public road would be at the entrance to this plat which is N. E. 116th st. In reviewing the definition of ACCESS, ACCESS CORRIDOR, DRIVEWAY AND STREET.

Access refer to Public Way, Access Corridor is limited to ten lots, and Driveaway and Street all are referring to a public road we feel that when we appeal this to the next level using your own definitions that these are referencing the intersection of the subdivision single and only entrance at N.E. 116th ST and the individual lots numbered 25, 36, 1 & 2 on NE 116th St. Also when you reference the following sections RZC Appendix 2.D.4a, 4b, and 4f to deny our driveway the last sentence in section 4b & 4g state "The separation requirement shall typically not be applied between single-family driveways on local streets." Both section states this yet you use part of a section not the entire section.

In my previous career we always has motto we lived by "Be a truth seeker not a case maker" how can you cherry pick a section and only use a part of it to help your case, or as your engineer stated I feel its unsafe. There are many including his immediate neighbor who have two driveways.

Do to this being a private road system we don't think any of this deviation even applies.

Please find attached the following copies; The Original Deviation Request (4-pages), The Written Decision (2-pages), The Equestrian Tracts Plat map (2-pages),

Copies of Article VII Definitions (4-pages).

REGARDS

GEORGE A. BELMORE

GEORGE A. BELMORE dba Per-spek-tiv, (253) -278-9088, gabelmore@mac.com, PO BOX 5060, SPANAWAY, WA 98387
PER-SPEK-TIV

Friday, March 1st, 2018

To: City of Redmond Technical Committee
15870 NE 85th Street, Redmond, WA 98073-9710

Subject: Engineering Deviation Request

Scope #: Request to construct a second driveway access to site.

Parcel #: 236640-0200

Owner: John Devore

Site Address #: 11235 - 165th CT. N. E., Redmond, WA 98052

Authority of Jurisdiction: City of Redmond

Current Zoning: (R-1) (single family Constrained Residential)

Building Setbacks:
Front 30 ft. Primary Road (Diamond)
Interior 20 ft.
Rear 30 ft.
Height 35 ft.

Lot Size: 41,550 sq. ft. (0.95 Acres)

Agent: George A. Belmore dba Perspektiv
(253) 278-9098, gabelmore@mac.com
PO Box 5060, Spanaway, WA 98387

This office was provided with architectural plans, engineering which required relocation of the septic tanks and drain field. The Health Department has approved the design and installation of this new system.

We were hired to assist in permit submittal acquisition, we conducted a number of visits in the feasibility stage which resulted in our current proposal which is to construct a 10 x 30 ft. 36 ft. detached private-use unheated garage.

The next-door neighbor directly to the south has two driveways as do nearly half of the home sites in this 36-lot small single access dead-end subdivision. The subdivision has speed bumps on every street to help control the 25-mph requirement. The dead-end street we enter from has only 6 lots on it.

This major change was selected to not retroactively install a fire sprinkler system in the entire existing residence. That decision by the owner required new Architectural and Engineering plans be developed and a new site plan be provided. Additional requirements requested by counter staff, involved a Drainage plan by a civil engineer and a Tree Preservation Plan by a licensed Arborist locating the trees in the front yard.

Our goal from day one was to minimize any impact to the lot and the trees on site. The original site as is sits has an existing access on the northeast corner which know trees required to removed and just grass for a direct access into the new garage. Planning staff also agreed that that was a natural location and mitigated any tree removal. Engineering however wanted us to use the existing driveway in the southeast corner of lot and cut across the entire front yard and then use the driveway in front of the garage basically eliminating the road approach. At a minimum this increases the size of the impervious area and reduces the parking in the original driveway. This proposal would require a convoluted three point turn every time to gain access to egress to the garage.

GEORGE A. BELMORE dba Per-spek-tiv, (253) -278-9098, gabelmore@mac.com, PO BOX 5060, SPANAWAY, WA 98387
In fact it appears to be Arbitrary and Capricious as the following examples referenced in Appendix 2 page 16 (4) titled Location and Number of Driveways. He the engineer at our meetings stated we could not have two driveways per this section and consequentially this same section stated "The separation requirement shall typically not be applied between single-family driveways on local streets. We brought it to his attention that we understood that requirement to mean a single-family lot on an arterial or a single-family subdivision entrance not as described in the quotes above. We had previously underlined that section and brought it to his attention at the next meeting along with the planner after which she stated he wants his way and his interpretation. Stands unless you apply for a variance or deviation. It appeared to us he felt challenged and then would not discuss options. So here we are, we are applying for a deviation that I don’t think even applies as reflected by your own code and justified by the number of others within the same subdivision enjoying the same benefits.

We also don’t ever want to create a dangerous situation for anyone, but this location is perfect for the client and provides great un-obstructed visibility down either street to the sides and straight down the road we would access from. This is a secondary garage and not the primary, as such it will not have a great number of traffic trips a day. As the entrance to a typical subdivision and the normally much higher speeds involved on the higher rated arterials. We would entertain the arch through the center of the property as narrow as possible along with the driveway straight from the road out front into the new proposed garage but would like to revisit with arborist if it could be done without removing the large legacy trees, which would be required to be removed if we go along with the proposal from the city.

RESPECTIVELY

GEORGE A. BELMORE

GEORGE A. BELMORE dba Per-epek-tiv, (253) -278-9096, gabelmore@mac.com, PO BOX 5060, SPANAWAY, WA 98387
Reconsideration Request for Deviation

11235 165th CT NE
2nd Residential Driveway

DEV#2028-00530
Building Permit
June 20, 2008
Project Description

- Proposed for remodels and additions with a 2nd driveway access in the same lot.
Vicinity Map

- 11235-165th CT NE, R-1 Zone, North Redmond
Reconsideration Request for Deviation

• Original deviation request to allow a 2\textsuperscript{nd} driveway at the intersection was denied due to codes in compliant and safety reasons.
• Reconsideration request with new reason for the same 2\textsuperscript{nd} driveway location
Code Section(s)

- RZC Appendix 2.D.4.a – Driveway shall be limited to one per parcel per street frontage, except that the following is permitted subject to the approval of the Technical Committee: one driveway for each 150 feet of local street frontage, or three driveways for two lots having common parking, as provided in RZC 21.40.010.F.1.

- RZC Appendix 2.D.4.b – The City shall not permit any driveway within 150 feet of the nearside face of the curb of the intersecting street or from any such driveway. In the event it is either impossible or undesirable to separate by 150 feet, then driveways shall be located as far as away from the nearside of curb of the intersecting street or any other such driveway. Separations less than 150 feet shall obtain approval from the Technical Committee. The separation requirement shall typically not be applied between single-family driveways on local streets.

- RZC Appendix 2.D.4.f – Driveways shall not be permitted where, in the judgement of the Technical Committee, dangerous or confusing traffic patterns would result.
Justification (New Reason)

- The subject lot is fronting to a private street.
- Per RZC Appendix 2.D – Driveways, as used in this appendix, shall refer to vehicle entrances to individual lots and the intersection of access corridors with public streets.
Analysis of Decision Criteria by staff

- Staff has confirmed with Jim Haney that the language in RZC Appendix 2.D, "Driveways, as used in this appendix, shall refer to vehicle entrances to individual lots and the intersection of access corridors with public streets," is not intent only for public streets but also include private street. In fact, this sentence has 2 separate clauses. See the following markups for clarification.

"Driveways, as used in this appendix, shall refer to (a) vehicle entrances to individual lots and (b) the intersection of access corridors with public streets."
Recommendation

- Traffic Operations and Safety Engineering (Denied)
- Transportation (Denied)
- LR-Transportation (Denied)
June 28, 2018

George Belmore
Perspektiv
PO Box 5060
Spanaway, WA 98387

Via Email: gabelmore@mac.com

Subject: Response to your reconsideration request for the second driveway deviation decision (DEVREQ-2018-00530)

Dear Mr. Belmore:

Thank you for your letter dated June 8th, 2018 to request a reconsideration of the deviation decision for a second residential driveway in Mr. Devore’s property at 11235 165th CT NE, Redmond, WA.

Your new reason for the reconsideration is that the entire Section D - Driveway In the RZC Appendix 2 only apply to public streets, and 165th CT NE is a private street.

The Technical Committee has carefully reviewed your request and evaluated the impact to your project. Also, it was confirmed by the city attorney that Section D in the RZC Appendix 2 does not only apply to public streets. The Technical Committee has determined that your reconsideration request is denied due to (1) the proximity to the intersection, (2) limited sight distance to the north, (2) regulations limiting the number of driveways to one, and (4) a dangerous or confusing traffic pattern should the driveway be constructed.

The Technical Committee’s decision may be appealed to the Hearing Examiner by filing an appeal with the Planning and Community Development Department within fourteen (14) calendar days of the date of the consideration decision. Appeal forms are available on-line at www.redmond.gov. A completed appeal form must be submitted by 5:00 p.m. on the last day of the appeal period.
Please do not hesitate to contact me if you have any questions.

Sincerely,

Lisa Rigg, P.E.
Development Engineering Manager
Development Services, Planning Department
City of Redmond

CC City Staff: Martin Pastucha, P.E., Public Works Director
Erika Vandenbrande, Acting Planning Director
Rob Crittenden, P.E., Traffic Operations Manager, Public Works
Don Calms, P.E., Transportation Planning Manager, Planning
Andy Chow, P.E., Senior Transportation Engineer, Planning
Min Luo, P.E., Senior Transportation Engineer, Planning
Colin Sherrill, E.I.T., Associate Engineer, Planning
Angie Venturato, E.I.T., Transportation Engineer, Planning
From: Andy Chow kachow@redmond.gov  
Subject: Devore’s Driveway Deviation: Response to reconsideration request  
Date: Jun 29, 2018 at 2:26:48 PM  
To: gabelmore@mac.com  
Cc: Martin Pastucha mpastucha@redmond.gov, Erika Vandenbrande EVandenbrande@REDMOND.GOV, Lisa Rigg LRIGG@REDMOND.GOV, Rob Crittenden RCRITTENDEN@REDMOND.GOV, Don Cairns DCAIRNS@REDMOND.GOV, Min Luo mluo@redmond.gov, Colin A. Sherrill casherrili@redmond.gov, Angie Venturato aventurato@redmond.gov

Dear Mr. Belmore,

Please find attached response letter to your reconsideration request for Mr. Devore’s second driveway deviation decision.

Sincerely,

Andy

K. Andy Chow, P.E., CFM  
Senior Engineer  |  City of Redmond  

c: 425.556.2740  l: kachow@redmond.gov  |  Redmond.gov  

MS: 2SPL  |  15670 NE 85th St  |  Redmond, WA 98052

NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this e-mail account is a public record. Accordingly, this e-mail, in whole or in part, may be subject to disclosure pursuant to RCW 42.66, regardless of any claim of confidentiality or privilege asserted by an external party.

This message has been scanned for malware by Websense.  
www.websense.com
May 25th, 2018

George Belmore
Perspektiv
PO Box 5060
Spanaway, WA 98387

Via Email: gabelmore@mac.com

Subject: Response to Subject (Second residential driveway) Deviation Request (DEVREQ-2018-00530)

Dear Mr. Belmore:

Thank you for your letter dated March 1st, 2018 to request a deviation on the number of allowed driveways per residential lot.

The deviation letter lists several reasons why a second driveway should be allowed. The letter states that this design will minimize the impact to the lot, save on-site trees, not dramatically increase impervious surface, and will help with turning into the proposed detached garage. Also, it states that there will be good visibility entering and existing the driveway at the intersection of 165th Ct NE and NE 113th St.

The Deviation Review Team has carefully reviewed your deviation request and evaluated the impact to your project. We have determined that your deviation request is denied. The City Code is clear when it comes to second residential driveways and driveway spacing from an intersection. RZC Appendix 2.D.4a only allows only one driveway per residential lot and the City consistently applies this code to projects regardless of location. Additionally RZC Appendix 2 D.4.b and f states that driveways are to be 150' from an intersection regardless of the street classification. The review team believes that an on-site turnaround is feasible to serve the same purpose as the proposed second driveway without the need for a new driveway.

The applicant may request a reconsideration of the above deviation decision. The applicant must file the reconsideration request with the Development Engineer within ten (10) business days of the issuance of the original decision (before 6/8/18) the reconsideration request must include the original deviation application, the written decision, new reasons supporting reconsideration, and additional support justification. The ten days referred to above starts from the date of this letter.
Please do not hesitate to contact me if you have any questions.

Sincerely,

Lisa Riggs, P.E.
Development Engineering Manager
Development Services, Planning Department
City of Redmond

CC City Staff:
Andy Chow, P.E., Senior Transportation Engineer, Planning
Min Luo, P.E., Senior Transportation Engineer, Planning
Colin Sherrill, E.I.T., Associate Engineer, Planning
Rob Crittenden, P.E., Traffic Operations Manager, Public Works
Don Cairns, P.E., Transportation Planning Manager, Planning
Angie Venturato, E.I.T., Transportation Engineer, Planning
CITY OF REDMOND
PROCEDURES FOR REQUESTING AND APPROVING
ENGINEERING DEVIATION REQUESTS

PURPOSE:

A deviation is required for any design or construction alteration from City of Redmond standards for a development proposal. Deviations from these standards may be granted upon evidence that such deviation is in the public interest and the requirements for safety, function, fire protection, transit needs, appearance, maintainability and long term maintenance costs, based upon sound engineering and technical judgment, fully meet the intent of the standard. Technical documentation such as reports, engineering drawings and/or calculations, for design proposal or alternative evaluation prepared by or under the direct supervision of Washington State licensed professional engineer must be stamped and signed.

These procedures only apply to deviations that can be approved administratively for the documents referenced below:

- Standard Specifications and Details
- Stormwater Technical Notebook
- Redmond Zoning Code Title 21, Appendices 2, 3, and 7
- Design Requirements for Water and Sewer System Extensions
- Bicycle Facilities Design Manual
- Illumination Design Manual
- Roundabout Design Manual
- Traffic Signal Design Manual

SECTION 1- REQUEST FOR ENGINEERING DEVIATION:

The request for a deviation shall include:

- A description of the deviation requested.
- The code citation of the Standards from which the application proposes to deviate.
- Must demonstrate how the standard can be met.
- Provide alternatives to minimize the deviation.
- Description of the proposed alternative along with supporting documentation.
- Exhibit(s) of the proposed design.
- Documentation may include, but not be limited to, a record of use by other agencies, or evidence of meeting criteria for quality such as AASHTO, ASTM, MUTCD, HCM, NACTO, ITE, and AWWA.
- Applications for location of utilities by an entity allowed under a franchise agreement must be prepared and submitted by that entity.
SECTION 2 - CRITERIA FOR GRANTING ENGINEERING DEVIATIONS:

Applications must include clear written documentation with exhibits as needed to explain how the proposed deviation(s) address the following criteria:

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- The deviation provides substantially equivalent (or improved) environmental protection as would be provided if the standard requirements were met.
- The deviation needs to reflect sound engineering practices.
- The deviation needs to avoid damage to other properties in the vicinity of and downstream of the proposal.
- Any deviation from the Standards that does not meet the Fire Code will require concurrence by the City Fire Marshal.
- As applicable for Overlake and Downtown RZC 21.76.070C Administrative Design Flexibility.

SECTION 3 - DEVIATION REQUESTS ADDRESSED TO:

Deviations requests associated with a development proposal shall be addressed to:

Lisa Rigg, P.E.,
Development Engineering Manager
Development Services, Planning
425-556-2295
MS: 2SPL
15670 NE 85th Street
PO Box 97010
lrigg@redmond.gov

Deviations requests not associated with a development proposal shall be directed to the City Engineer.

SECTION 4 - DEVIATION REVIEW TEAMS:

Deviations Review Teams / Technical Disciplines
- Complete Streets
- Water and Sewer
- Stormwater
- Maintenance
- Fire

For those deviation requests that may impact short or long term maintenance the Maintenance Supervisors or designees (Streets, Water, Sewer, and Stormwater) will be invited to participate in
CITY OF REDMOND
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ENGINEERING DEVIATION REQUESTS

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the review. For those deviation requests that may impact constructability, the Lead Construction Inspector will participate. Fire representatives will be invited to participate in all reviews. The Deviation Review Team shall notify Fire and Maintenance of deviation request. Fire and Maintenance will determine if they want to be part of the review.

SECTION 5 – RESPONSIBILITIES

The Deviation Review Team shall screen and review deviation applications, and provide recommendations to the Development Engineer. Review and Recommendation timelines shall conform to PREP 30%/60%/90%, Formal Applications and Coordinated Civil Review requirements. The recommendation may be denial, approval or conditional approval.

The Technical Committee has granted decision-making authority for deviations in the specified areas that relate to development proposals listed in Appendix A. This authorization is reviewed and approved annually. The Deviation Review Team may choose to bring deviation requests listed in Appendix A to the Technical Committee when the Team does not have concurrence on the recommendation or it's determined that the deviation has policy implications that merit Technical Committee's consideration and decision. The Technical Committee is the decision-making authority for deviations not listed in Appendix A.

The Development Engineering Manager shall notify the applicant of the decision on the deviation application by letter or email within fifteen (15) business days of receiving the deviation application, except as follows:

- If additional information must be sought from the applicant, a decision by the Development Engineering and Construction Manager may be delayed.

- If the applicant fails to provide the requested information within thirty (30) business days of the information being requested, the Development Engineer may cancel review of the deviation application.

- In cases where the complete deviation application requires extensive review by Development Services, Fire or Public Works staff, the Development Engineering Manager may, upon notifying the applicant prior to the expiration date of the fifteen day review period, extend the review period for another ten business days. The total review time for a single deviation request shall not exceed twenty five (25) business days.

- Multiple deviation requests for the same project should be submitted concurrently, to the maximum extent possible. When multiple deviation requests are received for the same project, the review period may be extended for up to 15 additional business days for each deviation.
CITY OF REDMOND
PROCEDURES FOR REQUESTING AND APPROVING
ENGINEERING DEVIATION REQUESTS

SECTION 6- RECONSIDERATION

The applicant may request a reconsideration of the deviation decision. The applicant must submit the reconsideration request to the Development Engineer within ten (10) business days of the issuance of the original decision; the reconsideration request must include the original deviation application, the written decision, new reasons supporting reconsideration, and additional supporting justification.

The Deviation Review Team(s) will consider the request and make a recommendation to the Technical Committee, which will issue a reconsideration decision within ten (10) business days of receiving the request for reconsideration. The decision may concur with the original deviation decision, approve the deviation application as originally submitted, deny the deviation request, or approve the deviation application with special conditions.

The Development Engineer shall document all deviation requests and provide an annual report to the Technical Committee.

The Technical Committee’s decision may be appealed to the Hearing Examiner by filing an appeal with the Planning and Community Development Department within fourteen (14) calendar days of the date of the reconsideration decision. Appeal forms are available on-line at www.redmond.gov. A completed appeal form must be submitted by 5:00 p.m. on the last day of the appeal period.

SECTION 7 - PERMIT TIMELINE IMPACTS

When a Deviation Request is received, the review process for the development proposal will be put on hold to allow for review and consideration of the request. The review of the development proposal will be resumed once decisions of deviation requests are made.

Revised 12-14-16
**SECTION 8 – REQUEST TIMELINE, RESPONSIBILITY AND ACTION:**

<table>
<thead>
<tr>
<th>No.</th>
<th>Responsibility</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Applicant</td>
<td>Prepares a written deviation application, which identifies those sections of the Standards that the deviation application seeks alterations from and a description of how the proposed deviation meets the requirements set forth in Deviation Procedures.</td>
</tr>
<tr>
<td>2</td>
<td>Applicant</td>
<td>Submits deviation applications consistent with the guidance in Section 1.</td>
</tr>
<tr>
<td>3</td>
<td>Development Engineer</td>
<td>Notify Lead Planner a deviation has been received and a pause in development review will be applied. Receives deviation application and arranges for timely review by City staff and other affected agencies.</td>
</tr>
<tr>
<td>4</td>
<td>Deviation Review Team</td>
<td>The Deviation Review Team shall screen, review deviation applications, and make recommendations to the Development Engineer based on criteria in Section 2.</td>
</tr>
<tr>
<td>5</td>
<td>Deviation Review Team</td>
<td>Within twelve (12) business days of receiving complete submittal, a recommendation shall be brought to the Development Engineer for denial, approval or conditional approval.</td>
</tr>
<tr>
<td>6</td>
<td>Development Engineer</td>
<td>When necessary, notifies the applicant that additional information is required and the fifteen (15) business days review period shall begin when the deviation application is deemed to be complete.</td>
</tr>
<tr>
<td>7</td>
<td>Development Engineer</td>
<td>Notifies the applicant of the decision regarding the deviation application. Notify Lead Planner to resume the development review.</td>
</tr>
<tr>
<td>8</td>
<td>Applicant</td>
<td>The applicant may request reconsideration of the deviation decision. The applicant must file the reconsideration request within ten (10) business days of the issuance of the decision.</td>
</tr>
<tr>
<td>9</td>
<td>Technical Review Committee</td>
<td>Shall issue a decision on a reconsideration decision within ten (10) business days. In cases where the reconsideration requires extensive staff review, the Technical Committee may extend the review period for another ten (10) business days.</td>
</tr>
<tr>
<td>10</td>
<td>Development Engineer</td>
<td>The Development Engineer shall document all deviation requests through a tracking system and provide an annual report to the Technical Committee.</td>
</tr>
<tr>
<td>11</td>
<td>Deviation Review Team</td>
<td>Shall review annual report and make recommendations for consideration for code updates.</td>
</tr>
</tbody>
</table>

Revised 12-14-16
APPENDIX A

The City Engineer has granted the Development Engineering Division the decision-making authority for the following deviation requests:

- Number of Lots or Dwelling Units Private Access Tracts and Private Streets
- Mailbox Location (With Post Master Approval)
- Driveway Separation on local access streets
- Frontage Improvements on existing urban street sections or developed residential neighborhoods
- Stopping Sight Distance for Sag Residential Curve only

Deviation Review Team Authorized Deviation Types:

- Onsite/Offsite Road Improvement Requirements
- Off-Site (Safe Walk Route) Walkway Location
- Frontage Improvement Requirements
- Non-motorized Connectors
- Driveway Width
- Design Speed
- Truck loading and unloading
- Horizontal and Vertical curves
- Cuts and/or fills over 8 feet Retaining walls over 8 feet tall
- Inter-basin transfer of stormwater (permission to re-route runoff to a different catchment basin.)
- Set-backs for infiltration systems
- Desire to use specific material for a design, i.e. using HDPE pipe for sanitary sewer
CITY OF REDMOND
PROCEDURES FOR REQUESTING AND APPROVING
ENGINEERING DEVIATION REQUESTS

APPENDIX B

DEFINITIONS:

Development Engineer – Development Engineering and Construction Manager

“Deviation Procedure” City of Redmond, Procedures for Requesting and Approving Deviation Requests dated 12, 16, 2016

“Standards” means the most recently approved and adopted version of the City of Redmond Design Standards

“Deviation” means an alteration from the Standards.

“Applicant” means a property owner, or a public agency or public or private utility

“AASHTO” means American Association of State Highway and Transportation Officials.


“MUTCD” means Manual of Uniform Traffic Control Devices

“HCM” means Highway Capacity Manual

“NACTO” means National Association of City Transportation Officials

“ITE” means Institute of Transportation Engineers

“AWWA” means American Water Works Association

“Development Proposal” means a subdivision, short subdivision, binding site plan, grading permit, residential building permit, demolition, commercial building permit, and/or any similar request that requires Development Services approval.


“Technical Committee” RMC 4.50.030 – “The Technical Committee shall consist of the Director of Planning and Community Development and the Director of Public Works. The Building Official, City Engineer, Director of Parks and Recreation, Fire Chief, Police Chief, City Attorney and other department heads, or their designated representative(s) may participate in Technical Committee meetings as needed and at their discretion when the situation warrants.”

“Days” meaning Working Days
APPEAL APPLICATION FORM

To file an appeal of a Type I or II decision or a SEPA determination, please complete the attached form and pay the applicable fee by 5:00 p.m. on the last day of the appeal period.

Form submission and payment must be by PERSONAL DELIVERY at City Hall 1st Floor Customer Service Center c/o Office of the City Clerk-Hearing Examiner, 15670 NE 85th Street. Contact the Office of the Hearing Examiner with process questions at 425-556-2191.

Standing to Appeal:
- **Appeal to the Hearing Examiner of a SEPA determination** - Any interested person may appeal a threshold determination, adequacy of a final EIS, and the conditions or denials of a requested action made by a nonelected City official based on SEPA. No other SEPA appeals shall be allowed.
- **Appeal to the Hearing Examiner of an Administrative, Technical Committee or Design Review Board Decision (Type I or II)** - the project applicant, owner, or any person who submitted written comments (party of record) prior to the date the decision was issued may appeal the decision. The written appeal and the applicable fee must be received by the City of Redmond’s Office of the Hearing Examiner no later than 5:00 p.m. on the 14th calendar day following the date of the decision.

Should the appellant prevail in the appeal, the application fee will be refunded (City of Redmond Resolution No. 1459). The application fee will not be refunded for appeals that are withdrawn or dismissed.

Hearing Examiner or City Council decision 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.

Please continue to page 2 to select your appeal type.
Please check the applicable appeal:

☐ Appeal to the Hearing Examiner of a SEPA determination RZC 21.70.190(E). *(Please be sure to understand the type of SEPA appeal you are filing, and if a further appeal to the underlying action is needed.)*

☒ Appeal to the Hearing Examiner of an Administrative, Technical Committee or Design Review Board Decision (Type I or II) RZC 21.76.060(f)

**Section A. General Information**

Name of Appellant: **JOHN DEVORE c/o GEORGE BELMORE dba PERSPECTIVE**

Address: **P.O. BOX 506 SOLO**

City: **SPANAWAY** State: **WA** Zip: **98387**

Email: **gcbelmore@mac.com**

Phone: (home) ______ (work) ______ (cell) **253.278-9098**

Name of project that is being appealed: **JOHN DEVORE RESIDENCE**

File number of project that is being appealed: **DEVREQ-2018-00530**

Date of decision on project that is being appealed: **JUNE 28, 2018**

Expiration date of appeal period: **JULY 12TH, 2018**

What is your relationship to the project?

☐ Party of Record ☒ Project Applicant ☐ Government Agency

Pursuant to the Redmond Zoning Code, only certain individuals have standing to appeal a decision on application or appeal (See page 1 above). Below, please provide a statement describing your standing to appeal, and reference all applicable City Code citations.

*I AM THE AGENT & APPLICANT HIRE BY MR. DEVORE AND HAVE BEEN FOR ALL SUBMITTALS.*
Section B. Basis for Appeal

Please fill out items 1-4 below. Reference all applicable City Code citations and attach additional sheets if necessary.

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

   DELAYS EXCEEDING PROCESS FROM THE CITY
   AS REFERENCED AND ATTACHED FROM PLANNING
   RESPONSE TIME ARE REFERENCED ON PAGE 5.

2. Please provide a concise statement identifying each alleged error of fact, law, or procedure, and how the decision has failed to meet the applicable decision criteria:

   OUR ORIGINAL LETTER WRITTEN IN MARCH KEPT BEING DENIED FOR SUBMITTAL.
   DELAYS INCLUDED WE NEED TO RESEARCH TYPE OF DOCUMENT OR PROCESS (REVISIONS, VARIANCE, PUBLIC HEARING).
   WE OBTAINED CHECKS TWICE FROM CLIENT BECAUSE FEES CHANGED AS WELL FROM $400-$500 TO $400-$500.
   WE APPLIED 4-30-18. THE CITY HAD 15 DAYS (BUSINESS) THEY USED 19. WE RESPONDED WITH 10 BUSINESS DAYS AS
   REQUIRED TO THE TECHNICAL COMMITTEE FOR RECONSIDERATION ON 6-28-18. THEIR RECONSIDERATION LETTER HAD A 10 DAY
   (BUSINESS) REVISION TIMELINE. RESPONSE LETTER WAS JUNE 28TH
   6-28-18 (14 DAYS) 4 DAYS LATE. WE WENT ON VACATION KNOWING WE WERE DONE THEN ONCE RETURNED
   FOUND A LETTER WHICH CAME LATE, RATHER LATE AND
   14 CALENDAR DAYS MENTIONED. I CONTACTED LISA
   RIGGS SHE SAID TODAY WOULD BE FINE TO APPLY
   BY 5:00 PM, 7-19-18, WHICH IS TODAY.
3. Please state the specific relief requested:

**APPROVAL OF THE ORIGINAL PROJECT OR THE RIGHT TO REVIEW ALL PREVIOUS DOCUMENTATION FROM THE DEVIATION REQUEST TO INCLUDE ALSO THE RECONSIDERATION AT A PUBLIC HEARING.**

4. Please provide any other information reasonably necessary to make a decision on the appeal:

**CEL PHONE CONVERSATION WITH LISA KIESS SHE ADOPTED THE TIMELINE TO APPLY WOULD BE 14 DAYS FROM AFTER RETURNING FROM VACATION & THAT ALL PREVIOUS RESPONSES BY APPLICANT HAD ALWAYS REFERENCED BUSINESS DAYS & THE FINAL (THIS) DOCUMENT WHEN RECEIVED REFERENCED CALENDAR DAYS. SHE GAVE ME UNTIL TODAY BY 5:00 PM.**

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

- Shoreline Permit (must be appealed to the State Shoreline Hearing Board RZC 21.68.200(C)(6)(b))
- Shoreline Variance or a Shoreline Conditional Use Permit (must be appealed to the State Shoreline Hearings Board RZC 21.68.200(C)(6)(c))
- Hearing Examiner decision on a SEPA appeal (not an appealable action as successive appeals are not allowed RZC 21.70.190(D))
- Hearing Examiner decision on an application (must be appealed to Superior Court)
- City Council approval or denial (must be appealed to Superior Court RZC 21.76.060(Q))
ARTICLE VII DEFINITIONS

RZC 21.78 DEFINITIONS

A DEFINITIONS

Access. Ingress and egress to and from premises, including ingress and egress to and from a public way or road system.

Effective as: 4/18/2011
ARTICLE VII DEFINITIONS

RZC 21.78 DEFINITIONS

A DEFINITIONS

Access Corridor. A vehicle circulation area in private ownership, including easements, streets and drive common ownership, over which access is afforded to more than one lot or residence. Where a driveway serves gauges or accessory buildings, and the lots and principal buildings front upon another street or corridor, the shared driveway shall not be defined as an access corridor. In this case, the sole street or corridor shall apply. An access corridor shall not serve more than 10 single-family lots.

(Ord. 2803)
Effective: 10/17/2013
ARTICLE VII DEFINITIONS

RZC 21.78 DEFINITIONS

D DEFINITIONS

Driveway. An access which serves a lot, structure, or parking area.

Effective: 4/16/2011
July 30th, 2018

Subject: DEVREQ-2018-00530 Timeline

April 30th, 2018
Mr. Devore submitted the deviation to have two driveways at the Development Services Counter.

May 17th, 2018
It was realized that the deviation had not been entered into Energov or routed for review. The deviation was then routed for review so that it could be discussed on May 23rd, 2018.

May 23rd, 2018
The deviation was discussed at the Transportation/Traffic Ops meeting.

May 25th, 2018
The deviation denial letter was issued to George Belmore.

June 8th, 2018
Mr. Devore submitted the reconsideration at the Development Services Counter.

June 13th, 2018
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June 19th, 2018
The reconsideration request was discussed at the Pre-Tech meeting.

June 20th, 2018
The reconsideration request was discussed at the Technical Committee meeting of decision.

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July 19th, 2018
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LOCATION MAP
July 30th, 2018

Subject: DEVREQ-2018-00530 Timeline

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SECTION 3 - DEVIATION REQUESTS ADDRESSED TO:

Deviations requests associated with a development proposal shall be addressed to:

Paulette Norman, P.E., 425-556-2861
Development Engineer MS: 2SPL
Development Engineering Manager 15670 NE 85th Street
Development Services, Planning PO Box 97010
pmnorman@redmond.gov

Deviations requests not associated with a development proposal shall be directed to the City Engineer.

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Deviation Review Teams / Technical Disciplines
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- Water and Sewer
- Stormwater
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- If additional information must be sought from the applicant, a decision by the Development Engineering and Construction Manager may be delayed.

- If the applicant fails to provide the requested information within thirty (30) business days of the information being requested, the Development Engineer may cancel review of the deviation application.

- In cases where the complete deviation application requires extensive review by Development Services, Fire or Public Works staff, the Development Engineering Manager may, upon notifying the applicant prior to the expiration date of the fifteen day review period, extend the review period for another ten business days. The total review time for a single deviation request shall not exceed twenty five (25) business days.

- Multiple deviation requests for the same project should be submitted concurrently, to the maximum extent possible. When multiple deviation requests are received for the same project, the review period may be extended for up to 15 additional business days for each deviation.
SECTION 6 - RECONSIDERATION

The applicant may request a reconsideration of the deviation decision. The applicant must submit the reconsideration request to the Development Engineer within ten (10) business days of the issuance of the original decision; the reconsideration request must include the original deviation application, the written decision, new reasons supporting reconsideration, and additional supporting justification.

The Deviation Review Team(s) will consider the request and make a recommendation to the Technical Committee, which will issue a reconsideration decision within fifteen (15) business days of receiving the request for reconsideration. The decision may concur with the original deviation decision, approve the deviation application as originally submitted, deny the deviation request, or approve the deviation application with special conditions.

The Development Engineer shall document all deviation requests and provide an annual report to the Technical Committee.

SECTION 7 - PERMIT TIMELINE IMPACTS

When a Deviation Request is received, the review process for the development proposal will be put on hold to allow for review and consideration of the request. The review of the development proposal will be resumed once decisions of deviation requests are made.
## SECTION 8 - REQUEST TIMELINE, RESPONSIBILITY AND ACTION:

<table>
<thead>
<tr>
<th>No.</th>
<th>Responsibility</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Applicant</td>
<td>Prepares a written deviation application, which identifies those sections of the Standards that the deviation application seeks alterations from and a description of how the proposed deviation meets the requirements set forth in Deviation Procedures.</td>
</tr>
<tr>
<td>2</td>
<td>Applicant</td>
<td>Submits deviation applications consistent with the guidance in Section 1</td>
</tr>
<tr>
<td>3</td>
<td>Development Engineer</td>
<td>Notify Lead Planner a deviation has been received and a pause in development review will be applied. Receives deviation application and arranges for timely review by City staff and other affected agencies.</td>
</tr>
<tr>
<td>4</td>
<td>Deviation Review Team</td>
<td>The Deviation Review Team shall screen, review deviation applications, and make recommendations to the Development Engineer based on criteria in Section 2.</td>
</tr>
<tr>
<td>5</td>
<td>Deviation Review Team</td>
<td>Within twelve (12) business days of receiving complete submittal, a recommendation shall be brought to the Development Engineer for denial, approval or conditional approval.</td>
</tr>
<tr>
<td>6</td>
<td>Development Engineer</td>
<td>When necessary, notifies the applicant that additional information is required and the fifteen (15) business days review period shall begin when the deviation application is deemed to be complete.</td>
</tr>
<tr>
<td>7</td>
<td>Development Engineer</td>
<td>Notifies the applicant of the decision regarding the deviation application. Notify Lead Planner to resume the development review.</td>
</tr>
<tr>
<td>8</td>
<td>Applicant</td>
<td>The applicant may request reconsideration of the deviation decision. The applicant must file the reconsideration request within ten (10) business days of the issuance of the decision.</td>
</tr>
<tr>
<td>9</td>
<td>Technical Review Committee</td>
<td>Shall issue a decision on a reconsideration decision within fifteen (15) business days. In cases where the reconsideration requires extensive staff review, the Technical Committee may extend the review period for another ten (10) business days.</td>
</tr>
<tr>
<td>10</td>
<td>Development Engineer</td>
<td>The Development Engineer shall document all deviation requests through a tracking system and provide an annual report to the Technical Committee.</td>
</tr>
<tr>
<td>11</td>
<td>Deviation Review Team</td>
<td>Shall review annual report and make recommendations for consideration for code updates.</td>
</tr>
</tbody>
</table>
APPENDIX A

The City Engineer has granted the Development Engineering Division the decision-making authority for the following deviation requests:

- Number of Lots or Dwelling Units Private Access Tracts and Private Streets
- Mailbox Location (With Post Master Approval)
- Driveway Separation on local access streets
- Frontage Improvements on existing urban street sections or developed residential neighborhoods
- Stopping Sight Distance for Sag Residential Curve only

Deviation Review Team Authorized Deviation Types:

- Onsite/Offsite Road Improvement Requirements
- Off-Site (Safe Walk Route) Walkway Location
- Frontage Improvement Requirements
- Non-motorized Connectors
- Driveway Width
- Design Speed
- Truck loading and unloading
- Horizontal and Vertical curves
- Cuts and/or fills over 8 feet Retaining walls over 8 feet tall
- Inter-basin transfer of stormwater (permission to re-route runoff to a different catchment basin.)
- Set-backs for infiltration systems
- Desire to use specific material for a design, i.e. using HDPE pipe for sanitary sewer
APPENDIX B

DEFINITIONS:

Development Engineer – Development Engineering and Construction Manager

"Deviation Procedure" City of Redmond, Procedures for Requesting and Approving Deviation Requests dated 7/26/2016

"Standards" means the most recently approved and adopted version of the City of Redmond Design Standards

"Deviation" means an alteration from the Standards.

"Applicant" means a property owner, or a public agency or public or private utility

"AASHTO" means American Association of State Highway and Transportation Officials.


"MUTCD" means Manual of Uniform Traffic Control Devices

"HCM" means Highway Capacity Manual

"NACTO" means National Association of City Transportation Officials

"ITE" means Institute of Transportation Engineers

"AWWA" means American Water Works Association

"Development Proposal" means a subdivision, short subdivision, binding site plan, grading permit, residential building permit, demolition, commercial building permit, and/or any similar request that requires Development Services approval.


"Technical Committee" RMC 4.50.030 – “The Technical Committee shall consist of the Director of Planning and Community Development and the Director of Public Works. The Building Official, City Engineer, Director of Parks and Recreation, Fire Chief, Police Chief, City Attorney and other department heads, or their designated representative(s) may participate in Technical Committee meetings as needed and at their discretion when the situation warrants.”

“Days” meaning Working Days