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BEFORE THE HEARING EXAMINER
CITY OF REDMONER

In the Matter of the Appeal of
Eugene Zakhareyev and Susan Wilkins,
Of the March 9, 2017 SEPA Determination of Non-
Significance (SEPA-2017-00172)
and the Appeal of
Eugene Zakhareyev,
Of the June 12, 2018 approval Site Plan Entitlement
(LAND-2-13-00171) for the Anjuman-E-Burhani
Mosque at 15252 NE 51st Street, Redmond.

Appeal Nos. LAND-2017-00348
and LAND-2018-00701

LAND-2013-00171
SEPA-2017-00172

CITY'S MOTION TO DISMISS STATE
LAW ISSUES FOR LACK OF SUBJECT
MATTER JURISDICTION

I. INTRODUCTION & RELIEF REQUESTED

Pursuant to Redmond Hearing Examiner Rule of Procedure VI.A.2.f and .g, the City of Redmond moves to dismiss Appellant's challenge to the Anjuman-e-Burhani mosque's proposed access drive because that challenge is based entirely on state law, and is therefore outside the Hearing Examiner's jurisdiction.

1 **II. STATEMENT OF FACTS**

2 On February 13, 2014, Mr. Elias Yakub of Anjuman-e-Burhani Seattle applied for an
3 SPE¹ to build a 22,627 square foot mosque at 15252 NE 51st Street in Redmond's Overlake
4 neighborhood ("the Project"). See Ex. A, Technical Committee Site Plan Entitlement Notice of
5 Decision & Transmittal Letter, at 1. The proposed mosque would include prayer areas, classrooms
6 for religious teachings, kitchen and dining facilities, and a parsonage. *Id.*

7 As shown below, the building site for the Project is located in the northeast corner of the
8 interchange between State Route 520 and Northeast 51st Street. See Ex. B, Traffic and Parking
9 Letter, at 1. Under the terms of a 1991 Deed from the Washington State Department of
10 Transportation ("WSDOT") to the City of Redmond, the City owns title to the land underlying NE
11 51st Street that forms the southern boundary of the Project site. See Ex. D, 1991 Deed from



12 WSDOT to City, at 1; see also Ex. A to
13 Ex. D at 4. The site is bounded by
14 private parcels to the east and north.
15 *Id.*

16 Before Anjuman-e-Burhani's
17 proposed redevelopment, the site was
18 occupied by a single-family structure,
19 which had access to NE 51st street via a driveway on the southeastern corner of the property. *Id.*
20 at 2. Anjuman-e-Burhani proposes to keep this access point the same for its new mosque
21 development, *Id.* at 15, though its site plan for the property calls for widening the existing access
22 point. See Ex. F, Seattle Masjid Asjuman E Burhani Site Plan (depicting existing driveway
23 easement and wider proposed site access drive).

24
25 ¹ A site plan entitlement (or SPE) is type of permit required for all new construction or exterior modification of
26 buildings in the City, except for detached single-family residences. See RZC 21.76.060.Y. A site plan entitlement
ensures that the proposal complies with SEPA and the RZC.

1 On March 9, 2017, the City issued a determination of nonsignificance ("DNS") under
2 SEPA for the facility. Mr. Zakhareyev and Ms. Susan Wilkins each appealed that DNS on April
3 7, 2017. Both parties have since dismissed their SEPA appeals.

4 On June 13,² 2018, the City Technical Committee³ issued its decision granting the
5 Anjuman-e-Burhani mosque an SPE. *See* Ex. A at 4. The decision found that the Project complied
6 with all applicable RZC provisions. The SPE also found that the Project complied with the Code's
7 requirement that it have adequate access to a right-of-way, *see* RZC 21.52.030, provided the
8 Project continued to conform to the Site Plan it submitted with its application. *See* Ex. A at 10.
9 The SPE conditioned approval on the applicant obtaining any easements that became necessary as
10 construction progressed. *See* Ex. A at 9, Part V.A.1.a(b).

11 At the same time the City was reviewing the Anjuman-e-Burhani SPE, it was also
12 negotiating an easement with Anjuman-e-Burhani that would allow Anjuman-e-Burhani to widen
13 the access point to its site. After the City issued the SPE, the parties finalized their access easement
14 and recorded the document on July 9, 2018. *See* Ex. E, Easement from the City of Redmond to
15 Anjuman E. Burhani.

16 Mr. Zakhareyev appealed the City's SPE on June 27, 2018. *See* Ex. C, Zakhareyev Appeal
17 Application Form, at 1. Mr. Zakhareyev's appeal alleged three general errors in the City's SPE
18 decision: (1) that the site's driveway access does not comply with state law, *see* Ex. C, Attachment,
19 at 1–3; (2) that the City should have required a conditional use permit for the mosque, rather than
20 an SPE, *see id.* at 3–4; and (3) that the City's decision incorrectly applies zoning criteria, including
21 criteria regarding parking, traffic, and setbacks, *see id.* at 4–9.

22
23
24 ² The City's Notice of Decision indicates that the decision was issued on June 12, but the City's records indicate that
it was in fact mailed on June 13, 2018.

25 ³ The City's Technical Committee is the body responsible for reviewing SPE applications. *See* RZC 21.76.060.Y.3.
26 The Technical Committee is composed of the Directors of the Departments of Planning and Public Works. *See*
Redmond Municipal Code ("RMC") 4.50.030.

1 With regard to the first allegation, Mr. Zakhareyev argues:

- 2 • The proposed vehicle access for the development violates the terms of the 1991 deed
3 from WSDOT to the City granting title to the land underlying NE 51st Street, *see*
4 Zakhareyev Appeal Statement ("Appeal") at 1;
- 5 • The City's decision violates RCW 47.24.020(2) and WAC 468-58-010(1) because those
6 provisions allegedly give exclusive jurisdiction over the 51st Street Interchange with
7 Route 520 to WSDOT, *see* Appeal at 1–2;
- 8 • Allowing access to NE 51st Street violates state regulations in WAC 468-58-030(1)(a)
9 regarding fully controlled limited access highways, *see* Appeal at 2; and
- The City violated the terms of an August 24, 2012 letter from WSDOT to the City
regarding the Anjuman-e-Burhani application, *see* Appeal at 2–3.⁴

10 Mr. Zakhareyev does not cite any provision of the RZC or RMC to support his arguments that the
11 proposed driveway access for the site is illegal or noncompliant.

12 III. STATEMENT OF ISSUES

- 13 1. **Is the proposed access drive's alleged noncompliance with state law**
14 **outside the Hearing Examiner's jurisdiction? [Yes].**

15 IV. ARGUMENT

16 The Hearing Examiner should dismiss all issues challenging the Project's proposed access
17 drive because Appellant bases those challenges on state law, and questions of state law are outside
18 the Hearing Examiner's subject-matter jurisdiction.

19 Hearing examiners and other quasi-judicial administrative tribunals "are creatures of the
20 legislative body that creates them, and their power is limited to that which the legislative body
21 grants." *Lejeune v. Clallam County*, 64 Wn. App. 257, 270-71, 823 P.2d 1144 (1992) (citation
22 omitted). Under the Redmond Municipal Code, the Hearing Examiner only has jurisdiction to
23 consider whether a City decision complies with the Redmond Zoning Code. *See* RMC 4.28.010,
24 .020. Nothing in the Redmond Municipal Code or Redmond Zoning Code gives the Hearing

25 ⁴ The City notes that Mr. Zakhareyev has raised each of these arguments with WSDOT, and WSDOT has formally
26 rejected them. *See* Ex. G, Apr. 25, 2018 Letter from WSDOT to J. Richard Arambaru; Ex. H, May 24, 2018 Letter
form WSDOT to J. Richard Arambaru.

1 Examiner authority to consider matters of state law, nor could it, since state law matters are
2 traditionally reserved for the judicial branch. *See Exendine v. City of Sammamish*, 127 Wn. App.
3 574, 586-87, 113 P.3d 494 (2005) (holding hearing examiners have no jurisdiction over
4 constitutional issues); *Chaussee v. Snohomish Cty. Council*, 38 Wn. App. 630, 639, 689 P.2d 1084
5 (holding hearing examiners have no power to consider equitable issues); RCW 2.08.010 (vesting
6 original jurisdiction over real property issues in the Superior Courts).

7 Here, Anjuman-e-Burhani proposed an access drive connecting the Project to NE 51st
8 Street. The City reviewed the proposed access and determined that it met RZC 21.52.030's
9 straightforward requirement that "[a]ll lots shall have access to a public right-of-way via direct
10 access to the right-of-way, an easement recorded with King County, or a private drive or road."
11 The City then conditioned its SPE on Anjuman-e-Burhani procuring any necessary easements
12 before commencing the civil drawings phase of development. The parties have since executed and
13 recorded an easement for the drive access. Nothing about this approval violates the provisions of
14 RZC 21.52.030, and Appellant does not allege that it does.

15 Instead, Appellant challenges the Project's access drive under state law. Appellant argues
16 that the proposed vehicle access violates the terms of the 1991 Deed from WSDOT to the City.
17 The terms and significance of this deed are outside the scope of the Hearing Examiner's
18 jurisdiction, since these are questions that "involve the title or possession of real property," and are
19 within the original jurisdiction of the Superior Court. RCW 2.08.010. Appellants argue that the
20 City's decision violates RCW 47.24.020(2) and WAC 468-58-010(1) because those provisions
21 give exclusive jurisdiction over the 51st Street interchange to WSDOT. A state agency's
22 jurisdiction is a pure question of state law, and is outside the Hearing Examiner's jurisdiction to
23 determine. Appellant argues that allowing access to NE 51st Street violates state regulations
24 governing fully controlled limited access highways, *see* WAC 468-58-030(1)(a). This issue does
25 not involve compliance with the RZC, but is a state law matter outside the Hearing Examiner's
26 jurisdiction to determine. Finally, Appellants argue that the City violated the terms of a letter sent

1 from WSDOT to the City regarding the Anjuman-e-Burhani application on August 24, 2012. Even
2 if this letter were legally enforceable under state administrative law, the Hearing Examiner does
3 not have the power to enforce the letter, because the letter does not implicate the RZC.

4 None of Appellant's challenges to the Project's proposed site access involve compliance or
5 noncompliance of the access with the Redmond Zoning Code. Since the RZC is the only law the
6 Hearing Examiner can interpret and administer, Appellant's challenges to the Project's access drive
7 are outside the Hearing Examiner's jurisdiction, and the Hearing Examiner should dismiss them.
8 To the extent Appellant has a remedy for his state-law challenges, he must seek that remedy in
9 Superior Court, not before the Hearing Examiner.

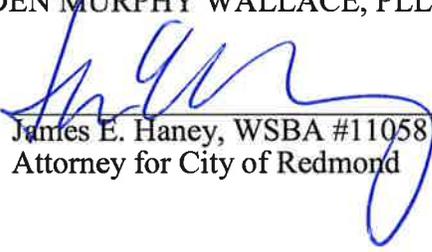
10 **V. CONCLUSION**

11 The issues raised under Heading 1 of Appellant's statement of appeal do not involve the
12 Project's compliance or noncompliance with the RZC, but are based instead on state law. These
13 issues are therefore outside the Hearing Examiner's jurisdiction, and the Hearing Examiner should
14 issue an order dismissing these issues from this appeal.

15
16 DATED this 10th day of August, 2018.

17 OGDEN MURPHY WALLACE, PLLC

18
19 By


James E. Haney, WSBA #11058
Attorney for City of Redmond

1 **DECLARATION OF SERVICE**

2 I, Gloria Zak, an employee of Ogden Murphy Wallace, PLLC, make the following true
3 statement:

4 On the date below, I sent a true and correct copy of this document via email to the Office
5 of the Hearing Examiner and to all parties to the Appeal, as follows:
6

7

PARTY	EMAIL
<i>Office of the Hearing Examiner</i> Cheryl Xanthos, Deputy City Clerk	cdxanthos@redmond.gov
<i>Appellants</i> Richard Aramburu Eugene Zakhareyev	rick@aramburu-eustis.com eugenez@attrice.info
<i>City of Redmond</i> David Lee, Planner	dlee@redmond.gov
<i>Applicants</i> Eliyas Yakub Ai Haveliwala	eliyasy@microsoft.com ahaveliwala@gmail.com
<i>Attorneys for Anjuman-R-Burhani</i> Sarah Mack Tupper Mack Wells 2025 1 st AVE #1100 Seattle, WA 9812	mack@tmw-law.com

8 I declare under penalty of perjury under the laws of the State of Washington that the
9 foregoing is true and correct.

10 EXECUTED at Seattle, Washington this 10th day of August 2018.

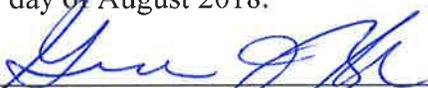
11
12 
13 _____
14 Gloria Zak, Legal Assistant

EXHIBIT A



**Technical Committee
Site Plan Entitlement Notice of Decision
Transmittal Letter**

June 12, 2018

Eliyas Yakub
Anjuman-E-Burhani Seattle
12903 NE 126th Place, Unit B240
Kirkland WA 98034

Subject: Anjuman-E-Burhani, File Number LAND-2013-00171

Location: 15252 NE 51st Street Redmond WA 98052

Dear Mr. Yakub,

The City of Redmond Technical Committee and Design Review Board has reviewed and approved your proposal for Site Plan Entitlement to construct a new 22,657 square foot mosque facility to include prayer areas, classrooms for religious teachings, kitchen/dining facilities and parsonage. The Notice of Decision, including the Technical Committee's analysis of your proposal and Conditions of Approval (see Section V), is attached to this letter.

NEXT STEPS

This letter is a guide to assist you with next steps in the approval process now that your project has received Site Plan Entitlement approval from the Technical Committee. Before beginning construction of your project, there are other review processes that must be completed. The next steps for this project include the Coordinated Civil Drawing Review and the Building Permit Review processes.

Coordinated Civil Drawing Review Process. This process will include review and approval of construction and landscape drawings, as well as collection of performance bonds and Development Engineering review and inspection fees. Construction drawings must be submitted per the *Civil Drawing Checklist* and the Notice of Decision Conditions of Approval; and reviewed and approved by all applicable divisions of Development Services. The *Civil Drawing Checklist* can be found at <http://www.redmond.gov/common/pages/UserFile.aspx?fileId=141912>. A Coordinated Civil Kick-Off meeting is highly recommended to provide guidance prior to submitting for review of your civil construction drawings. For information regarding a Coordinated Civil Kick-off meeting, please contact Development Engineering at 425-556-2876 or developmentengineering@redmond.gov.

Additional information regarding the Coordinated Civil Drawing Review process can be found at www.redmond.gov/DSC, including:

- Development Engineering Fee Schedule: Includes review and inspection fees.
- Private Development Construction Process: Includes fees, bonds, and other information required to begin and complete construction of your project.
- Record Drawings: Includes requirements for preparing Record Drawings.

Building Permit Review Process. You may be required to obtain one or more building permits for your project. Building permits can be submitted at any time, but cannot be issued prior to Civil Construction Drawing approval. Please note that permits are required to demolish as well as construct buildings on the site. Additionally, separate building permits may be required for other structures on the site including, but not limited to rockeries and retaining walls over 4 feet in height, and stormwater detention vaults. Fire, Parks, School, and Transportation Impact Fees, as appropriate, and stormwater Capital Facilities Charges will be collected at the time of building permit issuance.

Building permit submittal requirements, applicable codes, and intake and issuance fees are available on the City’s website at: www.redmond.gov/DSC. Impact fee information can be found at: www.redmond.gov/permitfees

Stormwater Capital Facilities Charges can be found at: www.redmond.gov/permitfees in the document *Development Engineering Fees Schedule*

If you have questions regarding process or the Notice of Decision Conditions of Approval, please contact the staff person for the appropriate City Department/Division listed below.

Department- Division	Contact	Title	Phone	Email
Planning-Development Engineering/Transportation & Engineering	Min Luo	Senior Transportation Engineer	425.556.2881	mluo@redmond.gov
Planning- Development Engineering/Water & Sewer	Zheng Lu	Senior Engineer	425.556.2844	zlu@redmond.gov
Planning- Development Engineering/Stormwater, Clearing & Grading	Jeff Dendy	Senior Engineer	425.556.2890	jdendy@redmond.gov
Fire	Scott Turner	Assistant Fire Marshal	425.556.2273	sturner@redmond.gov
Planning – Development Review	Sarah Pyle	Senior Planner	425.556.2426	spyle@redmond.gov

The City's Development Review Staff are available to meet with you regarding the development review process. Please contact Sarah Pyle, Senior Planner at 425-556-2426 or spyle@redmond.gov or the appropriate Development Review Staff member listed above for additional information.

Sincerely,



Erika Vandenbrande, Interim Director
Department of Planning and
Community Development



Martin Pastucha, Director
Public Works Department

**Technical Committee Type II/ Site Plan Entitlement
Notice of Decision**

Project Name: Anjuman-E-Burhani,
Location: 15252 NE 51st Street Redmond WA 98052
File Number: File Number LAND-2013-00171
Project Description: Proposal to construct a new approximately 22,000 square-foot mosque facility to include prayer areas, classrooms for religious teachings, kitchen/ dining facilities, parsonage and 36 parking stalls with an additional 29 spaces available via a valet parking plan.

Applicant: Eliyas Yakub
Anjuman-E-Burhani Seattle
12903 NE 126th Place, Unit B240
Kirkland WA 98034

Application Date: February 13, 2014

**Notice of Application
Date:** March 12, 2014

**State Environmental
Policy Act**

SEPA Threshold
Determination: Determination of Non-Significance (DNS)
SEPA File Number: SEPA-2017-00172
Date Issued: March 9, 2017

Technical Committee Decision **Decision Date:** **June 12, 2018**
Approval with Conditions **Appeal Deadline:** **June 26, 2018**

This decision may be appealed to the Hearing Examiner by filing an appeal with the Office of the City Clerk within 14 calendar days of the date of this decision. Appeal forms are available on-line at http://www.redmond.gov/Government/HearingExaminer/request_for_reconsideration_or_appeal/. A completed appeal form must be submitted by 5:00 p.m. on the last day of the appeal period. If you have any questions, please contact Sarah Pyle, Senior Planner at 425 556-2426 or spyle@redmond.gov.


Erika Vandenbrande, Interim Director
Planning & Community Development
Department


Martin Pastucha, Director
Public Works Department

I. State Environmental Policy Act (SEPA)

The DNS process was used for this project. The State Environmental Policy Act (SEPA) requires applicants to disclose potential impacts to the environment as a result of their project. The Environmental Checklist submitted by the applicant adequately discloses anticipated environmental impacts as a result of this project. City of Redmond codes and regulations; including those contained within the Zoning Code, Street and Sidewalks, Water and Sewer, and Building and Construction Codes adequately mitigate for these anticipated environmental impacts. Therefore, a Determination of Non-Significance (DNS) is the appropriate threshold determination for this project.

II. Compliance with Development Regulations

A. Permitted Use: Per Redmond Zoning Code (RZC) 21.08.080, table 21.08.080C “Allowed Uses”, Religious Institution is an outright permitted use not requiring a Conditional Use permit when there are less than 250 seats provided within the worship area. Per an Administrative Interpretation dated April 29, 2015 for the definition of “Fixed Seating” which states for the purpose of application, a fixed seat is where one would remain stationary for a period of time. The applicant has demonstrated through their plans how “fixed seat” is applied within the worship areas for the purpose of prayer rugs and therefore established compliance with table 21.08.080C.

R-5 Use Regulations		
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
21.08.280 Churches, Temples, Synagogues, and Other Places of Worship		
A. Calculation of Seating Capacity. For the purposes of this regulation, a seat shall be defined as either:	meets	150 seats
B. Requirements. The following development criteria shall apply to places of worship and related activities without regard to the zone in which it is located or the permit under which the use is processed:	meets	B.3 and B.4 are not applicable to project proposal.
1. Lighting for parking lot areas, structures, statuary and signage shall comply with the development regulations for parking, lighting and signs, and the Design Standards of RZC 21.60, Citywide Design Standards.	meets	All lighting has been reviewed for compliance and verified against codes and manuals.
2. The use shall comply with the parking regulations for assembly uses, except that in no event shall parking be in excess of one space per three seats in a residential zone.	meets	36 individual stalls and 29 valet stalls
5. A traffic mitigation plan shall be submitted for approval by the City. The plan shall address traffic control, parking management (including the mitigation of overflow parking into adjoining residential areas), and traffic movement to the arterial street system. In addition to on-site parking requirements, parking in excess of the maximum may be permitted on existing off-site satellite parking lots, subject	meets	draft plan submitted and will be signed and on file prior to building permit issuance.

AEB MOSQUE, File Number LAND-2013-00171

to City approval of a joint use agreement. Off-site parking in residential zones shall be limited to lots shared with existing institutional uses, such as schools.		
6. The maximum height for separate structures on-site, such as bell towers, crosses, statuary, or other symbolic religious icons, shall be 15 feet.	meets	structure is 30 feet and of minerat is 15 feet above average grade
7. The proposed structure(s) shall comply with the applicable design criteria contained in RZC 21.60, Citywide Design Standards, for the zone in which the use is located.	meets	meets 21.60 and was approved by DRB 4.6.17
8. Additional standards are applicable to the use. The underlying zoning and size of the facility shall determine which additional criteria shall apply. The additional criteria for residential zones can be found below, depending on seating capacity.	meets	project was reviewed for compliance by WSDOT who signed off on 12.12.2017
C. Development Criteria for Seating Capacities in a Residential Zone.		
1. Places of worship with a seating capacity of less than 250 seats:	meets	150 seat maximum proposed to be approved as part of the entitlement.
a. The facility shall be located within 1,200 feet, as measured along the centerline of the right-of-way, of an arterial (collector, minor or principal);	meets	Proposal fronts 51st street, meeting all requirements.
b. The facility shall be located on a paved road having two lanes with a minimum width equal to the public works standard for a local access street;	meets	Proposal fronts 51 st Street, which meets all requirements.
c. Buildings shall maintain a minimum setback of 20 feet from all property lines; building setbacks shall be increased by five feet for every one foot in building height over 30 feet;	meets	all setbacks at least 20', building is 30 from average grade.
d. The maximum building height does not exceed 50 feet inclusive of steeples, bell towers, crosses, or other symbolic religious icons;	meets	no elements of the building's design exceed 50'
e. The minimum lot size shall be the same as that required in the zone in which the proposed facility is located;	meets	Exceeds minimum by 40,000 square feet or more.
f. The maximum lot coverage of structures may not exceed 35 percent, and total impervious surfaces may not exceed 75 percent of lot area;	meets	Lot coverage proposed at less 35% and Impervious at less than 75%.
h. Structures, parking lots and lighting shall be designed to avoid excessive light and glare impacts on adjacent properties. Restrictions on light pole height and type, deflectors and other such measures may be required as necessary to prevent overspill and excessive intensity of light.	meets	lighting study was submitted and reviewed by the City of Redmond.

B. Zone Regulations:

R-5 Zoning Regulations			
Average Lot Size	5,500 square feet	48, 978 sqft	meets
Required Density	80 percent of net acres	n/a	meets
Lot Width Circle	35 feet	> 20 feet	meets
Lot Frontage	20 feet	> 20 feet	meets
Setbacks			
Front	15 feet	> 20 feet	meets
Garage	18 feet	n/a	meets
Side / Interior (each side)	5 feet / 10 feet	20 feet	meets
Side Street	15 feet	n/a	meets
Rear	10 feet	20 feet	meets
Building Separation	10 feet	> 10 feet	meets
Open Space	20 percent of total lot area	> 20%	meets
Lot Coverage for Structures	40 percent of total lot area	21.30%	meets
Impervious Surface	60 percent of total lot area	< 60%	meets
Building Height	50 feet**	< 50 feet	meets
** majority of building does not exceed 30 feet. Only minaret extends to 45 feet.			

- C. Parking:** Per Redmond Zoning Code (RZC) 21.08.080, table 21.08.080C “Allowed Uses”, Religious Institution are required to have parking meet one of the two following requirements: one stall per 1,000 square feet of gross floor area for assembly or a minimum of one stall per five (5) fixed seats to a maximum of one stall per three (3) fixed seats. The project proposes for entitlement 147 “fixed seats” within the assembly area, this generates a minimum requirement of 29 and a maximum of 49 parking stalls. The project is proposing 36 parking stalls to be constructed on-site, therefore meeting the parking requirement as established by the Redmond Zoning Code at table 21.08.080C. To address community comments and concerns the applicant has proposed valet parking to support the ability for an additional 29 vehicles to park on-site.
- D. Transportation:** The project frontage NE 51st Street will be improved to have a 5.5 feet bike lane and a 6 feet sidewalk per the minor arterial street standards stated in RZC 21.Appendix 2. A.2. Table 2 and RZC 21.12.200.C.
- E. Stormwater:** Stormwater will be collected by catch basins, routed through cartridge filter systems for water quality treatment, then held in an underground detention pipe and released at a metered rate. The stormwater discharge from the project site will be pumped to the north of the site through an easement to the municipal storm drain system in 154th Avenue NE.

III. Code Deviations Granted

a. The applicant applied for an entering sight distance deviation request to allow the entering sight distance at the driveway access to be shorter than the required entering sight distance per Table 9 in the City of Redmond Zoning Code Title 21 Appendix 2.A.7.c. The Deviation Review Team has approved the deviation request with the following conditions:

- The vegetation within the sightline will be pruned and the bus shelter on NE 51st Street will be relocated further east to provide entering sight distance of approximately 430 feet for the right- turn movement, which meet the AASHTO entering sight distance criteria for the right-turn movement at a design speed of 45 mph. If King County Metro agrees to relocate the bus shelter, the applicant will be responsible for the vegetation pruning and bus shelter relocation. If the City’s planned capital improvement project on NE 51st Street starts construction before the proposed development, the City will complete the bus shelter relocation.

IV. Vesting/Approval Expiration

This decision is not vested to the development regulations in effect until a complete building permit application is submitted. The approval of this project shall expire two years from the date of this decision, unless an approval extension is granted. Extensions can be requested on a yearly basis if proper justification is demonstrated (see RZC 21.76.090(C)(2)). Requests for extensions must be submitted in writing to the Technical Committee via the project planner at least 30 days prior to the approval expiration date.

V. Conditions of Approval

A. Site Specific Conditions of Approval

The following table identifies those materials that are approved with conditions as part of this decision.

Item	Date Received	Notes
Plan Set	1/31/2017	<i>and as conditioned herein.</i>
SEPA Checklist	1/31/2017	<i>and as conditioned herein and as conditioned by the SEPA threshold determination on 3/9/2017</i>
Architectural Elevations	1/31/2017	<i>and as conditioned herein.</i>
Design Review Board Approval/Plans	1/31/2017	<i>and as conditioned herein.</i>
Conceptual Landscaping Plan	1/31/2017	<i>and as conditioned herein.</i>

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Conceptual Lighting Plan	1/31/2017	<i>and as conditioned herein.</i>
Proposed Tree Retention Plan	1/31/2017	<i>and as conditioned herein.</i>
Stormwater Design	1/31/2017	<i>and as conditioned herein.</i>

The following conditions shall be reflected on the Civil Construction Drawings, unless otherwise noted:

1. Development Engineering - Transportation and Engineering

Reviewer: Min Luo, Senior Engineer

Phone: 425-556-2881

Email: mluo@redmond.gov

- a. Easements and Dedications.** Easements and dedications shall be provided for City of Redmond review at the time of construction drawing approval and finalized for recording prior to issuance of a building permit. The existing and proposed easements and right-of-way shall be shown on the civil plans. Prior to acceptance of the right(s) of way and/or easement(s) by the City, the developer will be required to remove or subordinate any existing private easements or rights that encumber the property to be dedicated.
- i. Easements are required as follows:
- (a) 10-foot wide sidewalk and utility easement, granted to the City of Redmond, abutting NE 51st Street right-of-way.
 - (b) At the time of construction, additional easements may be required to accommodate the improvements as constructed.
- b. Construction Restoration.** In order to mitigate damage due to trenching and other work on NE 51st Street, the asphalt street shall be planed, overlaid, and/or patched, as determined by the Traffic Operations Safety and Engineering Division in Public Works. Contact Rob Crittenden at 425-556-2838..

(Code Authority: RMC 12.08; Redmond Standard Specifications & Details; RZC 21 Appendix 2-A.8.e)

c. Street Frontage Improvements

- i. The frontage along NE 51st Street must meet current City Standards which include asphalt paving approximately 29.5 feet from centerline to face of curb with appropriate tapers, type A-1 concrete curb and gutter, including 5.5 feet bike lane, 6 feet wide concrete sidewalk, storm drainage, street lights, street trees, street signs and underground utilities including power and telecommunications. The minimum pavement section for the streets shall consist of:
- 4 inches HMA Class ½" PG 64-22
 - 5 inches HMA Class 1" PG 64-22
 - 4 inch of 1-1/4 inch minus crushed rock base course per WSDOT Standard Spec 9-03.9(3)
 - Subgrade compacted to 95% compacted maximum density as determined by modified Proctor (ASTM D 1557)
 - Street crown 2% sloped to drain system

(Code Authority: RZC 21.52.030; RZC 21.17.010; RMC 12.12; RZC 21 Appendix 2; Redmond Standard Specifications & Details)

- ii. A separate 40-scale channelization plan may be required for any public street being modified or constructed. The plan shall include the existing and proposed signs, striping and street lighting and signal equipment for all streets adjacent to the site and within at least 150 feet of the site property line (both sides of the street). The plan shall conform to the requirements in the City of Redmond Standard Specifications and Details Manual. The project is located along a street with WSDOT limited control access; therefore WSDOT approval of the channelization plan is also required.

(Code Authority: RZC 21.52.030(F), RZC 21 Appendix 2; Redmond Standard Specifications & Details; RCW 47.24.020)

- vi. Sidewalks constructed to City standards are required at the following locations:

- A 6-foot wide sidewalk is required along NE 51st Street

(Code Authority: RZC 21.10.150, RZC 21.17.010; RZC 21.52.050; RMC 12.12)

d. Access Improvements

- i. The type and location of the proposed site accesses are approved as shown on the Seattle Masjid Anjuman E Burhani site plan prepared by DCI Engineers on January 27, 2017.

(Code Authority: RZC 21.52.030(E); RZC 21 Appendix 2)

- e. **Underground Utilities.** All existing aerial utilities shall be converted to underground along the street frontages and within the development. All new utilities serving the development shall be placed underground.

(Code Authority: RZC 21.17.020; RZC 21 Appendix 2 – A.11)

- f. **Street Lighting.** Illumination of the street(s) along the property frontage must be analyzed to determine if it conforms to current City standards. Streetlights may be required to illuminate the property frontage. Luminaire spacing should be designed to meet the specified criteria for the applicable lamp size, luminaire height and roadway width. Contact Paul Cho, Traffic Operations Safety and Engineering at (425) 556-2751 with questions. The street lighting shall be designed using the criteria found in the City's Illumination Design Manual which can be accessed at: <http://www.redmond.gov/development/CodesAndRules/StandardizedDetails>

(Code Authority: RZC 21.52.030(F), RZC 21 Appendix 2)

2. Development Engineering – Water and Sewer

Reviewer: Zheng Lu, Senior Engineer

Phone: 425-556-2844

Email: zlu@redmond.gov

- a. **Water Service.** Water service will require a developer extension of the City of Redmond water system as follows: Connect to the existing 8-inch ductile iron water main at entrance in NE 51st Street. Extend an 8-inch water main from south at entrance to the new building. A new water service, fire lines, fire FDC line and two fire hydrates will connect to the new main as required. All water main, water service, fire line and hydrants shall be designed in accordance with the City of Redmond Design Requirements, Water and Wastewater Extensions.
(Code Authority: RZC 21.74.020(D), RZC 21.17.010)
- b. **Sewer Service.** Sewer service will require a developer extension of the City of Redmond sewer system as follows: Sewer from the new building will connect to the existing 6-inch side sewer stub out at northeast corner. This 6-inch side sewer shall be connected to the city manhole 3G4SMH072 in 154th Ave NE. All side sewer shall be designed in accordance with the City of Redmond Design Requirements, Water and Wastewater Extensions.
(Code Authority: RZC 21.74.020(D), RZC 21.17.010)
- c. **Easements.** Easements shall be provided for all water and sewer improvements as required in the Design Requirements for Water and Sewer System Extensions. Easements for the water and sewer mains shall be provided for City of Redmond review at the time of construction drawing review. All easements must be recorded prior to construction drawing approval.
(Code Authority: RZC Appendix 3)
- d. **Permit Applications.** Water meter and side sewer applications shall be submitted for approval to the Development Engineering Division. Permits and meters will not be issued until all improvements are constructed and administrative requirements are approved. In certain limited circumstances, at the sole determination of the City of Redmond, water meter and/or side sewer permits may be issued prior to completion of improvements and/or administrative requirements. In such cases, various additional guarantees or requirements may be imposed as determined by the Development Engineering Division.
(Code Authority: RMC 13.08)

3. Development Engineering – Stormwater/Clearing and Grading

Reviewer: Jeff Dendy, Senior Engineer

Phone: 425-556-2890

Email: jdendy@redmond.gov

- a. **Water Quantity Control:**
 - i. The project lies within Basin 4 of the North Overlake Drainage Area. Per City of Redmond standards, development within this basin will limit stormwater discharge to a maximum flow rate as provided in a table

AEB MOSQUE, File Number LAND-2013-00171

published in the city Stormwater Technical Notebook. Stormwater discharges shall be limited to not exceed 0.37 cfs for a 50-year recurrence storm. Detention shall be provided in a privately maintained tank.

- ii. Provide for overflow routes through the site for the 100-year storm.
- iii. Discharge from the site after detention will be via a pump to the north through an easement to the municipal storm drain in 154th Avenue NE. A three-hour back-up storage volume is provided onsite in a second tank as part of the stormwater pump system in conformance with city regulations.

(Code Authority: RMC 15.24.080)(s)(d)

b. Water Quality Control

- i. Enhanced water quality treatment shall be provided in a privately maintained filter cartridge system. Treatment is required for the 6-month, 24 hour return period storm.

(Code Authority: RMC 15.24.080(2)(c))

- c. Public Stormwater Easements.** Public easements will be required for any public stormwater conveyance systems on private property. Easements shall be provided for City of Redmond review at the time of construction drawing approval. The existing and proposed easements shall be shown on the civil plans. Prior to construction drawing approval, fully executed and recorded offsite easements shall be provided to the Development Engineering Division.

This project will use existing public easements for the discharge route to the municipal storm system.

(Code Authority: RMC 15.24.080(2)(i))

- d. Private Stormwater Easements.** Private stormwater easements will be required where drainage systems are located across adjacent properties and will remain under private ownership. No private easements are anticipated for this project.

- e. Clearing and Grading.** No site specific conditions. All general guidelines apply.
(Code Authority: RMC 15.24.080)

f. Temporary Erosion and Sediment Control (TESC).

- i. Rainy season work permitted October 1st through April 30th with an approved Wet Weather Plan.

(Code Authority: RMC 15.24.080)

- g. Floodplain Management.** Project does not lie within a designated FEMA flood hazard zone.

(Code Authority: RZC 21.64.010; RZC 21.64.040)

- h. Landscaping.** No project specific conditions.

(Code Authority: RZC 21.32)

- i. **Department of Ecology Notice of Intent Construction Stormwater General Permit.** Notice of Intent (NIO) must be submitted to the Department of Ecology (DOE) at least 60 days prior to construction on a site that disturbs an area of one acre or larger. Additional information is available at: www.ecy.wa.gov/pubs/0710044.pdf.
(Code Authority: Department of Ecology Rule)

4. Fire Department

Reviewer: Scott Turner, Assistant Fire Marshal

Phone: 425-556-2273

Email: sturner@redmond.gov

The current submittal is generally adequate for Site Plan Entitlement Approval, but does not fully represent compliance with all requirements. The following conditions are integral to the approval and shall be complied with in Civil Drawings, Building Permit Submittals, Fire Code Permit submittal, and/or other applicable processes:

- a. Site Plan Condition – The building shall meet all access requirements in the RMC 15.06, RFDS 2.0 and the IFC
- b. Fire Protection Plan The building shall have a n NFPA 13 compliant sprinkler system and an NFPA 72 compliant alarm system.
Hydrants shall be added on site to meet the requirements of RFDS 3.0
- c. Change or Modification
Fire walls shall be required to meet RFDS Fire Flow 3.0 standards.
- d. Fire Code Permit Other permits associated with this project may include but are not limited to :
Place of Assembly
Emergency Responder Radio System
Fire Sprinkler
Fire Alarm
Fixed Fire Suppression
Flammable/Combustible Liquids
- e. Comment
All codes and standards for the civil review process and the building permit process will vest at the time each respective permit is accepted. Fire permits vest at the time of building permit application.
(Code Authority: RMC 15.06; RZC Appendix 2, RFD Standards, RFDD&CG)

6. Planning Department

Reviewer: Sarah Pyle, Senior Planner

Phone: 425-556-2426

Email: spyle@redmond.gov

- a. **Street Trees.** Species and final location to be determined during Civil Construction Review (CCR) process.
(Code Authority: RZC 21.32.090)
- b. **Impact Fees.** For the purpose Impacts Fees, the use(s) assigned for this project

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have been determined as the following: "Office" for the purpose of Parks and Fire Impact fees and Church/ House of Worship for Transportation Impact Fees. If the proposed development is eligible for any additional credits including right-of-way dedication and system improvements, these additional credits will be assessed and provided after construction, dedication or implementation is completed and accepted by the City. *Impact Fee classification subject to change based upon adopted classifications within RMC 3.10 at time of building permit issuance.*

- c. **Tree Health Assessment.** A current Tree Health Assessment is required to be submitted at time of CCRs with an updated assessment of health for trees and updated calculations.
- d. **Tree Preservation Plan.** A Tree Preservation Plan depicting all significant and landmark trees required to be preserved as part of the site development must be provided with the civil construction drawings. A plan showing the location of preserved trees and containing protection language approved by the City shall be shown on the face of the deed or similar document and shall be recorded with the King County Department of Records and Elections.
(Code Authority: RZC 21.72.060D)

Tree Preservation Requirements:

- A minimum of 35 percent of all significant trees shall be retained or transplanted on-site (six trees). Exceptions to this standard shall be requested and reviewed in accordance with RZC 21.72.090, Exceptions. An Exception must be submitted and approved prior to or during the CCR process to have less than a 35% retention.
 - Landmark Trees. Landmark trees shall not be removed unless an exception has been applied for and granted.
 - Hazardous Trees. Hazardous trees or dead trees posing a hazard, outside of NGPAs, critical areas and buffers, should be removed and are not considered significant trees.
- e. **Waste Management Approval.** The approved site plan and garbage/recycling enclosure detail must be submitted to Waste Management for review and approval. An approval letter from Waste Management must be submitted to the Planning Department prior to approval any associated building permit.
(Code Authority: RZC 21.38.020(F))
 - f. **Design Review Board Approval.** The Design Review Board approved the proposed project at their April 6, 2017 meeting. Revised elevations or plans that reflect the conditions of approval issued by the Design Review Board must be submitted with the building permit application or civil drawings. All plans must be prepared by a licensed architect or licensed engineer. The Design Review Board's conditions of approval are:
 - i. Where inconsistencies between the floor plans and elevations are found after the Design Review Board has approved this project, the elevations approved by the Design Review Board at this meeting will prevail.

AEB MOSQUE, File Number LAND-2013-00171

- ii. If, after this Design Review Board approval, there are any inconsistencies found in the information provided for the elevations, floor plans, landscape plans, lighting plans, materials and color between the presentation boards and the 11 x 17" submitted drawings, the Design Review Board and Redmond Planning Staff will review and determine which design version will be followed for Site Plan Entitlement and Building Permits.

- g. **Transportation Management Program.** A Transportation Management Program shall be submitted and approved by the City's Transportation Demand Management Division prior to civil construction drawing approval. (Code Authority: RZC 21.52.020) and (21.08.280.C.5).

B. Compliance with City of Redmond Codes and Standards

This approval is subject to all applicable City of Redmond codes and standards, including the following:

Transportation and Engineering

RZC 21.10.150	Downtown Pedestrian System
RMC 6.36	Noise Standards
RZC 21.52	Transportation Standards
RZC 21.40.010(E)	Design Requirements for Parking Facilities
RZC 21.54	Utility Standards
RMC 12.08	Street Repairs, Improvements & Alterations
RMC 12.12	Required Improvements for Buildings and Development
RMC 12.16	Highway Access Management
RZC 21.76.100(F)(9)(C)	Nonconforming Landscaping and Pedestrian System Area
RZC 21.76.020(G)	Site Construction Drawing Review
RZC 21.76.020(G)(3)	Preconstruction Conference
RZC 21.76.090(F)	Performance Assurance
RZC Appendix 2	Construction Specification and Design Standards for Streets and Access
City of Redmond	Record Drawing Requirements, July 2015
City of Redmond	Standard Specifications and Details (current edition)

Water and Sewer

RMC 13.04	Sewage and Drainage
RMC 13.08	Installing and Connecting Water Service
RMC 13.10	Cross-Connection and Backflow Prevention
RZC 21.54.010	Adequate Public Facilities and Services Required
RZC Appendix 3	Design Requirements for Water and Wastewater System Extensions
City of Redmond	Standard Specifications and Details (current edition)
City of Redmond	Design Requirements: Water and Wastewater System Extensions - January 2012.

Stormwater/Clearing and Grading

RMC 15.24	Clearing, Grading, and Storm Water Management
RZC 21.32.080	Types of Planting
RZC 21.64	Critical Areas
RZC 21.64.040	Frequently Flooded Areas
RZC 21.64.050	Critical Aquifer Recharge Areas
RZC 21.64.060	Geologically Hazardous Areas
City of Redmond	Standard Specifications and Details (current edition)
City of Redmond	Stormwater Technical Notebook, 2012
Department of Ecology	Stormwater Management Manual for Western Washington (revised 2005)

Fire

RMC 15.06	Fire Code
RZC Appendix 2	Construction Specification and Design Standards for Streets and Access
City of Redmond	Fire Department Design and Construction Guide
City of Redmond	Fire Department Standards

Planning

RZC 21.58, 60, 62	Design Standards
RMC 3.10	Impact Fees
RZC 21.32	Landscaping and Tree Protection
RZC 21.34	Exterior Lighting Standards
RMC 6.36	Noise Standards
RZC 21.38	Outdoor Storage and Service Areas
RZC 21.40	Parking Standards
RZC 21.64	Critical Areas
RZC 21.44	Signs
RZC 21.48	Transfer of Development Rights (TDRs)

Building

RMC 15.08	Building Code
RMC 15.12	Electrical Code
RMC 15.14	Mechanical Code
RMC 15.16	Plumbing Code
RMC 15.18	Energy Code
RMC 15.20	Ventilation and Indoor Air Quality Code

EXHIBIT B



Redmond

ANJUMAN-E-BURHANI COMMUNITY COMPLEX TRAFFIC AND PARKING LETTER – 2016 UPDATE – R1

December 20, 2016



JTE . Jake Traffic Engineering, Inc.
Mark J. Jacobs, PE (OR and WA), PTOE, President
2614 39th Ave. SW – Seattle, WA 98116 – 2503
Tel. 206.762.1978 - Cell 206.799.5692
E-mail jaketraffic@comcast.net





December 20, 2016

ANJUMAN-E-BURHANI SEATTLE

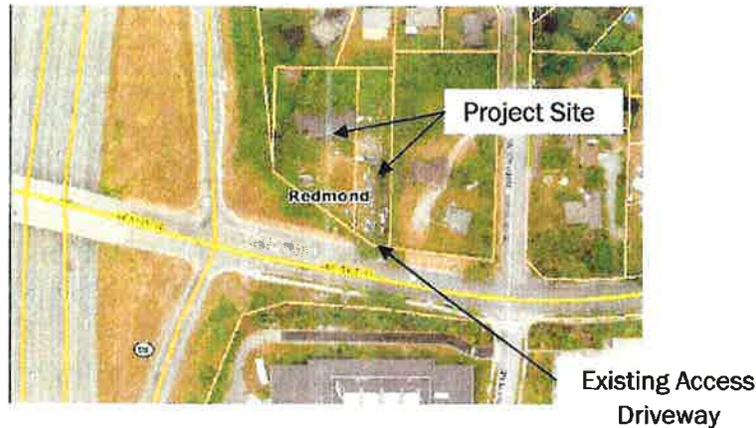
Attn: Eliyas Yakub
c/o Donn Stone, Architect
ROLLUDA ARCHITECTS
105 South Main Street
Seattle, WA 98104

Re: Anjuman-E-Burhani Community Complex – Redmond
Traffic and Parking Letter – 2016 Update – R1

Dear Mr. Yakub,

I have prepared this Traffic and Parking Letter – 2016 Update R1 (minor corrections to the 12.05.2016 submittal) for the proposed Anjuman-E-Burhani Community Complex project located in Redmond. This letter updates Anjuman-E-Burhani Community Traffic and Parking Letter – Update 2, March 15, 2014. Prior reports include Anjuman-E-Burhani Community Complex Site Access Traffic Letter (WSDOT Comments), June 5, 2012 and the Anjuman-E-Burhani Community Traffic and Parking Letter – Update, May 28, 2013

Below is an aerial of the site obtained from King County IMap:



The proposed project is envisioned to initially serve up to 60 worshipers and eventually would accommodate up to 147. The site is generally located northeast corner of the SR – 520/NE 51st St. interchange. Access to the site is via an existing driveway on NE 51st Street.

EXHIBIT C

LAND 2018-00701



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.

File No: _____ Date Received: _____ Receipt No. _____	(Staff Use Only)
<div style="border: 1px solid black; padding: 5px; width: fit-content;"> <p style="text-align: center; margin: 0;">RECEIVED</p> <p style="text-align: center; margin: 0;">CITY OF REDMOND</p> <p style="text-align: center; margin: 0;">JUN 27 2018</p> <p style="text-align: center; margin: 0;">OFFICE OF THE HEARING EXAMINER</p> </div>	

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(I)

Section A. General Information

Name of Appellant: EUGENE ZAKHAREYEV
Address: 5126 154TH AVE NE
City: REDMOND State: WA Zip: 98052
Email: EUGENEZ@OUTLOOK.COM
Phone: (home) 425 285 9778 (work) _____ (cell) _____

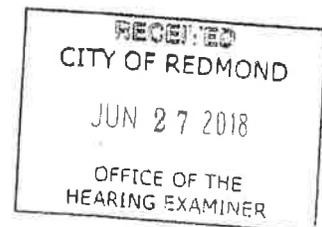
Name of project that is being appealed: ANJUMAN E-BURHANI
File number of project that is being appealed: LAND - 2013 - 00171
Date of decision on project that is being appealed: JUNE 13, 2018
Expiration date of appeal period: JUNE 27, 2018

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.

SEE ATTACHMENT



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:

SEE ATTACHMENT

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:

SEE ATTACHMENT

3. Please state the specific relief requested:

SEE ATTACHMENT

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

SEE ATTACHMENT

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

- Shoreline Permit (must be appealed to the State Shoreline Hearings 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)*)

Appellant standing

Eugene Zakhareyev is a party of record to land use application LAND-2013-00171, and owns a house in the vicinity of the proposed development.

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

The development proposal at issue in this appeal will be constructed in the vicinity of appellant’s house and will have significant traffic, parking, noise and other land use impacts on the appellant and his family. The scale and bulk of the proposed building will result in drastic changes to the neighborhood character.

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

The decision is erroneous because of the following:

(1) The City did not comply with additional regulations pertinent to the site driveway located on fully controlled limited access highway

The property driveway is located in a fully controlled limited access highway area which is regulated by a number of Washington state statutes. The changes in access are managed by the state agency, Department of Transportation (WSDOT).

Specifically, the type of approach permitted by WSDOT on the Deed to the City of Redmond is Type A single family residential 14’ as recorded on right of the way plan. This is the only type of access allowed; a religious facility does not have right of access to NE 51st Street.

(a) The city does not have authority to change the type of approach for the property

According to RCW 47.24.020(2), WSDOT maintains control on the streets that “*form a part of the route of state highways*”:

The jurisdiction, control, and duty of the state and city or town with respect to such streets is as follows:

...

(2) The city or town shall exercise full responsibility for and control over any such street beyond the curbs and if no curb is installed, beyond that portion of the highway used for highway purposes. However, within incorporated cities and towns the title to a state limited access highway vests in the state, and, notwithstanding any other provision of this section, the department shall exercise full jurisdiction, responsibility, and control to and over such facility as provided in chapter 47.52 RCW; (emphasis added)

The only authority that is allowed to determine the type of approach in a fully controlled limited access highway area is WSDOT per WAC 468-58-010(1):

(1) "Fully controlled limited access highway" is a highway where the right of owner or occupants of abutting land or other persons to access, light, air, or view in connection with the highway is controlled to give preference to through traffic by providing access connections with selected public roads only, and by prohibiting crossings or direct private driveway connections at grade, with the exception of Type C and F approaches, where no other reasonable means of access exists as solely determined by the department. (emphasis added)

The deed granting the property rights to the City of Redmond in 1991 expressly states that the city has no right to change the access.

The [city] shall have no right of ingress and egress to, from and between said SR 520 and the lands herein conveyed and will maintain the control of ingress and egress to, from and between the lands herein conveyed and the lands adjacent thereto.....EXCEPT that [the city] ...shall have reasonable ingress and egress to, from and between the lands conveyed and said Highway via off and on ramps.... (emphasis added)

The city has no authority to modify the limited access as conveyed, including changing the type of access or granting an easement over ROW.

(b) The city erred in allowing access for religious use

Religious institutions are a well-defined use that does not require special designations. Customarily, the types of approach in highway access management are classified by traffic intensity and peak patterns, with such uses as religious assemblies and schools classified as commercial type of access (meaning consistent with "non-residential" traffic patterns).

Thus AEB's proposal requires a commercial approach. However, the commercial type of approach required by the AEB project is expressly prohibited for fully controlled limited access highways per WAC 468-58-030(1)(a):

*(1) Fully controlled limited access highways:
(a) No commercial approaches shall be permitted direct access to main roadway but only to frontage roads when these are provided in the access plan or to the crossroads of interchanges outside the limits of full access control.*

(c) The city did not comply with the WSDOT requirements

Per WSDOT letter from Aug. 24, 2012, the applicant is required to provide value change determination for commercial access:

Since there is a change in use, a value determination for a commercial use as well as for a wider driveway, per Chapter 530.10 of WSDOT Design Manual must be prepared.

However, the city instructions to the appraiser did not specify the commercial approach but rather a Type C approach, therefore resulting in an incorrect and possibly lower appraisal amount.

The same WSDOT letter also stated:

The City required SSD and ESD must be met per design speed and the proposed modification must be evaluated and implemented to ensure adequate sight distances for the proposed access location.

Yet the city has granted the applicant Entering Sight Distance (ESD) deviation request. In addition to allowing shorter ESD, the deviation request requires relocation of existing bus stop thus affecting the intersection of NE 51st Street/154th Ave NE that already has limited sight lines.

(2) City erred in using the Type II Administrative review process for the application instead of the Type III Quasi-judicial review as follows from the project seating capacity.

The project parcel is zoned R-5, a zone where religious institutions are an allowed use. RZC 21.08.080 "R-5 Single-family Urban Residential", Table 21.08.080C (30) requires following a Conditional Use Permit process for religious institutions with seating capacity between 250 and 750 seats:

30. A. Permitted use if less than 250 seats. A Conditional Use Permit is required for religious institutions with between 250 and 750 seats.

RZC 21.08.280 provides a method for calculating seating capacity:

B. Calculation of Seating Capacity. For the purposes of this regulation, a seat shall be defined as either:

- 1. One individual fixed seat; or*
- 2. A length of 18 inches on a pew or bench; or*
- 3. A measurement of seven square feet per person for the area seating the general assembly with movable chairs or other portable seating fixtures. The total area includes aisle space, but excludes areas such as stage and podium areas, space for musical instruments, and lobbies.*

Under International Building Code (IBC) Section 202, fixed seating is unambiguously defined as follows:

FIXED SEATING. Furniture or fixture designed and installed for the use of sitting and secured in place including bench-type seats and seats with or without backs or arm rests.

IBC is adopted via Redmond Municipal Code Title 15, 15.08.020.

Thus the seating capacity for the mosque needs to be calculated using the measurement of seven square feet per person and square footage of the areas associated with assembly use.

Using the prayer area for calculations yields seating capacity of over 250, instead of 147 as provided in the application.

With seating capacity over 250 seats, RZC 21.08.080 requires the Conditional Use Permit process. Per RZC 21.76.050 "Permit Types and Procedures", C, Table 21.76.050B the review of conditional use permit applications should follow Redmond's Type III review process.

(3) City erred in calculating required parking based on seating capacity.

RZC 21.08.280 provides a method for calculating seating capacity:

B. Calculation of Seating Capacity. For the purposes of this regulation, a seat shall be defined as either:

- 1. One individual fixed seat; or*
- 2. A length of 18 inches on a pew or bench; or*
- 3. A measurement of seven square feet per person for the area seating the general assembly with movable chairs or other portable seating fixtures. The total area includes aisle space, but excludes areas such as stage and podium areas, space for musical instruments, and lobbies.*

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FIXED SEATING. Furniture or fixture designed and installed for the use of sitting and secured in place including bench-type seats and seats with or without backs or arm rests.

IBC is adopted via Redmond Municipal Code Title 15, 15.08.020.

Thus the seating capacity for the mosque needs to be calculated using the measurement of seven square feet per person and square footage of the areas associated with assembly use.

Using only the prayers area for calculations yields seating capacity of over 280, instead of 147 as provided in the application.

Thus the city must use seven square feet per person to calculate the seating capacity for the application and the number of seats for use in parking calculations per RZC 21.08.080.

(4) City erred in calculating proper setbacks based on proposed building height.

RZC 21.08.280.D mandates a minimum setback of 20' with an increased setback of five feet for every one foot in building height over 30 feet, to the maximum height of 50 feet, for any size of facility - both for seating capacities of less than and greater than 250 people:

D. Development Criteria for Seating Capacities in a Residential Zone.

1. Places of worship with a seating capacity of less than 250 seats:

...

c. Buildings shall maintain a minimum setback of 20 feet from all property lines; building setbacks shall be increased by five feet for every one foot in building height over 30 feet;

d. The maximum building height does not exceed 50 feet inclusive of steeples, bell

towers, crosses, or other symbolic religious icons;

...

2. Places of worship with a seating capacity of between 250 to 750 seats:

...

- b. Buildings shall maintain a minimum setback of 20 feet from all property lines;
- c. The maximum building height may not exceed 50 feet, inclusive of steeples, bell towers, crosses, or other symbolic religious icons. However, building setbacks shall be increased five feet for every one foot in building height over 30 feet;

In RZC 21.78 (H Definitions), building height is defined as follows:

Height of Building or Structure. The vertical distance measured from the average finished grade around the building to the highest point of the structure. The approved average finished grade shall be measured by taking the smallest rectangle around the building and averaging the elevations at the midpoint of each side.

The highest points of the building are the minaret dome and mechanical room, both over 30'. The setback should be calculated as applied to the building envelope per RZC definition and not to the portion of the building with a minaret or mechanical room:

Setback. The distance between a property line and the corresponding parallel setback line.

Setback Line. A line beyond which, toward a property line, no structure greater than 30 inches above finished grade may extend or be placed except as permitted by the regulations of this title.

(5) City erred in calculating required parking for assembly use.

RZC 21.08.280.C.2 reads as follows:

2. *The use shall comply with the parking regulations for assembly uses, except that in no event shall parking be in excess of one space per three seats in a residential zone.* (emphasis added)

This regulation is unique to religious facilities in residential areas; religious institutions in other zones have fixed parking requirements.

Under the International Building Code (IBC), Assembly Uses include community halls, community indoor recreation and arts, entertainment and recreation facilities. In RZC each of these uses requires parking "Adequate to accommodate peak use." See e.g., RZC 21.12.080B, 21.12.070B, and 21.08.020B. Indeed, the phrase "Adequate to accommodate peak use" appears in many sections of the Redmond code relating to parking. This reflects a determination of the City Council that overflow parking for large, unusual events not be permitted to impact adjacent properties.

IBC is adopted via Redmond Municipal Code Title 15, 15.08.020.

The “peak use” for a religious facility does not necessarily correspond with religious services, and will include social events such as weddings or other meetings. In fact, the project name as submitted and discussed at the community meetings was “*Anjuman E-Burhani Community Center*” indicating that religious use is not the only projected use, may not even be the main use and it may well be on par with community center uses in code. The worship area represents an insignificant portion of the overall 22,000+ sf building that includes multi-purpose areas, a kitchen, a storage area, dining facilities and classrooms.

The city is aware that more parking is required and the Decision includes a requirement for 29 valet parking stalls. However, Redmond Zoning Code makes no provisions for using double- or triple- parking on the lot by a valet as a substitute for required parking stalls on site. The neighborhood already has issues with the Metro commuters overflow parking, and the Decision does not address those in any way.

Therefore, the required parking calculation should be based on peak use rather than seating capacity should the two be different.

(6) City erred in reviewing traffic impacts of the project.

The city staff has been presented with multiple versions of traffic impact studies by the applicant, authored by JTE and then by TSI traffic engineers. Since 2014, the study has been changed/added to multiple times.

The comments to the application included critique of the traffic studies provided by TENW and William Popp Assoc. traffic engineering firms. There is no record of the city’s transportation engineers formally reviewing the critiques or the applicant responses (if any).

Issues with the studies provided by the applicant affect the projected traffic impacts, parking demands and concurrency demands. Some representative issues the city engineers failed to address in their review are:

- The local trip generation study conducted in the last version of the traffic study makes selective use of data available. In one representative example, the TSI study uses data for the last Friday of Ramadan as typical of peak attendance, yet the data suggests that in 2012-2013 there were at least 13 days with the same or higher attendance (based on earlier JTE study data);
- The traffic study presented assumes no changes to attendance based on a new, convenient location with new facilities available, compared to the applicant’s current location, which is under an unpermitted lease in the office park in Kirkland. The growth projections set are arbitrary;
- The access to the site will be right-in/right-out. The traffic study asserts that the patrons will not be using local streets for U-turns, rather than providing trip distribution figures. However, with most patrons arriving from the west or exiting SR-520, U-turns to access the site will be required, and the intersection of NE 51st Street and 154th Ave NE is not suited for U-turns due to limited sight distances;
- The traffic study uses data for two planned mosque projects as comparables rather than using existing mosques in Redmond or the existing Dawoodi Bohra mosques in the U.S. Using existing mosques’ actual data results in significantly higher numbers of trips projected and much higher parking demand.

(7) City erred in approving a guest apartment to be part of the building.

The project application as approved includes a guest apartment in addition to the parsonage. The guest apartment is not an allowed use in the R-5 zone per RZC 21.08.080, and it is not a common accessory use to religious facilities. As such, guest quarters should not be allowed.

(8) City erred in not applying scale, bulk and neighborhood character

The city policies and standards speak to new developments being of appropriate bulk and scale, and supportive of the neighborhood character. Redmond's and Overlake's Comprehensive plan policies speak to this:

LU-9 Maintain development regulations to promote compatibility between uses; retain desired neighborhood character; ... Through these regulations address features, including but not limited to:

- *Building height, bulk, placement and separation;*

...

LU-30 Allow some compatible nonresidential uses in Residential zones, such as appropriately scaled schools, religious facilities, ... 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.

...

OV-11 Provide for transitional uses and transitional building and site design to protect nearby residential neighborhoods. ...

- *Maintaining regulations on building bulk, building placement, site and building lighting, landscaping, noise control and other appropriate measures.*

...

OV-12 Enhance the character and environment of the Overlake Neighborhood to achieve the vision. ...

- *Buildings do not appear bulky or massive.*

The city's design standards also speak to new developments being consistent with the neighborhood character and scale of the surrounding development (see RZC 21.60.020, RZC 21.60.040).

RZC defines "neighborhood character" as

Neighborhood Character. The various elements of a neighborhood that give it a distinct "personality," including but not limited to land uses (e.g., residential/commercial mix and population), urban design (e.g., bulk, scale, form)

The comprehensive plan policies and design standards do not prevent religious uses but require them to be scaled appropriately. At the proposed scale, the bulk and height of the building is inconsistent with adjacent residences and thus does not satisfy the comprehensive plan policies and design standards.

The city has enforced scale & bulk requirements for other projects (e.g., Emerald Heights assisted living building project), therefore also bringing up the question of different standards of review depending on the project.

(9) City erred by not conditioning the application on overall building capacity.

The Decision discusses the traffic and parking impacts in terms of the seating capacity for the prayer area only. At the same time the prayer area represents about 10% of the total area of the building that includes multi-purpose areas, a rooftop deck, dining facilities, a kitchen, a storage area and twelve classrooms, together with two residences.

The Decision only conditions approval based on “seats” within the assembly area. Clearly that does not represent the *only* use of the building, and based on relative area the other uses may generate comparable or greater traffic and parking demand. The events or classroom use may include guests that are not members of the congregation.

The Decision failed to address such occurrences by conditioning the approval on 147 seating spaces in assembly area. The overall building capacity must be included in approval conditions.

(10) City erred by not incorporating any growth projections into its review process.

According to the applicant, there was no change to congregation size since the initial document submissions in 2012 (150 members and 60 families). The applicant stated that the overall number includes children as well.

The current seating capacity as approved allows for no growth whatsoever. At 147 seats the project is already over capacity (less than current 150 members), allows for no guests at religious events (prayer area capacity is already maxed out) and allows for no children to be added to the congregation.

Considering that many members of the congregation work in Internet Technology (IT), and considering Washington State migration patterns and reasonable birth rate projections, the notions that the congregation size went unchanged since 2012 (no births registered in six years, no members joined) and that the project is over the allowed capacity before it is issued building permits – before building permits were even applied for - defy common sense.

Even the applicant’s engineers’ traffic studies assume yearly growth of the community at 5%. According to the Decision, any growth at all will invalidate the entitlement, so even that growth is unacceptable.

The city ignored obvious discrepancies in approving maximum seating capacity and made no attempt to figure in reasonable growth forecasts for traffic and parking purposes. A condition must be included to limit the congregation to the current number and prohibit expansion.

(11) City erred by not complying with transit corridor preservation rules.

One stated goal of Redmond Zoning Code 21.28 is to “*(p)revent encroachment of structures into a future transit corridor*”. This section of the code applies to all properties in the High Capacity Transit Corridor and aims to “*(s)upport the extension of light rail to Overlake, Southeast Redmond, and Downtown Redmond as part of Sound Transit’s East Link Light Rail project*”.

Current Sound Transit ST3 plans require a 20’ easement on the west side of the project property for the placement of a noise abatement wall. The AEB project plan places a driveway in this area and the western portion of the building will have a setback of 20’ feet. That is clearly in conflict

with ST3 plans and thus goes against the intent, the stated goals and the requirements of the RZC 21.28:

21.28.030 Transit-Related Setbacks

A. No new structure may be built, or any existing structure expanded, between the property line and the transit-related setback line shown in the High Capacity Transit Corridor Preservation Map Book. These regulations do not apply to patios, outdoor seating and other easily removable structures.

...

D. The Technical Committee may expand, reduce, or waive the required setback in order to meet the purpose of this chapter,

Clearly, the noise abatement wall and driveway cannot be built on the same parcel of land. Additionally, since the wall will need a maintenance access on both sides it will affect the location of the AEB building. The city was informed of Sound Transit plans yet chose to ignore provisions of RZC 21.28.

Please state the specific relief requested

The Hearing Examiner should reverse the Decision and direct the City & the applicant to modify the project to comply with state and city regulations.

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

The Appellant reserves the right to supplement or amend his appeal as warranted upon the availability of the additional documentation (the up-to-date project documentation was not made available to the Appellant at the time of the appeal filing) or other circumstances.

EXHIBIT D

KING COUNTY
NO EXCISE TAX DUE -
MAR 19 1991
E1179870

QUITCLAIM DEED

IN THE MATTER OF SR 520, Northrup Interchange to Jct. SR 202

KNOW ALL MEN BY THESE PRESENTS, that the STATE OF WASHINGTON, for and in accordance with that Agreement of the parties entitled GM 501, dated the 7th day of August, 1969; for and in consideration of the Grantee's acceptance of maintenance and jurisdictional responsibilities of the lands herein conveyed, hereby conveys and quitclaims unto THE CITY OF REDMOND, a municipal corporation, all right, title, and interest under the jurisdiction of the Department of Transportation, in and to the following described real property situated in King County, State of Washington:

All those parts of Sections 11, 14, 23 & 26 Township North, Range 5 East, W.M., shown hachured on Exhibit "A" attached hereto and made a part hereof.

The specific details concerning all of which may be found on sheets 8, 9, 10, 11, 12 and 13 of 16 sheets of that certain plat entitled SR 520, Northrup Interchange to Jct. SR 202, now of record and on file in the office of the Secretary of Transportation at Olympia, Washington bearing dates of approval February 6, 1969; revised to March 20, 1987.

It is understood and agreed that the above referenced property is transferred for road purposes only, and no other use shall be made of said property without prior written notification to the grantor. Revenues resulting from any vacation, sale or rental of this property, or any portion thereof, shall be placed in the grantee's road/street fund and used exclusively for road purposes, except that the grantee may deduct the supportable direct costs of any such vacation, sale or rental.

The Grantee herein, its successors or assigns, shall have no right of ingress and egress to, from and between said SR 520 and the lands herein conveyed and will maintain the control of ingress and egress to, from and between the lands herein conveyed and the lands adjacent thereto, as indicated by the prohibition of access symbol appearing on said Exhibit "A"; nor shall the Grantee herein, its successors or assigns, be entitled to compensation for any loss of light, view and air occasioned by the location, construction, maintenance or operation of said Highway. EXCEPT that said Grantee, its successors or assigns, shall have reasonable ingress and egress to, from and between the lands herein conveyed and said Highway Via off and on ramps thereto as shown on said Exhibit "A".

The Grantee accepts said deed subject to all matters of record.

RECORDED
MAR 19 1991
3 21

RECEIVED THIS DAY

191/03/19
RECEIVED
CASH

18.00
2.00

#1192 18

9103191192

The grantee as part consideration herein does hereby agree to comply with all civil rights and anti-discrimination requirements of RCW Chapter 49.60, as to the lands herein described.

The lands herein described are not required for State highway purposes and are conveyed pursuant to the provisions of RCW Chapter 47.24.020.

Dated at Olympia, Washington, this 12th day of March, 1991.

STATE OF WASHINGTON


DUANE BERENTSON
Secretary of Transportation

APPROVED AS TO FORM:

By: 
Assistant Attorney General

REVIEWED AS TO FORM:

By: 
City of Redmond

STATE OF WASHINGTON)

) : ss

County of Thurston)

On this 12th day of March, 1991, before me personally appeared DUANE BERENTSON, known to me as the Secretary of Transportation, Washington State Department of Transportation, and executed the foregoing instrument, acknowledging said instrument to be the free and voluntary act and deed of the State of Washington, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute said instrument.

Given under my hand and official seal the day and year last above written.


Notary Public in and for the State of Washington, residing at Olympia
My Commission Expires 5/30/92

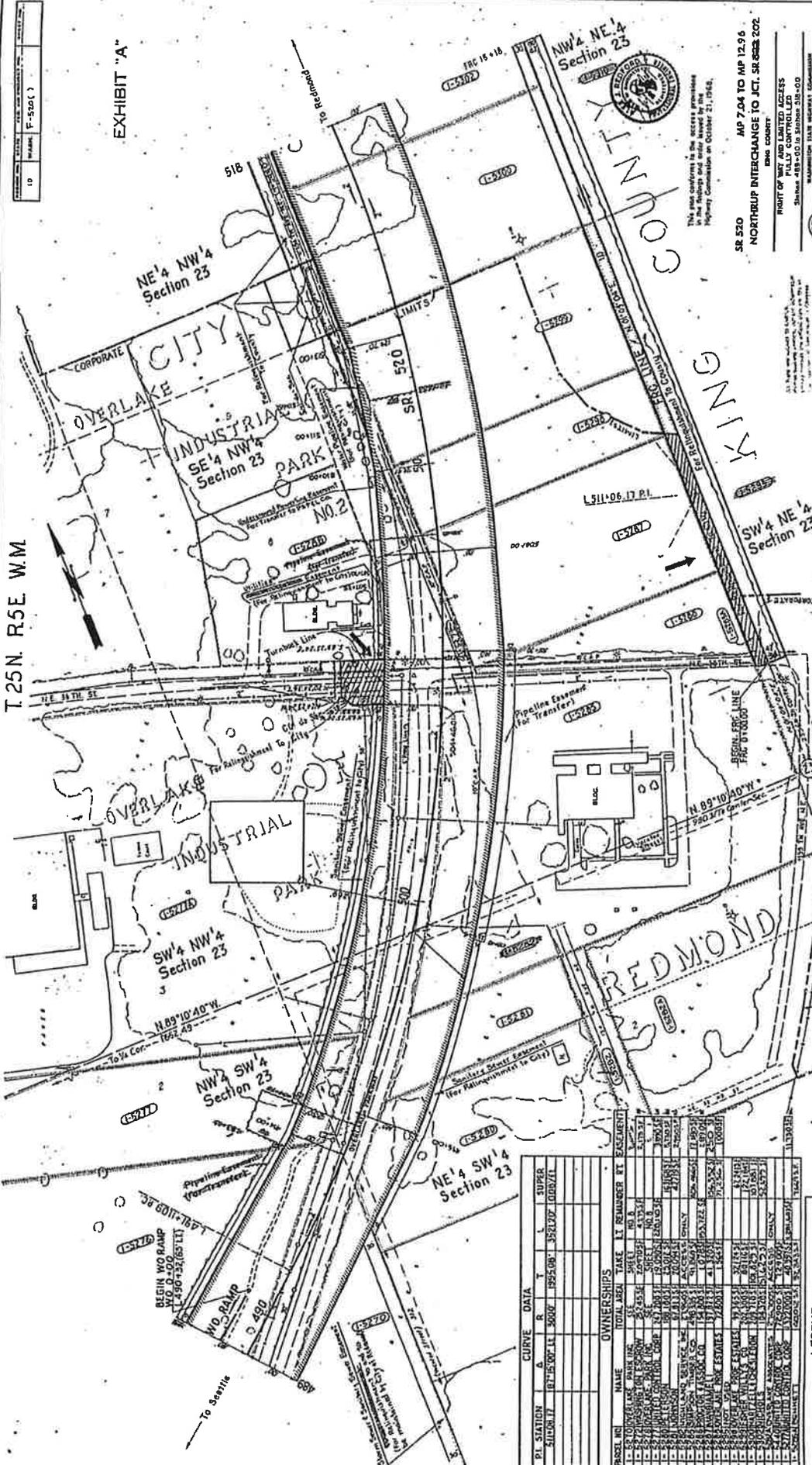
Please return to:
STATE OF WASHINGTON
Department of Transportation-KF-01
Land Management Office
Transportation Building
Olympia, Washington 98504

9103191192

9103191192

10	F-5001
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EXHIBIT "A"



NO.	DESCRIPTION	DATE	BY
1	PRELIMINARY PLAN	11/15/66	J. REDFORD
2	REVISION	11/15/66	J. REDFORD
3	REVISION	11/15/66	J. REDFORD
4	REVISION	11/15/66	J. REDFORD
5	REVISION	11/15/66	J. REDFORD
6	REVISION	11/15/66	J. REDFORD
7	REVISION	11/15/66	J. REDFORD
8	REVISION	11/15/66	J. REDFORD
9	REVISION	11/15/66	J. REDFORD
10	REVISION	11/15/66	J. REDFORD

SR 520
MP 7.04 TO MP 12.96
NORTHRUP INTERCHANGE TO JCT. SR 520S 202
STATE OF WASH.
COUNTY OF KING
FRONT OF WAY AND LIMITED ACCESS
FULLY CONTROLLED
Shawnee 489-0012 Station 30+00
DESIGNED BY: J. REDFORD
DRAWN BY: J. REDFORD
CHECKED BY: J. REDFORD
DATE: 11/15/66

PI. STATION	R	T	L	SUPER
5105+17	87°15'00" L	3000	1955.06'	352.02' CORNER

PARCEL NO.	NAME	TOTAL AREA	TAKE	LY REMAINDER BY EASEMENT
1	OVERLAKE PARK INC	2.25	0.00	0.00
2	INDUSTRIAL PARK	1.50	0.00	0.00
3	INDUSTRIAL PARK	1.50	0.00	0.00
4	INDUSTRIAL PARK	1.50	0.00	0.00
5	INDUSTRIAL PARK	1.50	0.00	0.00
6	INDUSTRIAL PARK	1.50	0.00	0.00
7	INDUSTRIAL PARK	1.50	0.00	0.00
8	INDUSTRIAL PARK	1.50	0.00	0.00
9	INDUSTRIAL PARK	1.50	0.00	0.00
10	INDUSTRIAL PARK	1.50	0.00	0.00

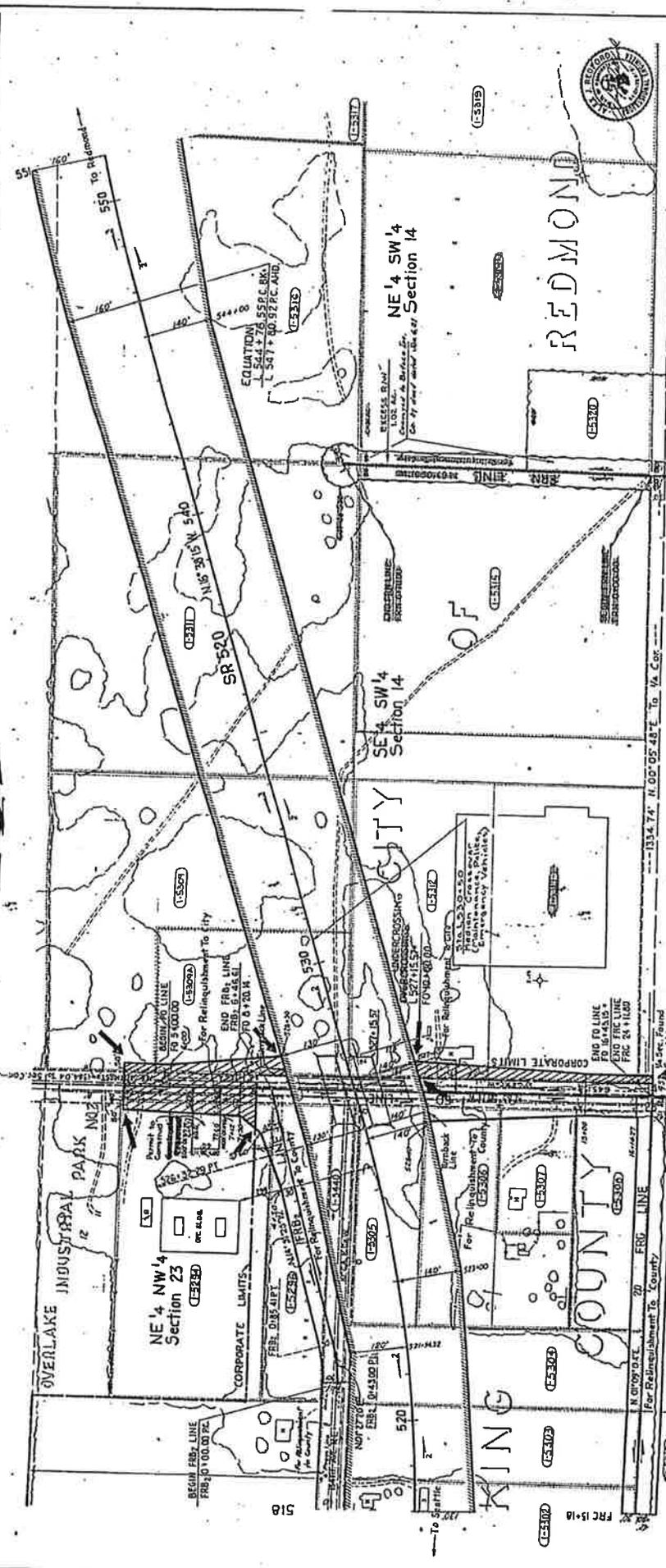
LEGEND
 Access To Be Prohibited Shown Thus
 Property Ownership Shown Thus
 Property Ownership Numbers
 Property Lines
 Scale Bar
 0 10 20'

FOR TOTAL PARCEL DETAILS SEE SHEET 2

J. REDFORD - CONSULTING ENGINEER

9103191192

T.25N R.5E WM



CURVE DATA

PI STATION	A	B	L	SUPER
FCR	0+23.00	6+90.25	1+300	33.00'
				100'

OWNERSHIPS

TRACT NO	NAME	TOTAL ACRES	TAKE	LI	REMAINDER	BE EASEMENT
1	STATE OF WISCONSIN	20.0000	20.0000	0.0000	0.0000	0.0000
2	STATE OF WISCONSIN	20.0000	20.0000	0.0000	0.0000	0.0000
3	STATE OF WISCONSIN	20.0000	20.0000	0.0000	0.0000	0.0000
4	STATE OF WISCONSIN	20.0000	20.0000	0.0000	0.0000	0.0000
5	STATE OF WISCONSIN	20.0000	20.0000	0.0000	0.0000	0.0000
6	STATE OF WISCONSIN	20.0000	20.0000	0.0000	0.0000	0.0000
7	STATE OF WISCONSIN	20.0000	20.0000	0.0000	0.0000	0.0000
8	STATE OF WISCONSIN	20.0000	20.0000	0.0000	0.0000	0.0000
9	STATE OF WISCONSIN	20.0000	20.0000	0.0000	0.0000	0.0000
10	STATE OF WISCONSIN	20.0000	20.0000	0.0000	0.0000	0.0000
11	STATE OF WISCONSIN	20.0000	20.0000	0.0000	0.0000	0.0000
12	STATE OF WISCONSIN	20.0000	20.0000	0.0000	0.0000	0.0000
13	STATE OF WISCONSIN	20.0000	20.0000	0.0000	0.0000	0.0000
14	STATE OF WISCONSIN	20.0000	20.0000	0.0000	0.0000	0.0000
15	STATE OF WISCONSIN	20.0000	20.0000	0.0000	0.0000	0.0000
16	STATE OF WISCONSIN	20.0000	20.0000	0.0000	0.0000	0.0000
17	STATE OF WISCONSIN	20.0000	20.0000	0.0000	0.0000	0.0000
18	STATE OF WISCONSIN	20.0000	20.0000	0.0000	0.0000	0.0000
19	STATE OF WISCONSIN	20.0000	20.0000	0.0000	0.0000	0.0000
20	STATE OF WISCONSIN	20.0000	20.0000	0.0000	0.0000	0.0000

FOR TOTAL PARCEL DETAILS SEE SHEET 2
 Access To Be Prohibited Shown Thus
 Property Ownership Numbers
 Property Lines
 Scale Bar

SR 520
 NORTHROP INTERCHANGE TO JCT. SR 9259 202
 DINO COUNTY
 RIGHT OF WAY AND LIMITED ACCESS
 FULLY CONTROLLED
 Station 338+00 to Station 551+00.
 Wisconsin Department of Transportation
 DIVISION OF HIGHWAYS
 MILWAUKEE, WISCONSIN

EXHIBIT "A"

ACCESS NOTE
 Traffic Movement With the Permitted Group
 Through Highway Structure At NE 40th St
 Sta. 527+15.67

NO.	NAME	ADDRESS	PHONE	DATE
1	STATE OF WISCONSIN	20.0000	20.0000	0.0000
2	STATE OF WISCONSIN	20.0000	20.0000	0.0000
3	STATE OF WISCONSIN	20.0000	20.0000	0.0000
4	STATE OF WISCONSIN	20.0000	20.0000	0.0000
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6	STATE OF WISCONSIN	20.0000	20.0000	0.0000
7	STATE OF WISCONSIN	20.0000	20.0000	0.0000
8	STATE OF WISCONSIN	20.0000	20.0000	0.0000
9	STATE OF WISCONSIN	20.0000	20.0000	0.0000
10	STATE OF WISCONSIN	20.0000	20.0000	0.0000
11	STATE OF WISCONSIN	20.0000	20.0000	0.0000
12	STATE OF WISCONSIN	20.0000	20.0000	0.0000
13	STATE OF WISCONSIN	20.0000	20.0000	0.0000
14	STATE OF WISCONSIN	20.0000	20.0000	0.0000
15	STATE OF WISCONSIN	20.0000	20.0000	0.0000
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17	STATE OF WISCONSIN	20.0000	20.0000	0.0000
18	STATE OF WISCONSIN	20.0000	20.0000	0.0000
19	STATE OF WISCONSIN	20.0000	20.0000	0.0000
20	STATE OF WISCONSIN	20.0000	20.0000	0.0000

LEX J. REDFORD - CONSULTING ENGINEER

APR 7, 2004 TO APR 12, 2006
 NORTHROP INTERCHANGE TO JCT. SR 9259 202
 DINO COUNTY
 RIGHT OF WAY AND LIMITED ACCESS
 FULLY CONTROLLED
 Station 338+00 to Station 551+00.
 Wisconsin Department of Transportation
 DIVISION OF HIGHWAYS
 MILWAUKEE, WISCONSIN
 SHEET NO. OF 28 (404811)
 DEVELOPED BY: LEX J. REDFORD
 DATE: APR 7, 2004
 PROJECT NO.: 1-177-04092

9103191192

T. 25N. R. 5E. WM.

N.E. 51ST. ST. INTERCHANGE

SW 1/4 NW 1/4 Section 14

EXHIBIT "A"

COUNTY

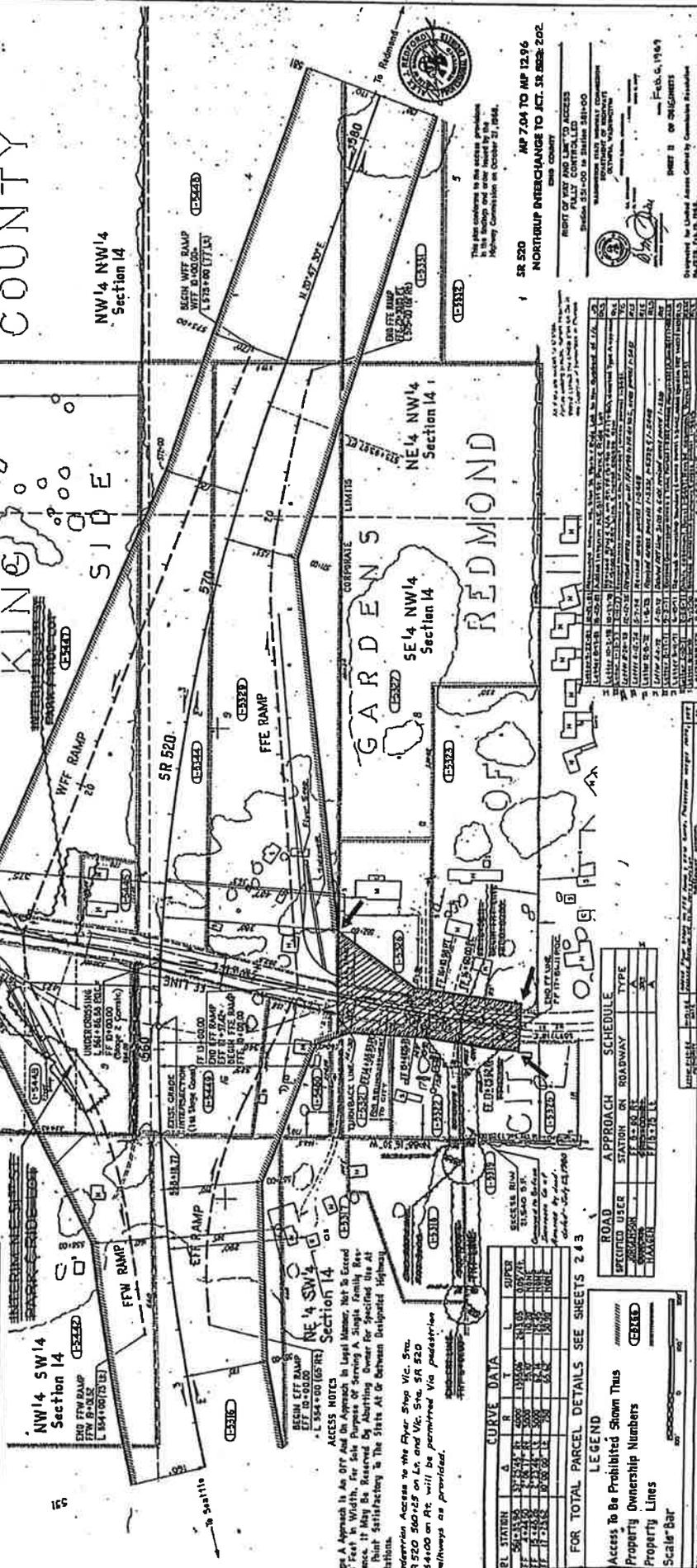
NW 1/4 NW 1/4 Section 14

NE 1/4 NW 1/4 Section 14

SE 1/4 NW 1/4 Section 14

GARDENS REDMOND

SECTION	NAME	AREA	TAKE	REMARKS	BY	DATE
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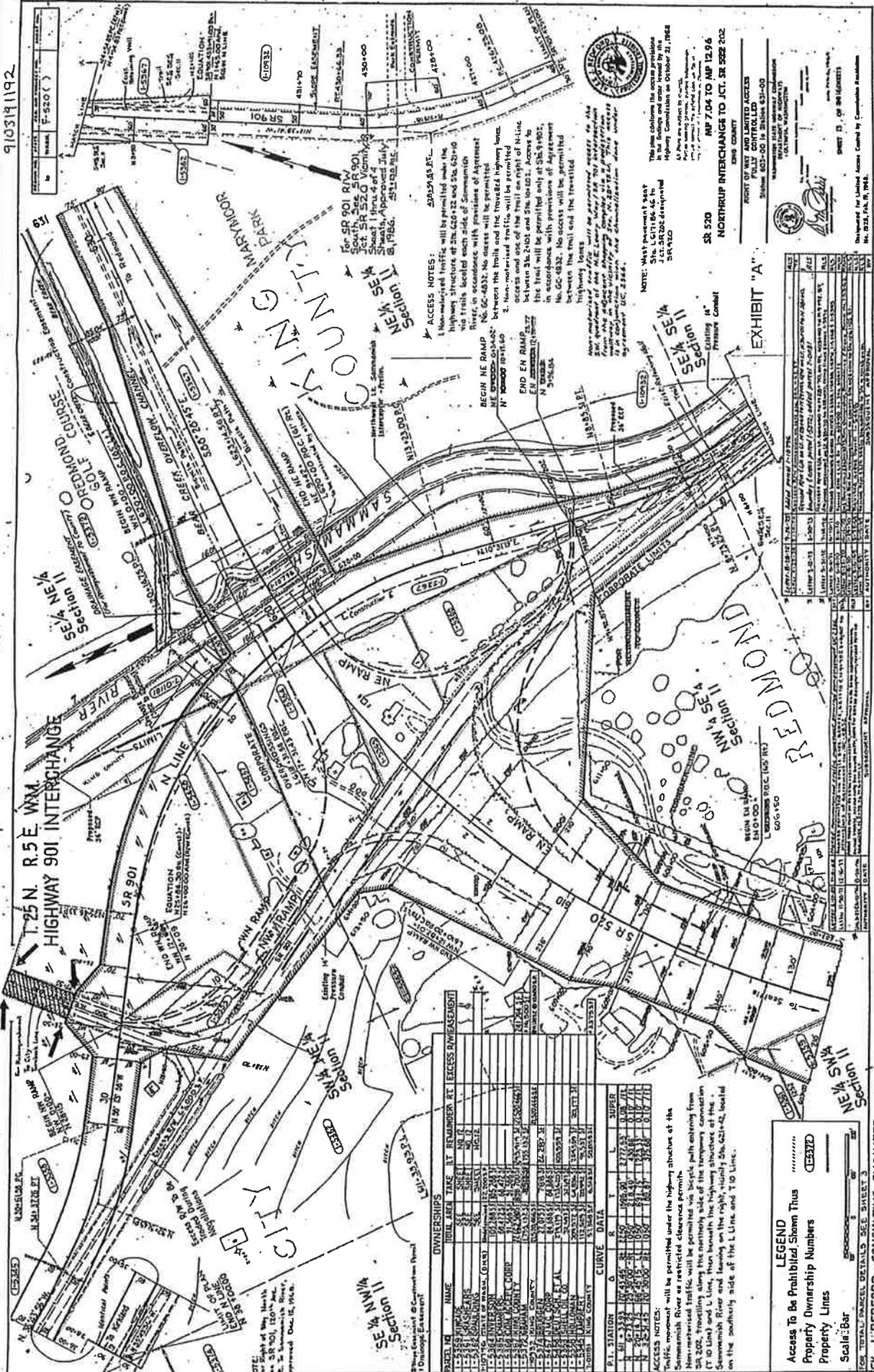


ACCESS NOTES
 1. All Approaches to the Interchange are in Legal Easement, but to Exceed 20 Feet in Width, for Safety, the Approaches to the Interchange shall be widened to 20 Feet. All Widening shall be done in accordance with the Plans and Specifications. All Widening shall be done in accordance with the Plans and Specifications. All Widening shall be done in accordance with the Plans and Specifications.

BL. STATION	Δ	R	T	L	SUPER
1+00	90	1000	157.08	157.08	157.08
1+10	90	1000	157.08	157.08	157.08
1+20	90	1000	157.08	157.08	157.08
1+30	90	1000	157.08	157.08	157.08
1+40	90	1000	157.08	157.08	157.08
1+50	90	1000	157.08	157.08	157.08
1+60	90	1000	157.08	157.08	157.08
1+70	90	1000	157.08	157.08	157.08
1+80	90	1000	157.08	157.08	157.08
1+90	90	1000	157.08	157.08	157.08
2+00	90	1000	157.08	157.08	157.08
2+10	90	1000	157.08	157.08	157.08
2+20	90	1000	157.08	157.08	157.08
2+30	90	1000	157.08	157.08	157.08
2+40	90	1000	157.08	157.08	157.08
2+50	90	1000	157.08	157.08	157.08
2+60	90	1000	157.08	157.08	157.08
2+70	90	1000	157.08	157.08	157.08
2+80	90	1000	157.08	157.08	157.08
2+90	90	1000	157.08	157.08	157.08
3+00	90	1000	157.08	157.08	157.08
3+10	90	1000	157.08	157.08	157.08
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3+30	90	1000	157.08	157.08	157.08
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3+70	90	1000	157.08	157.08	157.08
3+80	90	1000	157.08	157.08	157.08
3+90	90	1000	157.08	157.08	157.08
4+00	90	1000	157.08	157.08	157.08
4+10	90	1000	157.08	157.08	157.08
4+20	90	1000	157.08	157.08	157.08
4+30	90	1000	157.08	157.08	157.08
4+40	90	1000	157.08	157.08	157.08
4+50	90	1000	157.08	157.08	157.08
4+60	90	1000	157.08	157.08	157.08
4+70	90	1000	157.08	157.08	157.08
4+80	90	1000	157.08	157.08	157.08
4+90	90	1000	157.08	157.08	157.08
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5+10	90	1000	157.08	157.08	157.08
5+20	90	1000	157.08	157.08	157.08
5+30	90	1000	157.08	157.08	157.08
5+40	90	1000	157.08	157.08	157.08
5+50	90	1000	157.08	157.08	157.08
5+60	90	1000	157.08	157.08	157.08
5+70	90	1000	157.08	157.08	157.08
5+80	90	1000	157.08	157.08	157.08
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6+20	90	1000	157.08	157.08	157.08
6+30	90	1000	157.08	157.08	157.08
6+40	90	1000	157.08	157.08	157.08
6+50	90	1000	157.08	157.08	157.08
6+60	90	1000	157.08	157.08	157.08
6+70	90	1000	157.08	157.08	157.08
6+80	90	1000	157.08	157.08	157.08
6+90	90	1000	157.08	157.08	157.08
7+00	90	1000	157.08	157.08	157.08
7+10	90	1000	157.08	157.08	157.08
7+20	90	1000	157.08	157.08	157.08
7+30	90	1000	157.08	157.08	157.08
7+40	90	1000	157.08	157.08	157.08
7+50	90	1000	157.08	157.08	157.08
7+60	90	1000	157.08	157.08	157.08
7+70	90	1000	157.08	157.08	157.08
7+80	90	1000	157.08	157.08	157.08
7+90	90	1000	157.08	157.08	157.08
8+00	90	1000	157.08	157.08	157.08
8+10	90	1000	157.08	157.08	157.08
8+20	90	1000	157.08	157.08	157.08
8+30	90	1000	157.08	157.08	157.08
8+40	90	1000	157.08	157.08	157.08
8+50	90	1000	157.08	157.08	157.08
8+60	90	1000	157.08	157.08	157.08
8+70	90	1000	157.08	157.08	157.08
8+80	90	1000	157.08	157.08	157.08
8+90	90	1000	157.08	157.08	157.08
9+00	90	1000	157.08	157.08	157.08
9+10	90	1000	157.08	157.08	157.08
9+20	90	1000	157.08	157.08	157.08
9+30	90	1000	157.08	157.08	157.08
9+40	90	1000	157.08	157.08	157.08
9+50	90	1000	157.08	157.08	157.08
9+60	90	1000	157.08	157.08	157.08
9+70	90	1000	157.08	157.08	157.08
9+80	90	1000	157.08	157.08	157.08
9+90	90	1000	157.08	157.08	157.08
10+00	90	1000	157.08	157.08	157.08

ROAD	APPROACH	SCHEDULE	TYPE
SR 520	WFF RAMP	157.08	A
SR 520	FFE RAMP	157.08	A
SR 520	FFW RAMP	157.08	A
SR 520	EFF RAMP	157.08	A
SR 520	WFF RAMP	157.08	A
SR 520	FFE RAMP	157.08	A
SR 520	FFW RAMP	157.08	A
SR 520	EFF RAMP	157.08	A
SR 520	WFF RAMP	157.08	A
SR 520	FFE RAMP	157.08	A
SR 520	FFW RAMP	157.08	A
SR 520	EFF RAMP	157.08	A
SR 520	WFF RAMP	157.08	A
SR 520	FFE RAMP	157.08	A
SR 520	FFW RAMP	157.08	A
SR 520	EFF RAMP	157.08	A
SR 520	WFF RAMP	157.08	A
SR 520	FFE RAMP	157.08	A
SR 520	FFW RAMP	157.08	A
SR 520	EFF RAMP	157.08	A
SR 520	WFF RAMP	157.08	A
SR 520	FFE RAMP	157.08	A
SR 520	FFW RAMP	157.08	A
SR 520	EFF RAMP	157.08	A
SR 520	WFF RAMP	157.08	A
SR 520	FFE RAMP	157.08	A
SR 520	FFW RAMP	157.08	A
SR 520	EFF RAMP	157.08	A
SR 520	WFF RAMP	157.08	A
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SR 520	FFW RAMP	157.08	A
SR 520	EFF RAMP	157.08	A
SR 520			

9103191192



ACCESS NOTES:

1. Non-restricted traffic will be permitted under the highway structure at Sta. 620+22 and Sta. 620+10 on both sides of the highway structure at the intersection of the highway structure and the L Line and T Line, in accordance with provisions of Agreement No. GC-4832. No access will be permitted between the trail and the traveled highway lanes.

2. Non-restricted traffic will be permitted between the trail and the traveled highway lanes between Sta. 240+00 and Sta. 240+12. Access to the trail will be permitted only at Sta. 240+00, in accordance with provisions of Agreement No. GC-4832. No access will be permitted between the trail and the traveled highway lanes.

3. Non-restricted traffic will be permitted between the trail and the traveled highway lanes between Sta. 240+00 and Sta. 240+12. Access to the trail will be permitted only at Sta. 240+00, in accordance with provisions of Agreement No. GC-4832. No access will be permitted between the trail and the traveled highway lanes.



This plan complies with the provisions of the State Highway Code, Chapter 47A, RCW, and the State Highway Department, Chapter 165, WAC, as amended. The plan was prepared by the undersigned on October 21, 1968.

SR 220
MP 7.04 TO MP 12.96
NORTHTRUP INTERCHANGE TO JCT. SR 928 202
SEAS COUNTY

RIGHT OF WAY AND LIMITED ACCESS FULLY CONTROLLED
 Stationing 603+00 to Station 631+00
 10.00' (10.00' + 10.00' + 10.00')

DESIGNED BY: J. J. REDFORD
 DRAWN BY: J. J. REDFORD
 CHECKED BY: J. J. REDFORD
 DATE: 10/21/68

OWNER NAME	ADDRESS	SECTION	STATION	TYPE	REMARKS
W. J.	Section I	...	...	...
...	...	Section II	...	...	...
...	...	Section III	...	...	...
...	...	Section IV	...	...	...
...	...	Section V	...	...	...
...	...	Section VI	...	...	...
...	...	Section VII	...	...	...
...	...	Section VIII	...	...	...
...	...	Section IX	...	...	...
...	...	Section X	...	...	...
...	...	Section XI	...	...	...
...	...	Section XII	...	...	...
...	...	Section XIII	...	...	...
...	...	Section XIV	...	...	...
...	...	Section XV	...	...	...
...	...	Section XVI	...	...	...
...	...	Section XVII	...	...	...
...	...	Section XVIII	...	...	...
...	...	Section XIX	...	...	...
...	...	Section XX	...	...	...
...	...	Section XXI	...	...	...
...	...	Section XXII	...	...	...
...	...	Section XXIII	...	...	...
...	...	Section XXIV	...	...	...
...	...	Section XXV	...	...	...
...	...	Section XXVI	...	...	...
...	...	Section XXVII	...	...	...
...	...	Section XXVIII	...	...	...

P.I. STATION	O	R	L	SUPER
603+00
604+00
605+00
606+00
607+00
608+00
609+00
610+00
611+00
612+00
613+00
614+00
615+00
616+00
617+00
618+00
619+00
620+00

ACCESS NOTES:

1. Traffic movements will be permitted under the highway structure at the intersection of the highway structure and the L Line and T Line, in accordance with provisions of Agreement No. GC-4832. No access will be permitted between the trail and the traveled highway lanes.

2. Non-restricted traffic will be permitted between the trail and the traveled highway lanes between Sta. 240+00 and Sta. 240+12. Access to the trail will be permitted only at Sta. 240+00, in accordance with provisions of Agreement No. GC-4832. No access will be permitted between the trail and the traveled highway lanes.

3. Non-restricted traffic will be permitted between the trail and the traveled highway lanes between Sta. 240+00 and Sta. 240+12. Access to the trail will be permitted only at Sta. 240+00, in accordance with provisions of Agreement No. GC-4832. No access will be permitted between the trail and the traveled highway lanes.

LEGEND

Access To Be Prohibited, Shown Thus (Dashed line)

Property Ownership Numbers (Circled number)

Property Lines (Solid line)

Scale: 1" = 40'

SEE SHEET 3 FOR TOTAL PANEL DETAILS

J. J. REDFORD - CONSULTING ENGINEER

NO.	DATE	DESCRIPTION
1	10/21/68	PREPARED
2	10/21/68	CHECKED
3	10/21/68	APPROVED
4	10/21/68	REVISION
5	10/21/68	REVISION
6	10/21/68	REVISION
7	10/21/68	REVISION
8	10/21/68	REVISION
9	10/21/68	REVISION
10	10/21/68	REVISION
11	10/21/68	REVISION
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14	10/21/68	REVISION
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96	10/21/68	REVISION
97	10/21/68	REVISION
98	10/21/68	REVISION
99	10/21/68	REVISION
100	10/21/68	REVISION

EXHIBIT "A"

8-N

9-J
10-E
11-L
12-G
13-0

<p>QUITCLAIM DEED FROM STATE OF WASHINGTON TO CLTY OF REDMOND IN King County</p>		<p>When recorded mail to DEPT. OF TRANSPORTATION Real Estate Services Office Highways Administration Bldg. OLYMPIA, WASH. 98504</p> <p>S.R. No. 520...Northrup Interchange to Jct. SR202</p> <p>IC#1-17-04042</p>
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EXHIBIT E

Instrument Number: 20180709000627 Document: EAS Rec: \$105.00 Page-1
Record Date: 7/9/2018 1:27 PM
King County, WA

Please Return To:
Anjuman-e-Burhani, Seattle
c/o Aliasgar Haveliwala
20521 NE 22nd Court
Sammamish, WA 98074

20180709000627
EASEMENT Rec: \$105.00
7/9/2018 1:27 PM
KING COUNTY, WA

⑦
FIRST AMERICAN W108532
105

Please print or type information WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)

Document Title(s) (or transactions contained therein): (all areas applicable to your document <u>must</u> be filled in)	
EASEMENT	
Reference Number(s) of Documents assigned or released: Additional reference #'s on page _____ of document	
Grantor(s) Exactly as name(s) appear on document REDMOND, CITY OF Additional names on page _____ of document.	E2940683 EXCISE TAX AFFIDAVITS 7/9/2018 1:27 PM KING COUNTY, WA Tax Amount: \$10.00
Grantee(s) Exactly as name(s) appear on document ANJUMAN-E-BURHANI, SEATTLE, A WASHINGTON NON-PROFIT CORPORATION	
Legal description (abbreviated: i.e. lot, block, plat or section, township, range) PTN NW 14-25-5 Additional legal is on page _____ of document.	and documents were filed of record as an accomodation only. it has not been examined as to proper execution or as to its effect upon title
Assessor's Property Tax Parcel/Account Number <input type="checkbox"/> Assessor Tax # not yet assigned PUBLIC RIGHT-OF-WAY <u>218250-0080 and 218250-0082</u>	
The Auditor/Recorder will rely on the information provided on this form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.	

"I am signing below and paying an additional \$50 recording fee (as provided in RCW 36.18.010 and referred to as an emergency nonstandard document), because this document does not meet margin and formatting requirements. Furthermore, I hereby understand that the recording process may cover up or otherwise obscure some part of the text of the original document as a result of this request."

Signature of Requesting Party
Note to submitter: Do not sign above nor pay additional \$50 fee if the document meets margin/formatting requirements

**Instrument Number: 20180709000627 Document:EAS Rec: \$105.00 Page-2
Record Date:7/9/2018 1:27 PM King County, WA**

ACCESS EASEMENT AGREEMENT

This Access Easement Agreement ("Agreement") is made by and between City of Redmond, a municipal corporation ("Grantor") and Anjuman-e-Burhani, Seattle, a Washington non-profit corporation ("Grantee").

RECITALS

- A. Grantor was conveyed certain lands acquired by Washington State Department of Transportation (WSDOT) for Highway Project SR 520-Northrup Interchange to Jct SR202, on file in the office of the Secretary of Transportation at Olympia, Washington, bearing dates of approval February 6, 1969; revised to March 20, 1987 Land was conveyed by Quitclaim Deed recorded in records of King County, Washington under Recording Number 9103191192 ("Limited Access Land"). The lands were conveyed for and in consideration of Grantor's acceptance of maintenance and jurisdictional responsibilities of the lands and the control and limiting of access to such lands.
- B. Grantee is the fee owner of the real property legally described as:
- TRACT 8, EAST SIDE GARDENS, ACCORDING TO THE PLAT THEREOF,
RECORDED IN VOLUME 12 OF PLATS, PAGE 68, IN KING COUNTY,
WASHINGTON;
EXCEPT THE NORTH 1,011.34 FEET THEREOF;
AND EXCEPT THE EAST 230 FEET THEREOF;
AND EXCEPT THAT PORTION CONVEYED TO KING COUNTY FOR ROAD BY
DEED RECORDED UNDER RECORDING NO. 2716295;
AND EXCEPT THAT PORTION THEREOF CONDEMNED IN SUPERIOR COURT
CAUSE NO. 750450 FOR S.R. 520,
- also known as King County Tax Parcel Numbers 218250-0080 and
218250-0082. Collectively referred to herein as the "Property".
- C. A portion of the Limited Access Land, was secured from Grantee with the provision that future access to Grantee's property be restricted to a Type A Road Approach on the north side of FF line, Opposite Station 15+75 of Highway Plans: SRS20, Northrup Interchange to Jct SR202.
- D. Grantee now wishes to improve the Property under City of Redmond Land Use Development LAND-2013-00171-Anjuman-e-Burhani Mosque. Conditions of development for such use requires a wider driveway than provisions allow.
- E. Pursuant to LAND-2013-00171-Anjuman-e-Burhani Mosque, Grantee intends to bind itself and its successor and assigns and their respective property interests in the Property to a wider driveway under the following terms of an easement for the benefit of the Grantee and the Property.

**Instrument Number: 20180709000627 Document: EAS Rec: \$105.00 Page-3
Record Date: 7/9/2018 1:27 PM King County, WA**

NOW THEREFORE, for good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Grant of Easement. Grantor hereby grants and conveys for the benefit of the property, a perpetual, non-exclusive easement for purposes of vehicular and pedestrian ingress and egress, and the construction, installation, use operation, maintenance, repair, replacement and reconstruction of facilities for such vehicular and pedestrian ingress and egress, all in, upon, under, over and across the legally described property in Exhibit A and depicted in Exhibit B.
2. Nature of Easement. The Access Easement shall be perpetual and non-exclusive and shall run with the land, burdening the Limited Access Land for the benefit of the Grantee and the Property. Grantee and its agents, employees, contractors, subcontractors, permittees, successor and assigns, and other authorized persons and entities shall be entitled to exercise all right under this Agreement for the purposes granted herein, without notice, and without prior institution of any suit or proceeding of law.
3. Limits of Grantees Use: Grantee may only use the Access Easement Area for providing vehicular and pedestrian ingress and egress to religious institution development approved under plans LAND-2013-00171-Anjuman-e-Burhani Mosque. The width of the Access Easement Area and the compensation paid for the Easement by Grantee have been expressly determined based on the anticipated use of the Access Easement Area for the religious facility development described in the plan, and no other use shall be made of the Access Easement Area by Grantee. If Grantee shall not use the Access Easement Area at any time for any purpose other than that authorized by this Paragraph, Grantor shall have the right to terminate the Easement immediately upon written notice to Grantee.
4. Maintenance: Grantee, shall be responsible for the maintenance and repair of any pedestrian or vehicular ingress and egress access facilities located within the Access Easement Area and remediate all damage to the Access Easement Area caused by its installation, maintenance, and repair activities.
5. No Obstruction. Grantor, and its grantees, successors and assigns, and respective employees, agents, licensees, servants, contractors and subcontractors, thereof, will not place, erect, construct, permit or allow the location of any temporary or permanent structures, vehicles, equipment, debris, personal property, fence, wall or other property or device that would interfere with the use of the Access Easement Area herein granted.
6. Compliance with Law. Grantee, in its use of the easement rights reserved hereunder, shall at all times comply with the applicable laws and regulations and shall obtain any permits, license or approvals necessary for the conduct of its activities on the Property as approved under LAND-2013-00171-Anjuman-e-Burhani Mosque.

**Instrument Number: 20180709000627 Document:EAS Rec: \$105.00 Page-4
Record Date:7/9/2018 1:27 PM King County, WA**

7. No Dedication to the Public. Nothing contained herein shall be deemed to be a gift or dedication of any portion of the Limited Access Land or the Property to the general public or for the general public or for any public uses whatsoever other than those specifically granted herein, it being the intention of the Grantor that the easement shall be strictly limited to and for the purposes herein expressed.
8. Attorneys' Fees. In any action to enforce or interpret any of the provisions of this Agreement, the prevailing party shall be entitled to recover its costs and reasonable attorneys' fees in connection with such action.
9. Assignment: Binding Effect: The easement hereby granted and the conditions herein contained shall be covenants running with the land and shall inure to the benefit of and be binding upon Grantee and Grantor, and their successors and assigns, including any subsequent owners of the Property.
10. Severability: The provisions of this Agreement shall be independent and severable. The unenforceability or invalidity of any one provision shall not affect the enforceability of any other provision.
11. Choice of Law: Venue. This Agreement shall be construed under and governed by the laws of the State of Washington. Venue and jurisdiction of any action arising out of or related to this Agreement shall be in King County Superior Court.
12. Entire Agreement. This Agreement, including the exhibits attached hereto, constitutes the entire agreement with respect to the subject matter hereof.

Grantor covenants that it is the lawful owner of the above-described property and has authority to convey this Easement.

**Instrument Number: 20180709000627 Document: EAS Rec: \$105.00 Page-5
Record Date: 7/9/2018 1:27 PM King County, WA**

In Witness whereof the undersigned have executed this Agreement as of

June 19, 2018.

GRANTOR:
CITY OF REDMOND,
a municipal corporation

GRANTEE:
ANJUMAN-E-BURHANI, SEATTLE
a Washington non-profit corporation

By: John Marchione
John Marchione, Mayor

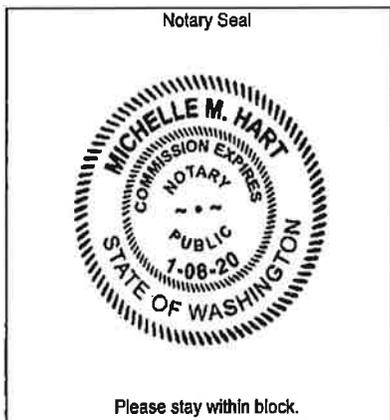
By: AM Marchionis

Its: JK - SECRETARY, DIRECT

STATE OF WASHINGTON)
) §
COUNTY OF KING

I certify that I know or have satisfactory evidence that John Marchione is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath state that he was authorized to execute the instrument and acknowledged it as the Mayor of the CITY OF REDMOND, a municipal corporation, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: June 19, 2018.



Notary Signature: Michelle M. Hart

Print Name: Michelle M. Hart

Notary Public in and for the State of Washington

My Appointment Expires: 01/08/2020

n:\real property disposition\easements\15250 ne 51st st\180508 access easement [1693822].docx

**Instrument Number: 20180709000627 Document: EAS Rec: \$105.00 Page-6
Record Date: 7/9/2018 1:27 PM King County, WA**

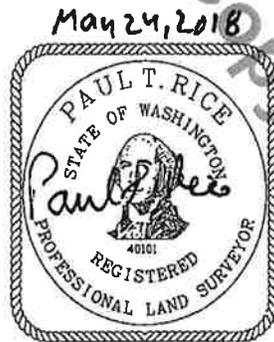
**EXHIBIT "A"
ACCESS EASEMENT AREA**

A 20.00-FOOT-WIDE STRIP OF LAND, LYING WITHIN THE CITY OF REDMOND RIGHT-OF-WAY FOR NE 51ST STREET, SAID STRIP OF LAND TO BE LOCATED BETWEEN THE FOLLOWING DESCRIBED LINES:

THE WESTERLY BOUNDARY OF THE EAST 230 FEET OF TRACT 8 OF EASTSIDE GARDENS AS PER PLAT RECORDED IN VOLUME 123 OF PLATS, PAGE 68, RECORDS OF KING COUNTY, WASHINGTON, AND IT'S NORTHERLY AND SOUTHERLY PROLONGATIONS THEREOF, WHICH LINE IS THE EASTERLY LIMIT OF SAID STRIP OF LAND.

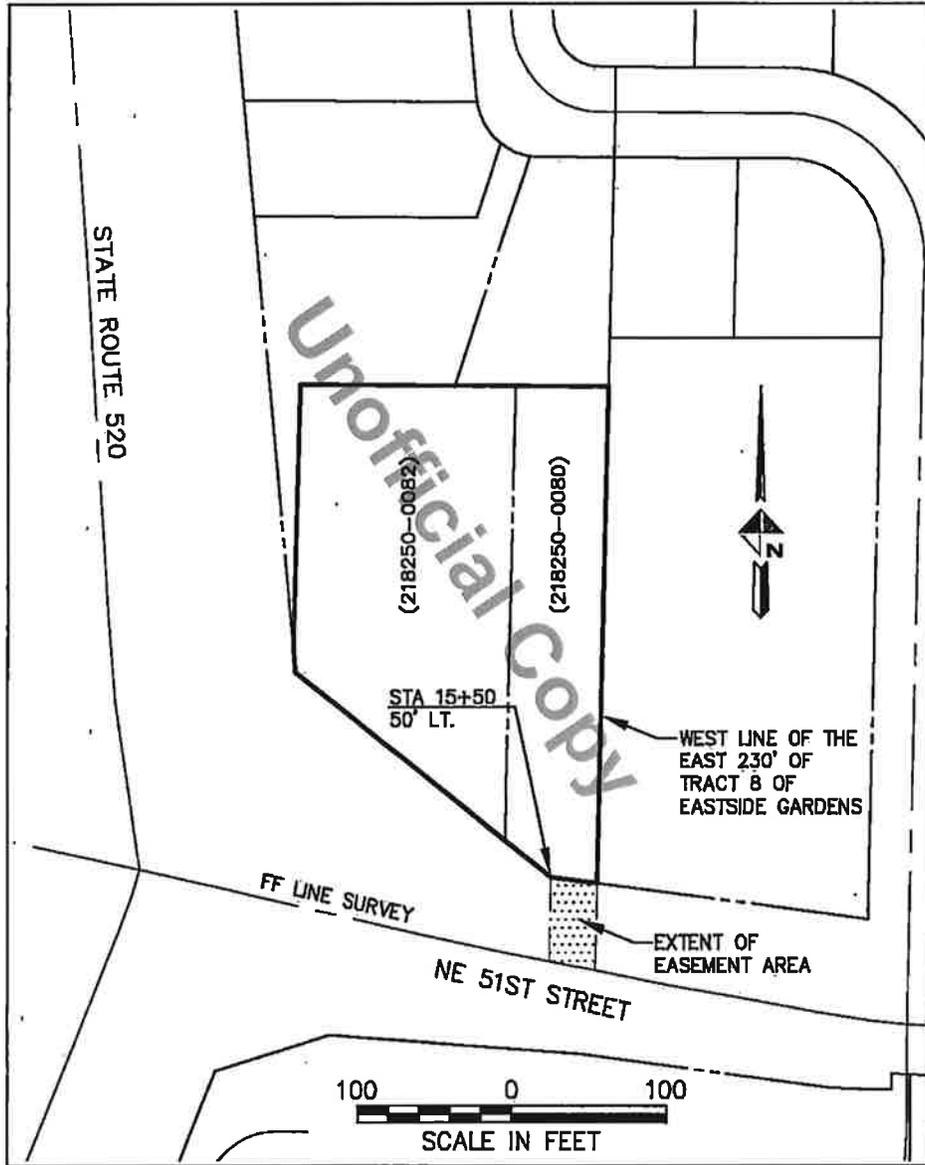
AND,

BEGINNING AT A POINT 50.00 FEET RADIALLY DISTANT NORTHERLY FROM HIGHWAY ENGINEER'S STATION 15+50 ON THE FF LINE SURVEY OF SR 520, NORTHRUP INTERCHANGE TO JCT. SR 202;
THENCE SOUTHERLY ALONG A LINE DRAWN PARALLEL WITH SAID WESTERLY BOUNDARY OF THE EAST 230 FEET OF TRACT 8 OF EASTSIDE GARDENS, WHICH LINE IS THE WESTERLY LIMIT OF SAID STRIP OF LAND.



Instrument Number: 20180709000627 Document: EAS Rec: \$105.00 Page-7
Record Date: 7/9/2018 1:27 PM King County, WA

EXHIBIT "B"



**Instrument Number: 20180709000627 Document: EAS Rec: \$105.00 Page-8
Record Date: 7/9/2018 1:27 PM King County, WA**



20180709000628

EASEMENT Rec: \$102.00
7/9/2018 1:30 PM
KING COUNTY, WA

Return address:

SMITH AND KOCH
Attorneys at Law
P.O. Box "O"
Vashon, WA 98070

FIRST AMERICAN W108527

④/102

EASEMENT

Grantor: Nicholas Wilks and Katelyn Costley
Grantee: Nicholas Wilks and Katelyn Costley
Legal Description: W 1/2 Lot 20, Sec 2, Twp 21 N, Rge 2 E, W.M., King County, WA
Additional Legal on Page 1 of Document
Assessor's Tax Number: 022102-9135 (burdened); 022102-9007 (benefited)

For a valuable consideration, receipt of which is acknowledged, NICHOLAS WILKS, a single man, and KATELYN COSTLEY, a single woman, owners of the following described property (burdened property) grant to NICHOLAS WILKS, a single man, and KATELYN COSTLEY a single woman, a non-exclusive easement for ingress, egress and for placing, maintaining and repairing utilities across and along the below (burdened) property for the benefit of the below described benefited property:

BURDENED PROPERTY, Lot B of BLAD18-0028:

OLD LEGAL DESCRIPTION

The west half of Lot 20, Vashon Island Abandoned Military Reservation, in Section 2, Township 21 North, Range 2 East W.M., King County, Washington, according to the official plat of the survey of said land filed in the United States Survey General's office at Olympia, Washington.

OLD TAX PARCEL NO.: 022102-9135

Documents were filed of record as an accommodation only. It has not been examined as to proper execution or as to its effect upon title

**Instrument Number: 20180709000627 Document:EAS Rec: \$105.00 Page-9
Record Date:7/9/2018 1:27 PM King County, WA**

BENEFITED PROPERTY, Lot A BLAD18-0028:

OLD LEGAL DESCRIPTION

The east half of Lot 20, Vashon Island Abandoned Military Reservation in Section 2, Township 21 North, Range 2 East, W.M., King County, Washington, according to the official plat of the survey of said land filed in the United States Survey General's office at Olympia, Washington.

OLD TAX PARCEL NO.: 022102-9007

EASEMENT:

Easement is 30 feet in width and follows a centerline described as follows: Beginning at the southeast corner of the west half of Lot 20, Vashon Island Abandoned Military Reservation in Section 2, Township 21 North, Range 2 East, W.M., King County, Washington, according to the official plat of the survey of said land filed in the United States Survey General's Office at Olympia Washington of February 12, 1923, thence N 36 54'00" W along the centerline of said 30-foot easement, 90.80 feet; thence N 02 36'28"E, 175.81 feet; thence N 10 18'04"W, 84.39 feet to a point on the south line of the north half of said west half of said Lot 20 and to the end of the centerline of said 30-foot easement.

NOW, THEREFORE, the parties hereto, in consideration of the above and the mutual covenants, terms, conditions and restrictions contained herein, agree as follows:

1. Grant of Easement. Grantor hereby conveys to Grantee, its successors and assigns, a permanent, non-exclusive easement over, under, along, across and through the Easement Area as described above on the terms and conditions set forth. This easement is non-exclusive and for the purpose of both access and for placing, maintaining and repairing utilities.
2. Non-Exclusive Rights. Grantee's use of, or activity on, above or under the Easement Area shall be non-exclusive.
3. Placement. Grantor reserves the right to move the existing utilities within the easement area, provided that a minimum of forty-eight hours' notice to Grantee is given.
4. Liability and Indemnification. Grantee, successors and assigns, shall indemnify, defend, and hold harmless the Grantor from any and all claims, suits, actions, losses, costs and reasonable attorney's fees and expenses, penalties, judgments, settlements and damages of whatsoever kind or nature arising out of, in connection with, or incident to exercise of the rights granted in this instrument.

**Instrument Number: 20180709000627 Document: EAS Rec: \$105.00 Page-1
Record Date: 7/9/2018 1:27 PM King County, WA**

5. Improvement of Easement Area. Construction material, waste and debris arising from the Grantee's improvements or use of the Easement Area shall be disposed of promptly at the expense of the Grantee, successor or assigns. The Grantee shall give reasonable advance notice to the Grantor of the Grantee's intent to improve or maintain the easement.

6. Repair and Maintenance of the Easement. The Grantee, its successors or assigns shall regularly maintain improvements made to the Easement by them. Any damage within the Easement Area or to any area outside the Easement caused by Grantee, its successors or assigns, or its agents, employees or invitees, shall be repaired within twelve hours by the Grantee, its successors or assigns. Any damage to the Easement Area caused by Grantor or its agents, employees or invitees shall be repaired within twelve hours by Grantor.

7. Perpetual Duration. This easement shall run with the land and following any sale or transfer thereof all rights and obligations of the parties shall inure to the benefit of and be binding upon their respective successors and assigns.

8. Entire Agreement. This instrument sets forth the entire agreement of the parties with respect to the terms of this Easement and supersedes all prior discussions, negotiations, understandings, or agreements relating to the terms of this Easement, all of which merge herein.

In Witness Whereof, the Grantor and Grantee, hereby accept the terms and conditions as set forth herein and, intending to legally bind themselves, have set their hands on the date first written above.

Dated this 29th day of June, 2018.



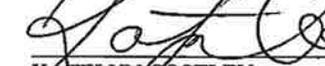
NICHOLAS WILKS
Owner of burdened property



KATELYN COSTLEY
Owner of burdened property



NICHOLAS WILKS
Owner of benefited property



KATELYN COSTLEY
Owner of burdened property

**Instrument Number: 20180709000627 Document:EAS Rec: \$105.00 Page-1
Record Date:7/9/2018 1:27 PM King County, WA**

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I hereby certify that I know or have satisfactory evidence that NICHOLAS WILKS signed this instrument and acknowledged it to be his free and voluntary act and deed for the purposes therein mentioned.

GIVEN under my hand and official seal this 29th day of June 2018.



Morgan Canterbury
Notary Public for Washington
Residing at Orsino
My Commission expires: 3/29/22

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I hereby certify that I know or have satisfactory evidence that KATELYN COSTLEY signed this instrument and acknowledged it to be her free and voluntary act and deed for the purposes therein mentioned.

GIVEN under my hand and official seal this 29th day of June 2018.



Morgan Costley
Notary Public for Washington
Residing at Orsino
My Commission expires: 3/29/22

EXHIBIT F

EXHIBIT G



Northwest Region
15700 Dayton Avenue North
P.O. Box 330310
Seattle, WA 98133-9710
206-440-4000
TTY: 1-800-833-6388
www.wsdot.wa.gov

April 25, 2018

J. Richard Aramburu
Aramburu & Eustis, LLP
720 Third Avenue, Suite 2000
Seattle, WA 98104

Subject: SR 520 MP 10.74 (NE 51st St Interchange vic)
Anjuman E Burhani (AEB) Mosque

Dear Mr. Aramburu:

This letter is in response to your letter dated March 23, 2018, requesting that the Washington State Department of Transportation (WSDOT) deny any proposal for revised access to the AEB Mosque, located at 15252 N.E. 51st St. in Redmond, Washington. For the reasons set forth below, the decision to grant or deny a revised access to this property lies with the City of Redmond, not WSDOT.

In your letter, you reference a Right of Way Agreement, dated August 7, 1969, between WSDOT and the City of Redmond. WSDOT and the City assume three primary obligations in this Agreement. First, the City became responsible for the maintenance, repair, and reconstruction of certain roads and cul-de-sacs in this area. Second, the City agreed to "protect the control of access" in this area. Finally, WSDOT agreed to give the City title to the right of way within one year of full execution of the Agreement.

As to the third obligation, WSDOT conveyed title to the property on March 12, 1991. *See* Quitclaim Deed attached as Exhibit A. The deed required that the City "maintain the control of ingress and egress to, from and between the lands herein conveyed and the lands adjacent thereto." The deed also provided reasonable ingress and egress to the state highway for residential purposes.

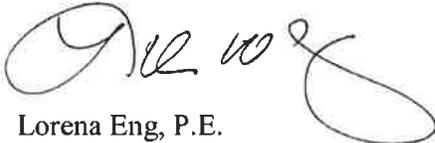
The issue as to whether WSDOT or the City maintains the limited access in this area came up in the March - August 2012 timeframe, when WSDOT met with an engineering firm representing the AEB Mosque. In WSDOT's letter to the City, dated August 24, 2012, WSDOT affirmed that in accordance with the Quitclaim Deed (1991) and the Right of Way Agreement (1969), the City was responsible for protecting the control of access and was "obligated to follow design requirements concerning existing limited access facilities." The letter goes on to state certain requirements that WSDOT would follow if it were responsible for issuing a decision on a new access due to a change in use. *See* letter attached as Exhibit B.

Mr. J. Richard Aramburu
April 25, 2018
Page 2

In this letter, I also want to respond to your reference to a series of emails in the June 2014 timeframe between WSDOT and the Office of the Attorney General. It is clear from those emails that neither WSDOT nor the City can grant commercial access from this property onto a fully controlled limited access facility. However, it is the City's decision as to whether the mosque constitutes a commercial activity, in accordance with all applicable laws, codes, and policies. I encourage you to inquire with the City of Redmond to see if they consider the use commercial in nature. If the City does not, then as part of the application process, the City will need to decide if the use fits another type of access, such as a Type C (Special Purpose) approach.

If you have any further questions that are within WSDOT's authority, please feel free to contact Ramin Pazooki, the Utilities and Development Services Manager at (206) 440-4710 or pazookr@wsdot.wa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lorena Eng', with a large, stylized flourish at the end.

Lorena Eng, P.E.
Northwest Region Administrator

Enclosures: 3-12-91 Quitclaim Deed (Exhibit A)
WSDOT 8-24-12 Letter (Exhibit B)

cc: Ramin Pazooki, Utilities and Developer Services Manager
LeRoy Patterson, Access & Hearings Manager
Sarah Pyle, City of Redmond Senior Planner

EXHIBIT H



**Washington State
Department of Transportation**

Northwest Region
15700 Dayton Avenue North
P.O. Box 330310
Seattle, WA 98133-9710
206-440-4000
TTY: 1-800-833-6388
www.wsdot.wa.gov

May 24, 2018

J. Richard Aramburu
Aramburu & Eustis, LLP
720 Third Avenue, Suite 2000
Seattle, WA 98104

Subject: SR 520 MP 10.74 (NE 51st St Interchange vic)
Anjuman E Burhani (AEB) Mosque

Dear Mr. Aramburu:

This letter is in response to your letter dated May 15, 2018, requesting that the Washington State Department of Transportation (WSDOT) rescind the opinion in our April 25, 2018 letter, that the City of Redmond is the entity charged with making a decision with respect to access to the subject property.

For the reasons set forth in the April 25, 2018, letter, we respectfully decline to rescind our opinion that the City has the authority to make the access decision in accordance with all applicable laws, regulations, and codes. We also want to let you know that if WSDOT were the entity making the access decision here, we would most likely grant a Type C (Special Purpose) approach. This is based primarily on our review of traffic analyses and input from the City that the mosque would not constitute a commercial establishment.

If you have any further questions, please feel free to contact Ramin Pazooki, the Utilities and Development Services Manager at (206) 440-4710 or pazookr@wsdot.wa.gov.

Sincerely,

Mike Cotten, P.E.
Interim Regional Administrator
Northwest Region

cc: Ramin Pazooki, Utilities and Developer Services Manager
LeRoy Patterson, Access & Hearings Manager
Sarah Pyle, City of Redmond Senior Planner