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BEFORE THE HEARING EXAMINER  
CITY OF REDMOND

In the Matter of the Appeal of

**Eugene Zakhareyev**

Of the June 12, 2018 approval  
Site Plan Entitlement LAND-2013-  
00171 Decision for the Anjuman-E-  
Burhani Mosque at 15252 NE 51<sup>st</sup>  
Street, Redmond

Appeal No. LAND-2018-00701

Of LAND-2013-00171

**APPELLANT ZAKHAREYEV'S  
PRE-HEARING BRIEF**

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1  
2 **1. INTRODUCTION.**

3 This land use appeal challenges the approval of a site plan entitlement (SPE)  
4 by the City of Redmond (“City”) for the proposal by Anjuman-e-Burhani (“AEB”) to  
5 construct a mosque at 15252 N.E. 51st Street. The proposed building would be a  
6 22,627 square foot facility, which would include classrooms, assembly areas, kitchen  
7 and dining facilities, a “guest apartment,” together with 36 parking spaces on the north  
8 side of the building. The property is zoned residential, R-5 and is bounded on the north  
9 and east by single family residences.  
10

11 The building is located at the northeast corner of the interchange between State  
12 Route 520 and N.E. 51<sup>st</sup> Street. Existing access to the property is 14 feet based on  
13 decisions made by the WSDOT during the planning for this interchange in the 1960’s.  
14 Despite the restriction against further access found in the deed from WSDOT (Exhibit  
15 Z-13), the City granted AEB a special easement allowing the applicant to widen the  
16 driveway entry to twenty feet (Exhibit Z-29).  
17

18 On June 13, 2018, the City’s Technical Review committee issued a Notice of  
19 Decision (hereinafter “Decision”) approving the AEB application, which included the  
20 easement later granted by the City to AEB. Exhibit C-03.

21 Eugene Zakhareyev filed a timely appeal to the SPE on June 27, 2018 raising  
22 eleven separate allegations of error. Exhibit Z-03. A prehearing conference was held  
23 on July 13, 2018, and on July 16, 2018, the “Order Setting Hearing and Pre-hearing  
24 Schedule” was issued by the Examiner.  
25

1 On August 10, the City and AEB made motions to dismiss several issues. By  
2 order of August 24, the Examiner dismissed Issues 1 and 2, but allowed other issues  
3 to proceed to hearing.

4 The PHO order permitted pre-hearing briefs to be submitted by September 4.

5 In this brief, the Appellant will present legal argument on each of the nine errors  
6 presented in the appeal statement. Each error will be separately referenced and will  
7 contain a factual statement and legal authority. The brief will be supported by the  
8 exhibits identified in the exhibit and witness list.

9 As will be seen, the City made errors of fact and law in the Decision which  
10 require either outright reversal or remand.

11  
12  
13 **2. ISSUE 3: THE CITY INCORRECTLY CALCULATED THE AMOUNT OF  
PARKING REQUIRED FOR THE AEB FACILITY.**

14 Issue No. 3 indicates that the required parking for the facility was based on an  
15 erroneous interpretation of City codes. In fact, the proposal does not provide the  
16 minimum necessary parking for this religious facility and the Hearing Examiner should  
17 remand to amend their site plan to reduce the size of the building or otherwise provide  
18 for the correct number of parking stalls. That issue will be discussed below.

19 Mr. Zakhareyev's Issue No. 5 also indicates that parking proposed is insufficient  
20 because it was not calculated based on assembly uses. See Section 4 of this brief  
21 (page 13). In addition, Issue 10, discussed at page 40 herein, demonstrates that traffic  
22 and parking must account for growth in membership of the mosque.  
23  
24  
25

1           **FACTS**

2           The Technical Committee Decision states that

3                   *The applicant has demonstrated through their plans how “fixed seat” is applied*  
4                   *within the worship area for the purpose of prayer rugs and therefore established*  
5                   *compliance with table 21.08.080.C*

6           The Decision goes on to state the seating capacity for the project is 150 seats. Exhibit  
7           C-03.

8                   In its response to the residents’ comments, the city staff explains how seating  
9                   capacity was calculated (Exhibit Z-40, the City’s response to residents’ comments,  
10                  p.9):

11                   *The applicant has provided the City with an analysis and layout which*  
12                   *demonstrates the seating arrangement in the form of prayer rugs, and the*  
13                   *number of prayer rugs or fixed seats that would occupy each of the assembly*  
14                   *areas. Based on the applicant’s analysis; a fixed seat equates to a prayer rug,*  
15                   *since each rug is woven into floor, affixed onto the floor or has permanent*  
16                   *placement outlined/marked. Therefore, square footage was not used to*  
17                   *calculate the seating capacity. A similar approach was used by the Islamic*  
18                   *center of Redmond. The City will also place a condition on the project which*  
19                   *limits the occupancy of the assembly area to the number indicated on the*  
20                   *application. MAPS and ICOR did not utilize the seven square feet per person*  
21                   *ratio.*

22           The same document provides another version of the calculation from the applicant  
23           (Exhibit Z-40, p.33):

24                   *..., the space available for prayers is the square footage of the Masjid, reduced*  
25                   *by access around occupied prayer rugs on the ends of the room and the area*  
26                   *reserved for the podium. After subtracting the area designated for “aisles” and*  
27                   *podium, the Masjid provides 1,911 square feet for congregants’ prayer rugs,*  
28                   *i.e., initial worshippers. Dividing the 1,911 square feet available for congregants*  
29                   *by 13 square feet yields a space for a total of 147 individuals.*

30           The Technical Committee decision states (Exhibit C-03, p.7) that

1        *The project proposes for entitlement of 147 “fixed seats” within the assembly*  
2        *area, this generates a minimum requirement of 29 and a maximum of 49*  
3        *parking stalls. The project is proposing 36 parking stalls to be construed on-site,*  
4        *therefore meeting the parking requirements as established by Redmond Zoning*  
5        *Code at table 21.08.280C.<sup>1</sup>*

## 6        **LAW AND ANALYSIS**

7        The project parcel is zoned R-5, a zone where religious institutions are an  
8        allowed use. RZC 21.08.080 “R-5 Single-family Urban Residential.” RZC 21.08.280  
9        provides the method for calculating seating capacity:

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

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

18        Mosques customarily use prayer rugs. Since prayer rugs are not affixed to the floor,  
19        are personal (belonging to specific worshipper) and typically brought in by the  
20        worshippers for the service only, the prayer rug would clearly fall under the definition of  
21        a “portable seating fixture”. RZC 21.08.280.B.3.

22        Moreover, under International Building Code (IBC) Section 202, fixed seating is  
23        unambiguously defined as follows:

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

---

27        <sup>1</sup> As explained in Section 8 of this brief (page 45) the site plan must be revised because of application of  
28        RZC chapter 21.28 regarding “High Capacity Transit Corridor Preservation.”

1 The IBC is adopted via Redmond Municipal Code Title 15, 15.08.020. According to  
2 RZC 21.02.060 Relationship to Other Codes, the RZC needs to be read in light of  
3 RMC regulation:

4 *In order to understand all of the regulations that may relate to land use and*  
5 *development, readers are advised to consult both the RZC and the RMC.*

6 Clearly, the fixed seat definition is not applicable to the prayer rugs. Thus the seating  
7 capacity for the mosque needs to be calculated using the measurement of seven  
8 square feet per person (for portable seating fixtures) and square footage of the areas  
9 associated with assembly use.  
10

11 In contrast with the city assertion, the parking calculation documents for MAPS  
12 and ICOR mosques in Redmond did not use fixed seat measurement for the  
13 calculation of parking demand but used square footage per worshipper (Exhibit Z-41,  
14 MAPS traffic study, p.4 and Exhibit Z-42, ICOR traffic study, p.1).  
15

16 A second version of the seating capacity calculations (as provided in the  
17 applicant's answer in Exhibit Z-40, p.33) uses 13 square feet per worshipper to  
18 calculate the seating capacity. However, Redmond Zoning Code does not allow  
19 variance on the measurement per person to be used for the seating capacity  
20 calculations; seven square feet per person must be used. If a different calculation of  
21 "seating capacity" is appropriate for a mosque, the proper way to address this is not  
22 via a variance but by a legislative amendment to the code.  
23

24 The applicant was aware that their proposal does not conform with Redmond  
25 Zoning Code. In a memo written during the pre-application stage (Exhibit Z-43,

1 applicant's memo to the city), the applicant sought to change the way code defines the  
2 seating capacity ("we are seeking a redefinition of "Section 21.08.280...Calculation of  
3 Seating Capacity"). According to this memo from 2013,

4 *Design capacity for the prayer areas of the Mosque is 126 on the Main Floor*  
5 *and 94 on the Upper Floor, for a potential limit of 220 persons for this use, size*  
6 *and layout.*

7 (Exhibit Z-43, p1.) The applicant was well aware that the calculations of seating  
8 capacity have critical impact on the project permitting (Exhibit Z-44, staff memo to  
9 DRB, including board minutes for July 18, 2013 meeting, p.19):

10 *The facility is able to be permitted in this zone because there are fewer than*  
11 *250 individuals in the religious community.*

12 Applying RZC definitions and using the prayer area of 2,858 sf for calculations (Exhibit  
13 Z-88, floor plan) yields seating capacity of well over 250 ( $2,858 / 7 = 408$  or excluding  
14 aisle space as defined by the applicant  $1,911 / 7 = 273$ ), instead of 150 as provided in  
15 the application. For religious projects with seating capacity over 250 seats, RZC  
16 21.08.080 requires the Conditional Use Permit process.

### 18 **ADMINISTRATIVE INTERPRETATION**

19 The Technical Committee decision references an Administrative Interpretation  
20 dated April 25, 2015, to provide and support an alternative definition of the "fixed seat",  
21 specific to the AEB land use application. Exhibit C-03, p.5.

22 The Administrative Interpretation referenced in the Technical Committee  
23 decision does not constitute an issued final decision according to Type I Review  
24



1 process provisions of RZC. Therefore, the interpretation cannot be used to  
2 substantiate the Technical Committee decision or as an approval criterion.

3 As established above, according to RZC 21.08.280 the seating capacity should  
4 be calculated using a measurement of seven square feet per worshipper. According to  
5 the calculation method mandated by the RZC, the seating capacity is well over 250  
6 persons, resulting in the minimum of fifty-five (55) parking spaces required (for net  
7 assembly space of 1,911 sf;  $1,911 / 7 = 273$  seats;  $273 / 5 = 54.6$ ). That does not  
8 include additional parking required for the parsonage and other accessory uses such  
9 as shuttle van storage.  
10

11 The city staff was aware that using methods compliant with RZC will require an  
12 increased number of stalls. The email from the project planner on June 22, 2012  
13 (Exhibit Z-50, Thara Johnson email) indicates that:  
14

15 *The parking ratio gets a little more involved with mosque uses. Essentially they*  
16 *would require a minimum of 50 spaces or maximum of 83 spaces, if they use*  
17 *our parking ratio which allows fixed seats or 7 square feet per person as the*  
18 *unit. I would say they should probably add more spaces since they are pretty*  
19 *close to the minimum.*

20 The appellant is sympathetic with the desire of the applicant to receive a  
21 variance from the provisions of the zoning code. However, the code as written only  
22 allows seven feet per person as a measure of seating capacity with portable seating  
23 fixtures.

24 The definition of the seat as it relates to calculations of seating capacity in RZC  
25 is straightforward and not ambiguous and speaks to the intent of the City Council that  
enacted it. Had the Council intended to introduce the dependency on square footage

1 per person based on the congregation's religious practices it could have done so.

2 Since AEB purchased this property in 2010 (Exhibit Z-17) and applied for permits in  
3 2014, there has been sufficient time to apply for the code amendment.

4 The courts held "agencies do not have the authority to make rules which amend  
5 or change legislative enactments", *Washington Federation of State Employees v.*  
6 *State Personnel Board*, 54 Wn. App. 305, 308, 773 P.2d 421 (1989). Thus the city  
7 must determine the intent from the statute itself.

8 The courts have also held that when the statute is unambiguous it does not  
9 require an interpretation:  
10

11 A rule of statutory interpretation which is frequently encountered asserts that a  
12 statute which is clear and unambiguous on its face need not and cannot be  
13 interpreted by a court and that only those statutes which are of doubtful  
14 meaning are subject to the process of statutory interpretation. As declared in a  
15 leading case: "Where the language is plain and admits of no more than one  
16 meaning the duty of interpretation does not arise and the rules which are to aid  
17 doubtful meanings need no discussion."

18 *Nisqually Delta Ass 'n v. City of Dupont*, 103 Wn.2d 720, 745, 696 P.2d 1222 (1985).

19 And "the City must interpret and enforce the City Code as written, without  
20 adding new criteria on a case-by-case basis." *Schroeder v. Bellevue*, 83 Wn. App.  
21 188, 193, 920 P.2d 12 1216 (1996) (which does not allow the city to modify the seating  
22 capacity criteria based on the type of the religion). In addition, the Washington  
23 Supreme Court has said:

24 We have held that:

25 The acts of administering a zoning ordinance do not go back to the  
questions of policy and discretion which were settled at the time of the  
adoption of the ordinance. *Administrative authorities are properly*

1                    *concerned with questions of compliance with the ordinance, not with its*  
2                    *wisdom.*  
3                    (Italics ours.) *State ex rel. Ogden v. Bellevue*, 45 Wn.2d 492, 495, 275 P.2d 899  
4                    (1954). This rule is of equal force in the administration of a building code. To  
5                    permit another course of administrative behavior, thereby inviting discretion,  
6                    may well result in violations of the equal protection of the laws. The code is  
7                    positive in its requirements and contains no exceptional procedures like those  
8                    employed here; hence, no city officer was authorized to permit its violation. The  
9                    duty of those empowered to enforce the codes and ordinances of the city is to  
10                    insure compliance therewith and not to devise anonymous procedures available  
11                    to the citizenry in an arbitrary and uncertain fashion.

12                    *Eastlake Com. Coun. v. Roanoke Assoc. Inc.*, 82 Wn.2d 475, 513 P.2d 36 (1973).

13                    Thus the Examiner should remand the application to the City to provide parking  
14                    based on seating capacity, calculated according to RZC.<sup>2</sup>

15                    **3.        ISSUE 4: THE CITY ERRED IN NOT REQUIRING ADDITIONAL BUILDING**  
16                    **SET BACKS.**

17                    **FACTS**

18                    AEB's plans show that the building has 20 foot setbacks on three sides (Exhibit  
19                    C-06, architecture plans). There are two architectural elements with the height of over  
20                    30 feet – the minaret and the mechanical room. The maximum building height (at the  
21                    top of the minaret) is 45 feet above the average grade. Architectural plans do not show  
22                    the building height at the top of the mechanical room.

23                    The Technical Committee decision states that the proposal meets the setback  
24                    requirements:

25                    *All setbacks at least 20', building is 30' from average grade.*

---

<sup>2</sup> As explained in Section 8 of this brief (page 45) and referenced in Footnote 1, the site plan must be revised because of application of RZC chapter 21.28 regarding High Capacity Trans Corridor Preservation."

1           **LAW AND ANALYSIS**

2           The city staff has provided multiple interpretations as to how the project  
3 setbacks are compliant with the code. In response to the citizens' comments (Exhibit  
4 Z-40, p.4), the city stated:  
5

6           *The City's code requires that religious facilities maintain a height of 30',*  
7 *whereas a single family home would be allowed to achieve a height of 35'.*  
8 *Setbacks for religious facilities require a setback of 20' from all property lines,*  
9 *whereas a single-family home could be located as close to 5' from a property*  
10 *line. Any additional building height above 30 feet, for structures such as*  
11 *minarets or bell towers, the proposal is required to provide an increased*  
12 *setback of 5' for every 1' in height over 30'. This translates to a setback of 75'*  
13 *for the portion of the building with a minaret which has a height of 46' from the*  
14 *average grade.*

15           In a document presented to Design Review Board on April 6, 2017 in response  
16 to the residents' comments (Exhibit Z-52, staff memo to DRB) the city staff stated

17           *The plans show the Average Grade (Average Finish Grade) and demonstrate*  
18 *that the structure is under the 30 foot height limit with the exception of the dome*  
19 *and mechanical room. The domed portion of the structure is considered a*  
20 *symbolic religious icon that would be commonly found on a mosque. This is*  
21 *separate and not part of the calculations for the building setback.*

22           Both interpretations presented by the city staff (Exhibit Z-40 & Exhibit Z-52 above) are  
23 not consistent with RZC definitions and do not include the mechanical room height in  
24 setback calculations.

25           RZC 21.08.280.D mandates a minimum setback of 20 feet 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 religious facility:

*D. Development Criteria for Seating Capacities in a Residential Zone.*  
          1. *Places of worship with a seating capacity of less than 250 seats:*

          ...

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

4           d. The maximum building height does not exceed 50 feet inclusive of  
5           steeple, bell towers, crosses, or other symbolic religious icons;

6           ...

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

8           ...

9           b. Buildings shall maintain a minimum setback of 20 feet from all  
10           property lines;

11           c. The maximum building height may not exceed 50 feet, inclusive of  
12           steeple, bell towers, crosses, or other symbolic religious icons.

13           However, building setbacks shall be increased five feet for every one foot  
14           in building height over 30 feet;

15           (Emphasis supplied.)

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

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

22           (Emphasis supplied.)

23           In RZC 21.78 (A Definitions), “average grade level” is defined as follows:

24           *Average Grade Level. The average of the natural or existing topography of the*  
25           *portion of the lot, parcel, or tract of real property which will be directly under the*  
26           *proposed building or structure. In the case of structures to be built over water,*  
27           *average grade level shall be the elevation of the ordinary high water mark.*  
28           *Calculation of the average grade level shall be made by averaging the ground*  
29           *elevations at the midpoint of all exterior walls of the proposed building or*  
30           *structure. (SMP)*

31           The highest points of the building are the minaret dome and mechanical room,  
32           both over 30’. The setback should be calculated as applied to the building envelope  
33           per RZC 21.78 definition and not just to the portion of the building with a minaret or  
34

1 mechanical room:

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

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

7 As noted above, RZC definitions are meticulous, unambiguously defining  
8 “Height of Building or Structure”, “Average Grade Level”, “Setback” and “Setback  
9 Line”. Likewise, the requirement for all religious structures to have building setbacks  
10 “increased by five feet for every one foot in building height over 30 feet” is  
11 unambiguous and straightforward.

12 The courts held that legislative intent reflected in the code is not susceptible to  
13 the City interpretation, and the unambiguous rules does not require any interpretation  
14 and are not open to discussion, as described in Section 2 of the brief.

15 In summary, the AEB proposal should be remanded to the City to require a  
16 revision to the project that increases setbacks consistent with building height or reduce  
17 the height of the building.

18  
19 **4. ISSUE 5: THE PARKING PROVIDED IS INSUFFICIENT TO MEET**  
20 **REQUIREMENTS FOR ASSEMBLY USES.**

21 **FACTS**

22 The Technical Committee decision states that:

23 *The project proposes for entitlement of 147 “fixed seats” within the assembly*  
24 *area, this generates a minimum requirement of 29 and a maximum of 49*  
25 *parking stalls. The project is proposing 36 parking stalls to be construed on-site,*  
*therefore meeting the parking requirements as established by Redmond Zoning*  
*Code at table 21.08.280C.*

1  
2 Exhibit C-03, p.7.

3 **LAW AND ANALYSIS**

4 RZC 21.08.280.C.2 reads as follows:

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

8 (Emphasis added.) This regulation is unique to religious facilities in residential areas;  
9 religious institutions in other zones have fixed parking requirements.

10 Under the International Building Code (IBC), Assembly Uses include community  
11 halls, community indoor recreation and arts, entertainment and recreation facilities. In  
12 RZC each of these uses requires parking “*Adequate to accommodate peak use.*” See  
13 e.g., RZC 21.12.080B, 21.12.070B, and 21.08.020B. Indeed, the phrase “*Adequate to*  
14 *accommodate peak use*” appears in many sections of the Redmond code relating to  
15 parking. This reflects a determination of the City Council that overflow parking for  
16 large, unusual events not be permitted to impact adjacent properties in residential  
17 areas.  
18

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

20 According to RZC 21.02.060 Relationship to Other Codes, RZC needs to be read in  
21 light of RMC regulation:

22 *In order to understand all of the regulations that may relate to land use and*  
23 *development, readers are advised to consult both the RZC and the RMC.*

24 The “peak use” for a religious facility does not necessarily correspond with religious  
25 services, and will include social events such as weddings or other meetings. In fact,

1 the project name as submitted and discussed at the community meetings was  
2 “Anjuman E-Burhani Community Center” (Exhibit Z-44, DRB minutes, p. 18 & p.29)  
3 indicating that religious use is not the only projected use, may not even be the main  
4 use, and that this project may well be on par with community center uses in code. The  
5 worship area at 2,858 sf represents an insignificant portion (12.6%) of the overall  
6 22,000+ sf building that includes multi-purpose areas, a kitchen, a storage area, a  
7 library, two residencies and twelve classrooms.

9 Even the applicant has indicated that peak use will not be associated with the  
10 religious use. See JTE traffic study (Exhibit Z-54, JTE traffic and parking letter, p.7):

11 *The Anjuman E-Burhani Community Complex would generate the most trips on*  
12 *a Saturday or Sunday event such as a Wedding.*

13 Moreover, there is nothing preventing the applicant from renting out the space  
14 available (Exhibit Z-70) and there is nothing in the Decision to condition the peak use  
15 not associated with religious assembly.

16 Based on project documents, the building footprint undertook consistent  
17 increase at the expense of parking, thus:

- 19 • In pre-application narrative from Feb 23, 2012 (Exhibit Z-53) the applicant  
20 discusses building of 18,382 sf with 58 parking stalls onsite.
- 21 • In a January 23, 2013 narrative (Exhibit Z-43) the building footprint increased to  
22 20,087 sf with 46 parking stalls.
- 23 • On August 22, 2013 at Design Review Board (Exhibit Z-44, staff memo to DRB,  
24 including board minutes for August 22, 2013 meeting, p.30) the project  
25 presented was 22,467 sf with 42 parking spaces.
- In the April 6, 2017 Design Review Board staff memo (Exhibit Z-44, staff memo  
to DRB, p.1) the project is 22,657 sf with 36 parking stalls.
- As approved, the project is increased to approximately 22,000 sf and with  
parking reduced to 36 stalls (Exhibit C-03).



1 The same trend is observed in the applicant traffic studies – while the traffic  
2 projections did not change, the size of the building increased and parking allocated  
3 decreased (Exhibit Z-54, p.5; Z-56, p.4; Z-58, p.4).

4  
5 The applicant is aware that more parking is required and the Decision includes  
6 a provision for 29 additional “valet” parking stalls (Exhibit C-03, p.7). However,  
7 Redmond Zoning Code makes no provisions for using valet parking as a substitute for  
8 required parking stalls on site. The neighborhood already has issues with the Metro  
9 commuters overflow parking (Exhibits Z-09 & Z-10, photos of parking), and the  
10 Decision does not address those issues or condition the development in any way.

11 The applicant’s description of “valet parking” does not actually include valet  
12 service (Exhibit Z-40, p.29):

13  
14 *When the AEB facility’s full parking capacity is needed, AEB congregation*  
15 *members will park their own cars. Separate valet service is not required,*  
16 *meaning no pick-up point, staffing, or insurance is required. Wait times should*  
*not be an issue for any typical event, as the facility has adequate space for cars*  
*as they park.*

17 That goes against the very definition of “valet parking”:

18 Valet parking is a service that operates at places such as hotels and  
19 restaurants, in which customers' cars are parked by an attendant.

20 Collins English Dictionary. Thus, the valet parking mentioned in the decision is  
21 actually double- or triple- self-parking on the lot by the patrons themselves.

22 As shown earlier, the City should recalculate the seating capacity according to  
23 RZC for assembly uses. Then, the required parking calculation should be based on  
24 peak use rather than seating capacity should the two be different.  
25

1           **5. ISSUE 6: CITY ERRED IN REVIEWING TRAFFIC IMPACTS OF THE**  
2           **PROJECT.**

3           **FACTS**

4           The city staff has been presented with multiple versions of traffic impact studies  
5 by the applicant, authored first by JTE and then by TSI traffic engineers. Since 2012,  
6 the traffic analysis has been changed multiple times.

7           Appellant maintains that the traffic studies provided to the City do not meet the  
8 “professional standard of care” and are both incomplete and inadequate. Here is the  
9 list of the documents provided by the applicant.  
10

- 11           • Exhibit Z-58 - AEB Traffic And Parking Letter by JTE, dated June 5, 2012
- 12           • Exhibit Z-56 - AEB Traffic And Parking Letter by JTE, dated April 19, 2013
- 13           • Exhibit Z-57 - AEB Traffic And Parking Letter by JTE, dated May 28, 2013
- 14           • Exhibit Z-55 - AEB Traffic And Parking Letter by JTE, dated March 15, 2014
- 15           • Exhibit Z-54 - AEB Traffic And Parking Letter by JTE, dated December 20,  
16           2016
- 17           • Exhibit C-12 - AEB response to WSDOT comments by TSI, dated 24 July,  
18           2017.pdf 27.07.2018
- 19           • Exhibit Z-86 - AEB follow up to WSDOT by TSI, dated November 16,  
20           2017.pdf 27.07.2018

21           Those traffic studies use different data as to the proposed building square footage and  
22 number of parking stalls and yet arrive at the same trip forecasts. With the multiple  
23 documents submitted, there is not a single document that conforms to the professional  
24 standard of review and addresses provided feedback.

25           The applicant’s traffic studies generated critical comments submitted by TENW  
(retained by Microsoft) and William Popp Assoc. (retained by the neighborhood  
residents):

- 1
- Exhibit Z-81, TENW comments on JTE Traffic and Parking Letter, dated
  - 2 April 1, 2014
  - Exhibit Z-80, William Popp Assoc. on JTE Traffic and Parking Letter, dated
  - 3 March 23, 2017
  - Exhibit Z-87 - Memo from William Popp Assoc to WSDOT on subject of TSI
  - 4 responses to WSDOT comments, dated September 14, 2017.pdf

5 Appellant has never received response addressing the issues raised in the  
6 William Popp Assoc. memo (Exhibit Z-80; see also Exhibit Z-01), even though it was  
7 presented as part of SEPA DNS comments as well as at the face to face meeting with  
8 then Planning Director Rob Odle on April 17, 2014 (Exhibit Z-82).  
9

10 Furthermore, the Appellant was not able to discover a single document by the  
11 city staff indicating formal review of the critiques, the applicant responses (if any) or  
12 the applicant's traffic studies. The Decision does not address the traffic issues or  
13 provide any indication of what documents were reviewed by the city staff.  
14

15 Moreover, even the applicant was not notified of critical comments availability  
16 and had to learn about the comments via social media (Exhibit Z-78):

17 *Shanni found a blog post today that included a Microsoft letter addressed to you*  
18 *with an attachment from TENW, a transportation engineering firm, who*  
*apparently was requested by Microsoft to review traffic/parking documentation.*

19 The Appellant has no knowledge whether other traffic study comments submitted were  
20 made available to the applicant.

21 The issues brought up in critiques by TENW and William Popp Assoc. were  
22 echoed by WSDOT staff in the process of their review of JTE Traffic and Parking  
23 Letters (exhibit Z-83 and exhibit Z-84) and are still of concern according to William  
24 Popp Assoc recent report (exhibit Z-01). In that case, the applicant's new traffic  
25

1 engineer, TSI, chose to respond to the comments (Exhibit C-12 and Exhibit Z-86).  
2 However, the actual traffic study used by the city for review was never updated and  
3 there is no indication on whether the responses from TSI were used in review of the  
4 project's impact. The Appellant has provided a response to TSI assertions (Exhibit Z-  
5 87).  
6

7 The Appellant asserts that the Traffic and Parking Letter presented by the  
8 applicant and used by the city staff for review is insufficient. The critiques by the  
9 certified traffic engineers should be addressed and updated traffic and parking impacts  
10 then evaluated. Moreover, the Transportation Management Plan presented by the  
11 applicant is inadequate as it relies on data from the above-mentioned traffic impact  
12 assessments by JTE.  
13

14 **The traffic studies are defective in a several particulars.**

15 **a. Project Scope and Growth Forecast**

16 Based on the proposed size, the AEB building would be one the largest facilities  
17 for Dawoodi Bohra in the US (Exhibit Z-80, p. 9).

18 Reviewing similar facilities in other states leads one to estimate potential growth  
19 range at the proposed location. For instance, a 30,000 sf facility in Chicago serves  
20 about 200 families (as of 2000); using weighted average on this and other facilities  
21 would result in comparable capacity of 162 families for the AEB project (Exhibit Z-80,  
22 p. 2).  
23

24 Additionally, the new location may be conducive to growth in its own right:

25 *With the large, attractive new facility and its proximity to Microsoft (60% of AEB*

1 *members are Microsoft employees) and other Eastside tech industries, a two to*  
2 *three-fold growth in membership could be a reality. A good case can be made*  
3 *that this facility will accommodate well in excess of 250 attendees on numerous*  
4 *occasions.*

4 (Exhibit Z-80, p.6).

5 The applicant's traffic studies make no effort to procure comparable national  
6 data or evaluate how its new location may affect the growth of its membership. As it  
7 currently stands, the growth forecast is insufficient and unrealistic, affecting traffic and  
8 parking project portions of the traffic assessment studies and the TMP.  
9

10 **b. Trip Generation**

11 Trip generation is one of most important components of traffic impact  
12 assessment studies. Throughout the years (starting 2011), the applicant's engineers  
13 have used multiple techniques to justify low peak hour traffic numbers; however, the  
14 numbers are not supported either by ITE data or the applicant's local study.  
15

16 AEB engineers maintain that the proposed project is unique in its traffic impacts  
17 and thus projections from the Institute of Transport Engineers (ITE) manuals for the  
18 mosque land use are not applicable.

19 JTE studies used ITE numbers for the church land use. This approach has  
20 been critiqued by different professionals (by TENW Exhibit Z-81, by WPA Exhibit Z-80,  
21 p.2, by WSDOT, Exhibit Z-83). Those comments went unaddressed and JTE  
22 documents unchanged until 2017, when new traffic engineers for the applicant (TSI)  
23 provided two additional memos (C-12, Z-86). TSI tried to address the previous  
24 comments and performed a three-day local study, which then was used to substantiate  
25

1 the new trip generation numbers (C-12, p.4); and then performed comparative trip  
2 generation analysis (Z-86).

3 In the latest TSI memos, the engineers made multiple assumptions. Thus, in a  
4 memo from July, 2017, TSI asserts that:

5  
6 *During weekdays, a typical prayer service outside of Ramadan is anticipated to  
7 generate between 50% and 75% of traffic and parking as the recent Sunday  
8 prayer and community event:*

- 9 • 8 to 17 peak hour trips
- 10 • 20 to 38 persons
- 11 • 8 to 17 parked vehicles

12 (Exhibit C-12, p.4.) The justification for use of the Sunday event with application of 50  
13 to 75% to obtain a weekday prayer service attendance estimate is not provided but is  
14 certainly needed. In its November, 2017 document TSI engineers decide to use  
15 community size as most indicative of the future trips (Exhibit Z-86, p.2):

16 *The community size variable was included with the past study. Community size,  
17 which can be related to maximum attendance, provides a more measurable  
18 relationship to trip generation than building area for a "mosque" use*

19 Again, the justification for the assertion is not provided.

20 The memos by TSI use a three day local study, deriving arbitrary numbers for  
21 future utilization whereas a whole year of data is readily available (see TMP, Z-79).

22 Using this available data should have allowed TSI to calculate the number of days  
23 where the facility will have different utilization patterns. The list, based on the applicant  
24 information, is extensive (and different from what TSI comes up with).

25 The full list of events as mentioned in the JTE study (Z-57, p.4):

- Daily prayer services (every day, three times a day)

- 1 • Friday afternoon prayer service
- 2 • Ramadan (30 days a year)
- 3 • Ashara Mubarakka (10 days a year)
- 4 • Special congregation gathering
- 5 • School (every Saturday apart from the summer months)
- 6 • Community events – birthdays or weddings (once a month)
- 7 • Community gathering (once or twice a month)

8 The possibility of renting out space, and what impact that may have, is not even  
9 mentioned in the TSI materials.

10 And finally, the applicant documents do not provide realistic numbers to  
11 estimate the maximum trip generation based on building area or potential  
12 congregation growth. The estimates in the JTE and TSI documents are not reconciled  
13 and use very different methodologies to justify the same low trip projections.

14 The appellant believes that the trip generation studies provided by the applicant  
15 should rely on one year of data available, use a full set of events and use building area  
16 for the projections. The studies should also reflect change of location and increase in  
17 building size to forecast for greater utilization.

18 *The new Mosque is likely to generate substantially more street peak hour as*  
19 *well as project peak hour traffic on weekdays and weekends than the current*  
20 *project traffic study has predicted.*

(Exhibit Z-80, p.6).

21 **c. Traffic Volume**

22 The peak hour traffic volumes should be adjusted for the possibility of traffic  
23 surges, as most events occur with the participants arriving during short amounts of  
24 time. The effects of traffic surge would be to multiply volumes for full hour LOS:  
25

1           *Assuming the 65 vehicle lot capacity as a weekday peak hour demand event,*  
2           *the equivalent hourly vehicle impact would be 260 equivalent hourly vehicles (4*  
3           *X 65) or 32% more than that of Microsoft's equivalent exiting hourly traffic at*  
              *154th Ave NE10. This is not a minor traffic generator!*

4 (Exhibit Z-80, p.4).

5           None of the documents presented by the applicant address the surge possibility  
6 during the occasions when the facility runs at the capacity.

7           Moreover, the scenarios of the parking full utilization (65 parking stalls) and  
8 overflow parking (overflow parking offsite, shuttle over to the site) should include trips  
9 of vehicles arriving at the site to find the lot full or shuttle trips to/from offsite parking  
10 lots. The applicant engineers did not include those trips in their projections either.

11           **d. Trip Distribution**

12           The traffic studies do not provide trip distribution figures for the mosque traffic  
13 (i.e. allocation of the project's vehicle trips to the surrounding street system). The issue  
14 was brought up by WSDOT in their comments (Exhibit Z-83). And yet the trip  
15 distribution is absent from all versions of JTE studies (Exhibits Z-54 to Z-58), and TSI  
16 provided only arbitrary travel routes (Exhibit C-12, p.2). These comments from William  
17 Popp Associates were submitted to WSDOT and the City in 2017:

18           *The trip routings presented for almost all quadrants are those necessary to*  
19           *overcome making U-turns at the 154th Ave NE intersection with NE 51st St.*  
20           *Some are significantly out of the way and would be unintuitive for most*  
21           *motorists. One improbable scenario accrues to the traffic arriving via SR 520*  
22           *from the north wherein it must travel south to NE 40th St and then back north*  
23           *via 156th Ave NE and NE 51st St. The alternative probable routing for that trip*  
24           *would be via SR901 and then NE 51st Ave NE but the TSI figure doesn't*  
25           *suggest it.*

(Exhibit Z-01, p.5).



1  
2 It should be easy to perform actual trip distribution analysis since the AEB  
3 community is membership based and addresses of the members are available.

4 The right-in/right-out access to the site may also result in increased number of  
5 U-turns at 154<sup>th</sup> Ave NE/NE 51<sup>st</sup> Street intersection:

6 *Supposedly the AEB community will be advised and will follow these routes for*  
7 *Mosque arrivals. The most likely outcome is a significant amount of U-turning*  
8 *traffic will occur at the 154th Ave NE intersection as other routings can appear*  
*unnecessary and even bizarre to drivers.*

9 (Exhibit Z-87, p.3). The intersection has limited entry sight distance (ESD) and  
10 stopping sight distances (SSD) (Exhibit Z-04, p.4). That makes U-turns at the  
11 intersection not only dangerous but also illegal due to ESD being under 500'.<sup>3</sup>  
12

13 **e. Parking Demand**

14 Correct assessment of parking demand for the subject project is of particular  
15 importance as the offsite parking is not readily available in the vicinity. The public  
16 street parking is already heavily utilized (Exhibits Z-09 & Z-10); at any rate offsite  
17 street parking cannot be used as mitigation (RZC 21.08.280.C.5 "Off-site parking in  
18 residential zones shall be limited to lots shared with existing institutional uses, such as  
19 schools").  
20

21 Using Institute of Traffic Engineers (ITE) projections for mosques yields parking  
22 demand very different from what is provided by the applicants' traffic engineers  
23 (Exhibit Z-80, pp.5-6). The mosques' demands are different from the typical churches:  
24

25 <sup>3</sup> RCW 46.41.295(2): " No vehicle shall be turned so as to proceed in the opposite direction upon any  
curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the

1           *What is clear from the activity history of AEB Seattle Masjid and the narrative in*  
2           *the TMP, the Muslim religion requires an exceptional amount of involvement of*  
3           *its congregation. The disparity between ITE data for Mosque and that for*  
4           *Church is approximately two-fold, i.e. "Mosque" has twice the parking demand*  
5           *per 000 sf of building as does Church.*

6           Moreover, other uses apart from religious assembly use must be considered.

7           While the applicant's engineers readily concede that such uses may generate the most  
8           demand (Exhibit Z-54, p.9 "... Complex would generate the most trips on a Saturday  
9           or Sunday event such as a Wedding"), parking analysis is confined to seating capacity  
10           for religious assembly and valet parking as a mitigation is introduced. However, as  
11           noted above at section 4, Issue 5, valet parking is not code approved mitigation and  
12           the applicant version of it equates to simple double- and triple- parking on site (which  
13           is not allowed by code either).

14           Throughout the parking assessments, the applicant's engineers allege that 36  
15           parking stalls will be adequate for most days of operation; and using the data provided  
16           by the applicant "(a)t the Kirkland Prayer Center in the 2012-2013 data year there  
17           were 16 days with 37 to 50 parked vehicles" (Exhibit Z-80, p.5). With the new facility  
18           ten times the size of the current leased space and adding a multitude of amenities,  
19           there will be more days with planned parking proving insufficient.

20           Looking at national data for Dawoodi Bohra mosques, the number of parking  
21           stalls required will be much greater than the 36 stalls proposed:

22           *..., the weighted average parking supply is 6.12 stalls/000 sf which would*  
23           *translate to a parking supply of 139 stalls needed for the proposal* (emphasis  
24           original)

25           

---

driver of any other vehicle approaching from either direction within five hundred feet."

1  
2 (Exhibit Z-80, p.5.)

3 Based on the analysis of the documents provided by the applicant, the parking  
4 arrangement proposed is grossly inadequate:

5 *The project is clearly under-parked relative to its size and projected use.*  
6 *Recommendation would be to scale back the project to provide an appropriate*  
7 *balance of code compliant parking at least, and at best, parking supply based*  
8 *on a nationwide analysis of mosques for this particular sect of Islam. This would*  
9 *not be a difficult study.*

10 (Exhibit Z-80, p.7).

11 **f. Transportation Management Plan analysis**

12 The appellant has no knowledge of whether the Transportation Management  
13 Plan submitted by the applicant is consistent with the traffic studies available. The  
14 latest version of the TMP available to the appellant was updated on January, 2014,  
15 with multiple traffic related documents submitted after that date.

16 The Decision does not indicate what performance levels should be achieved  
17 (per RZC 21.52.020.C) and delays the review of the TMP for later date (“A  
18 Transportation Management Program shall be submitted and approved by the City’s  
19 Transportation Demand Management Division prior to civil construction drawing  
20 approval.” Decision, Exhibit C-03, p.15). Resolving these issues once the building is  
21 built and occupied will be very difficult given its religious use (unlikely to require  
22 reduction in the congregation).

23 Both the Technical Committee decision and the applicant’s Transportation  
24 Management Plan mention 29 valet parking spaces (Exhibit Z-79, p.5 and throughout  
25

1 the document). However, as noted in the applicant' response to residents, "valet  
2 parking" does not actually include valet service:

3 *When the AEB facility's full parking capacity is needed, AEB congregation*  
4 *members will park their own cars. Separate valet service is not required,*  
5 *meaning no pick-up point, staffing, or insurance is required. Wait times should*  
6 *not be an issue for any typical event, as the facility has adequate space for cars*  
*as they park.*

7 (Exhibit Z-40, p.29). The TMP mentions 30 additional parking stalls for overflow  
8 parking at a VFW office lot; the document fails to mention how the drivers will  
9 determine that the lot is full (by driving to the site and then going to the offsite lot?) and  
10 particulars of the shuttle operation, providing only that:

11 *Those parking at the VFW lot would be shuttled to and from the Masjid by*  
12 *designated AEB Community drivers.*

13 (Exhibit Z-79, p. 6).

14 None of the traffic studies presented mention overflow parking and shuttle  
15 operations and specifically additional trips generated thereby.

16 The offsite operation procedure fails to take into account that in addition to  
17 shuttle possibly entering and exiting the site, there will be up to 65 cars parking on the  
18 lot at the same time.

19 The TMP does not project any growth, and most substantial mitigation it lists in  
20 case of traffic impacts is directing traffic manually ("AEB's CTC would also either  
21 contract with the local police or provide a properly trained flagger for additional support  
22 in appropriate traffic management." Exhibit Z-79, p.3).  
23  
24  
25

1 Most tellingly, the TMP goals are not measurable (as required by RZC  
2 21.52.020.C) and thus cannot be enforced either via TMP or future contingency  
3 measures. Neither the Decision nor the TMP list any conditions that hold the developer  
4 liable should mitigations of traffic and especially parking impacts fail.  
5

6 **g. Off Site Parking.**

7 In addition to this, the TMP does not provide a formal contract with the VFW or  
8 a binding memorandum of understanding; a contract provided only covers two dates in  
9 the past (November 13, 2013 and July 19, 2014) (Exhibit Z-79, p.9). RZC  
10 21.08.280.C.5 provides specific requirements for such contracts which are not  
11 followed in the TMP:  
12

13 *A traffic mitigation plan shall be submitted for approval by the City. The plan  
14 shall address traffic control, parking management (including the mitigation of  
15 overflow parking into adjoining residential areas), and traffic movement to the  
16 arterial street system. In addition to on-site parking requirements, **parking in  
17 excess of the maximum may be permitted on existing off-site satellite  
18 parking lots, subject to City approval of a joint use agreement.** Off-site  
19 parking in residential zones shall be limited to lots shared with existing  
20 institutional uses, such as schools.*

21 (Emphasis supplied). Neither the Decision nor the TMP provide any means of  
22 prevention of spillover off-site parking in the neighborhood.  
23

24 The plan contingency measures listed are not adequate to address the potential  
25 95 (maximum) vehicles traffic and parking impact; in case those measures fail TMP  
does not provide any specifics of relief to the public:

*In the event that the stated goal is not achieved by the second year after  
implementation of contingency measures, AEB Community agrees to update  
the TMP with additional contingency measures as approved by the City of  
Redmond Technical Committee.*

1 In summary, the Applicants traffic studies, and supposed arrangements for valet  
2 and off-site parking are wholly deficient and inadequate. The Examiner should  
3 remand to the City to address these deficiencies and make appropriate modifications  
4 to the proposed building and use to assure that transportation impacts are properly  
5 addressed.  
6

7 **6. ISSUE 7: A GUEST APARTMENT CANNOT BE INCLUDED AS PART OF**  
8 **PROJECT APPROVAL.**

9 **FACTS**

10 The project application as approved includes a guest apartment in addition to  
11 the parsonage (Exhibit Z-40, p.8; Exhibit Z-53, p.5).

12 **LAW AND ANALYSIS**

13 The guest apartment is not an allowed use in the R-5 zone per RZC 21.08.080,  
14 and it is not a common accessory use to religious facilities. As such, guest quarters  
15 should not be allowed.  
16

17 **7. ISSUE 8: CITY DID NOT APPLY SCALE, BULK AND NEIGHBORHOOD**  
18 **CHARACTER CODE PROVISIONS IN THE APPLICATION REVIEW**

19 **FACTS**

20 The building as presented on architectural plans is 22,657 sf of total area; the  
21 maximum height of the building from the average grade is 45 feet (Exhibit C-06).

22 The residences in the neighborhood have square footage in a range of 1,500-  
23 3,000 sf; typical homes are built in the 60s-80s and are mostly of split-level type with  
24 the height well below 30 feet (see Exhibits Z-61, Z-62, Z-63 for typical homes).  
25

1 The proposed building location is on the hill overlooking the neighborhood and  
2 the silhouette of the building is similar in scale and bulk to industrial office building  
3 located in the Microsoft campus across NE 51<sup>st</sup> Street (Exhibit Z-64, applicant's  
4 presentation to DRB, p.14; Exhibit Z-10).

## 6 **LAW AND ANALYSIS**

7 The city policies and standards speak to the new developments being of  
8 appropriate bulk and scale, and are supportive of the neighborhood character. The  
9 RZC at Section 21.76.070(B) under "Criteria Applicable to All Land Use Permits"  
10 requires

### 11 3.Criteria.

12 a.Consistency. Land use permits are reviewed by the City to determine  
13 consistency between the proposed project and the applicable regulations and  
14 Comprehensive Plan provisions.

15 Redmond's and Overlake's Comprehensive plan policies speak extensively to  
16 neighborhood character:

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

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

20 ...

21 *LU-30 Allow some compatible nonresidential uses in Residential zones, such as  
22 appropriately scaled schools, religious facilities, ... Maintain standards in the  
23 Redmond Zoning Code for locating and designing these uses in a manner that  
24 respects the character and scale of the neighborhood.*

25 ...

*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.*

...

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

- *Buildings do not appear bulky or massive.*

3 All new developments are required to comply with the design standards (RZC

4  
5 21.76.020.E):

6 *2. Applicability. Compliance with RZC Article IV, Design Standards, shall be*  
7 *required for all applications requiring a building permit for exterior modifications,*  
8 *new construction and signs, projects requiring a Level II or III Certificate of*  
9 *Appropriateness, and any private or public development within the Shoreline*  
10 *Jurisdiction.*

11 The city's design standards also speak to new developments being consistent with the  
12 neighborhood character and scale of the surrounding development; specifically, in  
13 RZC 21.60.020.D, code speaks as how to "address neighborhood compatibility and  
14 transitions between adjacent land uses, buildings and street frontages":

15 ***D. Relationship to Adjacent Properties.***

16 ***1. Intent.***

- a. To promote the functional and visual compatibility between adjacent neighborhoods and different land uses;*
- b. To encourage building designs which use natural, historical, traditional, or cultural context references to create elements which link the development to the neighborhood and community;*
- c. To use building design to create a transition between development and natural features; and*
- d. To promote a gradual transition between different uses.*

19 ***2. Design Criteria.***

- a. Coordinate proposed development with surrounding site planning and development efforts on adjacent properties.*

20  
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Figure 21.60.020B Relationships to Adjacent Properties



*b. The site's zoning and other relevant Comprehensive Plan policies shall be considered as indicators of the desired direction for the area and project.*

And also in RZC 21.60.040.B design standards speak to building scale:

**2. Building Scale.**

*a. Intent.*

- I. To ensure new development is compatible with the goals for the neighborhood and with the architectural scale [the scale of the building(s) in relation to surrounding development] and character of those surrounding developments that meet the intent of the City's design review criteria;*
- II. To ensure buildings are based on human scale (the scale of the building and how it relates to the people that use it);*
- III. To ensure that large buildings reduce their apparent mass and bulk on the elevations visible from streets or pedestrian routes;*

With Design Criteria speaking to means to reduce apparent building scale.

1  
2 RZC 21.78 defines “neighborhood character” as

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

7 In addition to approving Comprehensive Plan and Design Standards that  
8 protect the neighborhood character, Redmond City Council also approved special  
9 zoning for Overlake Business and Advance Technology (OBAT) area, covering  
10 Microsoft campus located across NE 51<sup>st</sup> Street from the proposed development and  
11 the neighborhood. As part of OBAT specific land use provisions, RZC established  
12 height overlay at the edges of OBAT zone (in RZC 21.12.210.C)

- 13 *2. Height Limit Overlay*  
14 *a. Purpose. This section establishes special height limits as shown on Map*  
15 *12.7, Overlake Business and Advanced Technology (OBAT) Height Limits. The*  
16 *intent of this requirement is to promote compatibility on the edges of zones that*  
17 *allow more intense uses than abutting zones and to minimize adverse impacts*  
18 *such as glare.*  
19 *b. Map 12.7-Overlake Business and Advanced Technology (OBAT) Height*  
20 *Limits.*

21 The OBAT area directly opposing the proposed development falls in a 35-foot Height  
22 Limit Overlay Area. That speaks to the concern of industrial building scale and bulk  
23 intruding into the residential neighborhood.

24 The AEB proposal is not compliant with the above-mentioned sections of the  
25 Comprehensive Plan and Design Standards. Moreover, the staff and Design Review  
Board have ignored the residents’ comments presenting the compliance issues and  
the project was approved by the DRB.

1 The proposed building is out of scale with the neighborhood; as shown in  
2 Exhibit Z-90, the majority of adjacent homes have an average area of 2,000 sf, and the  
3 AEB structure is order of magnitude larger. The height of the proposed building is 30  
4 feet facing 51<sup>st</sup> Street; however, due to the location of the site at the top of the hill the  
5 building will loom over the neighborhood (Exhibit Z-64, p.14). Then there are also  
6 additional features (the minaret/the mechanical room) that bring the maximum height  
7 to 45 feet.

9 The proposed building bulk is at odds with the adjacent homes; a 22,000+ sf  
10 building with the flat roof (Exhibit Z-64, pp.19-20) is evidently not comparable with  
11 Pacific NW split-level homes in the area (Exhibit Z-64, p.6, Exhibits Z-61, Z-62, Z-63  
12 for representative neighborhood homes); the silhouette is very indicative of the  
13 difference (Exhibit Z-64, p.14).

15 The proposed building is not visually compatible with and does not conform to  
16 the neighborhood urban design. Flat roof, exterior stucco décor, the height exceeding  
17 all homes in the area and particularly the building size and bulk make it non-  
18 conformant to the neighborhood character. In the words of one of the Design Review  
19 Boards members "... the mosque may be foreign now, but will blend in as time  
20 passes" (Exhibit C-09, p.3). Yet Redmond code starting with the Comprehensive Plan  
21 does not allow non-compliant projects to be approved.

23 The proposed building's scale and bulk are inconsistent with OBAT overlay  
24 intent; the stated goal of the overlay is to provide the transition between the  
25 commercial uses in OBAT area and the adjacent residential neighborhood. Yet the

1 AEB building scale, bulk and height are on par with commercial buildings, such as  
2 Microsoft, not allowing for transition between commercial and residential areas as  
3 intended; the proposed development is comparable in visual scale to Microsoft  
4 commercial office buildings rather than to the residential homes.  
5

6 The Design Standards Checklist submitted to the board does not include staff  
7 evaluations (Exhibit C-07, "City Staff Evaluation" column). In relation to compliance  
8 with RZC 21.60.020.D "Relationship to Adjacent Properties" and specifically visual  
9 compatibility with the neighborhood, the applicant simply states that

10 *In both size/use the mosque is very compatible with and appropriate to its*  
11 *residential zone.*

12 Yet the proposed building size is order of magnitude greater than a typical home in the  
13 area (Exhibit Z-90). And as to visual compatibility and gradual transition, at 45'  
14 maximum height, flat roof and stucco external décor the building does not relate well to  
15 adjacent Pacific NW split level houses in the neighborhood.  
16

17 In relation to 21.60.040.B.2 "Building Scale" compliance:

18 *DRB 18-20 better indicate the true scale of the facility: human and appropriately*  
19 *residential. While referencing grander scaled facilities, the complex's features*  
20 *have been downscaled to adapt it to its property size, zoning, and congregation*  
21 *size. The complex is set back from the entry to take advantage of perspective*  
*and provide a uniquely interesting building ridgeline against the backdrop of*  
*mature and maturing landscape rising above it.*

22 This does not relate to the building architectural scale; the building scale is at odds  
23 with the neighborhood homes (Exhibit Z-90). Moreover, the building footprint has  
24 undergone continuous increase throughout the project review:  
25

- 1 • In pre-application narrative from Feb 23, 2012 (Exhibit Z-53) the
- 2 applicant discusses building of 18,382 sf.
- 3 • In a January 23, 2013 narrative (Exhibit Z-43) the building footprint
- 4 increased to 20,087 sf.
- 5 • On August 22, 2013 at Design Review Board (Exhibit Z-44, staff memo
- 6 to DRB, including board minutes for August 22, 2013 meeting, p.30) the project
- 7 presented was 22,467 sf.
- 8 • In the April 6, 2017 Design Review Board staff memo (Exhibit Z-44, staff
- 9 memo to DRB, p.1) the project is 22,657 sf.
- 10
- 11

12 The city staff did not include considerations of scale, bulk and neighborhood in  
13 its presentation memo to the DRB (Exhibit Z-44). In the memo addressing residents'  
14 comments provided to the DRB, which the staff provided prior to the start of the board  
15 deliberation (Exhibit Z-52), the city staff stated that design standards provisions  
16 21.60.020D are not applicable to the application.

17 *Staff believes that this section is not applicable to this application. The Intent*  
18 *statements are the actual "design standards" and the focus of these items are*  
19 *to "encourage" and "promote". Additionally, religious facilities are allowed within*  
20 *residential zones and the issues of adjacencies are addressed under RZC*  
21 *21.08.280 Churches, Temples, Synagogues, and Other Places of Worship*

22 The staff statement contradicts RZC 21.76.020.E that requires new developments to  
23 be compliant with design standards.

24 The staff memo also rejected the residents' comments related to the bulk and  
25 scale:

*The height of the principle structure (minus the dome) from the street will be*

1           *less than 30 feet in height, less than the typical single family home. Finally,*  
2           *RZC 21.08.280 Churches, Temples, Synagogues, and Other Places of*  
3           *Worship, also speak to code requirements for help address building scale within*  
              *the residential neighborhoods.*

4           Notably the comment only addressed the height from one direction, and the  
5 height quoted did not include the total height (including minaret and the mechanical  
6 room the height is 45 feet – which is significantly greater than typical home height  
7 [Exhibit Z-]). Moreover, the project site location at the top of the hill dominating the  
8 neighborhood is not mentioned (Exhibit Z-10).

9  
10           In their response to the residents’ comments, the city staff agreed that the scale  
11 of the proposed development is not compatible with the residential neighborhood  
12 (Exhibit Z-40, p.5):

13           As noted in the citizen’s comment, the proposed mosque is not of the same  
14 scale as the adjacent residential dwellings and therefore creates a conflict  
15 between the design standard noted above and the zoning code (RZC  
16 21.08.280). However, as noted above under RZC 21.58.020.D, when there is  
17 conflict between the design standards and the zoning code, the zoning code  
18 shall supersede. In this scenario, the standards for religious facilities found  
19 under RZC 21.08.280 govern and supersede the design standards.

20           The fact that RZC had a section dedicated to religious land use (RZC  
21 21.08.280) does not invalidate design standards or comprehensive plan, contrary to  
22 the city’s interpretation. Should the zoning code unconditionally override the  
23 comprehensive plan intent and the design standards, it would have rendered those  
24 superfluous.

25           However, the applicant, the city staff and the Design Review Board ignored  
Comprehensive Plan provisions and alleged that the design standards speaking to the

1 context, bulk and scale are not enforceable and are overridden by the provisions of  
2 RZC 21.08.280.

3           The courts have held in *Jones v. King County*, 74 Wn.App. 467, 475-476 (1994)  
4 that “*every provision in an ordinance must be read in relation to every other provision*  
5 *such as to harmonize the terms and avoid internal conflicts.*” (quoting *Addleman v.*  
6 *Board of Prison Terms & Paroles*, 107 Wn.2d 503, 509, 730 P.2d 1327 (1986)), and  
7 that “*an ordinance should not be construed in a manner that renders any portion*  
8 *superfluous*” (quoting *Avlonitis v. Seattle Dist. Court*, 97 Wn.2d 131, 138, 641 P.2d  
9 169, 646 P.2d 128 (1982)).  
10

11           The comprehensive plan policies and design standards do not prevent religious  
12 uses but require them to be scaled appropriately. At the proposed scale, the bulk and  
13 height of the building is inconsistent with adjacent residences and thus does not satisfy  
14 the comprehensive plan policies and design standards.  
15

16           The city has enforced scale & bulk requirements for other projects. Specifically,  
17 in the case of the Emerald Heights assisted living project (Exhibit Z-67, Emerald  
18 Heights presentation to DRB), the city stated that the project is out of scale and not  
19 consistent with the neighborhood character (Exhibit Z-66, p.4, letter from the City to  
20 Emerald Heights). The original project has height of 31 feet with the building fully  
21 screened by the trees from the neighborhood located across the street (Exhibit Z-67,  
22 pp.51-52) – compare to the dominating location of the AEB building overlooking the  
23 neighborhood (Exhibit Z-10).  
24  
25

1 "The City must interpret and enforce the City Code as written, without adding  
2 new criteria on a case-by-case basis." *Schroeder v. Bellevue*, 83 Wn. App. 188, 193,  
3 920 P.2d 12 1216 (1996).

4 The proposed AEB mosque is out of character with the homes in the  
5 neighborhood. The Hearing Examiner should remand the matter for a redesign to  
6 assure it will be consistent with the character of this long established residential area.  
7

8 **8. ISSUE 9: THE APPROVED PROJECT IS NOT REVIEWED OR**  
9 **CONDITIONED ON OVERALL BUILDING CAPACITY.**

10 **FACTS**

11 The Decision discusses the traffic and parking impacts in terms of the seating  
12 capacity for the prayer area only. As approved the prayer area represents about  
13 12.6% of the total area of the building that includes multi-purpose areas, a rooftop  
14 deck, a kitchen, a storage area, library and twelve classrooms, together with two  
15 residences (Exhibit Z-88, pp. 6-8). As described above in Section 4, page 13, the  
16 proposal must comply with parking regulations for assembly uses and, as described in  
17 Section 2, page 3, the current proposal is not consistent with parking regulations  
18 related to seating.  
19

20 It has been indicated by the applicant that the use of the facility will include  
21 office use, Saturday school classes, and community events such as weddings (Exhibit  
22 Z-69, AEB letter to the Mayor, p.4). The applicant has also indicated potential renting  
23 of space to the general public (Exhibit Z-70, AEB comments on FB).  
24

25 **LAW AND ANALYSIS**



1 The Decision only conditions approval based on “seats” within the assembly  
2 area. Clearly that does not represent the *only* use of the building, and based on  
3 relative area the other uses may generate comparable or greater traffic and parking  
4 demand. The events or classroom use may include guests that are not members of  
5 the congregation; when renting out the space the capacity is only predicated on the  
6 building area available.

8 Notably the traffic impact assessment documents presented by the applicant’s  
9 engineers fail to take into account all potential uses and concentrate on the religious  
10 assembly use. The traffic and parking demand should be based off the building  
11 capacity for different uses to provide adequate predictions (the applicant uses religious  
12 events only community size as a variable to predict the impacts).

14 The Decision failed to address various assembly uses by basing the approval  
15 on just the 147 seating spaces in prayer area. The maximum of overall building  
16 capacity must be included in approval conditions for the Site Plan Entitlement.

17 Consideration of traffic and parking must consider the location of the facility.  
18 See RZC 21.76.070.Y.1:

20 d. The adequacy of streets and utilities in the area of the subject property  
to serve the anticipated demand from the proposal.

21 e. Determination that the proposed access to the subject property is the  
optimal location and configuration for access.

22 As described herein, the only access of this use to the public street system is to  
23 a fully controlled limited access road way and the access is limited to right-in, right-out  
24 turning movements.  
25

1           **9.     ISSUE 10: THE CITY'S DECISION IGNORES FUTURE GROWTH**  
2           **PROJECTIONS.**

3           **FACTS**

4           According to the applicant, there has been no change to congregation size  
5 since the initiation of their planning process in 2011 and the growth is flat.

6           In 2011, the congregation size was 150 members and 60 households (Exhibit  
7 Z-58, traffic study circa 2012, p.4).

8           In 2013, the congregation size was 150 members (Exhibit Z-43, written  
9 narrative 2013) and about 70 families (Exhibit Z-44, DRB minutes 18 July, 2013, p.18):

11           *The community in the Pacific Northwest is about 70 families strong, and about*  
12           *90% of this group are professionals, many of whom work at Microsoft.*

13           In 2017, the congregation size was 150 members (Exhibit Z-86, TSI response  
14 to WSDOT). The applicant stated that the maximum planned capacity of the religious  
15 assembly area is 147 persons (Exhibit Z-40, p.24):

16           *The floor plan identifies 81 fixed seats or prayer rugs on the main floor and 66*  
17           *fixed seats for the women's worship area*

18           At the same time, the applicant noted that (Exhibit Z-40, p.34)

19           *AEB estimates current membership of approximately 155 persons.*

20           The applicant stated that the overall number includes children as well (Exhibit Z-40,  
21 p.34):

22           *The congregation size includes children as each worshipper uses a prayer rug*  
23           *and each rug has a designated space within the prayer hall*

24           //

1  
2           **LAW AND ANALYSIS**

3           The current seating capacity as approved allows for no growth whatsoever. At  
4 150 seats the project is already over capacity for the current congregation and it allows  
5 for no guests at religious events (prayer area capacity is at maximum) and allows for  
6 no children or new members to be added to the congregation. Certainly, evidence  
7 indicates that the religious assembly area may have dense seating. (See Exhibits Z-  
8 95, Z-96).  
9

10           The applicant does not believe the facility will be a transition point, the plan is to  
11 build and stay:

12           *The applicant noted that this would be a long term project, and that many*  
13 *generations of this religious sect would use this facility in future years, and*  
14 *potentially make changes, as needed.*

15 (Exhibit Z-44, staff memo to DRB, including board minutes for July 18, 2013 meeting,  
16 p.22)

17           ... the AEB Community looks at making Redmond the focus of its lives in the  
18 Pacific NW, ...

19 (Exhibit Z-79, p.3.)

20           Considering that many members of the congregation work in Information  
21 Technology (IT) – as indicated by the applicant (“about 60% work at Microsoft”, Exhibit  
22 Z-58, p.4), and considering Washington State migration patterns and reasonable birth  
23 rate projections, the notions that the congregation size went unchanged since 2011  
24 (no members joined or left, no births registered in six years) and that the project is  
25

1 over the allowed capacity before it is issued building permits – before building permits  
2 were even applied for - defy common sense.

3 And to add to this, the new location will provide multiple additional amenities  
4 that would make growth of congregation in Redmond and PNW much more likely:

- 5 1. The proposed building size is 22,000+ sf and the building will include storage,  
6 study classes, library, kitchen, dining and multipurpose gathering areas in  
7 addition to prayer assembly space;
- 8 2. In contrast with the existing location, in the new building the priest quarters will  
9 be located onsite and the priest will likely hold office hours;
- 10 3. Located across from a Microsoft campus (where even now a majority of the  
11 congregation work).

12 Contrast the proposal with the existing congregation space located in an  
13 unpermitted location in Kirkland's office park (Exhibits Z-93 & Z-94) and with only  
14 2,300 sf available (Exhibit Z-86).

15 The applicant's engineers' traffic memos assume either no growth or arbitrary  
16 yearly growth (Exhibit Z-86, TSI comments to WSDOT, p.2). But if one was to  
17 consider other locations for Dawoodi Bohra mosques, the growth is anything but flat.  
18 In Houston, where a second mosque needed to be built in 2012 as the community has  
19 experienced 7% yearly growth (Exhibit Z-71):

20 *The magnificent size of this building is just what Houston needs, at an annual*  
21 *growth rate of 7%, our jamaat size will double in ten years.*

1 According to the Decision, any growth at all will invalidate the entitlement. Additional  
2 project documents (TMP, Exhibit Z-79) do not incorporate any growth projections and  
3 will become immediately outdated.

4  
5 The City ignored obvious discrepancies in approving maximum seating capacity  
6 and made no attempt to figure in reasonable growth forecasts for traffic and parking  
7 purposes

8 The SPE should be returned to staff to calculate traffic, parking and other  
9 impacts of this use based on reasonable growth of the AEB congregation.

10 **10. ISSUE 11: THE TECHNICAL COMMITTEE DECISION IGNORED THE**  
11 **PROJECT IMPACT ON A HIGH CAPACITY TRANSIT CORRIDOR.**

12 **FACTS**

13 Since at least 2011, it has been known that Sound Transit's East Link to  
14 Redmond would be on or adjacent to the AEB property. See Exhibit Z-98.

15  
16 Sound Transit is in process of reviewing required property acquisitions for the  
17 construction of ST3. The project will require building noise abatement wall along the  
18 railway tracks, affecting multiple properties along SR-520, including the subject  
19 property (Exhibit Z-72, ST preliminary plan for RTC to Downtown Redmond Link  
20 Extension).

21 Sound Transit plans call for a 20-foot easement along the western portion of the  
22 property for the purpose of building the wall; the easement would need to be clear of  
23 vegetation and any improvements. The Sound Transit Board Adopted Resolution No.  
24

1 R2018-14 on May 24, 2018, which authorizes acquisition of this easement over the  
2 AEB property. See Exhibit Z-97.

3 The Anjuman E Burhani proposal would locate landscape buffers and a  
4 driveway in the area of the future noise abatement wall easement  
5

6 c. A Type I Solid Screen, 10-foot wide landscape buffer is required along the  
7 north and west property lines which abut single-family residential uses.  
8 Type I planting consists of evergreen trees and evergreen shrubs with a  
9 minimum height of five feet at planting, which will provide an 80% sight-  
10 obscuring screen at the time of planting; or a combination of evergreen and  
11 deciduous trees and shrubs backed by a 100% sight-obscuring, decorative  
12 wall or fence.

13 d. A Type II Visual Screen, landscape buffer is required along the west and  
14 south property lines which would screen the proposed parking lot from  
15 proposed sidewalks. Type II planting consists of evergreen trees and  
16 deciduous trees with large shrubs and groundcover interspersed with the  
17 trees.

18 Exhibit Z-44, p.3; also see Exhibit C-06, p.5 & p.8 for the landscaping and  
19 parking plans

### 20 **Law and Analysis**

21 Redmond Zoning Code Chapter 21.28 addressing “High Capacity Transit  
22 Corridor Preservation” purported to prevent development of projects or parts thereof  
23 that have potential to interfere with Sound Transit East Link Light Rail project.

24 One stated purpose of RZC 21.28.010 is to “(p)revent encroachment  
25 of structures into a future transit corridor”. This section of the code applies to all  
26 properties in the High Capacity Transit Corridor and aims to “(s)upport the extension of  
27 light rail to Overlake, Southeast Redmond, and Downtown Redmond as part of Sound  
28 Transit’s East Link Light Rail project”. *Id.*

1 The AEB proposal in its current design will clearly affect the upcoming  
2 development of Sound Transit tracks connecting RTC to Downtown Redmond. As  
3 indicated in the East Link FEIS at pages 2-36 to 38, the link light rail will pass under  
4 N.E. 51st Street in an excavation immediately adjacent to the project. Exhibit Z-98.  
5  
6 The proposal is in conflict with ST3 plans and thus goes against the intent, the stated  
7 goals and the requirements of the RZC 21.28:

8 *21.28.030 Transit-Related Setbacks*

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

11 ...

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

13 The city was informed of Sound Transit plans (Exhibit Z-73, Zakhareyev email to city),  
14 however ignored the obvious conflicts of the two projects (Exhibit Z-74, city staff email  
15 response, p.5):

16  
17 *The plan you provided for SDOT does not appear to have any impacts on the*  
18 *project that can be discerned at this time. Additionally, should the project be*  
19 *approved there is no reason to believe it would create any delays with project*  
20 *plans as we know them for SDOT. Should SDOT need to work with the property*  
21 *owner to obtain rights for additional land it would not impact the current*  
22 *proposal. If there is a chance it could create a future legal non-conformance it*  
23 *would not impact the current proposal or construction of it. Additionally, the*  
24 *decision criteria for Site Plan Entitlement is the parameter the City has authority*  
25 *to issue a decision for on the project and allow the City to limit an approval*  
*based upon possible future setback needs of another entity if not currently*  
*recorded and in-place. Echoing the above however, there does not appear from*  
*the drawing provided or plans the City has viewed that there would be any*  
*impacts or constraints to SDOT's project needs or the applicant's proposal.*

25 Based on the staff response, the project review clearly excluded HCT criteria

1 (reference to SPE decision criteria above). However, as shown (reference to our  
2 response to dispositive motions), SPE decision criteria incorporate the whole of RZC,  
3 inclusive of section 21.28.

4           The noise abatement wall and elements of AEB project proposal cannot be built  
5 on the same 20-foot strip of land. Additionally, since the wall will need a maintenance  
6 access on both sides it will not only affect the location landscaping, parking and  
7 driveway but the setbacks of the AEB building.

8           In approving the project proposal, the Technical Committee choose not to  
9 exercise the intent of RZC 21.28.030.D via expanding the required setback.

10           Local residents have repeatedly asked the city staff how the AEB project would  
11 coexist with the planned Sound Transit development. In 2014, the city staff responded  
12 on how AEB project will affect the proposed Sound Transit extension (Exhibit Z-75, city  
13 staff email to Zakhareyev):

14           *The City meets with Sound Transit on a regular basis and is currently*  
15           *discussing Phases 1 and 2 with Sound Transit. Phase 3 is not in the design*  
16           *phase and is currently unfunded. The City continues to design City projects to*  
17           *accommodate the future Phase 3 project; however, the City has no legal*  
18           *authorization to impact or restrict projects on private property based on a*  
19           *perceived future impact.*

20 In light of RZC 21.28.030 provisions, the statement about the City's legal authorization  
21 is not consistent with code requirements. Sound Transit Phase 3 was approved by  
22 voters on November 8, 2016. See Exhibit Z-97, Resolution No. R2018-14, page 1.

23           However, in 2017, the staff responded once again to the residents' concerns  
24 (Exhibit Z-40, p.17):  
25



1           *The City has a High Capacity Corridor which maps out areas set aside for*  
2           *Sound Transit development and this proposal is not within the corridor needed*  
3           *by Sound Transit for their future expansions.*

4           During that time frame, Sound Transit has already commenced the work on ST3  
5           design. The plans clearly show that the proposal *is* within the corridor needed by  
6           Sound Transit. See Exhibit Z-72.

7           Despite ST3 being approved in 2016 and design work commencement shortly  
8           thereafter, High Capacity Transit Corridor Preservation Map Book was last updated in  
9           April 16, 2011 (Exhibit Z-76).

10           Thus not only the city staff ignored the issues when brought to their attention by  
11           the residents, it has also failed to act on Redmond Zoning Code provisions that are  
12           there with the exclusive goal facilitate and support Sound Transit light rail extension  
13           into Redmond.  
14

15       **11. CONCLUSION AND REQUESTED RELIEF.**

16           As outlined in this brief, the AEB proposal is inconsistent with multiple sections  
17           of Redmond codes and relies on inaccurate and incomplete traffic and parking  
18           analysis. The Hearing Examiner should remand the proposal to staff for modification  
19           consistent with the analysis in this brief and with the evidence presented at the  
20           hearing.  
21

22           Respectfully submitted on this 4<sup>th</sup> day of ~~August~~ SEPT, 2018.

23           ARAMBURU & EUSTIS, LLP

24           

25           J. Richard Aramburu, WSBA #466  
                Attorney for Appellant

ARAMBURU & EUSTIS, LLP

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CERTIFICATE OF SERVICE

I am an employee in the law offices of ARAMBURU & EUSTIS, LLP, well over eighteen years of age and competent to be a witness herein. On the date below, I distributed copies of the foregoing document to counsel of record by email PRIOR TO 3:00 P.M.:

Office of the Hearing Examiner, c/o [cdxanthos@redmond.gov](mailto:cdxanthos@redmond.gov)  
James Haney, Redmond City Attorney, [jhaney@omwlaw.com](mailto:jhaney@omwlaw.com)  
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Appellant [eugenez@outlook.com](mailto:eugenez@outlook.com)

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge and belief.

DATED: September 4, 2018.



\_\_\_\_\_  
Carol Cohoe