

March 30 2017

Sarah Pyle, Senior Planner  
City of Redmond  
Dept. of Planning & Community Development  
15670 NE 85th Street  
Redmond, WA 98052

**SUBJECT: SEPA for LAND-2013-00171 for the new construction of a mosque; response to the city comments**

Dear Ms. Pyle:

Thank you for compiling the city responses. Unfortunately, the responses do not address the comments submitted.

Per WAC 197-11-060, *“SEPA's procedural provisions require the consideration of "environmental" impacts”*, where definition of environment includes environmental elements mentioned in the comments, namely “Noise”, “Aesthetics”, “Transportation” and “Public Services”.

The courts held that *“one of SEPA's purposes is to provide consideration of environmental factors at the earliest possible stage to allow decisions to be based on complete disclosure of environmental consequences”*, and that the lead agency is to prove that the decision is based on sufficient information.

The city response for comments on Section 7, “Environmental Health”, “Noise” is not adequate. The applicant should provide and the city use in the determination the actual noise generated by the proposed development and DNS based on sufficient information.

The city response for comments on Section 10, “Aesthetics” refers to future project changes which precludes the proper consideration of the project height in review. The applicant should provide and the city use in the determination the actual height of the proposed development and DNS based on sufficient information. The impact of 50 feet high

tower on 22,000 sf building in the neighborhood of single family houses is not insignificant factor.

The city response for comments on Section 14, "Transportation" did not address review documents by WPA and TENW.

Specifically, neither suggested using ITE trip generation values for Mosque, but pointed to discrepancies in using Church numbers and suggested using ITE methodology (local study).

The city should consider recommendations from certified traffic engineers in review of the applicant's study and rely on ITE methodology rather than relying on online research.

The city response has altogether failed to address the increased parking demand as compared with the applicant numbers as detailed in review documents by WPA and TENW.

The residents (including Microsoft) went to significant expense to perform independent evaluation of the applicant's traffic impact study and expect the City of Redmond to act professionally in documents review.

The city response for comments on Section 15, "Public Services" did not address the essence of our comments. As referenced in our comment and supported by the documents, addition of the left turn lane into the applicant properties was requested by the City of Redmond to benefit the proposed development.

Compliance with applicable city codes may be adequate to achieve sufficient mitigation of most impacts. However, due to the size and location of this proposal, noise, aesthetics, traffic and parking impacts, and public services warrant further analysis. The insufficient information prevents the lead agency from issuing correct threshold determination.

Thanks much!

Sincerely,  
Eugene Zakhareyev

The SEPA DNS comments from March 23, 2017 and the City of Redmond responses from March 30, 2017 (in red) as received by email.

### **Section 7, “Environmental Health”, “Noise”**

The applicant has not described types of noise from the project once complete (potential noise generators – vehicles, special events).

The applicant has not identified any long term noise from the project after construction completion. However according to the applicant’s project documents (see “*Jake Traffic & Parking Letter 2016 Update R1 12-20-2016*”), the site will have parking for up to 65 cars on weekdays and weekends. The study also mentions events lasting till 10 PM and events occurring on weekends with multiple participants.

The applicant has failed to provide any mitigation measures for the noise produced by the traffic associated with 65 parking cars, or any operational hours limits.

Per the Redmond Zoning and Municipal code if the project were to be granted approval, it would have to adhere to all noise regulations as stated within the RMC 6.36. This is a standard for all projects including residential. Because this is already codified it may not have been stated by the applicant within the checklist.

Per transportations’ s review at this time, mitigation requirements has not been triggered by the project or met warrant thresholds.

### **Section 10, “Aesthetics”**

The applicant identified that the maximum height of the building will be 50’; yet in the project documentation (see “DRB Materials v3”, vertical setbacks diagram), the setbacks associated with declared maximum height are incorrectly calculated.

Per RZC 21.08.280, (D), (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”. The project team incorrectly assumes that the setback applies *only* to building elements higher over 30 feet (minaret and elevator shaft) which is at odds with RZC definitions (see attached “Height Regulations applicable to AEB Mosque proposal” document drawn by the residents’ attorney).

The applicant has identified that no views will be obstructed; however as evidenced in the applicant presentation (see “DRB Materials v3”), the proposed structure will block the views for the neighboring properties (even discounting 50 feet high minaret).

The applicant has not specified any mitigations to address impacts above.

The City of Redmond does not have adopted view protection/ rights within the code as some other jurisdictions do. The SEPA checklist is not meant to be the final review for the building nor the compliance review for the building permit. All setback requirements for all projects and buildings have

been codified within the RZC and should approval for the project be granted, approval conditions would require all setback standards be met for any structures. Additionally, as shared at the recent meeting, the applicant has considered based on feedback some adjustments.

The SEPA checklist is not a document that reflects necessarily finally architectural design, but rather the design's impact on the environment and natural surroundings.

This project is not proposed for example adjacent to a shoreline with view protection rights or consideration.

## **Section 14, "Transportation"**

The residents have commissioned professional review of the traffic impact analysis documents presented by the applicant. According to the review the applicant's traffic impact analysis does not accurately predict the traffic and parking impacts of the project. The review document by William Popp Associates detailing findings and recommendations is attached.

It is important to point out that the applicant's traffic study (see "AEB Traffic And Parking Letter Update 2016 R1") relies heavily on 2011 utilization patterns provided by the applicant from the existing site in Kirkland; the site used as source of the data is a) located in industrial area of the City of Kirkland with ample overflow parking, b) is of unspecified square footage but clearly under 22,000 sf and c) is not officially designated as religious assembly use (per the City of Kirkland permitting information available) with undetermined seating capacity.

Based on Institute of Transportation Engineers (ITE)'s definition, A church (Land Use 560) is a building in which public worship services are held. A church houses an assembly hall or sanctuary; it may also house meeting rooms, classrooms and, occasionally, dining, catering, or party facilities. Mosque (Land Use 562) is related use. A mosque is a building in which public worship services are held. A mosque houses an assembly hall and sanctuary; it may also house meeting rooms, classrooms and dining facilities. Church (Land Use 560) is related use.

The above definition shows that a church and a mosque are similar in nature. Both provide public worship and house assembly hall or sanctuary and have meeting rooms, classroom or other facilities. They are related uses. However, the size of independent variable for Mosque in ITE Trip Generation Manual is only 7,000 square feet (smaller than the project size) and there is only one observation. In addition, the weekday PM peak hour was between 7:30 PM and 8:30 PM and the Friday peak hour was between 12:15 PM and 1:15 PM, which both fall outside of the adjacent street normal PM peak hours between 4:00 PM and 6:00 PM. Furthermore, the trip rate for the adjacent street in normal PM peak hours between 4:00 PM and 6:00 PM was not available; therefore, the trip generation rate of Mosque in ITE Trip Generation Manual can't be applied to estimate the trips for the project based on the ITE recommended guideline. Because the Church land use category has extensive data observations and it also provides the trip rates for adjacent street in normal PM peak hour between 4:00 PM and 6:00 PM, the project is similar to Church in nature, the staff is comfortable the method of the applicant using the trip generation rate of Church to perform the trip generation estimation instead of collecting local data to derive the trip rate for Mosque.

Based on the research online regarding the worship time patterns, the worship timing provided in the applicant's traffic study is similar to other worship timing from other Mosques, such as the one in Kirkland.

## **Section 15, "Public services"**

The applicant identified that the project does not increase need for public services; yet Capital Improvement Project directed by the City of Redmond and currently in design stages includes budgeting for left turn lane into the property *"The City's Public Works department commented and requested that a continuous two-way left-turn lane (TWLTL) be provided instead of exclusive eastbound and westbound left-turn lanes"* (see *"NE 51st Street Updated Operational Analysis Memo 2-17-17"*).

Moreover, the City of Redmond explicitly names the applicant as the beneficiary for the road improvements (see *"Updated Traffic Study for Anjuman-E-Burhani Mosque and Site Access Restrictions"* email from Dec 28 2016).

Microsoft was required to build a turn lane on 51<sup>st</sup> Street to mitigate for the construction of Buildings 81 and 83. Since that point in time Microsoft funded the improvements and requested formation of a Community Facilities District wherein the City would design and construct the project. Council authorized the Community Facilities District which added the requirement to build a bicycle lane on the north side of 51<sup>st</sup> Street between 154<sup>th</sup> Avenue and the eastbound 520 ramps. The improvements are being implemented to mitigate for Microsoft Buildings 81 and 83.

Additionally, the bus stop will be moved out of area to improve sight lines for the project driveway (making the stop less accessible to the neighborhood residents).

The CIP improvements are not triggered by or directly associated with the proposal or its use (non-residential). There are no projected increases to the need for public services such as fire, police, health, public transit etc. beyond what would traditionally be anticipated or expected from any proposed use which is out-right permitted within the zone.

We will need to grant legal access to the development proposal and the access location is the only access to the development, but the bus shelter blocks the sight line of the driveway access. This results in sight distance not meeting the City's standards; therefore, the bus shelter will need to be relocated to be outside of the sight line to avoid any potential safety issue.