



APPEAL APPLICATION FORM

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

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

Standing to Appeal:

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

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 The application fee will not be refunded for appeals that are withdrawn or dismissed.

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

Please continue to page 2 to select your appeal type.

		(Staff Use Only)	
File No:	_____		
Date Received:	_____		
Receipt No.:	_____		

Please check the applicable appeal:

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

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

Section A. General Information

BDR Redmond II LLC (JAM)

Name of Appellant: ~~BDR Capital Partners~~ Attn: Andrew Miller

Address: 11100 Main Street

City: Bellevue State: Washington Zip: 98004

Email: Andrew@bdrcapitalpartners.com

Phone: (425) 889-5400

Name of project that is being appealed: BDR Redmond II denial of exception from tree protection standards.

File number of project that is being appealed: LAND-2018-00039

Date of decision on project that is being appealed: April 24, 2018

Expiration date of appeal period: May 8, 2018

What is your relationship to the project? Applicant

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

The Applicant, BDR Capital Partners, proposes to short plat a 24,000 sq. ft. lot into two lots in order to construct two new homes. Through its arborist, Tree Solutions, Inc., the Applicant applied for a limited exception to remove one (1) Landmark tree and to impact the root zone of another. On April 24, 2018, the Department of Planning and Community Development denied the requests. The Applicant is aggrieved and damaged by the Department's decision and, accordingly, has standing to appeal the decision. See RMC 20F.30.30-040(1)(a).



Section B. Basis for Appeal

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

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

The Department's decision will deprive the Applicant of reasonable use of the subject property, deprive the Applicant use of its property in a manner enjoyed by all other property owners in the vicinity and in similarly zoned areas of the City and deprive the Applicant of its reasonable investment-backed expectations.

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

1. The Department's decision is an erroneous interpretation of the tree protection standards.
2. The Department's decision fails to consider applicable community development policies and regulations, which expressly encourage increasing housing opportunities throughout the City.
3. The Department's decision is arbitrary and capricious because it departs without cause from its consistent and long-standing interpretation of the tree protection standards.
4. The Department's decision would deprive the Applicant of rights enjoyed by other similarly situated property owners.

3. Please state the specific relief requested:

The Applicant seeks reversal of the Department's decision and approval of requested exceptions to (a) allow removal of one (1) Landmark tree; and (b) to allow modest intrusion into the critical root zone of a second Landmark tree, an intrusion that exists today because of the location of the existing home, and upon redevelopment of the site is not expected to jeopardize the tree's longevity.

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

The Applicant will present additional support for this appeal to the Hearing Examiner.

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

D Shoreline Permit (must be appealed to the State Shoreline Hearings Board *RZC 21.68.200(C)(6)(b)*)

D Shoreline Variance or a Shoreline Conditional Use Permit (must be appealed to the State Shoreline Hearings Board *RZC 21.68.200(C)(6)(c)*)

D Hearing Examiner decision on a SEPA appeal (not an appealable action as successive appeals are not allowed *RZC 21.70.190(D)*)

D Hearing Examiner decision on an application (must be appealed to Superior Court)

D City Council approval or denial (must be appealed to Superior Court *RZC 21.76.060(Q)*)