



## 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 1<sup>st</sup> Floor Customer Service Center c/o Office of the City Clerk-Hearing Examiner, 15670 NE 85<sup>th</sup> 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 14<sup>th</sup> 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 The application fee will not be refunded for appeals that are withdrawn or dismissed.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)     | <p>RECEIVED<br/>CITY OF REDMOND<br/>NOV 26 2018<br/>OFFICE OF THE<br/>HEARING EXAMINER</p> |
| 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.)*
- Appeal to the Hearing Examiner of an Administrative, Technical Committee or Design Review Board Decision (Type I or II) *RZC 21.76.060(I)*

**Section A. General Information**

Name of Appellant: Laura and Michael Chan

Address: 13305 NE 112th Pl.

City: Redmond State: WA Zip: 98052

Email: laurasheen.chan@gmail.com

Phone: (home) N/A (work) N/A (cell) (949) 922-6292

Name of project that is being appealed: Rose Hill Cottages

File number of project that is being appealed: SEPA-2017-00736 (LAND-2017-00727)

Date of decision on project that is being appealed: 10/26/2018

Expiration date of appeal period: 11/26/2018

What is your relationship to the project?

- Party of Record     Project Applicant     Government Agency

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

Party of Record  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**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:

Please see attached.

---

---

---

---

---

---

---

---

---

---

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:

Please see attached.

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---



## Attachment

### Section A: General Information

**Name of Appellant:** Laura and Michael Chan  
**Address:** 13305 NE 112<sup>th</sup> Place  
**City:** Redmond  
**State:** Washington  
**Zip:** 98052  
**Email:** laurasheen.chan@gmail.com  
**Phone:** (949) 922-6292

**Name of Project that is being appealed:** Rose Hill Cottages  
**File number of project that is being appealed:** SEPA File Number SEPA-2017-00736  
**Date of decision on project that is being appealed:** October 26, 2018  
**Expiration date of appeal period:** November 26, 2018 at 5:00 p.m.

**What is your relationship to the project?** Party of Record

**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.**

RZC 21.70.190.A provides that “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.” Appellants are “interested persons” within the meaning of RZC 21.70.190.A and are appealing the threshold determination (determination of nonsignificance) issued for the above-referenced project on October 26, 2018. A copy of the threshold determination at issue in this appeal is attached hereto as Exhibit A.

Appellants previously submitted comments on the DNS within the 14-day public comment period. Appellants’ comments are attached hereto as Exhibit B.

### Section B. Basis for Appeal

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

Appellants reside at 13305 NE 112<sup>th</sup> Place, only a few hundred feet from the proposed Rose Hill Cottages project. Northeast 112<sup>th</sup> Place will serve as the access road for the project. The project will cause a dramatic increase in traffic and congestion along NE 112<sup>th</sup> Place. The project will also cause an increase in noise, dust, odors, and pollutants at and around Appellant’s home. These impacts will have a negative effect on the quality and

peacefulness of the surrounding neighborhood and will interfere with Appellants' use and enjoyment of their home and property. Increased traffic generated by the project will also pose a safety hazard to Appellants and other people in this neighborhood, as well as hinder ingress and egress to and from Appellants' home.

**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:**

- a. The final DNS was issued, and appeal period commenced, in violation of RZC 21.76.060.B.2, which requires the final threshold determination to be included in the Technical Committee's decision or recommendation on the application. Here, no final decision or recommendation on the project has been made.
- b. The final DNS was issued in violation RZC 21.76.060.B.2 as the Technical Committee has yet to respond to comments on the DNS.
- c. The final DNS was issued in violation of WAC 197-11-340 as no final decision was made after public comments were submitted to either retain or modify the DNS published on October 26, 2018.
- d. The Notice of Land Use Action received from the City indicates a determination date of October 26, 2018, comment deadline date of November 9, 2018, and an appeal deadline date of November 26, 2018. "The Administrator shall issue the threshold determination *after* the minimum comment period..." RZC 21.76.060.B.2 (emphasis added). The comment period deadline was November 9, 2018, but the determination was issued prior to that date.
- e. The threshold determination process, outlined in WAC 197-11-330, provides that the Responsible Official – in this case the Technical Committee, which consists of Ms. Erika Vandenbrande, Planning Director, and Martin Pastucha, Public Works Director, for the City of Redmond – shall independently evaluate the responses of any applicant. WAC 197-11-330(1)(a)(i). It is our understanding that the Technical Committee made its determination on a presentation prepared by staff. We additionally note that the plan / map included in the slides presented to the Technical Committee for this decision / determination is inconsistent with the plan as submitted by the Applicant, as the layout of the homes is clearly different.
- f. Several reports, including but not limited to the arborist report, traffic study, critical area report, etc. used to support the Applicant's SEPA application are outdated and or inconsistent with the proposal / plan set submitted by the Applicant.

- i. The 2014 arborist report for the project and provided by the City is outdated and is based on an expired and withdrawn 24-cottage SPE (the current proposal is for 28-homes and it is unclear if that requires additional trees to be removed to make room for the additional homes. It should be noted that the SPE was challenged upon its extension request as neighbors learned of significant errors in the originally approved SPE.
- ii. The 2015 traffic study is outdated as there has been significant development in the area since the study was conducted, and even since the update was prepared in February 2017. The City of Kirkland has even confirmed that the update “didn’t include recent developments’ traffic in their traffic forecast” per e-mail dated September 20, 2017 from Thang Nguyen, Transportation Engineer for the City of Kirkland.
- iii. The Critical Area Report, which includes a plan map different than what is currently proposed, states that “Single-family residences, garages... will be located near the top of the steep (greater than 40 percent) slopes” and “a minimum 15-foot buffer is recommended.” Although the RZC states that buffers “*may*” be reduced to a minimum of 15 feet when a qualified professional *demonstrates...* that the reduction will adequately protect the proposed and surrounding development from the critical landslide hazard” (emphasis added), RZC 21.64.060.B.2 states that the Minimum Landslide Hazard Area Buffer “shall be 50 feet.” It should be noted that there are three previous landslides indicated on the map, and those areas do not have adequate buffer between the top of the slide and the houses proposed to be built. Further, the Critical Areas Report simply states that RZC allows a reduction, but it does not provide any information “demonstrating” or even supporting that a reduction will adequately protect the proposed and surrounding development from the critical landslide hazard. Instead, it states that “Under existing and anticipated site conditions, there is a moderate potential for erosion to occur in sloping areas.”
- iv. The report also states that “some areas of the site had slopes inclined between 15 and 40 percent and *have the potential of being classified as a Landslide Hazard area,*” but mistakenly continues “should they meet *all* the specific criteria defined in the RZC Section 21.64.060.A.1(b)” (emphasis added). While the RZC does list various criteria that constitute a Landslide Hazard Area, it does not state that “all” the criteria must be met to be considered a Landslide Hazard Area. Thus, if just one criterion is met, it should be considered a Landslide Hazard area and have proper buffers. All critical areas should be reevaluated for the safety of the public, and the development, as well as to ensure proper protections for the natural environment as provided by the Redmond Zoning Code, especially as it is

commonly known that removal of vegetation along steep hillsides, coupled with heavy rain events that we experience here in the Pacific Northwest, can increase risks of landslides.

- v. Separately, but of note, pursuant to a letter from Blueline addressed to Ms. Paulette Norman, P.E., Engineering Manager for the City of Redmond, dated October 18, 2018, it appears the Applicant is seeking deviations with regard to cut / fill limits. In particular, the request is to deviate from RMC 15.24.082(d), which states that "Cut or fill slopes may not exceed 33 percent", and requests to fill some of the steep slope area by greater than 8 feet, upon which it plans to build.
- g. The DNS is not based on "reasonably sufficient" information, as required by WAC 197-11-335, with respect to impacts on several elements of the environment, including but not limited to geology, soils, topography, plants and animals, streams and wetlands, noise, land use, aesthetics, transportation, vehicular traffic, and traffic hazards.
- h. The DNS was issued in error as the project will have probable significant adverse impacts on several elements of the environment, including but not limited to geology, soils, topography, plants and animals, streams and wetlands, noise, land use, aesthetics, transportation, vehicular traffic, and traffic hazards.
- i. 200+ significant and landmark trees are proposed to be removed to complete this development; coupled with the increase in human and vehicular traffic both during and after construction, the removal of such a large number of trees would be a detriment to the wildlife that this heavily forested, mature, old growth area currently supports. We believe the proposal will have significant impacts on local and potentially protected wildlife that use the site.
- j. Steep slope buffers identified for the project are inconsistent with RZC 21.64.060.B.2, which requires 50-foot minimum buffers, not 15-foot buffers as proposed by the applicant. The DNS is also premised on a failure to identify all landslide hazard areas on the project site, and is therefore inconsistent with the Redmond Zoning Code and the requirement that the DNS be based on "reasonably sufficient" information.
- k. The density of the project is inconsistent with the city's zoning map and RZC 21.04.020.A. Instead of following the R-1/R-4 zone boundary depicted on the county's zoning map, the project uses an ad hoc zone boundary that is not allowed by the Redmond Zoning Code.
- l. The R-1/R-4 zone boundary used for this proposal appears to be based on RZC 21.04.020.B.7. In using that provision to establish the on-site zone boundary, the city ignored other requirements at RZC 21.04.020.B, including the requirement at RZC 21.04.020.B.2 that zone boundaries that appear to follow property lines shall follow

those property lines, or at RZC 21.04.020.B.3 that the boundary shall be determined by map scaling. The city also chose arbitrarily to assign the R-1 zone to critical areas, and the R-4 zone to areas outside critical areas, rather than visa-versa. In this way, the city has significantly reduced the overall protection for critical areas. The impact of this decision was not assessed.

- m. The DNS was issued in violation of WAC 197-11-158 and RCW 32.21C.240. The impacts caused by the project (including density and all other impacts flowing from the city's ad hoc R-1/R-4 zone boundary): (a) are not identified in the city's comprehensive plan, subarea plan, development regulations, or other elements of local, state, or federal laws; (b) are not adequately addressed by those laws and plans; (c) are not avoided or otherwise mitigated to a nonsignificant level by those laws and plans; and (d) were not designated as acceptable by the city's legislative body.
- n. The proposed development of 28 cottages is not in keeping with the "character of the neighborhood" as called for throughout the Redmond Comprehensive Plan. The Framework Policies in the Redmond Comprehensive Plan for the Willows / Rose Hill Neighborhood (N-WRA-3) states that a key objective is to "ensure that new residential development blends with and helps maintain the existing character in each neighborhood subarea." The project will violate this and other goals, policies, and objectives of the City of Redmond comprehensive plan.
- o. In addition to the above, Appellants hereby incorporate all allegations of error contained in Appellants' comment letter attached hereto as Exhibit B.

**3. Please state the specific relief requested:**

Appellants request reversal of the DNS issued for the Rose Hill Project on October 26, 2018, and a remand to the city's planning department and technical committee to cure the deficiencies identified above. In the alternative, Appellants request that a DS be issued, that an EIS be prepared, and that the city exercise its SEPA substantive authority to mitigate all project-related impacts to nonsignificant levels.

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

Appellants fully incorporate herein all allegations and facts stated their comment letter attached as Exhibit B.

# **EXHIBIT A**



# STATE ENVIRONMENTAL POLICY ACT (SEPA) DETERMINATION OF NON-SIGNIFICANCE

For more information about this project visit [www.redmond.gov/landuseapps](http://www.redmond.gov/landuseapps)

## PROJECT INFORMATION

**PROJECT NAME:** Rose Hill Cottages

**SEPA FILE NUMBER:** SEPA-2017-00736

**PROJECT DESCRIPTION:**  
SEPA for Rose Hill Cottages (LAND-2017-00727)

**PROJECT LOCATION:** No address - site is undeveloped

**SITE ADDRESS:** 0 No Address  
REDMOND, WA 98052

**APPLICANT:** Will Greene  
Lafe Hermansen  
James Olsen  
**LEAD AGENCY:** City of Redmond

The lead agency for this proposal has determined that the requirements of environmental analysis, protection, and mitigation measures have been adequately addressed through the City's regulations and Comprehensive Plan together with applicable State and Federal laws.

Additionally, the lead agency has determined that the proposal does not have a probable significant adverse impact on the environment as described under SEPA.

An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. **This information is available to the public on request.**

## CITY CONTACT INFORMATION

**PROJECT PLANNER NAME:** Benjamin Sticka  
**PHONE NUMBER:** 425-556-2470  
**EMAIL:** [bsticka@redmond.gov](mailto:bsticka@redmond.gov)

## IMPORTANT DATES

### **COMMENT PERIOD**

Depending upon the proposal, a comment period may not be required. An "X" is placed next to the applicable comment period provision.

There is no comment period for this DNS. Please see below for appeal provisions.

'X' This DNS is issued under WAC 197-11-340(2), and the lead agency will not make a decision on this proposal for 14 days from the date below. Comments can be submitted to the Project Planner, via phone, fax (425)556-2400, email or in person at the Development Services Center located at 15670 NE 85th Street, Redmond, WA 98052. **Comments must be submitted by 11/09/2018.**

### **APPEAL PERIOD**

You may appeal this determination to the City of Redmond Office of the City Clerk, Redmond City Hall, 15670 NE 85th Street, P.O. Box 97010, Redmond, WA 98073-9710, no later than 5:00 p.m. on 11/26/2018, by submitting a completed City of Redmond Appeal Application Form available on the City's website at [www.redmond.gov](http://www.redmond.gov) or at City Hall. You should be prepared to make specific factual objections.

**DATE OF DNS ISSUANCE:** October 26, 2018

**For more information about the project or SEPA procedures, please contact the project planner.**

**RESPONSIBLE OFFICIAL:** Erika Vandenbrande  
Planning Director

SIGNATURE: Erika Vandenbrande

**RESPONSIBLE OFFICIAL:** Martin Pastucha  
Public Works Director

SIGNATURE: Martin Pastucha

**Address:** 15670 NE 85th Street Redmond, WA 98052

## **EXHIBIT B**

## Public Comments

Project Name: Rose Hill Cottages  
SEPA File No. SEPA-2017-00736  
Project File No. LAND-2017-00727

### Submitted by:

Laura and Michael Chan  
13305 NE 112<sup>th</sup> Pl.  
Redmond, WA 98052  
(949) 922-6292  
laurasheen.chan@gmail.com

### Comments / Questions:

First, we respectfully request that the SEPA determination *not be made* until all supporting information previously requested is produced by the City and made public, and the public is given a reasonable amount of time to review and comment on such documents and information. This includes items that are likely to have been used by Developer / Applicant to complete and support the SEPA application, but were not included in documents provided by the City as requested. I received an e-mail from Ben Sticka on November 6, 2018, that he would gather the information, including a Wildlife Report and “traffic information”, which should be a new traffic study (see comment 5 below), but they have not yet been provided.

Second, pending receipt and review of the additional information, these are our initial comments based on the information provided thus far:

1. Several reports, including but not limited to the arborist report, traffic study, critical area report, etc. used to support the Applicant’s SEPA application are outdated and or inconsistent with the proposal / plan set submitted by the Applicant.
2. The 2014 arborist report for the project and provided by the City is outdated and is based on the expired and withdrawn 24-cottage plan and not the currently proposed 28-cottage plan. Although outdated, it proposes to remove landmark trees, which are protected from removal per RZC 21.72.060.A.2. It is unclear, but likely a fair assumption, that the currently proposed 28-cottage plan would mean an increase in the number of significant and landmark trees that would be removed. Has a new arborist survey and report, based on the current proposal/plan, been completed? Please provide that information for review. It should be noted that the arborist report provided is inconsistent with the tree retention plan provided by the Applicant.
3. Additionally, we are concerned with not only the number and type of trees that would be removed to complete this development, but also the increase in human and vehicular traffic both during and after construction, which would be a detriment to the wildlife that this heavily forested, mature, old growth area currently supports. As we and all of our neighbors have witnessed various wildlife come up from the subject property, we requested a copy of the

Wildlife Report from Ben Sticka, but that has yet to be provided. If no report exists for the property, it seems prudent that the City would require one to be completed to fully understand the affects of the project on the existing wildlife habitat. Regardless, we believe the proposal will have significant impacts on local wildlife that use the site that have not adequately disclosed and addressed.

4. With regard to vehicular activity,
  - a. The increased traffic both within the proposed development and the adjacent road (NE 112<sup>th</sup> Pl.) would result in an increase in vehicular pollutants, which affect the natural environment and the wildlife within the remaining area of the parcel and its neighbors.
  - b. The proposal and resulting increase in traffic also poses a safety concern for my family, which includes three young children, and will have a dramatic impact on the quality of life in our neighborhood and on neighborhood character.
5. Further, it is also of great concern that traffic both on our street (NE 112<sup>th</sup> Pl.) and 132<sup>nd</sup> Ave NE (the only public access road we connect to) has and will continue to significantly increase, particularly with this proposed development. According to the SEPA application, the Applicant estimates 326 car trips per day on our approximately 500' stretch of what is currently a private road serving 6 homes. This significant increase will make it harder to get out of our driveways, as well as out of our street, onto 132<sup>nd</sup> Ave NE. 132<sup>nd</sup> Ave NE has seen a dramatic increase in traffic and congestion over the past couple of years. As such, it is my understanding that City of Kirkland will require a NEW – and not just an update of an outdated – traffic study. The SEPA application should be corrected to reflect the new traffic study.
6. We are additionally concerned about the steep slopes, particularly as there have been at least three known landslides within the subject property. The Critical Areas Report states that “Single-family residences, garages... will be located near the top of the steep (greater than 40 percent) slopes” and “a minimum 15-foot buffer is recommended.” Although the RZC states that buffers “*may* be reduced to a minimum of 15 feet when a qualified professional *demonstrates*... that the reduction will adequately protect the proposed and surrounding development from the critical landslide hazard” (emphasis added), RZC 21.64.060.B.2 states that the Minimum Landslide Hazard Area Buffer “shall be 50 feet.” It should be noted that there are three previous landslides indicated on the map, and those areas do not have adequate buffer between the top of the slide and the houses proposed to be built. Further, the (outdated) Critical Areas Report does not provide information that it has “demonstrated” that the reduction will adequately protect the proposed and surrounding development from the critical landslide hazard. Instead, it states that “Under existing and anticipated site conditions, there is a moderate potential for erosion to occur in sloping areas.” We also note that the SEPA application indicates the site description as “hilly” and does not check “steep slopes.”

Further, the Critical Areas Report states that “some areas of the site had slopes inclined between 15 and 40 percent and *have the potential of being classified as a Landslide Hazard area,*” but mistakenly continues “should they meet *all* the specific criteria defined in the RZC

Section 21.64.060A.1 (b)” (Emphasis added). While the RZC does list various criteria that constitute a Landslide Hazard area, it does not state that “all” the criteria must be met to be considered a Landslide Hazard Area. Thus, if just one criterion is met, it should be considered a Landslide Hazard Area and have the proper buffers. All critical areas should be reevaluated for the safety of the public, and the development, as well as to ensure proper protections for the natural environment as provided by the Redmond Zoning Code.

Additionally, pursuant to a letter from Blueline addressed to Ms. Paulette Norman, P.E., Engineering Manager for the City of Redmond, dated October 18, 2018, it appears Applicant is also seeking deviations with regard to cut /fill limits, including topographic changes exceeding 8’, in addition to construction of walls greater than 8’, in areas that abut the steep slope / Landslide Hazard Area, which already do not have sufficient buffers.

7. Given the multiple errors discovered relating to steep slopes, we are also concerned that the wetlands are not rated correctly and the related critical areas buffers are not sufficient.
8. We also note several issues with the slides / presentation provided to the Technical Committee to use in consideration of making the SEPA determination.
  - a. The plan/map included in the slides is inconsistent with the plan as submitted by the Applicant, as the layout of the homes is clearly different, which then lends itself to call into question the accuracy of the project, critical areas, etc. being considered under this review.
  - b. The slide deck also fails to include (on the slide that includes notes about other required buffers) that the steep slope buffer required by the Redmond Zoning Code is 50 feet, and not 15 feet as shown on the Applicant’s plan set.
  - c. Further, slide 7 “Analysis and Conditions” does not provide sufficient information or analysis for the Technical Committee’s consideration. WAC 197-11-794 only provides the definition of “Significant” and does not provide a clear threshold by which to evaluate or make a SEPA determination. Rather, WAC 197-11-794 states that the process “involves context and intensity (WAC 197-11-330) and does not lend itself to a formula or quantifiable test.”

The threshold determination process, outlined in WAC 197-11-330, provides the following:

- i. That the responsible official – in this case the Technical Committee, which I understand consists of Ms. Erika Vandenbrande, Planning Director, and Martin Pastucha, Public Works Director, for the City of Redmond – shall independently evaluate the responses of any applicant (and not simply take action upon staff analysis / recommendation). WAC 197-11-330(1)(a)(i).
- ii. Several marginal impacts when considered together may result in a significant adverse impact. WAC 197-11-330(3)(c).
- iii. A proposal may to a significant degree adversely affect environmentally sensitive or special areas, including wetlands, wilderness, endangered or threatened species or their habitat, conflict with local, state, or federal laws or

requirements for the protection of the environment, and establish a precedent for future actions with significant effects. WAC 197-11-330(3)(e)(i-iv).

- iv. Further, WAC 197-11-330(5) explicitly states that a threshold determination shall not balance whether the beneficial aspects of a proposal outweigh its adverse impacts.

It seems the Technical Committee would be making a decision based on outdated and inconsistent information, and without its independent evaluation of all the information necessary to make such a determination. Instead, the Technical Committee should, pursuant to WAC 197-11-335, “require an applicant to submit more information on subjects in the checklist” and, perhaps more prudent, the Technical Committee should: (a) “make its own further study, including physical investigations on a proposed site”, or (b) “decide that all or part of the action or its impacts are not sufficiently definite” and proceed with environmental analysis. WAC 197-11-335.

Additional comments for the overall project:

1. The density of the project still appears to be incorrect, and the zone boundary is incorrectly applied. The zone boundary used for this project is inconsistent with RZC 21.04.020.A, which states that the boundaries of the zones established by the City “are as shown and depicted on the Zoning Map(s) of the City.” The zone boundary used for this project deviates wildly from the city’s Zoning Map.

While we are aware of the “uncertainty” determination, we note that the rules of RZC 21.04.020 have been misapplied. The zone boundary that is being used for this project deviates from RZC 21.04.020.B.2, which would require the zone boundary in the northern portion of the project to follow the property line shared with lot 3426059089, which is not “uncertain.” Additionally, without support, the City has chosen to assign the R-1 zoned portion of the project only to those areas that include critical areas, instead of assigning the R-1 zone to the areas outside the critical areas and their buffers, which is more in keeping with the intent of RZC 21.04.020.B.7. Note that RZC 21.04.020.B.7 purports to say how to draw the zone boundary, but does not say what zone should go on what side of that boundary—as a result, the City is effectively electing, voluntarily, to apply the R-1 zone inside the critical areas, not outside the critical areas which would be the best way to protect the critical areas by limiting the density of nearby development. The DNS materials do not explain that decision, or demonstrate that the impacts of that decision have been evaluated, nor has the City provided any information that supports that zoning envisioned these drastic changes to and impacts of the zone boundary change.

Further, using subsection 7 does not resolve the underlying “uncertainty” premise for this section. Using a natural environment as a guideline for the zone boundary is faulty (unless there are no other or better options) in that the natural environment changes over time and cannot be measured accurately and consistently. Instead, subsection 2 and or 3 resolve the issue, and allow for consistent and accurate measurement, thereby eliminating any uncertainty now or at any point in the future. Using this boundary, the critical areas will also be better protected.

Finally, while a DNS states that the city's codes and regulations provide adequate mitigation, the city has provided no analysis that this particular level of density was envisioned when the city's zoning map—which differs dramatically from the zone boundary being considered for this project—was adopted. This is especially clear since the City itself, as well as the Applicant, *and a previously approved SPE*, proposed to use a very different zone boundary for prior proposals on this parcel.

2. Density should be calculated based on the correct zone boundary application pursuant to RZC 21.04.020.B.2 and or RZC 21.04.020.B.3.
3. The new plan set continues to include a square footage discrepancy with King County records. King County shows a total square footage of 452,152 SF, which is the total area for which the property owner has been paying taxes. The proposal, however, shows a total square footage of 472,752 SF. The difference is 20,600 SF, or nearly ½ of an acre, which affects the density calculation.
4. Even IF we use the faulty zone boundary described above, the density table on Applicant's plan set also erroneously lists the "sensitive area(s) and buffer" as 228,657 SF, when it should be equal to or greater than the R-1 area on the table (270,252 SF), and uses this incorrect figure in its calculations.
5. The proposed development of 28 cottages is not in keeping with the "character of the neighborhood" as called for throughout the Redmond Comprehensive Plan. The Framework Policies in the Redmond Comprehensive Plan for the Willows / Rose Hill Neighborhood (N-WRA-3) states that a key objective is to "ensure that new residential development blends with and helps maintain the existing character in each neighborhood subarea." As it is not on its own access road, like other cottage developments in the area, but uses an access road currently supporting 6 single family houses, please advise HOW the proposed 28-cottage development fits the character of our neighborhood.

We appreciate City Staff and the Technical Committee / Responsible Official(s) further their investigation and due diligence in reviewing this project and in making their determination. We look forward to your responses to our comments. We would also appreciate understanding what the City will do to ensure the proposed project follows Code for the protection of the City's integrity, its residents, and the natural environment. Given the continuous inconsistencies to-date, I respectfully request the City obtain independent, third-party studies and reports to evaluate the various elements of this proposed project.