

May 25, 2006

VIA FACSIMILE AND FIRST CLASS MAIL

Mr. Fred Kaufman
Hearing Examiner
City of Renton
1055 South Grady Way, 7th Floor
Renton, WA 98055

Re: Highlands Community Association
Appeal of Environmental Determination of Nonsignificance for
City of Renton Highlands Subarea Rezone
Project Number LUA-06-030

Dear Mr. Kaufman:

I have just been retained by the Highlands Community Association (HCA) to assist HCA in its presentation of the subject SEPA appeal. HCA appealed the Determination of Nonsignificance (DNS) that the City issued to itself for the enormous redevelopment project known as the Highlands Subarea Plan Redevelopment Initiative (the "Plan"). I am writing to request a continuance of the proposed June 6th hearing in this Appeal, due to the significant work that HCA must do in preparation for this Appeal.

According to information distributed at public meetings and posted on the City's website by the City's Economic Development Manager, the Plan proposed by the City of Renton is intended to "transform" an entire neighborhood, more than 100 acres in size, into a "redeveloped community . . . with a mix of single-family houses, townhouses, carriage houses, condominiums, and apartment homes." "A new street and alley network" is proposed. "New stormwater systems" are proposed. The plan includes the "revitalization of the Highlands Shopping Center" that is intended to attract "new shops, restaurants and services." The Plan "combines in a comprehensive strategy new, higher-density zoning, key public sector investments in infrastructure, parks, library, and North Highlands Community Center, partnerships with private and non-profit homebuilders, and the Renton Housing Authority." The Plan proposes use of the Community Renewal Act to force residents in this neighborhood to sell their homes to the City or face condemnation. The Plan further provides for the sale of the publicly acquired property to private development interests.

According to the Environmental Review Committee's own analysis, the Plan will result in increased impervious surfaces, additional air pollution, impacts to the City of Renton aquifer, impacts to eagles and herons, nearly 1,000 additional dwelling units, nearly 100,000 additional square feet of retail development, a shortage of parks, thousands of additional vehicular trips,

at least one failing intersection, and the need to upgrade sewer and water utilities. Despite these significant adverse environmental impacts which should have been analyzed in an Environmental Impact Statement, the City issued itself a DNS in clear violation of the State Environmental Policy Act.

HCA, without any assistance from legal counsel, prepared a detailed twelve page SEPA appeal, listing numerous procedural and substantive errors. The procedural errors include: 1) illegal phasing by failing to disclose and evaluate adverse impacts under the guise of a non-project rezone action; 2) relying on incorrect documents; 3) inadequate public notice and comment opportunities; 4) Planning Commission approval of zoning requirements prior to finalization of zoning requirements; 5) failure to evaluate cumulative and indirect impacts; and 6) failure to consider alternatives. Our presentation of these procedural claims will require detailed analysis of City and State SEPA regulations, applicable case law and preparation of a significant legal brief.

Regarding substantive errors, the Appeal identifies numerous errors for every element of the environment including earth, air, water, plants and animals, energy, environmental health, land use, housing, aesthetics, recreation, transportation, public services and utilities. Our firm has only just begun to understand these factual and code issues. We expect the need to retain several expert witnesses and to interview several City employees before we can present our case.

Given the magnitude and significance of this project, there should be no rush to hearing on this appeal. The City had many months to evaluate these issues and present its analyses. HCA has just begun to understand these issues and should be given adequate time to prepare for what we expect will be at least a five day hearing.

I request a continuation of at least three months. I am available to confer on the setting of a specific hearing date or to further discuss this request.

Very truly yours,

BUCK & GORDON LLP



Brent Carson

BC:BC

cc: Highlands Community Association
Larry Warren