

**BEFORE THE CITY OF REDMOND
HEARING EXAMINER**

In the Matter of the Application of)	
)	NO. LAND 2015-00876
)	
Daniel Umbach)	166th Avenue Townhomes
)	Preliminary Plat
)	
)	
For Approval of a Preliminary Plat)	FINDINGS, CONCLUSIONS,
)	AND DECISION
_____)	

SUMMARY OF DECISION

The request for approval of a preliminary plat to subdivide 0.60 acres of land to construct 18 residential townhomes and associated infrastructure, landscaping, and parking is **GRANTED** subject to conditions.

SUMMARY OF RECORD

Request

Daniel Umbach (Applicant) requested approval of a preliminary plat to subdivide 0.60 acres of land to construct 18 residential townhomes with associated infrastructure, landscaping, and parking. The subject property is located at 8502 - 166th Avenue NE and 16640 NE 85th Street, Redmond, Washington.

Hearing Date

The Redmond Hearing Examiner conducted an open record hearing on the request on December 7, 2015.

Testimony

At the open record hearing, the following individuals presented testimony under oath:

Ben Sticka, City of Redmond Planner
 Steven Fischer, Redmond, Development Services Planning Manager
 Cindy Wellborn, City of Redmond, Stormwater/Clearing and Grading
 Andy Chow, City of Redmond, Transportation and Engineering
 Dan Umbach, Applicant Architect
 Eric Armbruster, Ashworth Homes, Applicant Representative
 Barry Margolese

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Exhibits

At the open record hearing the following exhibits were admitted in the record:

1. Technical Committee Report to the Hearing Examiner, with the following attachments:
 1. Determination of Completeness Application, dated September 2, 2015
 2. General Application Form, dated March 16, 2015
 3. SEPA Application Form
 4. Vicinity Map
 5. Plan Set
 6. Notice of Application Certificate of Public Notice and Public Notice Site Plan, dated September 8, 2015
 7. Notice of Application Public Comment Letters
 8. SEPA Environmental Checklist
 9. SEPA Public Comment Letters
 10. Neighborhood Meeting Notice, dated September 29, 2015
 11. Notice of Public Hearing and Certificate of Posting, dated November 12, 2015
 12. SEPA Determination of Non-Significance, together Certificate of Posting, dated October 9, 2015
 13. Traffic Study, dated February 23, 2015
 14. Stormwater Report, dated June 25, 2015
 15. Utility Plan
 16. Critical Area Report, dated March 6, 2015
 17. Geotechnical Report, dated April 29, 2015
 18. Public Notice Tree Preservation Plan, dated November 6, 2015
 19. Tree Exception Letter, dated November 6, 2015
 20. Lake Washington School District Capital Facility Plan, dated June 1, 2015
2. [Not submitted]
3. Planning Staff's PowerPoint presentation
4. Capital Facilities Map (Stormwater)
5. Photos and drawings offered to show safe walk route, including Roadway Striping and Scaling plan, aerial photo of project vicinity, and two color photos of intersections along route

Upon consideration of the testimony and exhibits submitted, the Hearing Examiner enters the following findings and conclusions:

FINDINGS

1. The Applicant requested approval of a preliminary plat to subdivide 0.60 acres of land to construct 18 residential townhomes through a unit lot subdivision with associated infrastructure, landscaping, and parking. The subject property is located at 8502 166th Avenue NE and 16640 NE 85th Street, Redmond, Washington.¹ The site consists of two tax parcels. An existing multifamily apartment building on the western most parcel would be demolished; the other parcel is vacant. *Exhibits 1, 1.2, and 1.5.*
2. The preliminary plat application was deemed complete on September 2, 2015. *Exhibit 1, Attachment 1.*
3. The subject property is located within the Downtown Neighborhood. The Comprehensive Plan's land use policies for the Downtown Neighborhood include providing incentives to developers that encourage a variety of affordability levels, encouraging infill development, focusing development in areas where public facilities are already available, and providing friendly, safe, quiet, diverse and attractive residential neighborhoods. *Exhibit 1.*
4. The subject property is bound on the west by 166th Avenue NE and the south by NE 85th Street. Development to the north and east is characterized by single-family residential homes, to the south a mix of single- and multifamily residences, and to the west there is multifamily development. *Exhibits 1 and 1.4.*
5. The 0.54-acre site slopes gently from north to south and is underlain by dense, fairly impermeable soils. According to the revised/updated critical area report dated May 5, 2015, it is located within a Zone 2 wellhead protection area, which is regulated as a critical area by the City's critical areas ordinance (CAO).² The Applicant submitted the required critical areas study addressing impacts of the proposal on the wellhead protection zone. The report determined that with implementation of best management practices for the use and storage of hazardous materials and built in conformance with the City's development standards, the proposal would not result in adverse impact to the wellhead protection zone. No other critical areas would be affected by the project, and therefore no additional analysis or mitigation for critical areas is required. *Exhibits 1 and 1.16, see especially May 5, 2015 letter page 3.*
6. The subject property has an East Hill (EH) zoning designation. *Exhibit 1.* The purpose of the East Hill includes retaining a quieter "residential" character than the other nearby mixed-use areas and providing a variety of housing types that are not primarily mixed-use in developments that include more typical residential features, such as front yards, landscaping, and ground-related patios and porches. East Hill zoned areas are all within

¹ The subject property is known as Tax Parcel Nos. 0125059168 and 0125059077. *Exhibit 1, Attachment 2.*

² The May 5, 2015 letter updated and corrected the original March 2015 report, which had erroneously identified the on-site wellhead protection areas as within Zone 1 and 2 as was stated in the staff report; instead they are within Zones 2 and 3. *Exhibit 1.16.*

walking distance of the various retail and service areas in the Downtown. The regulations in this division are intended to retain the East Hill zone's special character and to ensure that single-family residential structures in this zone are well maintained until they are redeveloped with higher-density residential uses or are converted to nonresidential uses that are compatible with the residential neighborhood. *Redmond Zoning Code (RZC) 21.10.100.*

7. Density for residential development in the EH zone is based on the table in RZC 21.10.130.B. Because the site is greater than 20,000 square feet in area, density is not governed by a maximum number of dwelling units per acre, but by the application of bulk, height, parking, and all other development standards. Developments may achieve as many dwellings as possible when the development provides all of the necessary parking, open space, etc., for the number of units proposed, and the building(s) meet all of the prescribed standards. Given the site size and all development standards, the project is allowed up to 36 units per acre, which at 0.54 acres is 22 units. The proposed 18 units comply with applicable density standards. *RZC 21.10.130.B; Exhibit 1; Sticka Testimony.*
8. The East Hill zone requires a minimum 15-foot setback from front and side streets, a minimum six-foot side setback, a minimum building separation of 15 feet, common open space of at least 100 square feet per lot, and allows a maximum building height of four stories. *RZC 21.10.100.B.*
9. The proposal would construct four buildings containing either four or five attached dwelling units each for a total of 18 units. The buildings are proposed to be three stories tall and each would have a one-car garage. Each unit would be on an individual unit lot ranging in area from 1,358 to 1,986 square feet in area, with an average size of 1,837 square feet. The proposed exterior setbacks and setbacks between buildings comply with the standards of the East Hill zone. Compliance with the City's architectural, minimum setback, and maximum height standards would be ensured at the time of building permit review for each structure. *Exhibits 1 and 1.5.*
10. Access to the proposed plat would be by a single driveway off of 85th Street. The Applicant would be required to dedicate an additional 24 feet of right-of-way along 85th and to install standard frontage improvements along both 85th Street and 166th Avenue. The 18 proposed units are expected to generate 144 average new daily trips including 13 AM and 15 PM peak hour trips. The existing road network is not expected to experience any adverse impact from the new trips. Beyond frontage improvements and standard traffic impact fees, no other mitigation is required for the new traffic generated by the project. *Exhibits 1 and 1.13.*
11. Each unit lot would provide its own open space outside the dwelling. The private open space areas range from 210 to 1,314 square feet in area with an average of 638 square feet. This is a total of approximately 11,484 square feet of open space. *Exhibits 1 and 1.5.*

12. Pursuant to RZC 21.10.100.C, attached dwellings require one off-street parking per unit plus one guest space per four units for projects with six or more units. On-street parking along site frontage may be counted towards up to 25% of the required off-street parking. The proposal would provide one garage space per unit and three guest spaces on-site. Another four on-street spaces would be developed along the site frontage. Planning Staff indicated that this satisfies the minimum parking requirements. In the downtown core, it is not unusual for additional resident or guest parking to disperse throughout the neighborhood. *Exhibits 1 and 1.5; Sticka Testimony.*
13. Pursuant to RZC 21.20.020-.030, all new single-family residential developments in the Downtown Neighborhood are required to provide ten percent of their proposed units as affordable housing. Based on the 18 proposed units, the proposal is required to provide two affordable housing units. The Applicant proposes two affordable housing units in compliance with this standard. *Exhibit 1; Sticka Testimony.*
14. Stormwater runoff from the site's building, roadway, and landscaped areas would be collected and conveyed via new catch basins and piped conveyances to the City's municipal stormwater system at NE 85th Street and 167th Avenue NE. Because of the site's downtown location, it is located within the City's Downtown Regional Stormwater Facility Area, which means it is required to pay a fee in lieu of providing water quality or flow control. These fees are being collected for construction of a regional stormwater facility that is in the City's capital facilities stormwater plan. The Applicant's preliminary stormwater plan contained a downstream analysis showing that the project's stormwater runoff would not adversely impact the City's drainage system or adjacent properties. A majority of the site would be converted to impervious surfaces with the project. However, a critical areas report submitted by the Applicant concluded that while existing groundwater recharge from the project site to the primary aquifer because the majority of precipitation either flows off-site via or flows into the perched groundwater seepage zone, which may eventually allow for lateral transport off-site. A geotechnical assessment of the site reviewed the suitability of site soils to support the proposed attached dwellings. The consultants determined that the addition of impervious surfacing at the subject site would have little or negligible effect on the groundwater recharge, nearby groundwater wells, or surface water features. *Exhibits 1. 1.14, 1.17, and 4; Wellborn Testimony.*
15. Redmond Zoning Code Chapter 21.72 requires that all healthy landmark trees and 35 percent of all healthy significant trees be retained.³ However, tree retention in the urban centers is not required because strict compliance with tree preservation code would conflict with the adopted vision for the neighborhood. No trees are proposed to be retained with this project. The Applicant would remove 49 trees, including one landmark tree, to allow development as proposed and replace them with 51 replacement trees on-site and three new street trees along 166th Avenue NE. Approval to remove the one

³ Pursuant to RZC 21.78, landmark trees are those that are greater than 30 inches in diameter at breast height and significant trees are those that are between six and 30 inches in diameter at breast height.

landmark tree was granted administratively on November 6, 2015.⁴ *RZC 21.72.090.B (1)(e); Exhibits 1, 1.18, and 1.19.*

16. The zoning code requires that new subdivisions provide landscaping along the perimeter of the site to soften the transition between new and existing dwelling units when the new dwellings are directly adjacent to developed lots or can be viewed from public streets or park areas. *RZC 21.08.180.* Proposed perimeter landscaping includes a landscaped buffer along the site's north, south, east, and west boundaries adjacent to existing single-family homes and existing right-of-way, consistent with code. *Exhibits 1 and 1.5.*
17. Each proposed lot would be connected to municipal water and sewer service, each of which would be placed in appropriate utility easements. The existing eight-inch water main would be replaced by a 12-inch water main on NE 85th Street, which is of sufficient size to provide the minimum 3,500 gallon per minute fire flow required for multifamily development. Sewer service would be provided from an eight-inch sewer main in 166th Avenue NE. All new utilities would be required to be installed underground. Exhibits 1 and 1.15.
18. The proposal was reviewed for compliance with Fire Code requirements by the Fire Department. The Fire Department recommended project approval subject to conditions that require a clear foot pathway shall be provided around all structures for firefighter access. *Exhibit 1.*
19. School aged residents of the proposed plat who attend public schools would attend Redmond Elementary (0.4 miles away), Redmond Middle School (0.9 miles away), and Redmond High School (1.6 miles away). Bus transportation is generally provided for students whose schools are more than one mile away, while those closer are usually expected to walk. Frontage improvements would include new sidewalks consistent with City standards along the site's frontage on 166th Avenue NE and NE 85th Street. From the end of the new frontage sidewalk going east on 85th Street, there is an existing gap in sidewalk along the north side of 85th and east side of 167th Avenue after the curve. There is a school property within approximately 300 feet walking distance from the site along 167th Avenue NE. The City recommended that approval of the plat be conditioned on provision of an off-site interim walk way from the end of the new sidewalk to an existing driveway abutting the school property on 167th Avenue. *Exhibits 1 and 5; Chow Testimony.*
20. The City of Redmond Technical Committee acted as lead agency for review of the project's environmental impacts pursuant to the State Environmental Policy Act (SEPA). After review of the application materials and environmental checklist, the Technical Committee issued a determination of non-significance (DNS) on October 23, 2015. Two

⁴ Note, the landmark tree exception request approval letter contains a typo in that it says the landmark tree must be replaced at a 6:1 ratio. Consistent with RZC Chapter 21.72, the landmark tree approved for removal would be replaced at a 3:1 ratio. *Exhibit 1.19; Sticka Testimony.*

comments were filed with the City during the 14-day comment period. *Exhibits 1, 1.8, 1.9, and 1.12.*

21. The Lake Washington School District was notified of the SEPA DNS issued for the project; the District did not comment. *Sticka Testimony.*
22. Notice of application was posted on-site, at City Hall, and at the Redmond Library and was mailed to owners of property within 500 feet of the site boundaries on September 8, 2015. In addition, the Applicant held a neighborhood meeting on September 29, 2015. *Exhibits 1, 1.6, 1.7, and 1.10.*
23. Public comments received by the City expressed concerns about frontage improvements, the proposed density, traffic signalization, and whether the project proposed adequate parking. *Exhibits 1.7 and 1.9.*
24. Notice of the December 7, 2015 open record public hearing on the application was posted on-site and at City Hall and the Redmond Library, published in the *Seattle Times*, and mailed to surrounding property owners within 500 feet of the site on November 12, 2015. *Exhibits 1 and 1.11.*
25. At hearing, neighboring property owner Barry Margolese provided testimony. Mr. Morgolese owns the property east of the school on 167th Avenue NE where there is no sidewalk and the interim walkway is requested by the City. Mr. Margolese testified that there is a development proposal for his property currently under way. He suggested that rather than require the Applicant to construct an interim walkway that would shortly be removed and replaced by his project's required frontage improvements, he and the Applicant coordinate before the Applicant proceeds with development so that only the permanent infrastructure need be built. *Margolese Testimony.*
26. City transportation staff responded to Mr. Margolese's comments noting that his project would require right-of-way dedication and is on an as yet unknown timeline, while the Applicant must provide a safe walk route prior to occupancy. *Chow Testimony.* Planning Staff noted that the proposed development complies with both density and parking standards. Frontage improvements would be required along all site frontage, including sidewalks. Traffic signage is proposed to address traffic flow safety. *Sticka Testimony; Exhibit 5.*
27. An Applicant representative indicated that the Applicant is open to further discussions with Mr. Margolese regarding the frontage improvement necessary to address the recommended condition of approval. *Armbruster Testimony.*
28. The Technical Committee, comprised of staff from the Planning, Public Works, and Fire Departments, reviewed the complete application and supporting materials for compliance with City regulations and the Comprehensive Plan. The Technical Committee recommended project approval subject to conditions. *Exhibit 1.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner is authorized to conduct open record hearings and issue decisions on Type III permits, including preliminary plat permit applications, pursuant to RZC 21.76.050.C, Table 21.76.050B, and RZC 21.76.060.F.

Subdivision Criteria for Review

Pursuant to RZC 21.74.030.B.1, the Examiner shall approve an application for subdivision if findings can be entered showing the following criteria are satisfied:

- a. The proposal complies with the general criteria applicable to all land use permits set forth in RZC 21.76.070.B, Criteria Applicable to All Land Use Permits;
- b. The proposal conforms to the site requirements for the zoning district in which the property is located;
- c. The proposal conforms to the requirements of this chapter;
- d. The proposed short subdivision, binding site plan, unit lot subdivision, or preliminary subdivision:
 - i. Makes adequate provision for streets, roads, alleys, other public ways, and transit stops as required by this chapter; and the proposed street system conforms to the City of Redmond Transportation Master Plan and Neighborhood Street Plan, and is laid out in such a manner as to provide for the safe, orderly, and efficient circulation of traffic;
 - ii. Will be adequately served with water, sewer, storm drainage, and other utilities appropriate to the nature of the subdivision or short subdivision;
 - iii. Makes adequate provision for parks, recreation, and playgrounds, as required by this chapter;
 - iv. Makes adequate provision for schools and school grounds;
 - v. Makes adequate provisions for sidewalks and other planning features that meet the requirements of this chapter and that provide safe walking conditions for students who walk to and from school;
 - vi. Serves the public interest and makes appropriate provisions for the public health, safety, and welfare.
- e. Geotechnical considerations have been identified, and all hazards and limitations to development have been considered in the design of streets and lot layout to assure streets and building sites are on geologically stable soil, considering the stress and loads to which the soil may be subjected.

RZC 21.74.030.B.2 states that lack of compliance with the criteria set forth in subsection (1) of this section shall be grounds for denial of a proposed subdivision or short subdivision, or for the issuance of conditions necessary to more fully satisfy the criteria.

Conclusions Based on Findings

1. As conditioned, the proposal complies with the general criteria applicable to all land use permits, which include in relevant part consistency with the City's development regulations, the Comprehensive Plan, and SEPA. The proposal is consistent with the

City's tree retention/replacement standards for the downtown area; it also comports with critical areas and affordable housing requirements. The proposal is consistent with Comprehensive Plan policies relating to infill development, affordable housing, and safe and attractive neighborhoods for the downtown core. A SEPA DNS was issued and not challenged. *Findings 3, 5, 9, 10, and 15.*

2. As conditioned, the proposal conforms to the requirements of the EH zone. The proposed housing density is within the permitted range, coming in at four fewer units than the maximum allowed. The buildings would be three stories tall and provided with at least the minimum building separation and exterior lot boundary setbacks. Open space in excess of the minimum requirements would be provided on a per lot basis. Perimeter landscaping is included consistent with code requirements. *Findings 3, 5, 6, 7, 8, 9, 11, 12, and 16.*
3. As conditioned, the proposal is consistent with the requirements of RZC 21.74, including requirements for easements, utilities, and streets. *Findings 9, 10, 14 and 17.*
4. As conditioned, the proposal makes adequate provision for streets. *Findings 9 and 10.*
5. As conditioned, the proposed subdivision would be adequately served by utilities. Water, sewer, and stormwater mains are within feasible distance for connection to each of the four buildings. The preliminary stormwater materials submitted by the Applicant demonstrate no adverse impact to the City's stormwater facilities and the project would pay a fee in lieu of water quality provision on-site as a contribution to a downtown capital stormwater facilities project. *Findings 9, 10, 14, and 17.*
6. As conditioned, the proposal will make adequate provision for parks, recreation, and playgrounds. Each unit lot would provide in excess of 200 square feet of private outdoor open space. The Applicant would be required to comply with the City's impact fee ordinance (RMC 3.10) with regard to park impact fees. *Finding 9 and 11.*
7. As conditioned, the proposal makes adequate provision for schools and school grounds. The proposed plat would be subject to a per-lot school impact fee. The School District was notified of the proposal and did not comment. *Findings 9 and 19.*
8. As conditioned, the proposal makes adequate provisions for sidewalks and safe walking conditions for students. The Required frontage improvements would building City standard sidewalks along all street frontage. Conditions requiring an off-site interim walkway connecting with a nearby school property would provide a continuous safe walking route for students. *Findings 9, 10, and 19.*
9. As conditioned, the proposal serves the public interest and makes appropriate provisions for the public health, safety, and welfare. The buildings would be provided with a clear foot path for fire fighter access. The project would be required to pay fire, park, school, and transportation impact fees per RMC 3.10. *Findings 9, 10, 18, and 19.*

10. Geotechnical considerations were assessed; no hazards or limitations to development were identified. *Findings 5, 9, and 14.*

DECISION

Based on the preceding findings and conclusions, the request for approval of a preliminary plat to subdivide 0.60 acres of land to construct 18 residential townhomes with associated infrastructure, landscaping, and parking is **GRANTED**, subject to the conditions below.

A. Site Specific Conditions of Approval

The following table identifies those materials that are approved with conditions as part of this decision.

Item	Date Received	Notes
Plan Set	08/20/2015	<i>and as conditioned herein.</i>
SEPA Checklist	8/20/2015	<i>and as conditioned herein and as conditioned by the SEPA threshold determination on 10/09/2015.</i>
Architectural Elevations	08/20/2015	<i>and as conditioned herein.</i>
Design Review Board Approval/Plans	09/03/2015	<i>and as conditioned herein.</i>
Conceptual Landscaping Plan	08/20/2015	<i>and as conditioned herein.</i>
Conceptual Lighting Plan	08/20/2015	<i>and as conditioned herein.</i>
Proposed Tree Retention Plan	02/24/2015	<i>and as conditioned herein.</i>
Stormwater Design	06/25/2015	<i>and as conditioned herein.</i>

The following conditions shall be reflected on the Civil Construction Drawings, unless otherwise noted:

1. Development Engineering - Transportation and Engineering

Reviewer: Andy Chow, Engineer

Phone: 425-556-2740

Email: kachow@redmond.gov

- a. Easements and Dedications.** Easements and dedications shall be provided for City of Redmond review at the time of construction drawing approval and finalized for recording prior to issuance of a building permit. The existing and proposed easements and right-of-way shall be shown on the civil plans. Prior to acceptance of the right(s) of way and/or easement(s) by the City, the developer will be required to remove or subordinate any existing private easements or rights that encumber the property to be dedicated.

- i. Easements are required as follows:

- (a) A 10-foot wide sidewalk and utility easement, granted to the City of Redmond, along all right-of-way including 166th Avenue NE.

- (b) A 10-foot wide sidewalk and utility easement, granted to the City of Redmond, along all right-of-way including NE 85th Street. Utility appurtenance such as; power transformers and/or vaults shall be installed within the easement.
- (c) At the time of construction, additional easements may be required to accommodate the improvements as constructed.

ii. Dedications for right-of-way are required as follows:

- (a) A strip of land 24 feet wide on NE 85th Street across the easterly of the two parcels shall be dedicated as shown on the 166th Avenue Townhomes transportation plans prepared by PACLAND dated October 30, 2015.

(Code Authority: RZC 21.52.030 (F); RMC 12.12)

- b. Construction Restoration.** In order to mitigate damage due to trenching and other work on 166th Avenue NE, NE 85th Street, and 167th Avenue NE, the asphalt street shall be planed, overlaid, and/or patched, as determined by the Development Engineering Division.

(Code Authority: RMC 12.08; Redmond Standard Specifications and Details)

c. Street Frontage Improvements

- i. The frontage along 166th Avenue NE must meet current City Standards which include type A-1 concrete curb and gutter, five feet wide planter strips, six feet wide concrete sidewalk, storm drainage, street lights, street trees, street signs and underground utilities including utility appurtenance such as; power and telecommunications. The minimum pavement section for the streets shall consist of:

- 4 inches HMA Class ½" PG 64-22
- 5 inches HMA Class 1" PG 64-22
- 4" of 1-1/4" minus crushed rock base course per WSDOT Standard Spec 9-03.9(3)
- Subgrade compacted to 95% compacted maximum density as determined by modified Proctor (ASTMD 1557)
- Street crown 2% sloped to drain system

(Code Authority: RZC 21.52; 21.54.020(B); RMC 12.12; RZC Appendix 2)

- ii. Full street improvements as shown on the 166th Avenue Townhomes transportation plans prepared by PACLAND dated October 30, 2015 are required on NE 85th Street including asphalt paving that varies from 20 feet to 31 feet between curbs with appropriate tapers, type A-1 concrete curb and gutter, five feet wide planter strips, five feet wide concrete sidewalks, storm drainage, street lights, street trees, street signs and utilities appurtenance including; power and telecommunications. The minimum pavement section for the streets shall consist of:

- 7 inches HMA Class ½" PG 64-22
- 4" of 1-1/4" minus crushed rock base course per WSDOT Standard Spec 9-03.9(3)
- Subgrade compacted to 95% compacted maximum density as determined by modified Proctor (ASTMD 1557)
- Street crown 2% sloped to drain system

NE 85th will become a one-way street eastbound from 166th Avenue NE to the site access and a two-way street from the site access to 167th Avenue NE. See Roadway Striping and Signing Plan prepared by PACLAND dated October 30, 2015.

(Code Authority: RZC 21.52; 21.54.020(B); RMC 12.12; RZC Appendix 2)

- iii. At the intersection of 166th Avenue NE and NE 85th Street, a traffic signal system shall be modified per City of Redmond Standards. Modifications may include removing the existing signal standard and foundation at the southeast corner of 166th Avenue NE and NE 85th Street, installing a new Type II or Type III signal at the back of sidewalk at the southeast corner of 166th Avenue NE and NE 85th Street, and installing two new pedestrian signals at the northeast and southeast corners of the intersection of 166th Avenue NE and NE 85th Street. Signal plans are required for all traffic signals being modified or constructed. The plans shall be prepared in accordance with Section 8-20 and 9-29 of the WSDOT Standard Specifications as supplemented and modified by the City of Redmond. Potholing and utility locates are required prior to signal design. The project engineer shall arrange for potholing and utility locates, and then contact Bruce Newman, Transportation Operations, at (425) 556-2856 at least 48 hours in advance of installation to verify the layout. A right-of-way use permit is needed for any work within City right-of-way.

(Code Authority: RZC 21.52.030 (F))

- iv. A separate 40-scale channelization plan will be required for NE 85th Street, 167th Avenue NE, and 166th Avenue NE. The plan shall include the existing and proposed signs, striping and street lighting and signal equipment for all streets adjacent to the site and within at least 150 feet of the site property line (both sides of the street). The plan shall conform to the requirements in the City of Redmond Standard Specifications and Details Manual. The project is located along a state route; therefore WSDOT approval of the channelization plan is also required.

(Code Authority: RZC 21.52.030 (F); RZC Appendix 3; Standard Specifications and Details Manual; RCW 47.24.020)

- v. Sidewalks constructed to City standards are required at the following locations:
 - 166th Avenue NE – six feet concrete sidewalks (East side)
 - NE 85th Street – five feet concrete sidewalks (North side)
 - 167th Avenue NE – five feet concrete sidewalks (East side). This sidewalk is an interim sidewalk to provide a safe walking route to school. The sidewalk

extends from the east side of the project, along the east side of 167th Avenue NE to a driveway approximately 300 feet south of the site. Refer to the 166th Avenue Townhomes transportation plans prepared by PACLAND dated October 30, 2015.

(Code Authority: RZC 21.10.150; 21.17.010 (F); 21.17.010; RMC 12.12)

d. Access Improvements

i. The type and location of the proposed site accesses are approved as shown on the 166th Avenue Townhomes transportation plans prepared by PACLAND dated October 30, 2015.

(Code Authority: RZC 21.52.030 (E); Appendix 2)

ii. Direct access to 166th Avenue NE and NE 85th Street will not be permitted. This restriction shall be indicated on the face of the civil plans and other final documents.

(Code Authority: RZC 21.52.030 (E))

iii. The following driveway is required to be improved as specified below and as shown on the 166th Avenue Townhomes transportation plans prepared by PACLAND dated 10/30/2015:

- The driveway for the City's property just east of the project site.

(Code Authority: RZC Appendix 2)

e. Underground Utilities. All existing aerial utilities shall be converted to underground along the street frontages and within the development. New underground utility appurtenance and utility trench shall be routed under the sidewalks along NE 85th Street in the north side. No utility appurtenance such as; transformers and/or vaults can be located within the right-of-way. Additional conduits for dry utilities shall be installed under the sidewalks and J-boxes shall be installed within the planter strips along NE 85th Street in the north side. All new utilities serving the development shall be placed underground.

(Code Authority: RZC 21.17.020)

f. Street Lighting. Illumination of the street(s) along the property frontage must be analyzed to determine if it conforms to current City standards. Streetlights may be required to illuminate the property frontage. Luminaire spacing should be designed to meet the specified criteria for the applicable lamp size, luminaire height and roadway width. Contact Paul Cho, Transportation Operations at (425) 556-2751 with questions. The street lighting shall be designed using the criteria found in the City's Illumination Design Manual which can be accessed at:

<http://www.redmond.gov/ConnectingRedmond/resources/IllumManual.asp>

(Code Authority: RZC 21.52.030 (F); Appendix 2)

2. Development Engineering – Water and Sewer

Reviewer: Zheng Lu, P.E. Senior Utility Engineer
Phone: 425-556-2844
Email: zlu@redmond.gov

a. Water Service.

8-inch ductile iron water main shall be replaced by a 12" DI water for capacity increase. The location for new 12" water main is within the right of way and at north side of the center line under pavement as indicated in plan dated October 30, 2015. The City will discuss following issues during CCR process:

- Configuration of connection at the intersection of 85th Street and 166th Avenue.
- Proposed retaining wall at SE corner on the plat cannot be built on top the existing water main.
- Power conduit on the planter area along north side of 85th Street shall be straightened to avoid potential conflict with water meters.

b. Sewer Service.

Sewer service main shall be 8 inch in diameter. Sewer service main will connect to the existing sewer main on 166th Avenue NE as shown in the plan dated October 30, 2015.

(Code Authority: RZC 21.17)

c. Easements. Easements shall be provided for all water and sewer improvements as required in the Design Requirements for Water and Sewer System Extensions. Easements for the water and sewer mains shall be provided for City of Redmond review at the time of construction drawing approval. All easements must be recorded prior to construction drawing approval.

(Code Authority: RZC Appendix 3)

d. Backflow Preventors: Backflow preventors shall be used in the water supply system in accordance with City, State, and Federal requirements.

(Code Authority: RMC 13.10)

e. Permit Applications. Water meter and side sewer applications shall be submitted for approval to the Development Engineering Utility Division. Permits and meters will not be issued until all improvements are constructed and administrative requirements are approved. Various additional guarantees or requirements may be imposed as determined by the Utilities Division for issuance of meters and permits prior to improvements or administrative requirements being completed. All reimbursement fees shall be paid prior to sale of water and side sewer permits.

(Code Authority: RMC 13.08.010, 13.12)

3. Development Engineering – Stormwater/Clearing and Grading**Reviewer: Cindy Wellborn, P.E., Senior Stormwater and Utilities Engineer****Phone: 425-556-2495****Email: cwellborn@redmond.gov****a. Water Quantity Control:**

- i. Project lies within the Downtown Regional Stormwater Facility Basin. Stormwater quantity control will be provided by the City of Redmond upon payment of the Downtown Capital Facility Charge.
- ii. Provide for overflow routes through the site for the 100-year storm. (Code Authority: RMC 15.24.080)

b. Water Quality Control

- i. Project lies within the Downtown Regional Stormwater Facility Basin. Stormwater quality control will be provided by the City of Redmond upon payment of the Downtown Capital Facility Charge. (Code Authority: RMC 15.24.080(2)(c))

c. Easements. Easements will be required for any public stormwater conveyance systems on private property. Easements shall be provided for City of Redmond review at the time of construction drawing approval and finalized for recording prior to issuance of a building permit or issuance of water meter or side sewer permits. The existing and proposed easements shall be shown on the civil plans. Prior to acceptance of the easement(s) by the City, the developer will be required to remove or subordinate any existing private easements or rights that encumber the property to be dedicated.

(Code Authority: RMC 15.24.080(2)(i))

d. Clearing and Grading.

- i. Connect the project stormwater system to the existing systems in 166th Avenue NE and NE 85th Street.
- ii. Cut or fill slopes may not exceed 33 percent (3H:1V).
- iii. Outside the structure's footprint, and where significant trees are not present, the maximum permitted vertical depth or height of a cut or fill is a total of eight vertical feet.
- iv. Existing manhole #2, located within the NE 85th Street Right-of-way, is approved as a drop structure.
- v. All storm sewer conveyance pipe material shall be PVC or Polypropylene.
- vi. Roof downspouts shall be directly connected to the onsite stormwater system with structures or cleanouts.
- vii. Retaining walls and walls supporting earth at each stairway shall have perforated underdrains installed and connected to the onsite stormwater system with structures or cleanouts.
- viii. Retaining walls and underdrains shall be private facilitates and the responsibility of the property owners.

- ix. The retaining wall at the east end of NE 85th Street shall be moved out of the right-of-way and shall be located a distance from the existing water main as required in the City of Redmond Design Requirements, Water and Wastewater System Extensions, dated 2011.

(Code Authority: RMC 15.24.080)

e. Temporary Erosion and Sediment Control (TESC).

- i. Rainy season work permitted October 1st through April 30th with an approved Wet Weather Plan.

(Code Authority: RMC 15.24.080)

f. Landscaping.

- i. All new landscaped areas within the project site are required to have compost-amended soils. See City of Redmond Standard Detail 632 for requirements.

(Code Authority: RZC 21.32)

- g. Department of Ecology Notice of Intent Construction Stormwater General Permit.** Notice of Intent (NIO) must be submitted to the Department of Ecology (DOE) at least 60 days prior to construction on a site that disturbs an area of one acre or larger. Additional information is available at:
www.ecy.wa.gov/pubs/0710044.pdf.

(Code Authority: Department of Ecology Rule)

- h. Regional Capital Facilities Charge:** A Regional Capital Facilities Charge applies to this project, located in the Downtown Sub-basin. Please see the Development Engineering Fee schedule for current fee information.

(Code Authority: RMC 13.20.045 (Downtown))

4. Fire Department

Reviewer: Jacob Black, Deputy Fire Marshal

Phone: 425-556-2223

Email: joblack@redmond.gov

The current submittal is generally adequate for (LAND-2015-00489) and (LAND-2015-00876) Approval, but does not fully represent compliance with all requirements. The following conditions are integral to the approval and shall be complied with in Civil Drawings, Building Permit Submittals, Fire Code Permit submittal, and/or other applicable processes:

Site Plan Condition. A clear foot pathway shall be provided around all structures for firefighter access.

(Code Authority: RMC 15.06; RZC Appendix 3, RFD Standards, RFDD&CG)

5. Planning Department

Reviewer: Ben Sticka, Planner
Phone: 425-556-2470
Email: bsticka@redmond.gov

- a. Street Trees.** The following street trees are required to be installed in accordance with RZC Section 21.32.090. The minimum size at installation is 2 ½ inch caliper.

Street	Species	Spacing
166 th Avenue NE	Shademaster Honeylocust	30 feet on-center

(Code Authority: RZC 21.32.090)

- b. Waste Management Approval.** The approved site plan and garbage/recycling enclosure detail must be submitted to Waste Management for review and approval. An approval letter from Waste Management must be submitted to the Planning Department prior to approval any associated building permit.

(Code Authority: RZC 21.38.020(F))

- c. Design Review Board Approval.** The Design Review Board approved the proposed project at their September 3, 3015 meeting. Revised elevations or plans that reflect the conditions of approval issued by the Design Review Board must be submitted with the building permit application or civil drawings. All plans must be prepared by a licensed architect or licensed engineer. The Design Review Board's conditions of approval are:

- i. Where inconsistencies between the floor plan and elevations are found after the Design Review Board has approved this project, the elevations approved by the Design Review Board at this meeting will prevail.
- ii. If, after this Design Review Board approval, there are any inconsistencies found in the information provided for the elevations, floor plans, landscape plans, lighting plans, materials and color between the presentation boards and the 11 x 17" submitted drawings, the Design Review Board and Redmond Planning Staff will review and determine which design version will be followed for Site Plan Entitlement and Building Permits.

(Code Authority: RZC 3.10, 6.36, 21.32. 21.34, 21.40, 21.58, 60, 62)

B. Compliance with City of Redmond Codes and Standards

This approval is subject to all applicable City of Redmond codes and standards, including the following:

Transportation and Engineering

RMC 6.36:	Noise Standards
RZC 21.52:	Transportation Standards
RZC 21.40.010(E):	Design Requirements for Parking Facilities
RZC 21.54:	Utility Standards
RMC 12.08:	Street Repairs, Improvements & Alterations
RMC 12.12:	Required Improvements for Buildings and Development
RMC 12.16:	Highway Access Management
RZC 21.76.100(F)(9)(c)	Nonconforming Landscaping and Pedestrian System Area
RZC 21.76.020(G):	Site Construction Drawing Review
RZC 21.76.020(H)(6):	Preconstruction Conference
RZC 21.76.020(H)(7):	Performance Assurance
RZC Appendix 3:	Construction Specification and Design Standards for Streets and Access
City of Redmond:	Record Drawing Requirements, July 2015
City of Redmond:	Standard Specifications and Details (current edition)

Water and Sewer

RMC 13.04:	Sewage and Drainage
RMC 13.08:	Installing and Connecting Water Service
RMC 13.10:	Cross-Connection and Backflow Prevention
RZC 21.17.010:	Adequate Public Facilities and Services Required
RZC Appendix 4:	Design Requirements for Water and Wastewater System Extensions
City of Redmond:	Standard Specifications and Details (current edition)
City of Redmond:	Design Requirements: Water and Wastewater System Extensions - January 2000.

Stormwater/Clearing and Grading

RMC 15.24:	Clearing, Grading, and Storm Water Management
RZC21.64.060 (C):	Planting Standards
RZC 21.64.010:	Critical Areas
RZC 21.64.040:	Frequently Flooded Areas
RZC 21.64.050:	Critical Aquifer Recharge Areas
RZC 21.64.060:	Geologically Hazardous Areas
City of Redmond:	Standard Specifications and Details (current edition)
City of Redmond:	Stormwater Technical Notebook, 2012
Department of Ecology:	Stormwater Management Manual for Western Washington (revised 2005)

Fire

RMC 15.06:	Fire Code
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RZC Appendix 3:	Construction Specification and Design Standards for Streets and Access
City of Redmond:	Fire Department Design and Construction Guide 5/6/97
City of Redmond:	Fire Department Standards

Planning

RZC 21.10:	Downtown
RZC 21.58-21.62:	Design Standards
RMC 3.10:	Impact Fees
RZC 21.32, 21.72:	Landscaping and Tree Protection
RZC 21.34:	Exterior Lighting Standards
RMC 6.36:	Noise Standards
RZC 21.38:	Outdoor Storage and Service Areas
RZC 21.40:	Parking Standards

Building

2012 International Building Codes (IBCs)
 2012 Uniform Plumbing Code
 2012 International Residential Code (IRC)

DECIDED December 21, 2015.

By:



Sharon A. Rice
 City of Redmond Hearing Examiner

Note: Type III decisions of the Hearing Examiner may be appealed to the City Council in a closed record appeal proceeding as provided in RZC 21.76.060.M. Any party with standing (detailed at RZC 21.76.060.M.2.a) may appeal this decision by filing the appropriate appeal form along with the required fee no later than 5:00 pm on the tenth business day following the expiration of the reconsideration period. See RZC 21.76.060.M for further detail on appeal requirements.