

**BEFORE THE HEARING EXAMINER  
FOR CITY OF REDMOND**

In the Matter of the Appeals of	)	
	)	
<b>The Nokomis Club and Redmond Historical Society</b>	)	APPL NO. LAND-2015-00408
	)	
of the February 17, 2015 Determination of Non-Significance (SEPA-2015-00017), and	)	
	)	
<b>The Nokomis Club</b>	)	APPL NO. LAND-2015-00746
	)	
Of the April 22, 2015 Revised Technical Committee Approval of a Site Plan Entitlement (LAND-2014-01610/SPE)	)	<b>162TEN - FINDINGS, CONCLUSIONS, AND DECISIONS</b>
	)	
	)	
	)	

**SUMMARY OF DECISIONS**

Appellants did not provide evidence demonstrating that the City SEPA Responsible Official’s environmental threshold determination was in error. The appeal of the SEPA Determination of Non-Significance (MDNS) issued February 17, 2015 is denied.

Evidence in the record does not support the conclusion that the application materials submitted and process provided fall short of the requirements of the Redmond Zoning Code for approval of site plan entitlement. Because no clear error is shown, the appeal of the Type II decision is denied.

**SUMMARY OF RECORD<sup>1</sup>**

**Request:**

The February 17, 2015 State Environmental Policy Act (SEPA) threshold determination of non-significance (DNS, SEPA-2015-00017) was appealed as follows: on March 2, 2015 by Keith Brewe and Rosemarie Ives; on March 3, 2015 by the Nokomis Club joined by the Redmond Historical Society; and on May 2, 2015 by Curtis Nelson.

The April 2, 2015 Technical Committee Notice of Decision approving the 162Ten Site Plan Entitlement (LAND-2014-01610/SPE) was appealed by Keith Brewe, Rosemarie Ives, and the Nokomis Club on April 16, 2015.

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<sup>1</sup> Findings begin on page 9.

The April 22, 2015 Technical Committee Revised Notice of Decision approving the 162Ten Site Plan Entitlement (LAND-2014-01610/SPE) was appealed by Rosemarie Ives and the Nokomis Club on May 6, 2015.

**Pre-Hearing Procedures:**

A pre-hearing conference was convened on May 20, 2015 to clarify issues and establish a pre-hearing and hearing schedule. Consistent with the ensuing May 26th Order Setting Hearing and Pre-Hearing Schedule, the Applicant timely submitted a dispositive motion on June 3, 2015 seeking to dismiss the appeals of Rosemarie Ives and Curtis Nelson in the above-captioned matter of the February 17, 2015 DNS and both Technical Committee Approvals. Consistent with the Order, Rosemarie Ives, Curtis Nelson, the Nokomis Club, and the City submitted responses to the motion, and the Applicant timely replied on June 17, 2015.

On June 22, 2015, the SEPA and Technical Committee Site Plan Entitlement decision appeals filed by Rosemarie Ives were dismissed for lack of standing (failure to show injury in fact). The appeal of Curtis Nelson was dismissed because it was determined to be untimely. The order expressly allowed for both Ms. Ives and Mr. Nelson to be called as witnesses by the remaining parties.

Subsequently, Keith Brewe withdrew his appeals of the DNS and the Technical Committee Site Plan Entitlement decision.

At the opening of testimony on July 9, 2015, Appellant Nokomis Club submitted a motion requesting summary remand on the alleged grounds that the Applicant has no proof of ownership of the subject property.<sup>2</sup> This motion was denied, with the Examiner ruling that the case file contains adequate evidence of owner consent upon which the City was allowed to proceed with processing the project as well as on the grounds that the Hearing Examiner lacks jurisdiction to decide challenges to title claims.

Only the appeals not dismissed or withdrawn are addressed in the findings and conclusions below.

**Hearing Date:**

Consistent with Redmond Zoning Code (RZC) 21.76.050.E.6, the appeals were consolidated. The City of Redmond Hearing Examiner convened an open record hearing on the consolidated appeals on July 9, 2015. The matter continued for additional hearing on July 10, 2015. On July 10th, the record closed after nearly 14 hours of testimony and argument. Before the July 24, 2015 decision issuance deadline, the Hearing Examiner requested and the parties granted an extension of the deadline through August 7, 2015.

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<sup>2</sup> The May 26, 2015 pre-hearing order required dispositive motions to be submitted by June 3, 2015.

**Testimony:**

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

*Called by the Appellants:*

Alexa Munos, Nokomis Club  
Rosemarie Ives, Nokomis Club  
Joe Townsend, Redmond Historical Society  
Sandra Henderson, neighboring resident  
Kimberly Dietz, Redmond Senior Planner<sup>3</sup>  
Scott Turner, Assistant Redmond Fire Marshall  
Terry Marpert, City of Redmond Planner  
Dr. Curtis Nelson, neighboring business owner  
William Popp Sr., PE, William Popp Associates  
Rob Odle, City of Redmond Director of Planning and Community Development

*Called by the City:*

Gary Lee, Redmond Senior Planner

*Called by the Applicant:*

David Markley, Principal, Principal, Transportation Solutions, Inc. (TSI)

**Representation:**

- The City of Redmond Technical Committee and Planning Department were represented by James Haney, Ogden Murphy Wallace, City Attorney.
- The Applicant was represented by Duana Koloušková, Johns Monroe Mitsunaga Koloušková, PLLC.
- Appellant Nokomis Club was represented by Alexa Munos and Rosemarie Ives, *pro se*.
- Redmond Historical Society was represented by Joe Townsend *pro se*.

**Exhibits:**

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

*Appellant Nokomis Club Exhibits (identified in Findings by NC prefix)*

1. Technical Committee Approval letter of April 22, 2015, and Approval letter of April 2, 2015
2. SEPA-DNS
3. Minutes from Design Review Board dated September 4, 2014 and February 5, 2015
4. Chart of OneRedmond Investor Board

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<sup>3</sup> In the case of City employees listed as Appellant witnesses, Appellant Nokomis Club called City employees listed on the City's disclosed witness list. In the case of Mr. Marpert, he was called in place of Kimberly Keeling, City of Redmond Transportation Programs Administrator, who was out of town on the hearing dates. The City raised objection to Mr. Odle being called by the Appellant, but was overruled.

5. City Contributions to REDA (Redmond Economic Development Alliance), predecessor to One Redmond and to One Redmond, with subparts:
  - A. Chart
  - B. Council memos of January 4, 2011, July 19, 2011, February 7, 2012, December 4, 2012, January 8, 2013, January 6, 2015
6. A. Redmond Zoning Code Article VI 21.76.030
  - B. Chart on Nokomis Building Title
7. Emails between Alexa Munoz and Washington Secretary of State, May 2015
8. City of Redmond Business License Information
  - A. REDA 1/1/2011 – 11/2012
  - B. OneRedmond 2/25/2013
9. Secretary of State Registration Detail
  - A. OneRedmond, July 2012
  - B. REDA, December 22, 2010 – November 30, 2012
  - C. Greater Redmond Chamber of Commerce, April 17, 1949 – March 3, 2014
10. A. GRRC Draft Resolution 12-00002 unrecorded with Secretary of State
  - B. WA Non-profit Corporation Act 24.03.200 (2)(b)
  - C. i WA Non-profit Corporation Act Distribution of Assets 24.03.225 (2)(3)
  - C. ii WA Non-profit Corporation Act Plan of Distribution (3)
11. Dissolution verification from Washington Secretary of State
12. ALTA Commitment for Title Insurance, May 23, 2014
13. A. September 4, 2014 and February 5, 2015 Design Review Board Minutes
  - B. RZC 21.10.130A Table: Town Square 6,000-11,199 sq. feet, 50'-119' site width
  - C. Article VI A.21.76.070 Land Use Action and Decision Criteria 8.b.iv
14. Excerpt from Redmond Zoning Code, 21.62.020 Downtown Design Standards
15. A. Redmond Zoning Code Article VI 21.76 Review Procedures
  - B. 21.76.010 User Guide E. Design Review 1(f)
16. RZC Sections: 21.60.012.B; 21.60.040.B.6; 21.60.040.B.2; 21.58.010; 21.60.040.B.1.a; 21.60.020.2; 21.60.020.D.1.d; and 21.58.010.6
17. Email from Assistant Fire Marshal Scott Turner to Gary Lee, September 11, 2014
18. Redmond Zoning Code Article II Parking Standards
19. Memorandum: 162Ten Parking Critique from William Popp, SR., P.E., with the following attachments:

1. Vicinity Map and Preliminary Site Plan
2. Vision 5 Parking Lot Locations
3. Vision 5 Off-Site Parking Counts
4. Vision 5 Parking Signs
5. Witness Bio
20. Seattle Times Editorial, May 24, 2015
21. 162Ten TMP
22. Nokomis Club Motion for a Summary Remand
23. Declaration and Certification of Records Search
24. Appellant Nokomis Club Witness list
25. Appellant Nokomis Club Exhibit list including revision submitted 7/9/2015<sup>4</sup>

*Appellant Redmond Historical Society Exhibits (identified in Findings by RHS prefix)*

1. City of Redmond, Determination of Non-Significance, Pages 1, 19 & 20
2. A. SEPA, Guidance for the Environmental Checklist, P1 & Part B, question #13  
B. Excerpts from Tips on how to answer Section 13 of SEPA Checklist [Source: [http://www.ecy.wa.gov/programs/sea/sepa/hcp\\_guidance13.html](http://www.ecy.wa.gov/programs/sea/sepa/hcp_guidance13.html)]
3. Nokomis Club – Redmond Historical Society Appeal of the DNS, 3/3/2015
4. Ernest Money Receipt and Agreement, transfer of property to Chamber of Commerce  
Source: Nokomis Club of Redmond and Redmond Historical Society archives.
5. Parts 5a, 5b, & 5c — Selected Community Member Comments on preservation of the Nokomis Building
6. 2/12/15 Public Comment by the Redmond Historical Society, Joe Townsend, President, to City of Redmond Planning Dept., Attn: Gary Lee
7. 1933 & 1939 photos of the Nokomis Building. Sources: Nokomis Club Annual Booklet.  
Source: Redmond Historical Society Archives
8. King County Property Record, Nokomis/Redmond Public Library. Source: King County Archives.
9. 2014 Photos of the building, front and West Side [HeadSpinner Photograph, Nov. 8, 2014]
10. 2014 Photos of the building rear and placards [Source, HeadSpinner Photograph, Nov. 8, 2014]
11. WA State Dept Archeology & Historic Preservation Inventory Reports, 1998 & 2005

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<sup>4</sup> During testimony, Appellant Nokomis Club attempted to offer a written statement from a Manual Soto of Mobility & Walkability Consulting. The document purported to contain expert opinion addressing the 162Ten TMP. The Applicant objected to its admission. Nokomis Club had not disclosed the witness and had not provided a resume or other credentials for the expert witness, who was not present for cross examination. It was not admitted.

12. WA State Dept Archeology & Historic Preservation Inventory Report, 2015
13. City of Redmond Incentive Matrix Sheet of Inventoried Properties. Source, Redmond Historical Society Archives
14. 2/13/15 Letter from Washington Trust for Historic Preservation/Cathy Wickwire, Operations Manager, to City of Redmond Planning Dept./Gary Lee
15. 2/26/15 Letter from the Wash. Dept of Archeology & Historic Preservation/ to City of Redmond/Mr. Robert G. Odle, Planning Director and Ms. Linda E. De Boldt, Public Works Director, From Gregory Griffith, Deputy State Historic Preservation Officer
16. 2/27/15 Letter from King County Historic Preservation Program
17. City of Redmond website, Sites of Historic Interest
18. City of Redmond Ordinance 2080
19. City of Redmond Comprehensive Plan, excerpts from Section: CC, Community Character and Historic Preservation, Part B. Historic Resources
20. RZC Section 21.30.010 Historic and Archeological Resources
21. Overhead view of the 162TEN/Nokomis Bldg site and surrounding areas, [Source: Google Earth]
22. King County Comprehensive Plan, Chapter 6, Parks, Open Space and Cultural Resources, Part II, Cultural Resources, Section C., Historic Preservation.
23. US Secretary of the Interior's Standards and Guidelines, Professional Qualifications Standards, defining minimum education and experience required to perform identification, evaluation, registration, and treatment activities.
24. US Secretary of the Interior's Standards and Guidelines Standards for Evaluation
25. Excerpts from: Code of Federal Regulations, 36 CFR PART 800, - Protection Of Historic Properties, Pp 1-7.
26. Mayor's memo on Historic Preservation with attachments, 9-19-2000 Source: Council agenda packet for Sept. 2000 City Council meeting
27. Email messages from Kim Dietz to Gary Lee and from Gary Lee to Robert Pantley, September 11, 2014
28. Article from March 1996 Redmond Chamber of Commerce Newsletter, Redmond Business
29. Letter from Washington Department of Archeology and Historic Preservation from Gregory Griffith, Deputy State Historic Preservation Officer, dated July 8, 2015 <sup>5,6</sup>
30. Appellant Redmond Historical Society Witness and Exhibit List, including supplements

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<sup>5</sup> The City and the Applicant objected to admission of Exhibit NC-29 because it was not timely disclosed and because the letter's author was present for cross examination. The objections were overruled because the proceeding is an open record appeal hearing at which new evidence is allowed until the close of the record and because in this case, the lack of opportunity for cross examination goes to weight rather than admissibility.

<sup>6</sup> Redmond Historical Society offered as Exhibit NC-30, which was not admitted, page 1 of a May 9, 2014 Vacant Land Purchase and Sale Agreement executed by the property seller and the developer.

submitted July 9, 2015

Applicant Natural Built Environment Exhibits (identified in Findings by A prefix)

1. Slide presentation
2. 162Ten Civil plans
3. Sample project Transportation Management Program
4. Sample project parking map and standard lease, selections
5. 2008 and 2014 Redmond parking studies, selections
6. Email string addressing City on-street parking permits
7. 162Ten and sample project walk scores
8. TSI Trip generation study for 162Ten, dated August 31, 2014
9. TSI NE 80th Street at Cedar Street PM Peak Hour Volume, dated August 31, 2014
10. Title Report Supplements 1, 3, and 4
11. Nokomis Club Judgment Quieting Title, 1958 (poor photo copy is only document available from Chicago Title)
12. Statutory Warranty Deed from Nokomis Club to Greater Redmond Chamber of Commerce, recorded September 19, 1972, Records of King County 7209190500
13. Completed General Application Form (2 pages)
14. Letter of Authorization from One Redmond to Natural and Built Environments LLC
15. 162Ten Plan Set
16. Vision 5 Parking Stall availability as of July 1, 2015
17. Redmond City Council Agenda for July 7, 2015 with attached selection from packet relating to item AM No. 15-117, Nokomis Building Relocation Evaluation
18. William Popp Associates Parking Demand & Utilization Study for Pholston Paradise, 6917 California Avenue SW
19. Walk and Transit Scores for 6917 California Avenue SW
20. Lot A photos (reference to Lot A identified in Exhibit NC 19 and NC 19 Attachment 2), taken July 2015
21. 2014 Redmond Downtown Parking Survey, data draft summary
22. Resume, David Markley, TSI, Principal
23. Resume, Jeffrey P.K. Hee, Project Engineer, TSI
24. Applicant's Responsive Witness and Exhibit list, dated July 7, 2015
25. Applicant's Prehearing legal brief, dated July 7, 2015

City of Redmond Exhibits (identified in Findings by C prefix)

1. Redmond Planning Department Staff Report, dated June 25, 2015, with the following attachments:
  - A. Brewe SEPA Appeal (LAND-2015-00400)
  - B. Nokomis Club/Redmond Historical Society SEPA Appeal (LAND-2015-00408)
  - C. Ives SEPA Appeal (LAND-2015-00409)
  - D. Munoz Decision Appeal (LAND-2015-00746)
  - E. Brewe Decision Appeal (LAND-2015-00747) (Technical Committee)
  - F. Brewe Decision Appeal (LAND-2015-00748) (Design Review Board)
  - G. Ives Decision Appeal (LAND-2015-00749)
  - H. Site & Surrounding Zoning
  - I. DRB Plans
  - J. SEPA Determination of Non-Significance
  - K. Notice of Decision, April 2, 2015
  - L. Notice of Decision, April 22, 2015
  - M. Notice of Appeal Hearing
  - N. Parking Design and Quantity Analysis
  - O. Title Report
  - P. DRB Minutes, February 5, 2015
  - Q. Administrative Design Flexibility Requests
  - R. Road Plan
  - S. DRB Memo, February 5, 2015
  - T. Curtis Decision Appeal (LAND-2015-00860)
  - U. Order on Applicant Motion to Dismiss
  - V. Brewe Appeals Withdrawal
2. 162Ten General Application Form, dated December, 23, 2014
3. 162Ten Project landscape plan, version 3
4. 162Ten Utility Plan
5. TSI Review of garbage truck backing
6. Woonerf Deviation Request
7. Access location deviation request
8. Road Details plan
9. Fire plan, version 3



10. Notice of application, including certification of mailing and posting
11. Assorted photographs taken of Nokomis structure's exterior, interior, and surrounding vicinity - taken by Kim Dietz (images 293-385)
12. Photographs of Nokomis Club/Library structure exterior, taken in the 1930s (images386-388)
13. City of Redmond Landmark Registration form for Anderson Park, Survey & Inventory field site no. 1621 (14 pages)
14. RZC 21.10.080, Town Square Zone
15. RZC 21.10.110, Building Height
16. Errata sheet addressing scrivener errors in Staff Report (Exhibit C1), dated July 9, 2015
17. City's Witness and Exhibit List, dated June 25, 2015
18. City's Pre-Hearing Brief, submitted July 7, 2015

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

## **FINDINGS**

### **Background and Decisions Appealed From**

1. The 162Ten proposal would redevelop the 0.22-acre parcel at 16210 NE 80th Street in downtown Redmond with a five-story single resident occupancy (SRO) development with 96 SRO units, 800 square feet of ground floor retail, 200 square feet of ground floor conference room, and associated parking, communal space, access, and utilities. It is the third SRO project proposed in the City of Redmond.<sup>7</sup> The subject property is located in the Downtown Neighborhood as identified by the Comprehensive Plan, specifically in the Downtown Urban Center.<sup>8</sup> It has a Town Square zoning designation, in which SRO projects are allowed. *Redmond Zoning Code (RZC) 21.10.080; Exhibits C1 and C14.*
2. Surrounding land use and zoning are as follows. Parcels to the north, east and west share the subject property's Town Square zoning, while those to the south are zoned Old Town. Land uses to the north include mixed use residential uses and a Park N Ride garage. Adjacent to the east is multi-family residential development senior housing. To the south are retail business uses, including a bank adjacent. To the west across the alley there is currently a vacant lot. *Exhibit C1; C1, Attachment H.*

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<sup>7</sup> Tudor Manor and Vision 5 are the previous two. *Markley Testimony.*

<sup>8</sup> Pursuant to the City of Redmond Comprehensive Plan, the Downtown Urban Center is envisioned as a higher density neighborhood attracting businesses and people to the advantages of distinct economic opportunities, distinctive places to live, and proximity to shopping and other amenities. These goals are further defined in Comprehensive Plan Policies UC-4, UC-7, and DT-38 through DT-41.

3. The site is presently developed with a one-story building, its associated surface parking, and landscaping. *See recent photos (McDonald's Books) in Exhibit C1-Attachment B.* The original building was built in 1933 by the Nokomis Club, a women's community service organization, to house the City of Redmond's first permanent public library.<sup>9</sup> Money for its purchase was raised by Nokomis Club members during the depression. Nokomis Club sold the building in 1972 to the Redmond Chamber of Commerce. The Nokomis Club continued to meet at the building for a monthly luncheon until a 1999 remodel. In 2012, the Chamber of Commerce sold the building to OneRedmond. The property is presently under contract for sale to the developer of proposed 162Ten. *Exhibits C1, C1-Attachment B, A11, A12, A13, and A14; Munoz Testimony.*
4. The site fronts NE 80<sup>th</sup> Street and is bound on the west by 162<sup>nd</sup> Avenue NE and on the north by NE 81<sup>st</sup> Street, both small streets/alleys. Vehicle access for this site is currently from both 162<sup>nd</sup> Avenue NE and NE 81<sup>st</sup> Street. *Exhibit C1; C1, Attachment H.*
5. After months of consultation with various City departments, the application for site plan entitlement was submitted December 23, 2014. It was subsequently determined to be complete on January 8th. Notice of application was distributed on January 23, 2015. *Exhibits C2, C3, C4, C5, C6, C7, C8, C9, and C10.*
6. In reviewing the proposal's compliance with the requirements of the State Environmental Policy Act, the City of Redmond's SEPA Responsible Official considered the complete application materials and an environmental checklist. Determining that the project would not result in probable, significant, adverse environmental impacts, the Responsible Official issued a determination of non-significance (DNS) on February 17, 2015. The DNS appeal period ended March 3, 2015. *Exhibit C1, Attachment J; Lee Testimony.*
7. On March 2, 2015, the Nokomis Club, joined by the Redmond Historical Society, timely appealed the DNS. *Exhibit C1-Attachment B.*
8. The site plan entitlement application was approved by the City of Redmond Technical Committee on April 2, 2015. The appeal period for this decision ended April 16, 2015. *Exhibit C1-Attachment K.*
9. The Nokomis Club timely appealed the April 2, 2015 Notice of Decision approving site plan entitlement on April 16, 2015. *Exhibit C1-Attachment D.*
10. A revised/superseding Notice of Decision was issued April 22, 2015 to correct the unintentional omission of an approved code deviation request allowing zero foot setback for the residential floors (above the 1<sup>st</sup> floor) from the north and west alley property lines. The revised decision also included an enhanced condition of approval regarding the project's Transportation Management Program (TMP). These revisions to the April 2nd

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<sup>9</sup> The site is called Redmond's Third Library in various registers and historical archives because the Nokomis Club had previously operated its public library out of other locations not solely dedicated to library use (while initially conducting meetings in members' homes). The structure was the first permanent location of the Redmond Public Library. *Munoz Testimony.*

approval letter are shown in italics on pages 3 and 14 of the decision (Exhibit C1-Attachment L). As noted in the staff report, "These items were not included in the original letter (April 2, 2015) by accident, as the Administrative staff printed and issued an outdated version of the draft documents." *Exhibit C1, page 5; Lee Testimony*. The appeal deadline on the April 22, 2015 Notice of Decision was May 6, 2015. *Exhibit C1-Attachment L*.

11. The Nokomis Club submitted a timely appeal addendum on May 6, 2015. *Exhibit C1-Attachment D*.

**Nokomis Club - Redmond Historical Society SEPA Appeal**

12. In the written appeal document, the concise statement of basis for the appeal of the DNS was as follows:

Demolition would destroy a unique and irreplaceable part of Redmond's heritage. Most importantly, the building is a testament to the wisdom, community spirit, initiative, and accomplishments of the women of Redmond during the height of the depression. The building has been used for over eight decades by the community. It was built to house the town's first library that served the community from 1933 through 1964. In 1972 the Redmond Chamber of Commerce assumed occupancy and for five more decades serviced visitors and businesses. The Chamber assisted up to approximately 500 small businesses until 2012. Over twenty comments have been submitted focusing on the preservation of this building. Each comment represents a "story of memories" and expresses the anticipated loss and grief associated with its potential demise.

*Exhibit C1-Attachment B*.

13. The appeal form requires the appellant to identify each alleged error and how the decision failed to meet applicable decision criteria. In response to this, the Appellants offered the following:

Statement identifying alleged error and how the decision has failed to meet the applicable decision criteria. The appellant asserts that the City comment on the SEPA Checklist regarding item 13b, stating 'A 2014 site visit determined that the loss of architectural integrity that had occurred through previous remodels and repairs rendered the structure ineligible for listing on the local register' is in error.

*Exhibit C1-Attachment B*. In attachments to the appeal form, Appellants noted that historic inventories conducted in 1998 and 2005 both include the site as "Redmond's third library site" and "Nokomis Club". They contended that inclusion on the site of these inventories makes the site eligible for inclusion on both the local and the national Register of Historic Places, and noted that the City had at one point identified the structure as a First Priority Site. Appellants asserted the following significant attributes of the property: the contribution to the community of the women's service organization during the Depression; that it was the Redmond Public

Library from 1933 to 1964; a 1937 addition constructed by WPA labor; and Depression-era architecture. They contended that the 2005 inventory found the site met historic preservation criteria in all six categories, including social movements/organizations, architecture/landscape, commerce, education, politics/government/law, and WPA improvements. *Exhibit C1-B; Exhibit RHS 11; Townsend Testimony; Munoz Testimony.*

14. The appeal form requires the appellant to specify the requested relief. In response to this, the Appellants offered the following:

Relief requested. The appellant requests that demolition of the building be denied and the City re-evaluate the permit application.

*Exhibit C1-Attachment B.*

15. Item 13a on the SEPA environmental checklist asks, “Are there are places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.” The Applicant gave the response, “None.” Item 13b asks, “Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.” Again, the Applicant replied, “None.” *Exhibit C1-Attachment J, page 19 of 25.*

16. In a column to the far right in the environmental checklist, City Staff entered the following notation for item 13a:

Citywide historic inventories were conducted in 1998 and 2005. The site known as Redmond “Third Library Site” and “Nokomis Club” was included in the inventory and as with all properties inventoried, a Determination of Eligibility was established.

In the same column, City Staff entered the following notation for item 13b:

A 2014 site visit determined that the loss of architectural integrity that had occurred through previous remodels and repairs had rendered the structure as ineligible for listing on the local register.

*Exhibit C1-Attachment J, page 19 of 25.*

17. Appellants argued that the City’s determination that the building lacked integrity was not supported by its inclusion in the two historic property inventories. They cited February 26, 2015 comments submitted by Gregory Griffith, Deputy State Historic Preservation Officer from the Department of Archaeology and Historic Preservation (DAHP). Based on the site’s eligibility for listing in the national historic register, Mr. Griffith recommended the building’s preservation or re-use on-site, or if alternate site design techniques were not feasible, recommended that measures be identified and implemented

to minimize and mitigate adverse impacts, including but not limited to offering the building for relocation for long term preservation off-site. *Exhibit RHS 15.*

18. In a subsequent letter dated July 8, 2015, Mr. Griffith submitted the opinion that despite minor modifications to the structure since its original construction, the structure including the Works Progress Administration (WPA) addition continues to be eligible for listing on the national historic register and submitted DAHP's objection to the DNS. Mr. Griffith went on to note that "statewide there are few intact examples of properties associated with women's history and fewer still that represent women's social organizations and that are listed in the Washington or National Historic Register." *Exhibit RHS 29, page 3.* Mr. Griffith again recommended exploration of alternative development options or identification of appropriate mitigation measures. *Exhibit RHS 29.*
19. Appellants also offered written comments from the Washington Trust for Historic Preservation Operations Manager, Cathy Wickwire. Ms. Wickwire's comments noted that "[w]hile the owner of the building has not chosen to pursue historic designation for the property nor does the Redmond Municipal Code allow for designation without owner consent", the Trust believes that the building's historic significance should be taken into consideration nonetheless, including "the possibility of retaining the building on-site, moving it to a nearby location, or some level of meaningful mitigation beyond mere photo documentation if the project is permitted to proceed." *Exhibit RHS 14.*
20. The Appellants submitted a 1971 document entitled Ernest Money Receipt and Agreement relating to the property transfer between Nokomis Club and the Greater Redmond Chamber of Commerce. In the space under "In consideration of", the agreement notes that Nokomis Club "desires to have the above-described property continue to be used by the community." *Exhibit RHS 4.* None of the Appellant representatives were able to attest that this same or similar language made it into the final deed of sale. *Townsend Testimony; Munoz Testimony.*
21. The Applicant submitted the deed for the record and noted that it does not contain restrictions on use or require preservation of the building. *Exhibit A 12.*
22. Appellants contended that the building's eligibility for listing on state and national historic registers triggered application of Redmond Comprehensive Plan policies regarding preservation of historic buildings, including (but not limited to) preservation policies:
  - CC-28: Encourage preservation, restoration, and appropriate adaptive reuse of historic properties to serve as tangible reminders of the area's cultural roots. Continue to designate and protect Historic Landmarks.
  - CC-30: Acquire historic properties when feasible. Consider cost sharing for acquisition, lease, or maintenance with other public or private agencies or governments.

- CC-32: Maintain an ongoing process of identification, documentation, and evaluation of historic properties. After an initial survey is completed, conduct a follow up survey approximately once every ten years.
- CC-33: Maintain and update the inventory as new information arises to guide planning and decision making, as well as to provide reference and research material for the community.
- CC-35: Encourage nomination of historic resources that appear to meet Landmark criteria by individuals, community groups, and educational efforts.
- CC-50: Partner with, or provide staff support when possible, for private businesses and nonprofit agencies in preservation and educational efforts.

*Cited in Exhibit C1-Attachment B.*

- 23. Appellants conceded that the building is not designated as a landmark and that neither Nokomis Club nor the Redmond Historical Society has at any point applied to have it listed on the local, state, or national registers. *Testimony of Townsend, Munos, and Ives.* In concluding his arguments, President Joe Townsend of the Redmond Historical Society stated that he does not necessarily seek or think a determination of significance is appropriate, and does not request preparation of an environmental impact statement. Rather he wants the building to be given fair treatment, its history acknowledged and preserved, and not to see it demolished simply because it's in the way. He testified that relocation is not Redmond Historical Society's goal, but that it is preferable to demolition of the building. *Townsend Testimony.*
- 24. Appellants contended that the City has broadly failed to execute its mandated mission of preserving historic properties. *Ives Testimony; Munoz Testimony.*
- 25. Adopted in 2000, Ordinance 2080 established the current City regulations regarding preservation of historic and cultural resources. Later codified as RZC Chapter 21.30, the purpose of the ordinance included (among other ends): preserving, maintaining, and enhancing sites, buildings, objects, and structures that serve as visible reminders of Redmond's social, architectural, geographic, ethnic, cultural, engineering, and economic history in a manner consistent with the National Park Service's Secretary of Interior's Standards for Treatment of Historic Properties; protecting Redmond's unique community identity and character; ensuring the feasibility of economic use and continued utilization of historic buildings; and contributing to the economic vitality of the Downtown by encouraging maintenance and rehabilitation of existing properties of historic significance. *RZC 21.30.010.* The Chapter requires Redmond to maintain a list of historic landmarks called the Redmond Heritage Resource Register. *RZC 21.30.030.A.*

26. In 2000, the City developed a three-tiered approach for considering the designation of candidate historic properties. The City conducted three public hearings at which the nominations to the Heritage Resource Register were considered. Among the buildings identified as potential candidates for nomination to the register, several property owners declined nomination and requested removal of their site from consideration, including the Chamber of Commerce as owner of the subject property. Subsequently, the City completed a comprehensive field investigation in 2005 to identify and document historic resources and to refine the methodology used during the 1998 inventory. Approximately 200 properties were examined based on dates of original construction (prior to 1940). Of these, 144 were recorded on inventory forms and 79 were specifically selected for inclusion in the Historic Resources Inventory. Since completion of that process, no additional properties have been nominated for addition to the Redmond Heritage Resource Register. *Exhibit C1.*
27. Pursuant to RZC 21.30.040.C, the City, any person, group, owner, or member of the Landmark Commission may nominate a structure to be a historic landmark. Except for properties listed in the Redmond Heritage Resource Register, the owner must sign the application for nomination, demonstrating consent. Application submittal requirements and the procedure to be followed are set forth in King County Code Chapter 20.62. *RZC 21.30.040.C.*
28. Applicable designation criteria set forth in King County Code Chapter 20.62 call for a candidate property to include the following:
1. Age of more than 40 years; and
  2. Integrity of location, design, setting, materials, workmanship, feeling and association; and
  3. Association with events that have made a significant contribution to broad patterns of national, state, or local history; or
  4. Is associated with the lives of persons significant in national, state, or local history; or
  5. Embodies distinctive characteristics of a type, period, style, or method of design or construction, or represents a significant and distinguishable entity whose components make lack individual distinction; or
  6. Yielded or likely to yield information important in prehistory or history; or
  7. Outstanding work of a designer or builder who made significant contributions to the art.

*Exhibit C1.*

29. After receipt of the 162Ten site plan application for the former Nokomis Club property, the City assigned Kimberly Dietz, Senior Planner, to review of the property's historic qualities. Ms. Dietz frequently works on questions of historic preservation; she is the staff liaison for the landmark commission. Ms. Dietz found the property not listed on the

Redmond Historical Register. She also consulted the King County register, the State's register, and the national register and found the parcel was not listed. She did note that it was listed as eligible in the 1998 and 2005 historic properties inventories; however, being placed on the inventory does not prevent alteration or even demolition. In her review, Ms. Dietz visited the site twice investigating the condition of the existing building, which she compared to historic photos believed to have been taken in the 1930s. *Exhibit 12, images 386-388*. She took photos herself during her site visits. *Exhibit 11*. Comparing historic photos to current conditions, Ms. Dietz found several significant changes had been made to the structure, including:

- Replacement and/or enclosure of front porch;
- Covering of the purlins (beams of the roof's structure that run horizontal to the peak, perpendicular to the rafters), which in the original design of this structure were exposed;
- The breezeway extended to the rear and enclosed;
- A second, larger structure was built and connected to the original building at the rear;
- The original chimney was decommissioned and partially removed;
- An exterior chimney was added in a different location from original chimney; and
- Non-historic entries were added including an access ramp.

However, Ms. Dietz observed existing historic windows of interest. She concluded that the building had lost its historic architectural integrity and that demolition would not have a significant detrimental impact on Redmond's story. Noting that the historic windows were the features of the existing building with the highest historic value, she recommended that if the building is to be demolished these windows should be preserved. *Dietz Testimony Exhibits C1, C1-Attachment B (current photos of site), C11, and C12*.

30. In comparison to the architectural integrity of other properties included in the Heritage Resource Register or designated as historic landmarks, the City determined that the subject building has not retained its historic architectural integrity. In contrast, the cabins and accessory structures built by the WPA located in Anderson Park demonstrated high integrity and workmanship. As such, these prime examples of WPA activities in Redmond have been designated as landmarks and included in the Redmond register. *Exhibits C1 and C13; Dietz Testimony; Lee Testimony*.
31. In the instant case, the owner of the subject property has not consented to apply to have the site listed on the Redmond Heritage Resource Register. *Lee Testimony; Exhibit C1*.
32. Senior Planner Gary Lee prepared the staff report to the Technical Committee with a recommendation on the appropriate environmental threshold determination for the instant



project. Mr. Lee recommended the DNS and testified that he did so because he could not identify any probable significant environmental impacts. Mr. Lee indicated that the project is not a large proposal in relation to others with DNSs, that as mitigated, impacts to cultural and historical elements of the environment would not be significant, and that an environmental impact statement – which is the outcome of a determination of significance – would not have added relevant information to the SEPA determination process. In this case, the City received and considered comments relating to historic preservation and considered them in issuing the DNS, particularly the February 2015 letter from the Department of Archaeology and Historic Preservation, which was a driving factor in the addition of the following condition (number 5e):

The existing building shall be offered for sale for a nominal sum for relocation in the vicinity of Redmond, for a period of three months from the time of the approval of this application. If the building is not sold or given away within the three month period..., it shall be made available to the City for photographic historical documentation prior to its demolition and site clearing, and key pieces of the building shall be removed from the building for the purposes of displaying on-site within the new building to tell the story of Redmond's Third Library.

*Exhibit C1-Attachment L, page 14; Lee Testimony.*

33. Representatives of the Nokomis Club involved in the instant appeal testified that they felt excluded from the entire process by the City, which agency they felt had a duty to reach out to them as an active community group with so much history associated with the building. They also feel that moving the building to another location would defeat the purpose of historic preservation, because the importance of the building is directly related to the structure in its original location. They don't believe there is adequate space for the structure at Anderson Park. *Munoz Testimony; Ives Testimony.*

#### **Nokomis Club Site Plan Entitlement Appeals**<sup>10</sup>

34. Appellant Nokomis Club asserted the following errors or omissions by the City in issuing the April 2, 2015 Notice of Decision for the subject site plan entitlement application:
1. The code deviation for parking was based on the applicant's submittal, but there is no information in the record that the submittal was independently reviewed by City staff.
  2. The code deviation for parking did not consider impacts on surrounding uses or the impacts associated with the proposed retail and conference facility. The Transportation Management Program conditions will not result in adequate mitigation for off-site parking violations.
  3. The alternative parking stall and aisle dimensions are based on "standards that are more current than existing City standards". This admitted deviation from the code is not authorized. Moreover, there is no independent analysis in the record that this so-called

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<sup>10</sup> The Redmond Historical Society did not join in the appeal of the Notice of Decision or revised Notice of Decision.

- "more current" standard will adequately provide a safe parking facility in this exceptionally dense residential development.
4. The Administrative Design Flexibility Request should have been denied because the so called "Woonerf" does not convey an additional public benefit but is rather a substandard unsafe street proposed as a substandard unsafe open space feature in place of code required street improvements and courtyards.
  5. The Administrative Design Flexibility Request is inconsistent with design standards for overhead protection. It will also result in potential safety problems associated with the column's intrusion into what should be an ADA compliant pedestrian walkway.
  6. The Administrative Design Flexibility Request will reduce open space opportunities for occupants who will already be cramped and stressed in their tiny "living suites".
  7. The Woonerf and driveway spacing deviations will create safety hazards.
  8. The street lighting should be conditioned to reduce night-time glare and impacts on neighboring properties.
  9. The existing sewer connections are inadequate and will increase the risk of leaks and overflows.
  10. The infiltration system for the site is inadequately designed. The required analysis of soil types and infiltration rates is inadequate. The proposal is not consistent with NPDES and DOE guidelines and regulations regarding the use of low impact development techniques. The water quality treatment condition is inadequate.
  11. The provisions for fire-flows, evacuation and access are inadequate.
  12. The three month requirement for relocation of the existing building is inadequate and should be extended to at least six months.
  13. There are no provisions in the record regarding adequate school capacity to serve the development.
  14. There are no provisions in the record regarding mitigation for local and regional traffic impacts and traffic concurrency.
  15. The Design Review Board's deliberations at the pre-application conference stage truncated the Board's review and limited participation by the public.
  16. There is inadequate information in the record regarding the Board's compliance with RMC 4.23.070 and 4.23.090.
  17. The staff report states: "*b. 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 the Redmond Planning Staff will review and determine which design version will be followed for Site Plan Entitlement and Building Permits.*" This condition would violate the public's due process rights to challenge decisions of the Board. The Board's decision should be based on actual submittals.
  18. There are questions of title that are unresolved that pertain to ownership rights and covenants.
  19. The proposed use is not consistent with the intent of the Town Square District.

20. The building is totally out of scale with surrounding uses, with inadequate consideration of sunlight and airflow blocking and aesthetic impacts. Large potentially obtrusive "art" is little consolation for the livability of adjoining properties.
21. The zoning for the site would allow 7.92 dwelling units, but the proposal would allow 96 "residential suites". This level of residential impact was not contemplated during the review and SEPA analysis of the Town Square District.
22. The City's development code did not contemplate the nature or intensity of impacts that would occur on this small site. For example, the open space requirements are insufficient to accommodate any reasonable level of service for the occupants of these small units who will seek out open areas in order to get respite from their cramped living conditions.
23. The stated intent of the project to serve "the arts community" is unsupported by any market analysis or any other consideration of what that community seeks in its living environments. The project's lack of amenities normally associated with "the arts community" is obvious on its face, yet the applicant's stated intent still seemed to steer the deliberations of the Board.
24. The idea that families with young children would occupy a number of these units, with only a substandard courtyard and unsafe, substandard streets and zero setbacks is a disturbing prospect and should have been considered by the Board. Under these circumstances, the "Woonerf" would actually become a safety hazard as it would appear to children to be a reasonable play area when in fact it is an unsafe roadway.
25. The corner of 162<sup>nd</sup> Ave NE and NE 81<sup>st</sup> St. has substandard geometry, as do other impacted roads.
26. No traffic safety analysis has been done to determine the safety of the Woonerf, nor its functional relationship with NE 81st and NE 80th. Calling Cedar Street a Woonerf doesn't change the fact that this street will be unsafe for both pedestrians and vehicles.
27. The so-called Woonerf is simply an unsafe road pretending to be an open space feature.
28. The courtyard dimensions inside the project do not meet the City's courtyard dimension standards. The additional open space offered by the Woonerf is not of sufficient utility or value to justify reducing the courtyard dimensions.
29. The intrusion into the sidewalk area of structural columns on six foot centers creates safety problems and reduces the open space values of the sidewalk.
30. No documentation or substantiation in the record for the following statements in the staff report:
 

*"The design of the building is consistent with the goals and vision for the neighborhood. The materials, colors, architectural detailing, lighting, and landscape concept are well designed..."*

*"Staff recommends that laser cut metal panels, with an artistic graphic pattern, be used instead of wire mesh as **there is no opportunity for live vegetation to grow well in this area.**" (emphasis added)*
31. The zero setback should not be approved because it is not consistent with code requirements, is incompatible with surrounding uses, and does not serve the public interest.
32. Inadequate provisions have been made to control night-time light spillage.

33. Inadequate provisions have been made to reduce large areas of blank wall space and provide natural light for occupant units and living areas.
34. Inadequate provisions have been made to accommodate transit.
35. The provisions of Article III Design Standards have not been fully addressed including but not limited to the following quoted excerpts:
  - a. Identify existing neighborhood characteristics that can be enhanced or incorporated into the designs of new development projects;
  - b. Address neighborhood compatibility and transitions between adjacent land uses, buildings, and street frontages; and
  - c. To create contexts that capture the community visions and values as reflected in the Comprehensive Plan, Redmond Zoning Code, and Design Review Handbook.
  - d. Developments that have a historic or cultural context should incorporate or enhance historic or cultural references with the use of symbolic design details, interpretive signs, or informational plaques.
  - e. To ensure that new buildings are appropriately designed for the site, address human scale, and become a positive element in the architectural character of the neighborhood;
  - f. To ensure new development is compatible with the goals for the neighborhood and with the architectural scale [the scale of the building(s) in relation to surrounding development] and character of those surrounding developments that meet the intent of the City's design review criteria;
  - g. To ensure buildings are based on human scale (the scale of the building and how it relates to the people that use it);
  - h. To ensure that large buildings reduce their apparent mass and bulk on the elevations visible from streets or pedestrian routes;
  - i. Integration. Large buildings should integrate features along their facades visible from the public right-of-way, and pedestrian routes and entries, to reduce the apparent building mass and achieve an architectural scale consistent with other nearby structures.
  - j. To promote a gradual transition between different uses.
  - k. Coordinate proposed development with surrounding site planning and development efforts on adjacent properties.
  - l. Maintain adequate space between buildings to allow for landscaping or buffering. Avoid creating fragmented and unrelated landscape strips and edging.
  - m. In residential developments, incorporate open space, privacy, and separation, while maintaining safety, from adjacent units through careful location of building entrances, windows, fences, walls, and landscaping.
  - n. Where nonresidential ground floor uses such as structured parking are permitted, windows, rather than blank walls, shall be provided on the street level in order to encourage a visual link between the business and passing pedestrians. A minimum of 60 percent of the length of the storefront area facing streets (between two feet and seven feet above the sidewalk) shall be in non-reflective, transparent glazing.

- o. To balance the needs of vehicular, transit, pedestrian, and bicycle uses, and to create attractive streetscapes, while maintaining safety as the top priority
- p. Promote safety through adequate sight distance, limited driveways on busy streets, and avoidance of difficult turning patterns.
- q. Allow safe, efficient access for emergency vehicles.
- r. Accommodate transit on arterial streets and, where appropriate, within internal circulation systems. Width, geometry, slopes, and construction materials should be suitable for transit service. Transit stops should be included at appropriate intervals.
- s. If the development will have a retail use, locate the storefront close to the transit stop.
- t. Provide direct access to transit stops from buildings via defined, safe pathway systems.
- u. Provide easements for pedestrian access to facilitate the future extension of paths as adjoining properties are improved.
- v. Providing protection from wind and rain, especially at main building entrances and over public walkways;
- w. Design pedestrian walkways to be at least six feet wide and distinguishable from vehicle areas by pavement texture, elevation, or other treatment that achieves the same result. Use of painted striping is not adequate for meeting the intent of this section.
- x. Parking structures shall have landscaping around the perimeter which will correspond to that used by the adjacent land uses and activities. Landscaping shall include, but not be limited to, a combination of shade trees, evergreen trees, shrubs, groundcovers, deciduous native and ornamental shrubs, and vines to further screen the structures.
- y. Except on exclusively multifamily, manufacturing, or industrial use buildings, portions of buildings that are adjacent to a pedestrian walkway or sidewalk shall provide overhead weather protection as follows:
  - The protection should be at least 48 inches wide along at least 80 percent of the building's front face. The weather protection may be in the form of awnings, marquees, canopies, or building overhangs.
  - Canopies or awnings shall have a minimum clearance of eight feet above sidewalks and should not be more than 15 feet above the sidewalk at its highest point.
  - The color, material, and configuration of the pedestrian coverings shall carry forward the architectural theme of the building. All lettering and graphics on pedestrian coverings must conform to RZC 21.44, Signs.
- z. Street-facing, ground floor facades of mixed-use and retail structures shall include one or more of the following characteristics:
  - Transparent window area or window displays along at least 60 percent of the length of the ground floor facade.
  - Sculptural, mosaic, or bas-relief artwork over 50 percent of the length of the ground floor facade.

- Other similar building design or landscaping feature approved by the City.
- i. Enhance the primary public entries of all buildings by two or more of the following means:
    - Providing weather protection, such as an awning, canopy, marquee, or other building element, to create a covered pedestrian open space.
    - Providing at least 100 square feet of landscaping at or near the entry.
    - Providing pedestrian facilities, such as benches, kiosks, special paving, bicycle racks, etc.
  - ii. Mitigation of Adverse Visual Impacts. Provide planting to soften the visual impact of less desirable development and structures, such as large blank walls, dumpster areas, service areas, and large areas of pavement.
  - iii. Definition or Emphasis. Use planting to highlight significant site features and to define site use areas and circulation corridors without interfering with the use of such areas. Examples include site and building entrances, pedestrian walkways, and focal points, such as gathering areas or plazas.
  - iv. Design. Plants should be selected and arranged according to the following design criteria:
    - Variety. Select a variety of plants providing interest, accent and contrast, using as many native species as possible.
    - Consistency. Develop a planting design conforming to the overall project design concept and adjoining properties.
    - Appropriateness. Select plants with an awareness of their growth requirements, tolerances, ultimate size, preferences for soil, climate, and sun exposure, and negative impacts.
    - Density. Provide adequate plant quantity, size, and spacing to fulfill the functional and design objectives within the stipulated time.
  - v. Provide shade trees along all streets.
  - vi. To incorporate open stormwater facilities into project site design and landscaping as a design amenity for active or passive recreation.

*Exhibit C1-Attachment D.*

35. Appeal issues asserted with regard to the April 22, 2015 revised notice of decision included the following assertions:
  - 1) The inventories conclude that the Nokomis Building meets the criteria for inclusion in the National Register of Historic Places and Local Register of Historic Places. The City of Redmond also included the Nokomis Building as a first priority site in their inventory of historical sites.

As recently as February 27, 2015, J. Todd Scott, Acting Historic Preservation Officer, King County Historic Preservation Program writes,

"The Clubhouse, built in 1933 and expanded by the WPA in 1937, is significant for its social, educational and civic association. According to our information and a recent account of the history of the Nokomis Club, the property was the focus of the activities of the Nokomis Club for nearly 40 years and variously contained Redmond's library,

meeting space used by the Redmond City Council, and for the past 40 years it has housed the Redmond Chamber of Commerce. Although the building has been altered moderately, it is significant for its role in Redmond's history rather than its architecture and is still widely known and recognized as the Nokomis Clubhouse. The property's significance lies in its associations with Redmond's social and women's history, literary and educational history, WPA heritage and more recent ongoing civic/commercial history - none of which is dependent on architectural distinction.

The property was inventoried as a significant historic resource in 1998 and again in 2005 and found eligible for landmark designation both times. Copies of the inventory were provided to the City and are also available through the Redmond Historical Society. As submitted, the response to ECL item 13 is factually false, as noted in staff comments. Applicants should be required to check readily available sources in completing the ECL. Current Assessor photos demonstrate that the building is easily recognizable and substantially intact from its appearance in the late 1930s and 1940s and has not been significantly altered since it was inventoried. Thus the City's finding that the building is ineligible for City-County landmark designation appears to be unfounded."

- 2) In a letter dated February 26, 2015, Gregory Griffith, Deputy State Historic Preservation Officer, State of Washington, Department of Archaeology and Historic Preservation, states:

*"Research into the Washington State Inventory of Cultural Resources reveals that the building at this location [16210 NE 80th Street, Redmond] was inventoried in 1998 and identified as the Nokomis Club/3<sup>rd</sup> Library. The inventory also recommended the building as being eligible for listing in the National Register of Historic Places. In view of the recommendation, the association of the building with Redmond's early to mid-20<sup>th</sup> century history, and the association of the Nokomis Club with women's history, this proposal [162TEN project] would appear to have a negative impact on this historic property. As a result, we recommend that alternative designs/site planning be explored that result in the building's preservation/re-use on site."*

Omission of consideration of the historical importance of the Nokomis Building by the City of Redmond may be due to the fact city staff is not qualified nor certified in the field of preservation research and analysis. However, the historical inventories performed by historical preservation specialists attest to the importance of the Nokomis Building, as do the professional comments from the King County Historical Preservation Program and the State of Washington, Department of Archaeology and Historic Preservation. The preponderance of the county and city policies promote preservation by acquisition, revision of plans as new information arises, and partnering or providing staff support for nonprofit agencies in preservation and educational efforts in order to retain reminders of the Redmond's history, social, and cultural genesis. Preservation is essential for the Nokomis Building site so that the women of Redmond's past are honored and respected.

#### *Exhibit C1-Attachment D.*

36. At the outset of the City's case on the Notice of Decision appeals, there was a motion by the City Attorney to dismiss appeal issues on which the Appellants has no evidence was offered during their case. The City Attorney requested dismissal of above appeal issue numbers 5, 9, 10, 13, 14, 22, 23, 24, 25, 26, 27, 38, 34, 35y, 35z, 35i, 35ii, 35iii, 35iv,

35v, and 35vi. *Motion of City Attorney Haney*. The Appellants did not object to the motion. *Ives Testimony; Munoz Testimony*.

37. Both the City and the Applicant moved to have appeal issue 18, relating to alleged questions of title, dismissed. *Motion of City Attorney Haney; Motion of Ms. Koloušková*. The Appellants objected to this motion. *Ives Testimony; Munoz Testimony*. However, the motion was granted; testimony and new evidence on the topic of current title issues was excluded from the record.
38. Appellants offered the testimony of Sandra Henderson, who lives in the adjacent multifamily senior housing. Ms. Henderson has participated in a transportation advisory committee for pedestrians and bicycles and has personal experience regarding issues of limited mobility. Ms. Henderson testified that she did not feel her requests for information about the project were fully satisfied by the City. Her testimony centered on health and safety concerns of the adjacent senior residents, the 15 of whom have ten cars, 11 parking spots, and health issues. She noted there is high competition for parking; people from the metro parking garage sometimes try to park in their lot. A stronger concern is health impacts from the proposed development. Dust is a serious issue for a large number of the seniors next door and they are worried about asbestos and lead paint removal because, as she stated, they are in the direct path of prevailing winds from west to east, they don't have a protected entryway to separate outside air, and they rely on open windows for fresh air and temperature regulation. They are concerned about construction noise right under their windows and fumes from construction equipment and materials. She asserted that their wheelchairs will track in dirt and that construction will increase the risk of wheelchair tires being punctured by nails. The senior neighbors are worried about interruptions in power, phone, and emergency access during construction. She noted the residents' best route through an adjacent minimall will probably be blocked during construction meaning they will have to take less safe routes to necessary grocery and pharmacy outlets. She opined that construction will result in tripping hazards for canes. Residents' two bedroom units would be facing what they fear will be an ugly blank wall, and the proposed SRO units will look right into their windows, impacting privacy and light. Trees and associated wildlife they have enjoyed will be removed to accommodate the project. The new building is so close Ms. Henderson worries that excavation would impact security of their buildings. Regarding the proposed woonerf, Ms. Henderson noted that if it were rotated, the space could be shared on the east side of the building, providing a better transition between uses. Specifically regarding the proposed columns in the colonnade, Ms. Henderson did not know if the columns would obstruct wheelchair access once installed; she was not particularly worried about them, but rather more worried about emergency vehicle access. *Henderson Testimony*.
39. Appellants offered the testimony of Assistant City of Redmond Fire Marshall Scott Turner, who was briefly involved in review of the 162Ten proposal. They asked him to speak to the concerns he voiced in his email of September 11, 2014 related to the project. *Exhibit NC-17*. Ms. Turner was initially concerned especially about the zero lot line, because he was considering the minimum required set back window to window between the proposed building and the adjacent senior housing. He testified that at the time of his



email, he was new to his position and was not experienced at reviewing plans for conformance with fire code. After sending the 9/11/14 email, he followed up verbally with his supervisor. Mr. Turner assigned the plan review file to another staff member and was not familiar with revisions to the project after his email. He subsequently came to understand that the building satisfied fire code separation requirements because it steps back above the ground floor, creating adequate window to window separation. In his testimony, he discussed emergency response times and routes to the proposed SRO project. He stated that he was not currently aware of any portion of the project that fails to meet fire code requirements. *Turner Testimony.*

40. Appellant representative Alexa Munoz provided testimony regarding design review of the current proposal. She submitted the opinion that the scale of the five story building is not appropriate and that the proposed density is out of character with the surrounding uses. She argued that design review standards were not met by the approved design and again challenged compliance with historic preservation standards in RZC Chapter 21.30. *Munoz Testimony.*
41. Appellants had hoped to call City witness Kim Keeling to question her regarding development of the 162Ten transportation management program (TMP); however, on the dates of the hearing, Ms. Keeling was out of town and unavailable. The City provided Terry Marpert as an alternate witness. Mr. Marpert was not involved in development of the TMP but provided background information about the City's approval processes. When asked if five deviations from standards was a lot, Mr. Marpert noted that some deviations are approved through administrative review, while others are processed through the public variance process. In the instant case, Mr. Marpert testified that the deviations requested were allowed by code to be reviewed and approved by the Technical Committee. The zoning code requires 0.5 spaces per SRO unit, which for 96 units would be 48 spaces. However, this is an item on which code deviations are allowed. Mr. Marpert noted that RZC 21.52.20 requires TMPs for certain uses that generate a demand of more than 25 mobility units; the goal is to reduce the level of traffic during peak hours. A side goal is to ensure that proposed supply meets parking demand generated by the project. A TMP holds the developer responsible for the project's parking, which includes reducing and mitigating spillover parking onto adjacent properties to the extent this can be controlled. Mr. Marpert was asked to compare the TMPs for 162Ten and the previously approved Vision5 SRO project by the same developer, neither of which he had been involved in reviewing prior to approval. In reviewing Vision5 documents, Mr. Marpert noted that Vision5 had been granted a parking deviation to reduce the number of required spaces. He noted that developers who request deviations from parking standards must provide a professionally prepared parking study that demonstrates the deviation is justified by project-specific circumstances. He testified that the City is allowed to consider adjacent on-street parking in determining whether a proposed parking supply is adequate. He declined to opine about the effectiveness of the vertical lift parking spaces in addressing day to day parking demand. At the request of Appellants, he reviewed and read portions of the Vision5 TMP and other documents, noting that when a TMP is approved, the parking study's justification becomes part of the TMP requirements. He acknowledged that the TMP information is self-reported by a developer agent; he was not

aware of steps the City takes to verify or respond to data in the ongoing reporting of TMP data to the City. *Marpert Testimony.*

42. Appellants offered the testimony of William Popp Sr., principal of William Popp Associates, Transportation Engineers. Mr. Popp reviewed the 162Ten parking garage operations with a present look at the parking demand versus supply at Vision5. Mr. Popp and members of his firm conducted parking count studies at Vision5 on three consecutive weekday evenings at locations depicted in the Count Locations graphic attached to his report. *Exhibit NC-19, see Attachment 2.* According to the Popp firm's parking counts, which were performed between approximately 9:30 pm and 11:30 pm, Vision5 was responsible for spill over parking requiring the following stalls: on 6/22, 29 spaces; on 6/23, 23 spaces; and on 6/24, 26 spillover spaces. *Exhibit NC-19, see Attachment 3.* Mr. Popp photographed and submitted evidence showing signs in the adjacent commercial Village Square Retail and Redmond Professional Centers that specifically prohibit Vision5 parking. *Exhibit NC-19, see Attachment 4.* Mr. Popp disputed the accuracy of the information in the available Vision5 annual TMP reports, noting that the developer's agent has the opportunity to submit self-interested versions of facts due to limited City oversight. His study included the following summary opinions: Vision5 generates substantial off-site parking despite providing a substantially larger amount of parking than is proposed for 162Ten; adjacent commercial uses express concern regarding overspill from Vision5, showing that 162Ten would generate overspill parking; that in his opinion, this sort of residential project should provide parking at a rate of 0.6 to 0.75 spaces per unit, which is substantially higher than the proposed 0.306 proposed for 162Ten and higher even than the City Code requirement of 0.5; that the proposed TMP will not ensure that the project's parking demand will not exceed the on-site supply; that reliance on developer self-reported data to monitor parking is inappropriate; that the proposed combination of vertical lift, tandem parking, and compact stalls will result in an effective parking supply of 24 spaces that will not adequately serve typical parking needs for residents; and finally that more residents will have and use cars than would be provided for in the conceptual 162Ten TMP. *Exhibit NC-19; Popp Testimony.*
43. Through cross examination of Mr. Popp, the Applicant introduced a parking demand and utilization study performed by William Popp Associates for the similar Pholston Paradise project in Seattle. This study acknowledged that in a parking demand survey of University District (Seattle) multifamily housing, parking demand rates ranged between 0.22 and 0.39 vehicles per bedroom. The study commented that residential options without off-street parking amenities tended to attract residents with fewer cars. *Exhibit A-18; Popp Testimony.* Through cross examination by the City, Mr. Popp testified that he did not talk to owners of adjacent off-street parking to the north or to the south of Vision5 across 85th street and did not attempt to find out if there were significant or unique events in the vicinity generating parking demand separate from Vision5 at the time of the parking count survey. *Popp Testimony.*
44. Appellants offered the testimony of Dr. Curtis Nelson whose offices are next door to the senior housing, two doors down from site on the north side of street. Dr. Nelson's concern for the 162Ten project related primarily to parking impacts because his business

depends on clients being able to come and go throughout business hours. He has often received complaints from clients that there is not enough parking. His off-street lot has nine stalls and there are approximately six on-street parking spaces along his frontage. One hundred percent of patients polled said they travel by car to appointments. In seeking to address parking for staff and clientele, Dr. Curtis has noticed that parking options in the vicinity are typically full at lunch hours and after business hours, which he attributed to the many restaurants in the vicinity, stating that after hours his parking lot is full together with all other lots in the area. *Nelson Testimony.*

45. The Applicant offered parking and TMP testimony from the developer's traffic consultant, David Markley of TSI, who prepared the project's parking justification letter in the record at Exhibit A-8. The two traffic consulting professionals know each other by reputation and while Mr. Markley respects Mr. Popp, he disagreed with Mr. Popp's analysis, which he characterized as not 162Ten-specific and as not based on experience with SROs in Redmond. Mr. Markley testified that because he had his own questions about how SROs would perform in Redmond, he engages in an extra level of diligence in conducting SRO studies to be able to clearly understand and provide for their unique characteristics primarily based on a unique resident demographic. His 162Ten study, as in his other SRO studies, focused on whether residents arrive on-site by car, on foot, or by bicycle and tracked timing of arrivals. *Exhibit A-8.* Regarding the question of self-interested developer reporting on TMPs, Mr. Markley noted that the project is the third SRO proposal by the Applicant in Redmond and that the developer, who would likely want to develop in Redmond again, has high motivation to accurately show that his projects do not generate overspill parking demand. According to Mr. Markley, Vision5 parking supply as of July 1, 2015 was not fully leased. *Exhibit A-16.* He submitted the opinion that much of the overflow parking in Mr. Popp's parking counts was generated by other uses in the vicinity, including the condominiums cross 85<sup>th</sup> Street, a popular new brew pub across 85<sup>th</sup> Street, and a very popular movie having recently opened at Bella Botega. Mr. Markley noted that parking counts are not typically done on solely consecutive nights and are often done in multiple weeks in order to prevent results from being skewed by special events. He also noted that his firm prefers to conduct parking counts after midnight to reduce the number of restaurant and entertainment vehicles being erroneously attributed to overnight residential uses. He noted that the Popp firm's parking counts did not track license plate numbers in order to ascertain if any of the vehicles was associated with Vision5. *Markley Testimony.*
46. Mr. Markley was asked to identify what steps could be taken if in the future it is discovered that inadequate parking was provided for 162Ten. He noted that first there would be a complaint, triggering City review of the TMP. City Staff would talk to property management and discuss measures to correct problems. If the problems are not correctible through management of residents, TMP provisions requiring future mitigation would come into play. In Mr. Markley's opinion, there is no reason to think City Staff can't administer the approved TMP successfully and nothing about 162Ten TMP is lofty, idealistic, impossible to achieve. Regarding Mr. Popp's assertion that lift stalls are ineffective, Mr. Markley flatly disagreed, testifying that many SRO residents do not need cars for day to day but want to own and access them for weekend or occasional purposes.

He also noted that SROs are frequently leased by workers from out of town to reside temporarily for specific projects and that these individuals are less likely to park cars on-site. *Markley Testimony.*

47. The 162Ten TMP is not finally drafted but rather is required as a condition of site plan entitlement approval. If the Applicant's TMP, which is required to be submitted and approved prior to issuance of the first building permit, is not approved, site plan entitlement is effectively denied. TMP contingency measures required by conditions of site plan approval include: 100% transit subsidy; TMA membership; funding of a "commuter club"; and secure parking to meet projected demand. Should the provided parking fail to address demand, site plan entitlement approval is conditioned to require the project owner at the time of failure to pay \$20,000 per stall for up to 19 additional stalls to be built in the downtown area so that the proposal provides parking at the standard SRO rate of 0.5 spaces per unit. This and all requirements of the TMP are included as conditions of site plan approval, meaning they run with the land and bind all future property owners for the life of the use. *Exhibit C1-Attachment L, pages 14-15; Odle Testimony.*
48. Regarding building scale, residential density, and design review considerations, the City offered the testimony of Gary Lee. Mr. Lee noted that scale refers to the size of building relative to human size. He noted that taller buildings, up to eight stories with various incentives, are allowed in the Town Square zone. *Exhibit C15.* In his professional opinion, as designed, the 162Ten building is not one monolithic box out of scale with other structures in the neighborhood. Mr. Lee testified that the zoning code does not restrict residential density for SRO uses. Regarding potential appeal allegations related to ADA access for residents and neighbors of the proposed structure, Mr. Lee noted that the ADA requirement is 44 inches and the proposal would more space for travel than the minimum required. Regarding construction impacts, dust, noise, light, and sidewalk interference, the City's building codes and standard construction practices would address these concerns. Construction areas are sprayed to manage dust. Hours of construction operation are limited to minimize noise impacts to neighbors. In his opinion, there would be no unmitigated construction-related impacts. Neighbors would have on-site City inspectors and code enforcement staff with whom to register complaints. Regarding alleged light pollution, approval was conditioned to require that garage lighting be screened and street lights shielded and would use dark sky compliant fixtures. The building is proposed to be built to LEED Platinum standards; there is no reason to believe there would be light spillage as a result of approval. Regarding notice and community opportunity to comment, Mr. Lee testified that all property owners within 500 feet were notified and that notice of the proposal was posted on-site in accordance with City code requirements. *Lee Testimony.*

## CONCLUSIONS

### **Jurisdiction:**

Pursuant to Redmond Zoning Code (RZC) 21.76.050.C, Site Plan Entitlement and SEPA Environmental Threshold Determinations are both Type II Administrative decisions made by the

City of Redmond Technical Committee. Pursuant to RZC 21.76.050.B and RZC 21.76.060.I.1, the Hearing Examiner is authorized to conduct open record appeal hearings and issue decisions on appeals from Type II Technical Committee decisions.

### **Criteria and Standards for Review**

#### **SEPA Appeal**

The State Environmental Policy Act (Chapter 43.21C RCW or “SEPA”) specifies the environmental review procedures the City must follow for proposals that may have an impact on the environment. One purpose of SEPA is to ensure that “presently unquantified environmental amenities and values will be given appropriate consideration in decision making along with economic and technical considerations.” Every proposal that may impact the environment (unless it is exempt from the act) must undergo some level of environmental review. *RCW 43.21C.030(b)*.

The SEPA threshold determination is a determination as to whether a proposal is “likely to have a probable significant adverse environmental impact.” *WAC 197-11-330*. If the responsible official determines that a proposal will not have a probable significant adverse environmental impact, a determination of non-significance (DNS) is issued. If the responsible official determines that a proposal *will* have a probable, significant adverse environmental impact, a determination of significance (DS) is issued and an environmental impact statement (EIS) must be prepared. SEPA provides a process in which a mitigated determination of non-significance (MDNS) may be issued to address identified probable significant adverse environmental impacts so that an EIS need not be prepared. *WAC 197-11-350*.

“Significant” as used in SEPA means a reasonable likelihood of more than a moderate adverse impact on the environment. Significance involves context and intensity and does not lend itself to a formula or a quantifiable test. *WAC 197-11-794*. Several marginal impacts when considered together may result in a significant adverse impact. *WAC 197-11-330(3)(c)*.

“Probable” means likely or reasonably likely to occur. The word probable is used to distinguish likely impacts from those that merely have a possibility of occurring, but are remote or speculative. *WAC 197-111-782*.

The lead agency must make its threshold determination “based upon information reasonably sufficient to evaluate the environmental impact of a proposal.” *WAC 197-11-335*.

Clear error is the standard of review applicable to substantive decisions under SEPA. *Cougar Mt. Assocs. v. King County*, 111 Wn.2d 742, 747, 765 P.2d 264 (1988). The determination by the governmental agency is clearly erroneous only if the reviewing tribunal is left with “the definite and firm conviction that a mistake has been committed.” *Id.* at 747 (quoting *Polygon Corp. v. Seattle*, 90 Wn.2d 59, 69, (1978)).

The burden of proof is on the Appellant to show that the proposal will have probable, significant adverse environmental impacts. *Boehm v. City of Vancouver*, 111 Wn. App. 711, 719, 47 P.3d 137 (2002).

The determination of the City's Responsible Official shall be accorded substantial weight in appeals. *RZC 21.76.060.I.4.*

Pursuant to RZC 21.76.060.B, Environmental Review under the State Environmental Policy Act:

1. All applications shall be reviewed under the State Environmental Policy Act (SEPA) unless categorically exempt under SEPA. The City's environmental procedures are set forth in RZC 21.70.
2. ....
3. **Optional DNS Process.** For projects where there is a reasonable basis for determining that significant adverse impacts are unlikely, a preliminary DNS may be issued with the Notice of Application. The comment period for the DNS and the Notice of Application shall be combined. The Notice of Application shall state that the City expects to issue a DNS for the proposal and that this may be the only opportunity to comment on the environmental impacts of the proposed project. After the close of the comment period, the Technical Committee shall review any comments and issue the final DNS in conjunction with its decision or recommendation on the application.

*Appeal of a Type II Decision:*

Pursuant to RZC 21.76.060.I, the Hearing Examiner may grant the appeal or grant the appeal with modifications if the Examiner determines that the appellant has carried the burden of proving that the Type II decision is not supported by a preponderance of the evidence or was clearly erroneous. In reaching the decision, the Examiner is required to accord substantial weight to the decision of the Technical Committee.

*Site Plan Entitlement:*

Pursuant to RZC 21.76.070.Y.3, Site Plan Entitlement Decision Criteria:

- a. The Technical Committee, composed of the Departments of Planning and Public Works, shall review all Development Review permits with the State Environmental Policy Act and the RZC.
- b. The Landmarks and Heritage Commission will review all Certificates of Appropriateness for compliance with the RZC.

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**Conclusions Based on Findings:**

1. With regard to both appeals, evidence that is not cited in the findings was found not to be relevant to applicable decisions and/or appeal criteria, and arguments not addressed in the findings and conclusions were, respectfully, found not to be persuasive.

2. **SEPA Appeal:** In order to succeed in a challenge of an environmental threshold determination, an appellant must show that the City's environmental threshold determination was based on misleading or inaccurate information, that the SEPA Official did not exercise appropriate judgment based on the submitted information, or that the project will result in probable, significant, adverse environmental impacts. In judging any such allegations, substantial weight must be given to the decision of the Technical Committee. In the present case, the Appellants were under a duty to provide evidence leaving the decision maker with the firm and definite conviction that a mistake was made. Considering the evidence and argument submitted on appeal in light of the substantial deference that must be accorded to the SEPA Official's determination, the Appellants have not met their burden of proof. Regarding the alleged errors in the SEPA checklist that are the sole grounds for the DNS appeal, the record demonstrates that City Staff was neither confused nor misled by the answers the Applicant provided to items 13a and 13b of the checklist. The City was well aware of the history of the site in issuing the DNS. Even considering the history of the building, the Technical Committee identified no probable, significant, adverse environmental impacts to historic and cultural elements of the environment that were not capable of being mitigated through application of the City's historic preservation regulations. While demolition of the building would understandably be experienced as a personal loss for Appellants and other interested members of the community, personal loss of this nature does not equate to adverse environmental impact the City is required or even has authority to regulate. The record as a whole contains sufficient information to support the Technical Committee's determination that probable, significant, adverse impacts to historic and cultural resources are addressed to a point of non-significance, for the purposes of SEPA, through application of existing ordinances. Consistent with the requirements of RZC 21.20 and with recommendations from both the Washington State Department of Archaeology and Historic Preservation and the Washington Trust for Historic Preservation, the singular contribution of the women of the Nokomis Club to the City of Redmond would be memorialized through retention of distinctive elements of the building and pictorially. Evidence offered by the Appellants does not show that the Technical Committee failed to properly review the application materials or failed in its exercise of appropriate judgment in the course of SEPA review. Appellants did not provide evidence of probable, significant, adverse environmental impacts. Based on the record created, the decision maker is not left with a firm conviction that the DNS was issued in error. The SEPA appeal must be denied. *Findings 1, 2, 3, 4, 5, 6, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, and 33.*
3. **Site Plan Entitlement Appeal:** The City's motion to dismiss appeal issues 5, 9, 10, 13, 14, 22, 23, 24, 25, 26, 27, 38, 34, 35y, 35z, 35i, 35ii, 35iii, 35iv, 35v, and 35vi is granted. In addition, no evidence was offered at hearing in supported of the alleged errors identified as appeal issues 3, 4, 6, 7, 8, 12, 15, 16, 17, 30, 32, 33, 35a, 35b, 35c, 35f, 35g, 35h, 35i, 35j, 35k, 35n, 35o, 35p, 35r, 35s, 35t, 35u, 35v, 35w, and 35x and these issues are deemed waived. On the motions of both the Applicant and the City, appeal issue 18 is excluded because it calls for the exercise of authority outside the scope of this hearing body.

- A. To the extent that the Appellants offered evidence relating to appeal issues 11 (fire), 19 (Town Square zone purpose), 20 (scale of project), 21 (density), 29 (intrusion of columns into sidewalk), 31 (zero setback), and 35 (elements of design review not dismissed by conclusion 3 above), the evidence offered failed to show lack of compliance with applicable code provisions and standards. *Findings 38, 39, and 40.*
- B. As to parking and TMP-related issues, of the parking expert evidence provided, that offered by Mr. Markley was more specifically based on familiarity with the proposal and its relationship with downtown Redmond, as well as with previous SRO projects in Redmond. Evidence offered suggests that restaurants, pubs, entertainment venues, and other existing residential uses are likely contributors to the existing excess parking demand surrounding the Vision5 SRO project; the Appellants' evidence failed to show that Vision5 was itself specifically responsible for any of the overspill parking noted in the Popp firm's parking count studies. Including Mr. Popp's testimony and documentary evidence, the record as a whole shows that parking demand was adequately considered in site plan entitlement approval. Significant contingency measures would be in place prior to project development that would hold the Applicant and all successors in interest liable for the project's parking demand. The Technical Committee's review of parking and transportation issues was based on evidence sufficient to determine compliance with criteria for project approval. The appeal shows no error in the site plan entitlement approval. *Findings 1, 2, 3, 4, 5, 6, 41, 42, 43, 44, 45, 46, 47, and 48.*
- C. In their appeal of the site plan entitlement approval, the Appellants stridently opposed the proposed redevelopment of a property with historical significance of particular relevance and importance to them. However, the record presented does not demonstrate that the application fails to comply with applicable provisions of the RZC or is inconsistent with applicable Comprehensive Plan policies, goals, and objectives. Without owner consent to list the building on historical registers, the City is not empowered to require its preservation. *RZC 21.30.040.C*. The April 22, 2105 Technical Committee site plan approval is conditioned on allowing a three month period in which interested persons could purchase the structure for relocation. The condition requires that the structure be made available to the City for photographic historical documentation prior to its demolition and that key pieces of the building be preserved and displayed on-site to carry forward the story of the Nokomis Club's contribution to the history of the City of Redmond. *Findings*. Washington courts have held that while the opposition of the community may be given substantial weight, it cannot alone justify a local land use decision. *Sunderland Family Treatment Services v. City of Pasco, 127 Wn.2d 782, 797 (1995); Maranatha Min., Inc. v. Pierce County, 59 Wn.App. 795, 804 (1990)*. No evidence has been submitted that shows the proposal fails to comply with any applicable provision of the RZC. In absence of such evidence and in light of the substantial deference owed to the Technical Committee's decision, the appeal of the site plan entitlement approval must be denied. *Findings 1, 2, 3, 4, 5, 6, 10, 18, 19, 29, 30, 31, 32, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, and 48.*



## DECISIONS

Based on the foregoing findings and conclusions, both the appeal of the February 17, 2015 SEPA MDNS and the appeal of the April 2<sup>nd</sup> and April 22, 2015 Notices of Decision approving the 162Ten site plan entitlement application are **DENIED**.

**Decided** August 7, 2015.



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Sharon A. Rice  
City of Redmond Hearing Examiner