



**CITY OF REDMOND
HEARING EXAMINER
MINUTES**

July 9-10, 2015

Redmond City Council Chambers
15670 NE 85th Street, Redmond
9 a.m.

Hearing Examiner

Sharon Rice, Offices of Sharon Rice,
Hearing Examiner, PLLC

Staff

Gary Lee, Senior Planner
James Haney, City Attorney
Cheryl Xanthos Deputy City Clerk
Michelle Hart, MMC, City Clerk

Convened: July 9, 2015 9 a.m.

Adjourned: July 10, 2015 5:52 p.m.

I. CALL TO ORDER

Hearing Examiner Sharon Rice convened the hearing at 9 a.m.

II. DESCRIPTION OF HEARING SEQUENCE AND PROCEDURES

Ms. Rice introduced the matter under consideration, reviewed the sequence of the hearing for the day, and explained the proceedings. Ms. Rice noted that she expects to issue a decision on the 162TEN Appeal 10 business days following the close of the record, but may ask for more time due to the complexity of the matter.

Ms. Rice administered the swearing in of all those in attendance testifying on these matters, reminded the attendees that the proceedings were being recorded, and asked them to identify themselves for the record. The following Parties to the Appeal were in attendance:

Gary Lee, Senior Planner, City of Redmond
James Haney, City Attorney, City of Redmond

Alexa Munos, Appellant Spokesperson for the Nokomis Club
Rosemarie Ives, Appellant Spokesperson for the Nokomis Club
Joe Townsend, Appellant Spokesperson for the Redmond Historical Society

Duana Koloušková, Applicant Representative

III. APPEAL HEARING

A. 162TEN APPEAL

LAND-2014-01610 Appeal of Site Plan Entitlement Notice of Decision

SEPA-2015-00017 Appeal of SEPA Determination

Request: Appeal of a Type II Technical Committee Decision and SEPA Determination regarding the approval of 96 Residential Suites with approximately 800 square feet of ground floor retail and 200 square feet of conference room

Location: 16210 NE 80th Street, Redmond, WA 98052

Documents submitted to the record prior to the hearing were:

Redmond Historical Society

- RHS-1 City of Redmond, Determination of Non-Significance, Pages 1, 19 & 20
- RHS-2A SEPA, Guidance for the Environmental Checklist, P1 & Part B, Question #13
- RHS-2B Excerpts from Tips on How to Answer Section 13 of SEPA Checklist
- RHS-3 Nokomis Club – Redmond Historical Society Appeal of the DNS, 3/3/2015
- RHS-4 Ernest Money Receipt and Agreement, Transfer of Property to Chamber of Commerce
- RHS-5 Parts 5a, 5b, & 5c — Selected Community Member Comments on Preservation of the Nokomis Building
- RHS-6 2/12/15 Public Comment by the Redmond Historical Society, Joe Townsend, President, to City of Redmond Planning Dept., Attn: Gary Lee
- RHS-7 1933 & 1939 Photos of the Nokomis Building
- RHS-8 King County Property Record, Nokomis/Redmond Public Library
- RHS-9 2014 Photos of the Building, Front and West Side [HeadSpinner Photograph, Nov. 8, 2014]
- RHS-10 2014 Photos of the building Rear and Placards
- RHS-11 Washington State Department of Archeology & Historic Preservation Inventory Reports, 1998 & 2005
- RHS-12 Washington State Department of Archeology & Historic Preservation Inventory Report, 2015
- RHS-13 City of Redmond Incentive Matrix Sheet of Inventoried Properties
- RHS-14 2/13/15 Letter from Washington Trust for Historic Preservation/Cathy Wickwire, Operations Manager, to City of Redmond Planning Dept./Gary Lee
- RHS-15 2/26/15 Letter from the Washington State Department 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
- RHS-16 2/27/15 Letter from King County Historic Preservation Program
- RHS-17 City of Redmond Website, Sites of Historic Interest
- RHS-18 City of Redmond Ordinance 2080

- RHS-19 City of Redmond Comprehensive Plan, Excerpts from Section: CC, Community Character and Historic Preservation, Part B. Historic Resources
- RHS-20 RZC Section 21.30.010 Historic and Archeological Resources
- RHS-21 Overhead view of the 162TEN/Nokomis Building site and surrounding areas
- RHS-22 King County Comprehensive Plan, Chapter 6, Parks, Open Space and Cultural Resources, Part II, Cultural Resources, Section C., Historic Preservation
- RHS-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
- RHS-24 US Secretary of the Interior's Standards and Guidelines Standards for Evaluation
- RHS-25 Excerpts from: Code of Federal Regulations, 36 CFR PART 800, - Protection Of Historic Properties, Pp 1-7
- RHS-26 Mayor's Memo on Historic Preservation with Attachments, 9-19-2000

Nokomis Club

- NC-1 Technical Committee Approval letter of April 22, 2015, and Approval letter of April 2, 2015
- NC-2 SEPA-DNS
- NC-3 Minutes from Design Review Board dated September 4, 2014 and February 5, 2015
- NC-4 Chart of OneRedmond Investor Board
- NC-5A City Contributions to REDA (Redmond Economic Development Alliance), Predecessor to One Redmond and to One Redmond, with subparts: Chart
- NC-5B City Contributions to REDA (Redmond Economic Development Alliance), Predecessor to One Redmond and to One Redmond, with subparts: Council memos of January 4, 2011, July 19, 2011, February 7, 2012, December 4, 2012, January 8, 2013, January 6, 2015
- NC-6A Redmond Zoning Code Article VI 21.76.030
- NC-6B Chart on Nokomis Building Title
- NC-7 Emails between Alexa Munoz and Washington Secretary of State, May 2015
- NC-8A City of Redmond Business License Information: REDA 1/1/2011 – 11/2012
- NC-8B City of Redmond Business License Information: OneRedmond 2/25/2013
- NC-9A Secretary of State Registration Detail: OneRedmond, July 2012
- NC-9B Secretary of State Registration Detail: REDA, December 22, 2010 – November 30, 2012
- NC-9C Secretary of State Registration Detail: Greater Redmond Chamber of Commerce, April 17, 1949 – March 3, 2014
- NC-10A GRRC Draft Resolution 12-00002 Unrecorded with Secretary of State
- NC-10B WA Non-profit Corporation Act 24.03.200 (2)(b)
- NC-10Ci WA Non-profit Corporation Act Distribution of Assets 24.03.225 (2)(3)
- NC-10Cii WA Non-profit Corporation Act Plan of Distribution (3)
- NC-11 Dissolution Verification from Washington Secretary of State
- NC-12 ALTA Commitment for Title Insurance, May 23, 2014
- NC-13A September 4, 2014, and February 5, 2015, Design Review Board Minutes
- NC-13B RZC 21.10.130A Table: Town Square 6,000-11,199 sq. feet, 50'-119' Site Width
- NC-13C Article VI A.21.76.070 Land Use Action and Decision Criteria 8.b.iv
- NC-14 Excerpt from Redmond Zoning Code, 21.62.020 Downtown Design Standards

- NC-15 Redmond Zoning Code Article VI 21.76 Review Procedures 21.76.010 User Guide E. Design Review 1(f)
- NC-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
- NC-17 Email from Assistant Fire Marshal Scott Turner to Gary Lee, September 11, 2014
- NC-18 Redmond Zoning Code Article II Parking Standards
- NC-19 Memorandum: 162TEN Parking Critique from William Popp, SR., P.E
- NC-19(1) Vicinity Map and Preliminary Site Plan
- NC-19(2) Vision 5 Parking Lot Locations
- NC-19(3) Vision 5 Off-Site Parking Counts
- NC-19(4) Vision 5 Parking Signs
- NC-19(5) Witness Bio
- NC-20 Seattle Times Editorial, May 24, 2015
- NC-21 162TEN TMP

Applicant Natural Built Environment Exhibits

- A-2 162TEN Civil Plans
- A-3 Sample Project Transportation Management Program
- A-4 Sample Project Parking Map and Standard Lease, Selections
- A-5 2008 and 2014 Redmond Parking Studies, Selections
- A-7 162TEN and Sample Project Walk Scores

City of Redmond

- C-1 Redmond Planning Department Staff Report, dated June 25, 2015
- C-1 A Brewe SEPA Appeal (LAND-2015-00400)
- C-1 B Nokomis Club/Redmond Historical Society SEPA Appeal (LAND-2015-00408)
- C-1 C Ives SEPA Appeal (LAND-2015-00409)
- C-1 D Munoz Decision Appeal (LAND-2015-00746)
- C-1 E Brewe Decision Appeal (LAND-2015-00747) (Technical Committee)
- C-1 F Brewe Decision Appeal (LAND-2015-00748) (Design Review Board)
- C-1 G Ives Decision Appeal (LAND-2015-00749)
- C-1 H Site & Surrounding Zoning
- C-1 I DRB Plans
- C-1 J SEPA Determination of Non-Significance
- C-1 K Notice of Decision, April 2, 2015
- C-1 L Notice of Decision, April 22, 2015
- C-1 M Notice of Appeal Hearing
- C-1 N Parking Design and Quantity Analysis
- C-1 O Title Report
- C-1 P DRB Minutes, February 5, 2015
- C-1 Q Administrative Design Flexibility Requests
- C-1 R Road Plan
- C-1 S DRB Memo, February 5, 2015
- C-1 T Curtis Decision Appeal (LAND-2015-00860)
- C-1 U Order on Applicant Motion to Dismiss

- C-1 V Brewe Appeals Withdrawal
- C-2 162TEN General Application Form, dated December, 23, 2015
- C-3 162TEN Project Landscape Plan, Version 3
- C-4 162TEN Utility Plan
- C-5 TSI Review of Garbage Truck Backing
- C-6 Woonerf Deviation Request
- C-7 Access Location Deviation Request
- C-8 Road Details Plan
- C-9 Fire Plan, Version 3
- C-10 Notice of Application, Including Certification of Mailing and Posting
- C-11 Assorted Photographs Taken of Nokomis Structure's Exterior, Interior, and Surrounding Vicinity (Images 293-385)
- C-12 Photographs of Nokomis Club/Library Structure Exterior, Taken in the 1930s (images 386-388)

Over the course of the hearing, Ms. Rice allowed the submission of the following exhibits into the record and identified accordingly:

Nokomis Club:

- NC-22 Nokomis Club Motion for a Summary Remand of this matter
- NC-23 Declaration and Certification of Records Search
- NC-24 Appellant Nokomis Club Witness list
- NC-25 Appellant Nokomis Club Exhibit list including revision submitted 7/9/2015

Applicant:

- A-1 Slide Presentation
- A-6 Emails Between Applicant and Patrick Seward from Diamond Parking Services
- A-8 Transportation Solutions, Inc. Trip Generation Study, dated August 31, 2014
- A-9 Transportation Solutions, Inc. Peak Hour Volume Memo, dated August 31, 2014
- A-10 Title Report Supplements
- A-11 Nokomis Club Judgment Quieting Title
- A-12 Statutory Warranty Deed
- A-13 General Application Forms
- A-14 OneRedmond Letter of Authorization
- A-15 Plan Set
- A-16 Vision 5 Parking Availability, dated July 1, 2015
- A-17 Redmond City Council Agenda for July 7, 2015
- A-18 Parking Demand and Utilization Study for Pholston Paradise, by William Popp Associates
- A-19 Seattle Walk and Transit Scores
- A-20 Lot A Photos
- A-21 2014 Redmond Downtown Parking Studies, by Rick Williams Consulting
- A-22 Witness Bio for David Markley
- A-23 Witness Bio for Jeffrey P.K. Hee
- A-24 Applicant's Responsive Witness and Exhibit list, dated July 7, 2015
- A-25 Applicant's Pre-Hearing legal brief, dated July 7, 2015

Historical Society

- RHS-27 Kim Dietz Email
- RHS-28 Article from Redmond Business, dated March 1996
- RHS-29 Letter from Gregory Griffith, Deputy State Historic Preservation Officer
- RHS-30 Appellant Redmond Historical Society Witness and Exhibit List, including supplements submitted July 9, 2015

City of Redmond

- C-13 Redmond City Park Landmark Registration Form for Anderson Park
- C-14 Redmond Zoning Code referencing Town Square (TSQ) Zone
- C-15 Redmond Zoning Code 21.10.110 Building Height
- C-16 Corrections to Memo dated June 25, 2015
- C-17 City's Witness and Exhibit List, dated June 25, 2015
- C-18 City's Pre-Hearing legal brief, submitted July 7, 2015

Mr. Gary Lee, Senior Planner, provided an overview of the project and appeal to-date.

APPELLANT TESTIMONY:

Mr. Joe Townsend, Appellant Spokesperson for the Redmond Historical Society and Nokomis Club, identified the appeal issues in the State Environmental Policy Act Review process to be as follows:

- The statements entered for the environmental checklist question 13 b is factually incorrect.
- The response to question 8 a and b is in error.
- Laws and regulations regarding historical preservation have not been applied.
- Planning Department response to question 13 b is also incorrect.
- The City's claim that the building is non-significant is unsubstantiated.
- There was no discussion of the significance of the building in the Design Review Board minutes.
- The building was recommended to be eligible for the National Registry.
- The local registry standards.
- Works Progress Administration (WPA) assisted in construction of the building.
- An EIS should have been prepared, so alternative construction options or other mitigations could be explored.
- Contradictions in City policies and practices in historical preservation, especially regarding the Nokomis Club building.
- The City's predisposition in allowing new development over historic preservation.

Ms. Alexa Munoz, Spokesperson for the Nokomis Club, provided the following testimony and questioned the following witnesses:

- Nokomis Club was not including in any conversation regarding the demolition of the building.
- The library was very important to many people.
- Federal processes have not been followed.
- Moving the building will change the building's significance.

- Ms. Rosemarie Ives spoke regarding inconsistencies in the City's PowerPoint presentation; age of the building; policy adoption; and current City policy.
- Ms. Kim Dietz, City of Redmond Senior Planner, spoke regarding the assessment of historic preservation; description and maintenance of the property; City code; and process.
- Mr. Lee spoke regarding his part of the SEPA process.

CITY TESTIMONY:

Mr. Jim Haney, City Attorney, questioned the following witnesses:

- Mr. Townsend spoke regarding the outcome of issuing an EIS; Nokomis Club terms of sale of the building; City noting the building was on the site in the SEPA paperwork; national registry process; landmark designation or any other registries; policy regarding property owner consent for designation; Anderson Park building history and preservation; and other alternatives for the building.
- Ms. Munoz spoke regarding the sale of the property and seeking historic status prior to sale; other WPA construction examples; and Nokomis Club background.
- Ms. Ives spoke regarding City requirements for historic surveys.
- Ms. Dietz spoke regarding her role in this project; process to determine if the property is on any registry; eligibility and criteria; significant historical features of the building; mitigation measures; and Anderson Park.
- Mr. Lee spoke regarding the SEPA checklist, process and conditions.

APPLICANT TESTIMONY:

Ms. Duana Koloušková, Applicant Representative, questioned the following witnesses:

- Mr. Townsend spoke regarding the partnership with the Nokomis Club; Redmond Historical Society; Zoning Code and review process; Chamber of Commerce; National Historic Registry process; and providing for the relocation of the building.
- Ms. Munoz spoke regarding involvement in the Nokomis Club; attendance at the Council meeting where the Nokomis Building was discussed; moving the building; ownership and sale of the building; Nokomis Club use of the building following sale; having the site reviewed for placement on a historic registry; registering any other properties; and Chamber of Commerce.
- Mr. Lee spoke regarding process and outcomes from overturning a DNS.

CONCLUSION:

The City, Applicant and Appellant offered closing statements.

The SEPA DNS Appeal concluded at this time.

APPELLANT TESTIMONY:

Ms. Rosemarie Ives, Appellant Spokesperson for the Nokomis Club, identified the appeal issues in the Site Plan Entitlement review process to be as follows:

- Violations in the appearance of fairness doctrine, conflicts of interest, misinformation, speculation, lack of information, and a lack of due diligence.
- Lack of discussion regarding building during the Design Review Board meeting.
- Inattention to scale and lack of compatibility with neighborhood.
- Not following residential density chart or decision criteria.

Ms. Ives questioned the following witnesses:

- Ms. Sandra Henderson spoke regarding the senior living facility located near the proposed project; response from the City; anticipated health, safety and accessibility issues; and current parking issues.
- Mr. Scott Turner, City of Redmond Assistant Fire Marshall, spoke regarding an email sent to Gary Lee and regarding parking issues.
- Mr. Terry Marpert, City of Redmond Planner, spoke regarding parking requirements; Transportation Management Program (TMP); on and off-site parking; deviations; transportation coordinator; and assessing outcomes of other projects.
- Mr. William Popp spoke regarding experience; review process; spillover parking; parking study; and data points.
- Dr. Curtis Nelson spoke regarding disposition of appeal, parking spaces and parking availability.
- Mr. David Markley spoke regarding differences in the TMP's; Parking Strategies Project; and possible causes of spillover parking.
- Mr. Lee spoke regarding adopting policies; zoning regulations; deviations; other projects; TMP's; parking; preservation; woonerf; and noticing requirements.
- Mr. Rob Odle, City of Redmond Director of Planning and Community Development, spoke regarding Technical Committee Process and TMP.

CITY TESTIMONY:

Mr. Jim Haney, City Attorney, provided the following witnesses and testimony:

- Ms. Henderson spoke regarding construction standards, compliance and City codes.
- Mr. Turner spoke regarding his responsibility in review of the project and compliance with fire and building codes.
- Mr. Popp spoke regarding overflow parking assumptions and investigation of other properties and uses.
- Mr. Lee spoke regarding scale of a project; step-back; allowable density in Town Square Zoning; and approval of project.

Mr. Haney brought a motion to dismiss appeal issues where no evidence has been presented. Those issues were identified and dismissed by Ms. Rice.

APPLICANT TESTIMONY:

Ms. Duana Koloušková, Applicant Representative, questioned the following witnesses:

- Ms. Henderson spoke regarding attendance at the Design Review Board meeting.
- Mr. Turner spoke regarding proposed elevators and construction materials for the project.
- Mr. Popp spoke regarding process of completing the parking study and assumptions.
- Mr. Markley spoke regarding expertise with parking, transportation studies and TMP's; parking and traffic demands; obtaining correct data from the applicant; leased parking spaces at Vision 5; and an analysis of the parking study prepared by William Popp.
- Mr. Lee spoke regarding lighting.

CONCLUSION:

The City, Applicant and Appellant offered closing statements.

Ms. Rice stated that the record is closed on the 162TEN Appeal matter; and a written decision will be issued in 10 business days.

IV. ADJOURNMENT

The appeal hearing closed at 5:52 p.m., July 10, 2015, and the meeting adjourned.*

**Clerk's Note: The hearing took place over the course of two days as follows: July 9, 2015, 9 a.m. to 5:25 p.m.; and July 10, 2015, 10:30 a.m. to 5:52 p.m.*