BEFORE THE HEARING EXAMINER FOR THE CITY OF REDMOND

In the Matter of the Application of)	NO. L100421
)	L100422
Puget Sound Energy)	
)	
)	
)	FINDINGS, CONCLUSIONS
For a Conditional Use Permit)	AND RECOMMENDATION
)	(Revised to correct scrivener errors)

SUMMARY OF RECOMMENDATION

The request for approval of a conditional use permit to allow construction of a combined distribution and transmission switching substation with associated transmission and distribution lines within a secured enclosure at 2245 NE Bel-Red Road in Redmond, Washington **SHOULD BE APPROVED subject to conditions**.

SUMMARY OF RECORD

Request:

Puget Sound Energy (PSE, the Applicant), requested conditional use permit approval to allow construction of a combined distribution and transmission switching substation within a secured enclosure at 2245 NE Bel-Red Road in Redmond, Washington.

Hearing Date:

The City of Redmond Hearing Examiner conducted an open record hearing on the request on February 14, 2011.

Testimony:

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

Steven Fischer, Principal Planner, City of Redmond
Judd Black, City of Redmond Development Review Planning Manager
Barry Lombard, PSE, Applicant Representative
Jens Nedrud, PSE
Lynn Thompson
Carol Jaeger, PSE
Andrew Thatcher
Darrell Mitsunaga, Attorney, representing Bel-Red Real Estate Group LLC
Andrew Kinztler, Attorney, representing 15301 Redmond LLC

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¹ On March 16, 2011, Staff alerted the Examiner to scrivener errors in the recommendation issued on March 15, 2011. The errors are corrected in this revised recommendation without changing the issue date or post-issuance appeal deadlines. The request for clerical corrections is added to the record at Exhibit 18. Only scrivener errors have been changed.

Robert Heller, Attorney, represented the Applicant at hearing.

Exhibits:²

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

- Exhibit 1 Redmond Technical Committee Report to the Hearing Examiner, with the following attachments:
 - 1. Vicinity Map
 - 2. Site Plan
 - 3. Notice of Application and Affidavit of Publishing
 - 4. NOA Public Comments and City Response
 - 5. SEPA Checklist and Determination
 - 6. SEPA DNS Certificate of Posting and Public Comment
 - 7. Notice of Public Hearing and Certificates of Posting
 - 8. Preliminary Site Development Plans Reduced
 - 9. Full Scale Preliminary Site Development Plans (Hearing Examiner only)
 - 10. Arborist Report
 - 11. Tree Exception Request and Approval
 - 12. Critical Areas Letter
 - 13. Noise Study
 - 14. Design Review Board Presentation Materials from 1/20/2011
 - 15. Preliminary Stormwater Report, November 10, 2010
 - 16. Geotechnical Report, August 13, 2010
- Exhibit 2 Comments from Sherwood Forest Community Club, dated February 11, 2011
- Exhibit 3 Staff's PowerPoint presentation (17 slides)
- Exhibit 4 Memorandum from Steve Fischer to Examiner, dated February 14, 2011 (regarding revised recommended Public Works conditions)
- Exhibit 5 Memorandum from Steve Fischer to Examiner, dated February 14, 2011 (regarding revised recommended Fire conditions)
- Exhibit 6 Affidavits of Notice
- Exhibit 7 Public comments from the following:

² Counsel for neighboring property owners "15301 Redmond LLC" objected to the admission of Exhibits 3, 4, 5, 6, 8, 9, 11, 12, and 13 on the grounds that the documents had not been made available to the public for review prior to hearing. Kinstler Comments.

- a. Letter from Darrell Mitsunaga, Attorney for Bel-Red Real Estate Group LLC, dated January 21, 2011, with the following attachments:
 - 1. Complaint for Quiet Title and Prescriptive Easement
 - 2. Quit Claim Deed, 2003
 - 3. Legal Description
 - 4. Copy of Site plan with shaded areas
 - 5. Copy of site plan with claimed prescriptive easement shaded in green and claimed adversely possessed area shaded in yellow
- b. Letter from Andrew Kinstler, Attorney for 15301 Redmond LLC, dated February 11, 2011
- c. Jagwinder and Baljit Brar Comments, dated February 7, 2011
- d. Russell Paravecchio Comments, dated January 18, 2011
- e. Linda Yoo comments, dated January 20, 2011
- f. Winston Lee comments, dated January 19, 2011
- g. Letter from Planning Staff to Lee, dated January 24, 2011, with attached notice of hearing
- h. Letter from Planning Staff to Yoo, dated January 24, 2011, with attached notice of hearing
- i. Letter from Planning Staff to Paravecchio, dated January 24, 2011, with attached notice of hearing
- j. Email comments from Jim Copitzky, dated January 10, 2011
- k. Morris Piha comments, dated February 14, 2011
- 1. Email from Mr. Kinstler, dated February 14, 2011
- Exhibit 8 Color copies of photographs from PSE, as follows:
 - a. "Ardmore Substation Project: Existing Electric Facilities Removal" (one page, six small photographs and/or photosimulations)

- b. "Existing Transmission Line Routes and Ardmore substation site" (photomap)
- c. "Initial Plan for Ardmore Substation and Transmission Lines" (photomap)
- d. "Combined Ardmore/Interlaken Substation Site and Transmission Line Route"
- Exhibit 9 Hearing Submittal of Applicant PSE, dated February 14, 2011, with the following attachments:
 - 1. Redmond Comprehensive Plan Map UT-2, Proposed Electrical Facilities
 - 2. Ardmore Substation Project Pre-application Project Summary Document
 - 3. Conceptual Structure Envelope Comparison
 - 4. Photosimulation of visual impacts of proposal from Office Depot Parking lot
 - 5. New Development Adjacent to Substation, President Park, Renton
 - 6. New Development Adjacent to Substation, Kenilworth, Redmond
- Exhibit 10 Documents submitted by Mr. Mitsunaga on behalf of Bel-Red real Estate Group LLC, including:
 - a. Aerial photograph of site from Google Maps
 - b. Statutory Warranty Deed, dated July 13, 1989, with legal description and "easement terms and conditions"
 - c. Quit Claim Deed (reflecting name change)
 - d. Statutory Warranty Deed for APN 262505-9166-07, with legal description and "special exceptions to title"
 - e. Letter to Gerald Lutz from Darrell Mitsunaga, dated December 15, 2010
 - f. Letter to Steven Fischer from Darrell Mitsunaga, dated December 15, 2010, with parcel map and attached site plan with yellow shading, and *Halverson v. City of Bellevue* (case law print out)

- g. Letter to Steven Fischer from Darrell Mitsunaga, dated January 21, 2011, with attached: Quiet Title Complaint; Quit Claim Deed; legal description; site plan shaded in green and yellow;
- h. Halverson v. City of Bellevue (case law);
- i. Harrison v. Stevens County (case law);
- j. RCDG 20F.30.20;
- k. Redmond conditional use permit application form; and
- l. Redmond general permit application form submitted by Applicant
- Exhibit 11 Resume of Andrew H. Thatcher
- Exhibit 12 World Health Organization, Fact Sheet No. 322, June 2007, submitted by Andrew Thatcher
- Exhibit 13 The Etiology of Epidemiologic Perseveration, by David A. Savitz, May 2010, submitted by Andrew Thatcher
- Exhibit 14 Post-Hearing submittal of Bel-Red Real Estate Group, LLC, dated February 22, 2011
- Exhibit 15 Post-Hearing Memorandum of 15301 Redmond, LLC, dated February 22, 2011 (see Post-Hearing Order section below)
- Exhibit 16 Post-Hearing Submittals by PSE, consisting of:
 - a. PSE's Response to Supplemental Memorandum of Bel-Red Real Estate Group LLC, dated March 1, 2011
 - b. PSE's Response to Supplemental Memorandum of 15301 Redmond, LLC, dated March 1, 2011
- Exhibit 17 City of Redmond Post Hearing Memorandum, dated March 1, 2011
- Exhibit 18 Request for correction of scrivener errors, dated March 17, 2011

Post-Hearing Submittals:

Also included in the record of this matter is the **February 15, 2011 Post-Hearing Order** establishing timelines for post hearing submittals. ³ The Order allowed two neighboring property owners to submit written comments specifically addressing new evidence offered at hearing and gave the City and the Applicant an opportunity to respond to those comments. Deadlines for

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³ Counsel for 15301 Redmond LLC objected to a one week post-hearing submittal deadline. *Kinstler Comments*.

submittal were established and the record was set to close on March 1, 2011. The Order expressly excluded all other evidence.

- Exhibit 14 (from Bel-Red Real Estate Group LLC) was timely submitted and is admitted.
- Exhibit 15 (from 15301 Redmond LLC) included the requested post hearing
 memorandum but it had attached to it several other documents, including a motion to
 require re-notice of application/SEPA/public hearing, several individual declarations, and
 a declaration of notice. The motion to require re-notice is denied. Only the timely
 submitted February 22, 2011 supplemental memorandum requested in the Post-Hearing
 Order is admitted.
- Exhibit 16, timely submitted by the Applicant, included: a response to Bel-Red Real Estate Group LLC's post-hearing submittal, a separate memorandum responding to 15301 Redmond LLC's post-hearing submittal, and two declarations submitted in response to the additional evidence offered by 15301 Redmond LLC in its post-hearing submittals. Although the Post-Hearing Order called for one document from each party, the Applicant was expressly requested to respond to the post hearing comments of both neighboring property owners. Both of PSE's post-hearing memoranda are admitted. The two declarations are not admitted.
- Exhibit 17, timely submitted by the City, consisted of the City's comments in response to the post hearing submittals of the two neighboring property owners and a declaration in response to 15301 Redmond LLC's additional evidence. The City's memorandum is admitted and its declaration is not.
- On March 8, 2011, 15301 Redmond LLC submitted another post-hearing motion to reopen the record to include additional materials. The motion is denied and the materials are not admitted.
- On March 10, 2011, the Applicant submitted a response to the March 8, 2011 motion from 15301 Redmond LLC. The response is not admitted.

Upon consideration of the testimony and exhibits admitted, the Hearing Examiner enters the following findings and conclusions in support of the recommendation:

FINDINGS

1. The Applicant requested a conditional use permit to allow construction of a combined electric distribution and transmission switching substation, with associated transmission and distribution lines, on 1.51 acres located at 2245 Bel-Red Road, in Redmond, Washington. ⁴ Construction at this location would consolidate the capacity of the existing

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⁴ The legal description of the subject property is a portion of Section 26, Township 25 North, Range 5 East, W.M., in King County, Washington, also known as Tax Parcel Number 2625059166. *Exhibit 1, Attachment 5*.

nearby Interlaken substation, allowing the removal of the Interlaken substation and its associated transmission lines. The Applicant indicates the project is necessary to ensure continued reliable electric service to the growing Redmond and Bellevue areas. *Exhibit 1, page 3; Exhibit 1, Attachment 5.*

- 2. The application for CUP was submitted on November 23, 2010, on which date it was deemed to be complete. Notice of application was published, posted on-site, and mailed to owners of property within 500 feet of the site. Exhibit 1, pages 2-3; Exhibit 1, Attachment 3.
- 3. The project required review pursuant to the State Environmental Policy Act (SEPA). Upon completing a review of the environmental checklist and other application information, the City of Redmond's SEPA Responsible Official issued a determination of non-significance (DNS) on December 27, 2010. The DNS concluded that the requirements of environmental analysis, protection, and mitigation of any impacts would be adequately addressed through the project's compliance with the City's regulations and Comprehensive Plan. No appeals were filed and the determination became final on January 25, 2011. *Exhibit 1, page 5; Exhibit 1, Attachments 5 and 6*.
- 4. The site is located at the Redmond-Bellevue boundary, with Redmond to the north, south, and west, and Bellevue to the east. To the north is an auto services business and NE 24th Street. Bel-Red Road abuts the site to the east. A furniture store and associated parking abut the site to the south. A commercial/retail center abuts the site to the west, with Office Depot and Tuesday Morning as current tenants. Southwest of the site there are office buildings. There are multifamily condominiums located southwest of the Office Depot property. The existing PSE Interlaken Substation is southwest of the site at the intersection of 152nd Avenue and NE 21st Street. *Exhibit 1, Attachment 5; Exhibit 3, Slide 2*.
- 5. The subject property was previously developed with a bank, associated surface parking, and a drive-through. The bank and drive-through were demolished in December 2010. The eastern portion of the site is relatively flat with a constant five percent east to west grade from Bel-Red Road to the west edge of the existing parking lot. West of the parking area, there is a twenty-foot drop in elevation with a 2:1 slope. There is a rockery wall, ranging from eight to fifteen feet tall, at the base on the slope on the adjacent property. According to a geotechnical consultant who reviewed the site on behalf of the Applicant, the slope resulted from grading in development of the former bank. The City concurred that the slope resulted from grading. The largely flat, buildable portion of the subject property has an elevation approximately twenty feet higher than the property to the west. There are 38 significant trees and one landmark tree on-site, most of which were planted as landscaping for the bank. The site does not contain any wetlands or streams. *Exhibit 1, pages 3, 6; Exhibit 1, Attachments 10, 12, and 16.*

⁵ Attorney for the neighboring property owner Melody Sternoff-Meyers/15301 Redmond LLC denies that his client received notice of application and other required notices on the proposal. *Kinstler Comments*. The claim is addressed in Finding 43 below.

- 6. The subject property is zoned Overlake Village Design District (OV-3). *Exhibit 1, page 4; Redmond Community Development Guide (RCDG) 20C.45.20, Maps.* The Code establishes the purpose of this district as follows: "This district provides for a vibrant pedestrian-oriented area with opportunities to live, work, shop and recreate. It is intended to evolve to a true urban residential/mixed-use neighborhood in which significant multifamily living opportunities are integrated with a variety of businesses, including retail, professional office, services, and entertainment uses, that primarily serve the general public." The Overlake Village Design District (OV) is divided into three subcategories by the City's zoning maps: Mixed Use Maintaining Retail, Mixed Use Maintaining Commercial, and Mixed Use Emphasizing Residential. The subject property is within the Mixed Use Emphasizing Residential overlay area. *RCDG 20C.45.20, Overlake Village Subarea Map*.
- 7. The proposed use is a regional utility facility. Regional utility facilities up to 40 feet in height are permitted outright in the Mixed Use Maintaining Regional Retail and Mixed Use Maintaining Commercial portions of the OV district. Regional utility facilities over 40 feet in height and regional utility facilities in the Mixed Use Emphasizing Residential portion of the OV district are allowed subject to conditional use approval. *RCDG* 20C.45.30-040, Table of Permitted Uses, see footnote 7.
- 8. Other uses allowed in the OV zone include (and are not limited to): multifamily residential and senior housing; general, convenience, and regional retail; general services; lodging; athletic clubs; printing and business service uses; public uses including government, libraries, fire stations, parking structures, etc; transit facilities; broadcast and relay towers; and churches. *RCDG 20C.45.30-040*.
- 9. The project would include construction of a new combined distribution and transmission switching substation sized to accommodate four 115kV to 12.5kV transformer banks, four 115kV transmission line connections, and a transmission "ring bus" with circuit breakers. Initially two transformer banks would be installed and three transmission lines would be connected to the facility. The proposed design would accommodate two additional transformer banks and a fourth transmission line for future capacity expansions. The type of "ring bus" proposed was selected in part to reduce substation footprint. The project would include the installation of eleven underground vaults onsite. *Exhibit 1, Attachment 5;Exhibit 8.*
- 10. Site work for the project would include grading and filling to create a level yard for the substation. A mechanically stabilized earth (MSE) wall varying in height from approximately one to 18 feet would be constructed around the western half of the station to create the level surface needed for the proposed improvements. This wall would be a "green wall" that incorporates vegetation into its surface. A ten-foot architectural security/screening wall would screen equipment on the north, south, and east sides of the substation. The western side of the station will be screened by a 10-foot high decorative welded wire fence at the top of the MSE wall. All equipment would be located in the resulting secured enclosure, which would measure 160 feet by 200 feet. Substation

- equipment would be setback approximately 110 feet from NE 24th Street and 60 feet from Bel-Red Road. *Exhibit 1, Attachment 5*.
- 11. The substation would connect to the electrical grid by extending the existing Lakeside-Kenilworth 115kV overhead transmission line along NE 24th Street into the new substation. A new transmission pole would be installed at the southeast corner of the intersection of NE 24th Street and Bel-Red Road (located in Bellevue) and two transmission lines would extend southwesterly approximately 730 feet across Bel-Red Road to a new pole and then into the substation. A third transmission line would extend from a new pole located along NE 24th Street adjacent to the substation driveway approximately 185 feet into the substation. The proposed new transmission poles would range from 75 feet to 105 feet in height. *Exhibit 1, Attachment 5; Exhibit 8*.
- 12. The project would include the removal and re-routing of a 350-foot section of existing transmission line along NE 24th Street (west of Bel-Red Road). An additional 850-foot section of transmission line on 152nd Avenue NE would be removed once the Interlake Substation is removed. *Exhibit 1, Attachment 5; Exhibit 8.*
- 13. The proposal would remove almost all of the site's vegetation and replace it with approximately 18,900 square feet of new low-growing trees and a dense mix of native and ornamental shrubs throughout the site. As proposed, the Applicant would construct a small passive pedestrian space along Bel-Red Road and a similar space along NE 24th Street, each with sitting areas. The NE 24th Street space would utilize a decomposed granite and crushed limestone walking surface for ease of maintenance. The Bel-Red Road space is designed to use a combination of hardscape pavement and decomposed granite to define the area. *Exhibit 1, Attachment 5; Exhibit 1, page 3*.
- 14. The Overlake Neighborhood Plan calls for an urban pathway running north/south through this block that will eventually connect NE 24th Street to a planned new east/west street. The urban pathway is routed along the western boundary of the substation site. As part of the instant project, the Applicant proposes to provide an easement for the future trail and to grade the western edge of their property to accommodate it. The landscape plan shows the future trail area to be planted with shrubs that could be removed and relocated when the trail is implemented. *Exhibit 1, Attachment 5; Exhibit 1, Attachment 8, landscape plan; Exhibit 3, Slide 5; Exhibit 3, slide 7.*
- 15. Site selection for a substation is a complex process. Proximity to the transmission lines to be connected together in a switching substation is an electrical planning necessity. Given the need for a substation in the vicinity, the site needed to be: near enough to the transmission lines at NE 24th street and 156th Avenue NE; relatively flat; at least one acre in area; free of wetlands or other critical areas; adequately accessed from public roads for both construction and ongoing maintenance; and owned by a willing seller. *Exhibit* 9.
- 16. The site selection process for the instant application began in 2007. More than 20 sites were considered. Of them all, the proposed location best meets the technical

requirements for substation placement, allows elimination of a nearby substation in the same zone, and minimizes transmission line impacts. The Applicant involved the cities of Bellevue and Redmond and conducted open houses to disseminate and gather information on siting from the general public. *Exhibit 9; Heller Comments; Lombard Testimony*.

- 17. The Applicant requested four modifications from standards to accommodate the proposal: driveway spacing; limit on topographic change; maximum height of structural retaining wall; and tree retention standards. The City's Technical Committee reviewed all four modifications and approved them, concluding in each case that the requested modifications would mitigate impacts in a manner equal to, or greater than, if the standard requirements were adhered to. *Exhibit 1, page 9; Fischer Testimony*. The four modifications are discussed in the findings below.
- 18. The existing driveway spacing along Bel-Red Road and NE 24th Street does not satisfy the current 150-foot minimum spacing required by the RCDG. On November 27, 2010 the Applicant requested permission to retain the driveways in place. The request was approved by the City's Technical Committee on December 1, 2010. *Exhibit 1, pages 9-11.*
- 19. According to the Stormwater Technical Notebook Section 8.6.6, Grading, graded ground surfaces must be limited to a maximum of 3 horizontal to 1 vertical (3H:1V) slope. The existing area along the western property line is a constructed 2:1 slope (which is steeper than 3:1) with underlying soil categorized as glacial till. A Geotechnical Engineer who reviewed the site recommended, "that no slopes be steeper than 2H:1V". The Applicant requested a grading exception for the construction of the site for the future urban trail, to allow instant site improvements to match the existing grade. The City's Technical Committee approved the modified grade changes as shown on the plan received November 23, 2010. Exhibit 1, pages 9, 11.
- 20. RMC 15.024.080(2)(p) and the Stormwater Technical Notebook Section 8.6.7 limit retaining wall structures to eight feet in height. The Applicant requested a modification to this standard to allow creation of a level yard for the proposed substation. The mechanically stabilized earth retaining wall in the western portion of the site is proposed to be up to 18.5 feet in height. The City's Technical Committee approved the requested modification to allow construction of a retaining wall as shown on the plan received November 23, 2010. *Exhibit 1, pages 9, 11*.
- 21. The Redmond Community Development Guide, Section 20D.80.20 requires development to preserve a minimum of 35 percent of the significant trees on a project site. The site contains 38 significant trees and one landmark tree as defined by the City's tree preservation ordinance. The Applicant proposes to retain only one significant tree, due to the need for significant site grading for the installation of electric infrastructure, which is especially susceptible to tree damage. A request for a Tree Removal Exception was submitted and approved by the City. Three replacement trees would be planted for each significant tree and landmark tree removed. *Exhibit 1*, pages 6, 9, 10; Exhibit 1,

Attachment 10, Arborist Report; Exhibit 1, Attachment 11, Tree Exception Request and Approval.

- 22. The site is located within the Overlake Subarea. *Exhibit 1, page 7; Exhibit 1, Attachment 5.* As such, development of the site is guided by Neighborhood Overlake Village and Utilities Element goals and policies of the City of Redmond Comprehensive Plan. Regarding electric utilities, Section G of the Comprehensive Plan Utilities Element states: "The electrical transmission system is a utility system that fills an essential public need. Therefore, zoning should allow the siting of major transmission lines at or above 115 kilovolt capacity and substation facilities in areas where it is reasonably necessary to provide efficient service. With coordination between the utility and the City in advance of the siting, problems of conflicting land uses may be reduced or avoided." *City of Redmond Comprehensive Plan, Utilities Element, Section G, Electric.*
- 23. City Planning Staff summarized the applicable City of Redmond Comprehensive Plan Overlake Village policies at N-OV-50 through N-OV-85 as follows:
 - Encourage mixed use and residential development
 - Create a unique neighborhood character
 - Create a parks system including parks, trails, open spaces, plazas and art
 - Invest in 152nd Avenue NE to create a linear neighborhood core in Overlake Village

Exhibit 1, page 7.

24. Applicable Comprehensive Plan policies include:

<u>UT - 67</u> Require designs that incorporate known and accepted low-cost technological methods of reducing magnetic fields or the exposure to them when siting high-voltage electrical facilities until further research provides more information on the health effects of electromagnetic fields. Methods may include:

- ♦ Line configurations that reduce field strength.
- ♦ Sufficient right-of-way widths.
- ◆ Sufficient height of lines from the ground for high voltage transmission facilities.

<u>UT - 68</u> Periodically review the state of scientific research on ELF/EMF and modify policies and regulations, if warranted, by changing knowledge or if new State or federal regulation requires changes.

<u>N-OV-50</u> Encourage redevelopment of Overlake Village in order to enhance the attractiveness and functionality of this area as a place to live, work, shop and recreate. Establish requirements for new developments to incorporate housing to support land use, environmental and transportation goals for Overlake.

N-OV-53 Promote Overlake Village as a location for a variety of businesses, including retail, office, services, and entertainment uses that are compatible with a mixed-use urban environment. Encourage a variety of economic activities, ranging from daily goods and services to boutiques and other specialty stores, as well as restaurants, residences, and

offices that promote Overlake as an appealing place to live, work and shop and provide for active uses during the day and evening hours.

N-OV-56 Allow those uses that are compatible with a mixed-use urban environment and that promote Overlake Village as an appealing place to live, work, and shop. Periodically review the allowed uses to ensure that the code is updated to provide for new or emerging uses.

<u>N-OV-61</u> Establish an image unique to Overlake Village related to its concentration of diverse ethnic and nearby high-tech businesses or other themes and display this identity through building design and streetscape improvements.

<u>N-OV-63</u> Orient buildings to the streets and include design features that encourage walking and biking to the area, and between stores and shopping centers. Locate parking beside, behind or underneath buildings. Include street trees and landscaping to provide green space between buildings and the street. Encourage this type of building and site design in development regulations, including parking requirements.

N-OV-65 Size and design plazas and open spaces to meet the needs of those who live, work and shop in the area. Include among the facilities a place to gather, rest, eat and engage in active recreational activities that do not require large amounts of space. Provide trees and places for shade and relief.

<u>N-OV-67</u> Encourage new development to incorporate recreational areas and open space for use by residents, employees, and visitors.

N-OV-69 Design and construct pedestrian corridors to enhance pedestrian safety and pedestrian use of the area. Connect businesses within the retail area with each other and with transit. Include street furniture, such as benches, on pedestrian corridors on public rights-of-way or public property to make them functional and inviting.

Exhibit 1, page 7; City of Redmond Comprehensive Plan, Overlake Neighborhood Policies.

- 25. No employees would work full time at the site. The project would generate approximately one vehicle trip per week for facility maintenance, with potential additional visits as necessary following storms. Maintenance vehicles would enter the site from NE 24th Street. The site entrances on Bel-Red Road would be used for installing large transformers during construction and to access equipment on an on-going basis. The Applicant would install removable bollards at the Bel-Red Road access points to prevent unauthorized vehicles from entering the site. *Exhibit 1, page 10; Exhibit 1, Attachment 5.*
- 26. The proposal would not change existing transportation patterns, except that it would reflect reduced vehicle trips compared to the previous bank use. *Exhibit 1, page 8, Exhibit 1, Attachment 5*.
- 27. Pedestrian access along NE 24th Street and Bel-Red Road would be maintained by the installation of new sidewalks consistent with Overlake Subarea Plan standards.

Pedestrian safety is improved as a result of the removal of the bank drive through lanes, which created potential pedestrian conflicts. Site improvements along the west site boundary would include grading to prepare the subject property for a future pedestrian trail contemplated in the Overlake Subarea Plan. *Exhibit 1*, page 10; Exhibit 1, Attachment 5; Exhibit 9.

- 28. This project does not require sanitary sewer. Water use would be limited to irrigation and would be minimal. *Exhibit 1, page 10*.
- 29. The proposal would reduce impervious surface area on-site from 45,174 square feet to 18,295 square feet. Stormwater would continue to discharge to the public stormdrainage system. *Exhibit 1, page 10*.
- 30. The mass and bulk of the proposed improvements is less than would be allowed for commercial or retail uses outright without a permit. See Exhibit 9.3. Site improvements would be enclosed behind a ten foot architectural wall constructed of concrete panels on the north, east, and south sides of the site. The western wall would be screened by landscaping incorporated into the MSE wall with a welded metal fence along the top. Three dead end structures 30 feet in height and 16-foot cast concrete panel firewalls would be built within enclosure. The new and replaced transmission poles will vary in height depending on final site design, but are anticipated to range from 75 to 105 feet in height. On-site areas outside the 10-foot architectural wall would be landscaped and provided with pedestrian amenities including benches. Photosimulations provided by the Applicant demonstrate the approximate visual impacts of the proposed development from adjoining streets and properties. The upper portions of the three dead end towers, the firewalls, and some of the substation equipment would be visible to pedestrians and motorists above the architectural wall. The Applicant is working with local artists regarding design of thematic and structural elements of the architectural wall, the gates, and the transmission poles adjacent to the site. The project is required to obtain approval of the City's Design Review Board. Exhibit 1, page 8; Exhibit 1, Attachments 5 and 14; Exhibit 3, Slides 8 and 9; Exhibit 9.4.
- 31. The project would increase the capacity and reliability of electrical power to the surrounding area, while allowing for the eventual decommissioning and removal of the Interlaken Substation. This would prevent the need for a new transmission line between Interlaken and Ardmore Substations and would allow for future removal of an existing 850-foot segment of transmission line on 152nd Avenue NE between NE 24th Street and the Interlaken Substation. In this way, the project is consistent with the City's plan for revitalizing of 152nd Avenue NE as the Overlake neighborhood's linear core, enhancing its "main street character" by providing a more pedestrian-oriented space with abundant landscaping. *Exhibit 1, page 8; Fischer Testimony; Exhibit 8.*
- 32. The Applicant submitted a professionally prepared noise study that demonstrated the proposed substation would comply with City of Redmond noise standards. The study did not recommend sound mitigation because the proposed equipment is expected to be

- quieter than existing sound levels during the quietest hour. Exhibit 1, page 9; Exhibit 1, Attachment 13.
- 33. All site improvements would be constructed and operated in accordance with National Electric Safety Code, the standards of the North American Electric Reliability Corporation, and Puget Sound Energy's own standards. The proposed GIS (gas insulated switchgear) "ring bus" uses inert gas instead of oil, which reduces the risk of fire associated with breaker failure. The 16-foot firewall would further protect off-site improvements from any on-site fire. The substation would be outfitted with a supervisory control and data acquisition (SCADA) system, allowing the Applicant to monitor and respond to changing on-site conditions in real time. *Exhibit 9*.
- 34. According the Technical Committee's analysis, the project would not result in an increased demand for police, fire, emergency medical services, or schools. *Exhibit 1*, page 10.
- 35. The City's Technical Committee requested that the Hearing Examiner recommend approval of the Ardmore Substation conditional use permit subject to conditions listed in Section VII of the report at Exhibit 1 as modified by Exhibits 4 and 5. *Exhibit 1, page 11; Exhibit 4; Exhibit 5; Fischer Testimony*.
- 36. On January 24, 2011, notice of public hearing was posted on-site and at other City government locations, published in <u>The Seattle Times</u>, and mailed to owners of property within 500 feet of the site and to others who had asked to be included in notices regarding the application. Notice was mailed to the owner of the Office Depot property on file at the King County Department of Assessments, per the RDCG. *Exhibit 1, page 5; Exhibit 1, Attachment 7; Exhibit 6; Fisher Testimony; Exhibit 17.*
- 37. The City received several public comments on the CUP proposal. Some public comments were in favor of the project, some expressly supporting removal of the Interlaken substation. Exhibit 1, Attachment 4, Kwok Chiang comment; Exhibit 2, Sherwood Forest Community Club comments; Exhibit 7.c, Brar comments; Exhibit 7.d, Paravecchio comments; Exhibit 7.e, Yoo comments; Exhibit 7.f, Lee comments. Some comments expressed concerns for project aesthetics. Exhibit 1, Attachment 4, Speck comment; Exhibit 1, Attachment 6, Copitzky comment; Exhibit 7.j. Other comments submitted concerns that an electric substation would create a stigma that would discourage potential purchasers of nearby future residential units due to concerns about health effects and would have adverse effects on the ability to place residential uses on neighboring properties. Exhibit 7.k, Piha comments.
- 38. The L-shaped subject property is separated from the intersection of Bel-Red Road and NE 24th Street by a roughly square parcel owned by Bel-Red Real Estate Group LLC. *See Exhibit 1, Attachment 2, Site Plan; Exhibit 10.* In written pre-hearing comments and at the open record public hearing, Bel-Red Real Estate Group LLC, through its attorney, opposed approval of the CUP based on its adverse possession claim to portions of the subject property. In short, Bel-Red Real Estate Group LLC alleged that its claim,

currently filed in the superior courts as a quiet title action, should stay the permit process pending judicial determination of title. They cited RCDG 20F.30.20-030 as requiring any and/or all parties with an ownership interest in the parcel to sign off on an application for conditional use permit and noted they had not signed the application. They argued that the <u>Halverson v. City of Bellevue</u> case supports their position. *Exhibit 7a; Exhibit 10; Exhibit 14; Mitsunaga Comments*.

- 39. The Applicant holds a statutory warranty deed on the subject property. Exhibit 10.d.
- 40. Regarding the adverse possession claim, the Applicant argued that the City is the body appropriately charged with interpretation of its Code's application requirements. The Applicant further argued that the private property dispute will ultimately be resolved in the courts in PSE's favor, whether through failure of Bel-Red Real Estate Group LLC to establish adverse possession, or through the exercise of PSE's eminent domain power. In addition, the Applicant argued that Halverson v. City of Bellevue is not on point as it directly cites the state subdivision statute and City of Bellevue code provisions that are not mirrored in the Redmond Code. Exhibit 9; Heller Comments; Exhibit 16.a.
- 41. On the subject of adverse possession, the City argued that parties claiming adverse possession are not necessary signators on applications for conditional use. The City argued that <u>Halverson v. City of Bellevue</u> speaks to the subdivision statute and has never been extended by the courts to other types of applications. *Exhibit 17*.
- 42. The commercial property to the west (the Office Depot property) is owned by 15301 Redmond LLC. On the Friday before the hearing, Counsel for 15301 Redmond LLC submitted written comments into the record expressing the following (paraphrased) concerns: 1) that the proposal would discourage multifamily development on adjoining properties⁶; 2) that the proposed electric substation would result in a stigma on the neighboring properties; 3) that the proposed improvements are too large for the site and would be placed in close proximity to adjoining properties; 4) that the application and City's Technical Committee report "failed to address the effect of the scale of the proposed substation on future development"; 5) that the application and City's Technical Committee report don't justify siting the proposal in the "heart of the Overlake Village"; 6) that the site is too small and too close to incompatible uses; 7) that the proposed development is fundamentally inconsistent with the plan for Overlake Village; and 8) that the Applicant failed to adequately demonstrate, such as through a three-dimensional model or other visual method, the environmental impact of the proposal. The 15301 Redmond LLC prehearing comments indicated that the owner would not grant an easement on its property for an underground distribution line. Exhibit 7b.
- 43. Counsel for 15301 Redmond LLC appeared at the open record public hearing and argued the following (paraphrased): 1) that the true owner of the 15301 Redmond LLC property

⁶ 15301 Redmond LLC argued: "[A]s the newly built multi-family project just to the south of the Office Depot location demonstrates, but for the proposed Ardmore Substation, the Office Depot property is in a prime location for future development into a "true urban residential mixed-use [site with] significant multi-family living opportunities..." *Exhibit 7.b, page 2*.

had never been provided notice of application, notice of review pursuant to SEPA, or notice of public hearing - that notices had been sent to the tenant Office Depot; 2) that the proposal does not satisfy CUP criteria that prohibit conditional uses from discouraging the development of permitted uses on surrounding properties; 3) that the proposed electric substation would create adverse health effects through the EMFs; 4) that the record contained no evidence that the substation was needed by the public; 5) that the project would adversely impact the adjacent property's value by limiting its ability to redevelop; 6) that the public trail along the site's western boundary might never be built; and 7) that 15301 Redmond LLC would not consent to the tree removal depicted on the landscape plan in the record. Counsel for 15301 Redmond LLC argued that notice had not been legally sufficient and that the Applicant should not be allowed to introduce new exhibits into evidence at the hearing because interested members of the public had not had a chance to review them. Finally, counsel argued that one week was insufficient post-hearing time for members of the public to review and comment on "new" evidence offered at hearing by the Applicant and City. *Kintsler Comments*.

- 44. Electric service demand in the Overlake area (Redmond and Bellevue) is approaching the capacity of the existing electric infrastructure. During periods of peak demand, loads at three of the four substations that serve the area (the Evergreen, Interlaken, and Kenilworth substations) exceed transformer capacity ratings. According to the Applicant, operating transformers above capacity ratings reduces transformer life and increases the risk of equipment failure. During peak demand periods, the system does not have sufficient reserve capacity in the event a substation goes out of service. Both Bellevue and Redmond have planned ambitious development for the Bel-Red and Overlake areas. Existing electric utility infrastructure no longer has capacity to serve new development in these areas. Without improvements, new load demand on the existing system jeopardizes service reliability and power quality to existing customers. The instant project would address this situation. *Exhibit 9.2; Jaeger Testimony*.
- 45. The Applicant can accomplish the proposed substation connection to the power grid without an underground easement on the Office Depot property. Other options exist. *Nedrud Testimony*.
- 46. Removal of trees on the Office Depot property in the proposed landscaping plans is not required in order to accomplish the proposed project, including on-site trail preparation. *Thompson Testimony*.
- 47. The Applicant's environmental checklist contains detailed information about electric and magnetic fields (EMFs) as they relate to environmental health, noting that some people have questions about whether there are adverse health effects from exposure to power frequency EMF. Citing reviews of 40 years' worth of studies and research done by such organizations as the World Health Organization, the US Institute of Environmental Health Sciences (part of the US National Institutes of Health), and the National Research Council (NRC) of the National Academy of Sciences, the Applicant stated that the large body of research does not show that exposure to power frequency EMF causes adverse health effects on people or animals. According to the NRC, "No clear, convincing

- evidence exists to show that residential exposure to electric and magnetic fields is a threat to human health." *Exhibit 1, Attachment 5, page 8; Thatcher Testimony*.
- 48. Neither the federal government nor Washington State has adopted standards for public exposure to power frequency EMF. Two entities have established exposure guidelines: the International Commission on Non-Ionizing Radiation Protection (ICNIRP) and the Institute of Electrical and Electronic Engineers (IEEE). As of November 2010, the ICNIRP recommendation is for a maximum public exposure of 2,000 milliGauss (mG), and the IEEE's recommendation is for a maximum of 9,040 mG. Outside the 10-foot architectural wall, EMF levels would be far lower. Due to site design and the height of transmission lines, no neighboring uses would come close to these suggested maximum exposures. *Thatcher Testimony; Exhibit 1, Attachment 5; Exhibits 11 and 12*.
- 49. Regarding discouraging residential development, PSE has not found that proximity to a substation appears to deter residential development of adjacent properties. They submitted before and after aerial photography of two substations, one in Renton and one in Redmond. In the Renton example, a 1980 photograph shows the President Park Substation surrounded by undeveloped property, while a 2011 aerial photo of the same area shows the substation site completely surrounded by development, much of it comprised of multifamily residential units. In the Redmond example, a 1980 aerial photograph shows the Kenilworth Substation surrounded by largely undeveloped land, while a 2011 photo of the same area shows the substation site surrounded by single-family residential development. *Exhibits 9.5 and 9.6; Heller Comments*.

CONCLUSIONS

Jurisdiction:

Pursuant to RCDC 20F.30.45-100, the Hearing Examiner has jurisdiction to hear a conditional use permit request and make a recommendation to the Redmond City Council for approval, approval with conditions, or denial of the application.

Criteria for Review:

Pursuant to RCDG 20F.40.40-040, requests for conditional use permits may be approved, or approved with conditions, if the Applicant provides sufficient evidence to demonstrate compliance with the following criteria:

- 1. The conditional use is consistent with the Redmond Community Development Guide, which includes the Comprehensive Plan.
- 2. The conditional use is designed in a manner that is compatible with and responds to the existing or intended character, appearance, quality of development, and physical characteristics of the subject property and immediate vicinity.
- 3. The location, size and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood

- circulation or discourage the permitted development or use of neighboring properties.
- 4. The type of use, hours of operation, and appropriateness of the use in relation to adjacent uses shall be examined to determine if there are unusual hazards or characteristics of the use that would have adverse impacts.
- 5. Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title.
- 6. The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.
- 7. The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities.
- 8. If applicable, the application must also conform to the standards established in Chapter 20D.170 RCDG, Special Uses.

Conclusions Based on Findings:

- 1. Neither RDCG 20F.30.20-030 nor 20F.20.30-050 requires the signature of parties asserting adverse possession claims on applications for conditional use. As the holder of a statutory warranty deed, the Applicant's signature on the application is sufficient to allow the City to review and process the instant application for conditional use. No City decision maker has authority to decide private property disputes. Bel-Red Real Estate Group LLC has not shown justification for halting the instant City land use process. *Findings 1, 2, and 39*.
- 2. Regarding 15301 Redmond LLC's claimed inadequate notice and evidentiary objections: As to 15301 Redmond LLC and all others, notice was adequate. The City posted, published, and mailed notice of application, notice of SEPA determination, and notice of hearing in accordance with the requirements at RCDG 20F.30.45-020, 20F.30.45-050, and 20F.30.45-080. Findings 2, 3, and 36. Further, 15301 Redmond LLC had actual notice of the hearing. Not only did they submit pre-hearing comments, but they were represented at hearing by counsel and had an opportunity - beyond that normally provided to members of the public - to review and comment on evidence submitted in the record at hearing through the post-hearing order. In open record public hearings on applications for land development, the Applicant bears the burden of proof, which includes the responsibility for responding to concerns raised in public comment. The "new" evidence complained of was submitted at the February 14, 2011 hearing in response to 15301 Redmond LLC's February 11, 2011 written comments and it was appropriately admitted. Post-hearing submittals that do not comply with the post-hearing order are properly excluded. 15301 Redmond LLC's March 8, 2011 submittal was untimely. See Post-Hearing Order of February 15, 2011.

- 3. As conditioned, the proposed substation would be consistent with the Redmond Community Development Guide and City of Redmond Comprehensive Plan. Regional utility facilities are allowed in the OV-3 zone upon CUP approval. The facility is necessary to serve existing and future residential, commercial, and other development in the Overlake Village area. Starting in 2007, the Applicant worked with the cities of Redmond and Bellevue and sought input from the public regarding siting of the facility. Design Review Board input triggered the involvement of a public arts advisory group to assist with the design of the facility, with the goal of creating themes for artistic elements that would fit the intended future character of the Overlake neighborhood. Design of the site would improve pedestrian experience on NE 24th Street, Bel-Red Road, and on 152nd Avenue NE, consistent with the Comprehensive Plan. The design of the facility within enclosed setbacks from shared property boundaries and the proposed heights of the transmission lines would reduce the public's potential EMF exposure well below suggested guidelines. Findings 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23, 24, 27, 30, 44, 47 and 48.
- 4. With the recommended conditions, the proposed substation would be compatible with and respond to the existing and intended character of the Overlake Village. The project would allow removal of the Interlaken Substation, consolidating the capacity of two substations in one site. This would allow removal of transmission lines along 152nd Avenue NE, promoting that street's planned purpose as a pedestrian-friendly "main street" for the Overlake Village. The proposed substation is necessary for existing and future development in the Overlake Village to enjoy continued reliable electric service. As screened and landscaped, the substation would not be incompatible with existing or future surrounding residential or commercial development. The project would enhance pedestrian access in the Overlake neighborhood, removing the drive through lanes, creating two landscaped pedestrian areas with seating, and providing for future construction of the planned urban trail along the western edge of the site. *Findings 4*, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23, 24, 27, 31, and 44.
- 5. As conditioned, the location, size and height of the proposed structures, walls, and fences, and screening vegetation would not hinder neighborhood circulation nor discourage any permitted development of neighboring properties. As proposed, the substation would be concealed behind architectural walls with thematic artwork and screened by landscaping. Topography would further screen views of the substation as seen from the Office Depot property to the west. Assertions in the record that electric substations discourage residential development are outweighed by stronger evidence. Regional aerial photography taken over time shows that residential development, in addition to other uses, can and does take place immediately next to electric substations. More locally, the recently developed multifamily residential use south of the Office Depot property was built across from the existing Interlaken Substation. *Findings 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 31, 44, and 49*.
- 6. With the recommended conditions, the proposed substation would not result in unusual hazards or characteristics that would adversely impact nearby uses. A professionally prepared noise study shows that the substation would not create noise in excess of City

standards. Photosimulations show that the equipment would be largely screened from view from adjacent streets and properties. The proposed substation would result in less visual impact than other uses permitted outright, due to the bulk and dimensions allowed to be developed on-site and due to removal of the Interlake Substation and transmission lines. Landscaping would screen the enclosure to mitigate its appearance. The enclosure would protect the public from hazards associated with electric substations, including shock, fire, and EMF exposure. While federal, state, and local governments have not established maximum exposure guidelines, adjoining properties would experience EMF exposure levels well below those recommended by trade and international groups. Construction and operation would be required to comply with the National Electric Safety Code. The substation would be fitted with equipment that would allow PSE to remotely monitor and respond to on-site conditions as they evolve. The proposed use was reviewed for compliance with the requirements of SEPA and a DNS was issued. No appeal was filed. *Findings 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 25, 26, 27, 30, 31, 32, 33, 44, 45, 46, 47, and 48.*

- 7. The City's Technical Committee concluded that the four requested modifications from standards would mitigate project impacts to an equal or greater extent than compliance with the standards required by Code. The record contains no evidence that the driveway spacing, topographic change, retaining wall height, or tree retention modifications will fail to mitigate project impacts. *Findings 17, 18, 19, 20, and 21*.
- 8. The proposed use would not result in pedestrian traffic and would reduce the amount of vehicular traffic substantially compared to the previous bank use. In removing the bank drive through lanes, the proposal has removed an existing source of pedestrian conflict. *Findings 25, 26, and 27.*
- 9. As conditioned, the proposed substation would not create demand for sewer, schools, parks, police, fire, or other emergency services. Water use would be minimal and limited to irrigation of landscaping. In significantly reducing impervious surfaces, the proposal would reduce demand on the City's stormdrainage system. The project would lower traffic to and from the site, reducing demand on public streets. It would create enhanced pedestrian facilities in the near term and would provide for future connectivity to a regional trail. The proposal would improve the reliability and capacity of electric service to the region, which is not a public service but is an essential public need according to the Comprehensive Plan. *Findings 27, 28, 31, 34, 35, and 44*.
- 10. Special Uses requirements established in RCDG Chapter 20D.170 do not apply to the application.

RECOMMENDATION

Based on the preceding findings and conclusions, the request for approval of a conditional use permit to allow construction of a combined distribution and transmission switching substation with associated transmission lines within a secured enclosure at 2245 NE Bel-Red Road in Redmond, Washington **SHOULD BE APPROVED**, subject to the following conditions:

A. Site Specific Conditions of Approval

The following table identifies specific materials that are approved as conditioned in this approval. [The "date received" is the date that is stamped as received by the Development Services Center.]

Item	Date Received	Notes
Plan Set	11/23/2010	and as conditioned herein.
SEPA Checklist	11/23/2010	and as conditioned herein
		and as conditioned by the
		SEPA threshold
		determination on 12/27/2010
Design Review Board	12/17/2010	and as conditioned herein.
Approval/Plans	1/11/2011	
Conceptual Landscaping Plan	11/23/2010	and as conditioned herein.
Conceptual Lighting Plan	12/17/2010	and as conditioned herein.
Proposed Tree Retention Plan	11/23/2010	and as conditioned herein.

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

1. Public Works Transportation and Engineering

Reviewer: Kurt Seemann, Senior Engineer

Phone: 425-556-2881

Email: kseemann@redmond.gov

- **a.** Conveyances. Conveyances may be in the form of easements or dedications. The City's Overlake Neighborhood Plan anticipates future construction of a pathway along the west side of the property. City codes also anticipate the need to widen arterial streets, such as Bel-Red Road. The proposed design has taken these future needs of the City into account as shown on the plans received by the City on November 23, 2010, and described as follows:
 - (a) 15-feet wide strip abutting the existing right-of-way of Bel-Red Road, for future right of way.
 - (b) A strip of land, up to 20-feet wide, along the west property line for a future 12-feet wide non-motorized/pedestrian pathway and landscaping.

The proposed conveyances (easements or dedications) shall be shown on any future construction plans. No conveyance is required at this time, however, the applicant is asked to provide a letter of understanding that reserves these areas for the City to acquire at an unspecified future date.

b. Construction Restoration. In order to mitigate damage due to trenching and other work on NE 24th Street and Bel-Red Road, the asphalt street shall be planed, overlaid, and/or patched, as determined by the Public Works Development Services Division. (Code Authority: RMC 12.08; Redmond Standard Specifications and Details)

c. Access Improvements

 The type and location of the proposed site accesses are approved as shown on the Ardmore Substation site plan prepared by PSE and submitted to the City on November 23, 2010.

(Code Authority: RCDG 20D.210.20-080; Appendix 20D-3)

d. Underground Utilities. All existing aerial utilities shall be converted to underground along the street frontages and within the development, except transmission lines. All new utilities serving the development shall be placed underground, except transmission lines.

(Code Authority: RCDG 20D.220.10)

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

http://www.redmond.gov/ConnectingRedmond/resources/IllumManual.asp (Code Authority: RCDG 20D.210.20-090; Appendix 20D-3)

2. Public Works – Water and Sewer

Reviewer: Jim Streit, P.E., Sr. Utility Engineer

Phone: 425-556-2844

Email: jstreit@redmond.gov

- a. Water Service. Water service for this project will be provided by replacing 150 lineal feet of existing 8-inch AC water pipe with 8-inch diameter ductile iron water pipe, or other approved material, in NE Bellevue-Redmond Road as shown on drawing number D-17011 prepared by PSE and date stamped November 23, 2010. A fire hydrant and water meter for irrigation will be connected to the new 8-inch ductile iron pipe per City of Redmond Standards. (Code Authority: RCDG 20D.220.020)
- **b. Sewer Service.** The existing side sewer from the site connects to a City of Bellevue maintained sanitary sewer. This side sewer will be abandoned and capped at the main per City of Bellevue requirements. A rights-of-way permit to work in

Bellevue Redmond Road may be needed and will be obtained from the City of Bellevue.

- c. Easements. Easements shall be provided for all water and sewer improvements as required in the Design Requirements for Water and Sewer System Extensions. Easements for the water and sewer mains shall be provided for City of Redmond review at the time of construction drawing approval. Offsite easements must be recorded prior to construction drawing approval. (Code Authority: RCDG Appendix 20D-4)
- **d. Backflow Preventors:** Backflow preventors shall be used in the water supply system in accordance with City, State, and Federal requirements. (Code Authority: RMC 13.10)
- e. Permit Applications. Water meter and side sewer applications shall be submitted for approval to the Public Works Development Services Division. Permits and meters will not be issued until all improvements are constructed and administrative requirements are approved. Various additional guarantees or requirements may be imposed as determined by the Development Services Division for issuance of meters and permits prior to improvements or administrative requirements being completed. All reimbursement fees shall be paid prior to sale of water and side sewer permits.

(Code Authority: RMC 13.08.010, 13.12)

3. Public Works - Stormwater/Clearing and Grading

Reviewer: Lisa Rigg, Senior Engineer

Phone: 425-556-2758

Email: lrigg@redmond.gov

a. Water Quantity Control:

- i. Water quantity control will be provided in a regional stormwater detention facility to be constructed off-site by the City of Redmond. No on-site detention is required. Instead, the applicant shall pay a regional facility surcharge to the City.
- ii. Provide for overflow routes through the site for the 50 year storm. (Code Authority: RMC 15.24.080)

Water Quality Control

a. Based on the preliminary design the project will be adding less than 5,000 square feet of pollution generating surface, and is exempt from providing water quality control.

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

c. Easements. Easements will be required for any public stormwater conveyance systems on private property. Easements shall be provided for City of Redmond review at the time of construction drawing approval and finalized for recording

prior to issuance of a building permit or issuance of water meter or side sewer permits. The existing and proposed easements shall be shown on the civil plans. Prior to acceptance of the easement(s) by the City, the developer will be required to remove or subordinate any existing private easements or rights that encumber the property to be dedicated.

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

- **d.** Clearing and Grading. Site grading shall not exceed a slope of 3 horizontal to one vertical measure (3 to 1), except for the area adjacent to the future trail, as shown on the preliminary site plan. (Code Authority: RMC 15.24.080)
- e. Temporary Erosion and Sediment Control (TESC).
 - i. Rainy season work permitted October 1st through April 30th with an approved Wet Weather Plan.

(Code Authority: RMC 15.24.080)

- **f. Floodplain Management.** No special requirements. (Code Authority: RCDG 20D.140.10 and 20D.140.40)
- **Landscaping.** Trees shall be a minimum of 8 ft. horizontal distance from all utilities. Street trees may be a minimum of 3 ft. horizontal distance from storm conveyance if root barriers are provided.

 (Code Authority: RCDG 20D.80.10-150(8))
- h. Department of Ecology Notice of Intent Construction Stormwater General Permit. Notice of Intent (NIO) must be submitted to the Department of Ecology (DOE) at least 60 days prior to construction on a site that disturbs an area of one acre or larger. Additional information is available at:

 www.ecy.wa.gov/pubs/0710044.pdf.

 (Code Authority: Department of Ecology Rule)
- i. Regional Capital Facilities Charge: A Regional Capital Facilities Charge applies to this project, located in the Overlake Sub-basin. Please see the Public Works Development Fee sheet for current fee information.

 (Code Authority: RMC 13.20.047 (Overlake))
- 4. Fire Department

Reviewer: Rich Gieseke, Deputy Fire Marshal

Phone: 425-556-2204

Email: rgieseke@redmond.gov

The current submittal is generally adequate for Site Plan Entitlement Approval, but does not fully represent compliance with all requirements. The following conditions are integral to Entitlement Approval and shall be complied with in Civil Drawings, Building Permit Submittals, Fire Code Permit submittal, and/or other applicable processes:

a. Site Plan Condition

- 1. Approved required fire apparatus access for emergency response, conforming to current Redmond Fire Department Standards, shall be shown for 24th St access to the site.
- 2. The existing hydrant located on the SE corner of the property shall be relocated and installed in accordance with current standards.
- 3. The site address shall be posted at or adjacent to the access drive on NE 24th Street. The new site address shall be defined as: 15335 NE 24th Street. This address shall be posted prior to the start of construction per RFD Standards.
- 4. The fire flow required for the site shall be provided, and be in place and operational, prior to the start of combustible construction. Specifically, the replaced hydrant shall be operational. Contractor shall coordinate approved activities with City for hydrant relocation activity.

b. Fire Protection Plan

 Fire Department and PSE shall agree upon an approved access plan to substation for emergency response during the construction review process. (Code Authority: RMC 15.06; RCDG Appendix 20D-3, RFD Standards, RFDD&CG)

5. Planning Department

Reviewer: Steven Fischer, Principal Planner

Phone: 425-556-2432

Email: sfischer@redmond.gov

a. **Street Trees.** The following street trees are required to be installed in accordance with RCDG Section 20D.80.10-140. The minimum size at installation is 2 ½ inch caliper and grown for street tree purpose with the lowest canopy branches at 6' height minimum.

Street	Species	Spacing
NE 24 th Street	Trident Maple	30 feet on center
	Acer buergerianum	

(Code Authority: RCDG 20D.80.10-140)

b. Tree Preservation Plan. A Tree Preservation Plan depicting all significant and landmark trees required to be preserved as part of the site development must be provided with the civil construction drawings. A plan showing the location of preserved trees and containing protection language approved by the City shall be shown on the face of the deed or similar document and shall be recorded with the King County Department of Records and Elections.

(Code Authority: RCDG 20D.80.20-070(4)(b))

- c. **Design Review Board Approval.** The Design Review Board recommended approval of the proposed project at their January 20, 2011 meeting. Revised elevations or plans that reflect the conditions of approval issued by the Design Review Board must be submitted with the building permit application or civil drawings. All plans must be prepared by a licensed architect or licensed engineer. The Design Review Board's recommendations are:
 - i. Colors and materials presented this evening shall be incorporated into the project.
 - ii. The applicant is strongly encouraged to move forward with the development of the art piece for the transmission pole.
 - iii. Colors and materials presented at the January 20, 2011 meeting shall be incorporated into the project.
 - iv. Presentation Materials Inconsistencies
 - Where inconsistencies between the floor plans and elevations are found after the Design Review Board has approved this project, the elevations approved by the Design Review Board at this meeting will prevail.
 - If, after this Design Review Board approval, there are any inconsistencies found in the information provided for the elevations, floor 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 the Administrative Modification.

C. Compliance with City of Redmond Codes and Standards

Approval, if granted by the City Council, would be subject to all applicable City of Redmond codes and standards, including but not limited to the list included in the Technical Committee's Report to the Hearing Examiner in the record at Exhibit 1, pages 17 through 19.

RECOMMENDED March 15, 2011.

By:

Sharon A. Rice

City of Redmond Hearing Examiner