

ORDINANCE NO. 2164

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING THE REDMOND MUNICIPAL CODE AND THE REDMOND COMMUNITY DEVELOPMENT GUIDE TO ADOPT REGULATIONS RELATED TO HISTORIC PRESERVATION (DGA 02-003) AND ESTABLISHING AN EFFECTIVE DATE.

---

WHEREAS, in September of 2000, the Redmond City Council updated the Historic and Cultural Resource chapter of the City's Comprehensive Plan through adoption of Ordinance No. 2080; and

WHEREAS, those policies called for a historic landmark nomination and designation process, incentives for owners of historic properties, and design guidelines for the historic downtown subarea; and

WHEREAS, these proposed regulations implement those policies by establishing a historic landmark nomination and designation process, establishing incentives for owners of historic properties; and establishing design guidelines for the historic downtown subarea; and

WHEREAS, the Planning Commission held eight study sessions and one public hearing to receive public comments on the proposed regulations; and

WHEREAS, on March 19, 2003, the Planning Commission transmitted to the Council its recommended historic preservation regulations, including findings of fact and conclusions of law; and

WHEREAS, the City Council of the City of Redmond acknowledges that the proposed regulations are for the benefit of the public health, safety, and welfare, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO  
ORDAIN AS FOLLOWS:

Section 1. Findings and Conclusions. After carefully reviewing the record and considering the evidence and arguments in the record and at public meetings, the City Council hereby adopts the findings, analysis and conclusions in the Planning Commission Report dated March 19, 2003.

Section 2. New Definitions Added. Chapter 20A.20, *Definitions*, of the Redmond Municipal Code and Redmond Community Development Guide is hereby amended to read as shown in Exhibit 1, incorporated herein by this reference as if set forth in full.

Section 3. Landmarks and Heritage Commissions Established. A new division, 20F.50.45, of the Redmond Municipal Code and Redmond Community Development Guide is hereby created to add the regulations as set forth in Exhibit 1, incorporated herein by this reference as if set forth in full.

Section 4. Historic and Archeological Resources Chapter Added To Protect Such Resources. A new title, 20D.57, *Historic and Archeological Resources*, of the Redmond Municipal Code and Redmond Community Development Guide is hereby created to add the regulations as set forth in Exhibit 1, incorporated herein by this reference as if set forth in full.

Section 5. Design Regulations Added Governing Historic Landmarks And A Historic Design Subarea Downtown. Chapter 20A.40, *Design Standards*, of the Redmond Municipal Code and Redmond Community Development Guide is hereby amended to read as shown in Exhibit 1, incorporated herein by this reference as if set forth in full.

Section 6. Map Entitled "Historic Design Subarea" Is Renumbered To Match Numbering For The Design Regulations For The Subarea And Reformatted To A Standard

Layout. Map 20.D.40.120.015, Historic Design Subarea is hereby amended to read as shown in Exhibit 1, incorporated herein by this reference as if set forth in full.

Section 7. Design Regulations Adopted For The Historic Design Sub-Area Downtown. A new division, 20D.40.150, of the Redmond Municipal Code and Redmond Community Development Guide is hereby created to add the regulations as set forth in Exhibit 1, incorporated herein by this reference as if set forth in full.

Section 8. Criteria For Allowing A Planned Residential Development Include Incorporating Historic Structures Or Landmarks. 20C.30.105-040, *Planned Residential Development*, is hereby amended to read as shown in Exhibit 1, incorporated herein by this reference as if set forth in full.

Section 9. Transfer Of Development Rights Is Allowed For Historic Landmarks And The Chapter Is Redrafted For Clarity. 20D.200, *Transfer of Development Rights (TDR) Program*, is hereby amended to read as shown in Exhibit 1, incorporated herein by this reference as if set forth in full.

Section 10. Changes Made In Existing Procedures For The Regulation And Protection Of Historic Landmarks. 20F.20, *General Review Procedures*; 20F.30, *Administrative Review Procedures*; 20F.40.20, *Administrative Design Flexibility*; 20F.40.130 *Site Plan Entitlement*; and 20F.50.30, *Design Review Board* are hereby amended to read as shown in Exhibit 1, incorporated herein by this reference as if set forth in full

Section 11. Changes Made Adding New Procedures For The Regulation And Protection Of Historic Landmarks. Divisions 20F.40.32, *Certificate of Appropriateness*; 20F.40.85, *Historic Landmark Nomination and Listing*; and 20F.40.32, *Certificate of*

*Appropriateness* are hereby created to read as shown in Exhibit 1, incorporated herein by this reference as if set forth in full

Section 12. Severability. If any regulation, section, sentence, clause, or phrase of this Ordinance, or any regulation adopted or amended hereby, should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other regulation, section, sentence, clause, or phrase of this Ordinance or any regulation adopted or amended hereby.

Section 13. Effective Date. This Ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five days after passage and publication of an approved summary thereof consisting of the title.

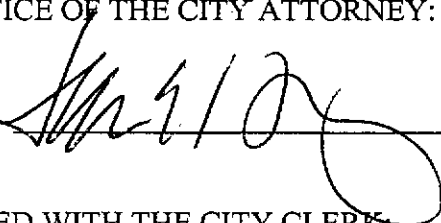
CITY OF REDMOND

  
\_\_\_\_\_  
ROSEMARIE IVES, MAYOR

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
BONNIE MATTSON, CITY CLERK

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

By:   
\_\_\_\_\_

FILED WITH THE CITY CLERK:	May 29, 2003
PASSED BY THE CITY COUNCIL:	June 3, 2003
SIGNED BY THE MAYOR:	June 3, 2003
PUBLISHED:	June 6, 2003
EFFECTIVE DATE:	June 11, 2003
ORDINANCE NO.: <u>2164</u>	

# Exhibit 1 to Ordinance No. 2164

**Section 1.** **New Historic Resources Definitions Added to Definitions Chapter.**  
Chapter 20A.20, *Definitions*, of the Redmond Community Development Guide is hereby amended to read as follows:

---

## **20A.20 Definitions**

### **Archeological Resource**

Any material remains of human life or activities which are at least 50 years old and which have potential to provide new information in the fields of history and archeology. This shall include all sites, objects, structures, artifacts, implements and locations of prehistoric or archaeological interest. This shall include but not be limited to burial grounds, campsites, dwellings, and implements such as projectile points, basketry, grinding stones or pestles, carvings and paintings. This shall include material remains of human life or activities from historic periods that are located at least partially below the ground surface necessitating the use of archaeological methods for study or recovery.

### **Archeological Feature**

A human modification of the landscape or a concentration of artifacts that reflects human use or activity that is at least 50 years old.

### **Alter/Alteration**

Any construction or remodeling which modifies all or part of the original site, object, or structure either in appearance or by substitution of original materials with new material. This shall include both exterior and interior construction or change to properties. Alteration includes but is not limited to changing paint color or topographic features; removal or substitution of fences, railings, landscaping, or ornamentations; or additions or substitutions of windows, window frames, doors, doorframes, and signs.

### **Historic Landmark**

A site or structure which has been designated under RCDG Chapter 20D.55, Historic and Archeological Resources as a Historic Landmark and is listed on the Redmond Heritage Resource Register.

### **Integrity (historic)**

A measure of the authenticity of a property's historic identity evidenced by comparing its present state to its original unaltered state. This shall include whether the property has maintained its character by maintaining such things as original location, design, setting, materials, workmanship, or feeling and association.

### **Preliminary Determination of Significance (Historic)**

A preliminary decision made by a Landmark Commission in the event of a hearing continuation that a historic resource is highly likely to qualify for the designation under consideration at that hearing.

### **Redmond Heritage Resource Register**

A listing of designated historic and archeological resources, that have been designated following the processes and standards in RCDG Chapter 20D.55, or its successor. The Department of Planning and Community Development or its successor maintains the Redmond Heritage Resource Register.

### **Significant Feature**

Any architectural detail, distinctive stylistic feature of a Historic Landmark structure, or distinctive feature of a Historic Landmark site that is identified on the designation report as

## **Exhibit 1 to Ordinance No. 2164**

contributing to its designation as a Historic Landmark. In the case where a designation report was not prepared in advance of designation, the Administrator determines what features are significant based on review by experts in historic preservation.

### **Substitute Material**

Any material that replaces the original material. If replacement is necessitated by the deterioration of the original, any material made of a different substance than the original material or any material that does not match the original material in its appearance.

# Exhibit 1 to Ordinance 2164

## **Section 2. Landmark Commissions created.**

Division 20F.50.45, *Landmark Commissions*, is hereby adopted as part of the Redmond Community Development Guide to read as follows:

---

### **20F.50.45 Landmark Commissions**

#### **20F.50.45-010 Creation and Purpose.**

- (1) Two commissions. A Redmond Landmark Commission and a Regional Landmark Commission are created to designate, provide additional incentives to, to provide review of changes to and to provide expertise on archeological and historic matters pertaining to properties qualifying for either a National, State, or local register status. The purpose of both the Redmond and Regional Landmark Commissions is the following:
  - (a) To promote the preservation of historic and archeological resources;
  - (b) To advise the Mayor and City Council on archeological and historic resources;
  - (c) To conduct hearings and decide applications for historic landmark status;
  - (d) To conduct hearings and decide applications for historic landmark demolitions, historic landmark moves, major alterations to historic landmarks, or excavations of archeological sites.
- (2) Commission roles. The Regional Landmark Commission shall be created to provide review over those properties listed as Key Historic Landmarks and agreed upon through an interlocal agreement with King County. The Redmond Landmark Commission shall be created to provide review over any properties not covered through the King County interlocal agreement establishing Redmond's use of the King County Landmark Commission as the Regional Landmark Commission. King County Code Chapter 20.62 shall govern the authority, duties, staffing, and procedural rules for the Regional Landmark Commission.

#### **20F.50.45-020 Authority and Duties.**

- (1) The Redmond Landmark Commission shall have the duty and authority over all properties not listed in the King County interlocal agreement for preservation services to:
  - (a) Review and approve, deny, or amend nominations to be listed on the Redmond Heritage Resources Register as a Historic Landmark.
  - (b) Review applications proposing demolition to historic landmarks, and either deny demolition in part or in whole or approve, or approve with conditions, and issue a Certificate of Appropriateness.
  - (c) When applicable, consider evidence of economic hardship during hearings on applications for demolition or moving of historic landmarks.
  - (d) Review applications proposing to move historic landmarks and to excavate archeological sites and deny or approve, approve with conditions, in whole or in part the application and issue a Certificate of Appropriateness.
  - (e) Review applications proposing removal of a site or structure from the Redmond Heritage Resources Register and approve, approve with conditions, or deny the application.

## Exhibit 1 to Ordinance 2164

- (2) Decisions on applications for Landmark Designation and Certificates of Appropriateness shall be binding upon all parties.

### 20F.50.45-30 Appointment and Composition.

- (1) Regional Commission Special Member.

One special member shall be appointed by the Redmond City Council to serve on the King County Landmark Commission as a voting member on all matters relating to or affecting designation, and certificate of appropriateness and incentives review for Key historic landmarks listed in the King County interlocal agreement for preservation services.

- (2) Redmond Appointment and Composition.

(a) Appointment. The Redmond Design Review Board together with two special members shall be empowered to act as the City of Redmond Landmark and Heritage Commission pursuant to other provisions of this chapter.

(b) Special members. Two special members shall be appointed by the Redmond City Council to serve on the Redmond Landmark and Heritage Commission. One shall be the member appointed by the Redmond City Council to serve as the special member on the King County Landmark Commission. At least one of the two members shall be a resident of the City. At least one of the two members shall have professional expertise in historic preservation.

### 20F.50.45-040 Terms of Office.

The special members shall serve for a term of three years. The special members may not serve more than two consecutive terms.

### 20F.50.45-050 Vacancies.

Vacancies shall be filled in the manner provided in 20F.50.45-30, *Appointment and Composition*, and 20F.50.45-40, *Terms of Office*. Special members appointed to fill unexpired terms shall serve the duration of the term. If the unexpired term is less than one year, it shall not be counted as a consecutive term. When a special member has two or more unexcused absences, the position shall be deemed vacant and a successor appointed.

### 20F.50.45-060 Removal.

The special members may be removed for inefficiency, neglect of duty or malfeasance. The Mayor or the City Council may initiate removal proceedings. A two-thirds vote of the City Council is required for removal for the reasons listed in this section.

### 20F.50.45-070 Rules.

The Redmond Landmark and Heritage Commission shall adopt rules for the transaction of its business. The rules shall provide, but not be limited to: the date, time, place and format of



## **Exhibit 1 to Ordinance 2164**

regular meetings and hearings; a record of proceedings, reports, studies, findings, conclusions and recommendations; and election of a Commission Chair and Vice Chair to a one-year term each. The rules of the Redmond Landmark and Heritage Commission shall be approved by the City Council and included in an appendix to the Redmond Community Development Guide.

### **20F.50.45-080      Staff services.**

The Director of Planning and Community Development or successor shall be responsible for the general administration of the Redmond Landmark and Heritage Commission and may request staff services from other City Departments or outside agencies trained in preservation.

### **20F.50.40-090      Conflict of Interest**

Members of the Commission shall disqualify themselves from involvement in Commission actions in which they have an interest.

### **20F.45.50-100      Quorum and Voting.**

- (1) A majority of the appointed and qualified members with at least one of the two special members present shall constitute a quorum for the transaction of business, provided that at least five (5) shall be required to constitute a quorum, excluding any disqualifications.
- (2) Any action taken by a majority of those present, when those present constitute a quorum, at any regular or special meeting of the Commission, shall be deemed and taken as the action of the Commission. Any number less than a quorum shall be authorized to convene a meeting at the time set and to adjourn, recess or continue a regular meeting, a special meeting, or a public hearing to a date and time certain.
- (3) An agenda or notice with the date, time, and place of the continued meeting shall be mailed to the owner of the property under consideration, interested persons of record and for designation hearings, the person submitting the nomination.

# Exhibit 1 to Ordinance 2164

## **Section 3. New Historic and Archeological Resources Chapter Adopted.**

Chapter 20D.57, *Historic and Archeological Resources*, is hereby adopted as part of the Redmond Community Development Guide to read as follows:

---

### **20D.57 Historic and Archeological Resources**

#### **20D.57.10 Purpose.**

This chapter is established for the following purposes:

- (1) To preserve, maintain, and enhance sites, buildings, objects, and structures that serve as visible reminders of Redmond's social, architectural, geographic, ethnic, cultural, engineering, and economic history.
- (2) To protect Redmond's unique community identity and character.
- (3) To ensure the feasibility of economic use and continued utilization of historic buildings.
- (4) To contribute to the economic vitality of the City Center by encouraging maintenance and rehabilitation of existing properties of historic significance.
- (5) To provide guidance for land use decisions affecting historic and archeological properties.
- (6) To provide guidance for historic landmark designation.

#### **20D.57.20 Scope and Authority.**

This chapter applies to the following:

- (1) Designated Historic Landmarks;
- (2) Properties for which Historic Landmark Designation is sought;
- (3) Archeological sites

#### **20D.57.30 Administration**

##### **20D.57.30-010 Permits and Procedures**

Properties for which Historic Landmark Designation is sought, Historic Landmarks, and archeological sites shall have a set of permits and procedures for designation and listing, removal of listing, the three levels of review for alterations to Historic Landmarks, and for archeological sites. Those permits and procedures can be found in Chapter 20F or in King County code in the following sections:

<b>Procedure</b>	<b>City</b>	<b>Properties under Interlocal Agreement</b>
Nomination and Listing	20F.40.85	K.C.code chapter 20.62
Removal of Listing	20F.40.85	K.C.code chapter 20.62
Certificate of Appropriateness, Level I, II, & III	20F.40.32	K.C.code chapter 20.62
Archeological Sites	20D.40.31	K.C.code chapter 20.62

## **Exhibit 1 to Ordinance 2164**

### **20D.57.30-020 Redmond Heritage Resource Register.**

- (1) The City of Redmond shall maintain a list of Historic Landmarks called the Redmond Heritage Resource Register.
- (2) Permits and procedures required for Historic Landmarks and Adjacent Properties.
  - (a) Once a site, property, or geographic area is designated as a Historic Landmark, it shall comply with RCDG 20F.40.32 , *Certificate of Appropriateness* or King County Code 20.62 certificate of appropriateness procedures.
  - (b) Properties adjacent to a Historic Landmarks shall comply with RCDG 20D.40.20, *Context Design Standards*.
- (3) Waiver or Modification of Codes Allowed.
  - (a) Once a structure is designated a Historic Landmark, the following authorities or their successors listed in subparts (i) through (iii) may waive the code that falls under their authority. The waiver must contribute to preservation or restoration of historic integrity. The designated authority shall decide the code that may be waived and the extent of the waiver.
    - (i) The Building Official may waive code adopted in RCDG Subtitle 20E to the extent allowed by RCW 19.27.120.
    - (ii) The Fire Official may waive a fire code adopted in RCDG Subtitle 20E to the extent allowed by RCW 19.27.120.
    - (iii) The Administrator may waive the development standards in RCDG Subtitles 20C and 20D.
  - (b) The owner of a Historic Landmark or a person authorized by the owner must apply for a code waiver in writing. The application shall be shall include any information required by the authorities listed in section (a) subparts (i) through (iii).
  - (c) The designated authority shall either rely on the Historic Landmark designation report as it relates to the waiver being requested or shall rely on the expertise of a King County historic preservation officer, or other person similarly trained in historic preservation.
- (4) Properties designated as Historic Landmarks except for public parks or cemeteries shall be eligible for transfer of development rights provided for in Chapter 20D.200, Transfer and Purchase of Development Rights (TDR) Program.
- (5) Properties designated as Historic Landmarks shall use the care standards found in Appendix 20D-6.

### **20D.57.30-030 Effect of Historic Landmark Designation by Other Governments.**

- (1) Sites, properties, or geographic areas listed on the following registers shall be deemed to be City of Redmond Historic Landmarks.
  - (a) United States National Register of Historic Places.
  - (b) The King County Landmarks Register, except those properties listed as community landmarks.
  - (c) The Washington Heritage Register.

## Exhibit 1 to Ordinance 2164

- (2) Timing.
  - (a) A site, structure, or geographic area within the City of Redmond shall become a Historic Landmark on the date it is listed to any of the historic registers in subpart (1) of this section.
  - (b) Upon the date of annexation to Redmond of any property previously listed on the historic registers in subpart (1) of this section that property shall be listed on the Redmond Heritage Resource Register.
- (3) Effect. The sites, properties, or geographic areas listed as described in subsections (1) and (2) shall be treated the same as any other property listed through the local process as a Historic Landmark. A site, structure, or geographic area shall remain a Redmond Historic Landmark unless removed by the process in 20D.57.30-040, *Removal of designation*.

## Exhibit 1 to Ordinance 2164

### Section 4. Design Standards Chapter is modified to deal with Historic Landmarks.

Sections 20D.40.10-020, *Scope and Authority*, 20D.40.20-020, *Design Contexts*, 20D.40.20-030, *Relationship to Adjacent Properties*, and 20D.40.40-020 *Signs and Street Graphics* of the Chapter 20D.40, *Design Standards*, of the Redmond Community Development Guide and Municipal Code are hereby amended to read as follows:

---

## 20D.40 Design Standards

### 20D.40.10-020 Scope and Authority.

- (1) Scope. There are ~~two~~ three sets of standards: City-wide design standards, and City Center design standards, and Historic Design Subarea standards.
  - (a) City-wide design standards (RCDG 20D.40.15) apply to applications requiring design review that are located throughout the City and include the City Center districts.
  - (b) The City Center is divided into design areas. The applicable design areas standards (RCDG 20D.40.100) and the City-wide design standards (RCDG 20D.40.15) shall apply to applications requiring design review that are located within the City Center.
  - (c) Historic Design subarea standards (RCDG 20D.40.150) shall apply to this subarea within the Old Town design district in addition to design standards in sub-section 20D.40.10-020 (1) (a) & (b). Where the Citywide or City Center design standards conflict, the Historic Design Subarea guidelines shall prevail.
- (2) Authority.
  - (a) Design Review Required. All applications requiring a building permit for exterior building modifications, new construction and signs or that require a Level II or III Certificate of Appropriateness shall comply with the intent statements and design criteria as provided in subsection (2)(d) of this section.
  - (b) Design Review Board Authority. The Design Review Board shall review and make a decision on the following applications:
    - (i) All building permit applications that have a total valuation of \$50,000 or more except for the following:
      - (A) One and/or two unit residential buildings unless the structure is a Historic Landmark;
      - (B) Tenant improvements not associated with a Historic Landmark or not encompassing an exterior modification;
      - (C) Signs not associated with a Historic Landmark; and
      - (D) Commercial buildings located within the MP or I zones unless the sites have significant natural features, contain a Historic Landmark, or are located in areas of high public visibility, such as areas adjacent to SR 520, Marymoor Park or the Sammamish River Trail.
    - (ii) Planned residential development (PRD) applications when the proposal includes housing types other than single-family detached units.
  - (c) Landmark Commission Authority. The Landmark Commissions shall have design authority over designated Historic Landmarks as outlined in 20F.50.45.

## Exhibit 1 to Ordinance 2164

- (ed) Code Administrator Authority. The Code Administrator shall review and make a decision on the following:
- (i) All building permit applications that have a total valuation of less than \$50,000 except for the following:
    - (A) One and/or two unit residential structures not designated as Historic Landmarks; and
    - (B) Tenant improvements not associated with a Historic Landmark or not encompassing an exterior modification.

For projects reviewed by the Code Administrator that are not in compliance with the applicable design standards, the Technical Committee may refer the application to the Design Review Board for their consultation. For Level I Certificates of Appropriateness, the Code Administrator may consult with or use the authority of the King County Historic Preservation Officer or other preservation expert with similar qualifications.

- (d) Compliance with Design Standards. Decisions on applications requiring design review shall be made as follows:
- (i) Each design element, ~~and design district,~~ or design subarea, has intent statements followed by design criteria. Intent statements describe the City's objectives for each design element or district. The design criteria that follow the intent statements are suggested ways to achieve the design intent. Each criterion is meant to indicate the preferred condition. Other equal or better design solutions may be acceptable as long as the proposed alternative meets the intent of the design element or district.
  - (ii) All applications that require design review shall comply with the intent statements or each applicable design standard element and design district, ~~or design subarea.~~
  - (iii) While the design criteria are generally permissive, if "shall" is used in the design criterion all applications shall comply with that specific design criterion if it applies to the application.
  - (iv) The applicant has the burden of proof and persuasion to demonstrate that the application complies with the intent statements.
  - (v) The applicant shall demonstrate to the satisfaction of the decision-maker that the application complies with the applicable intent statements and the design criteria that use the word "shall".
  - (vi) Where the decision-maker concludes that the application does not comply with the intent statements or the design criteria that use the word "shall", the decision-maker may condition approval based on compliance with some or all of the design criteria, or the decision-maker may deny the application.
- (e) Conflicts with Site Requirements. These design standards supplement the development standards and site requirements of each zoning district. The design standards shall be implemented in a manner that allows developments of the type and scale set by the Comprehensive Plan and development regulations while achieving the design intents. Where the provisions of this section conflict with the provisions of the zoning district, the provisions of the zoning district shall control.
- (f) Administrative Design Flexibility. Under exceptional circumstances, minor variations to the site requirements of the underlying zoning district may be permitted if it is necessary to meet the intent of the design standards. Minor variations shall be processed through the procedures set forth in RCDG Title 20F, Administration and Procedures. If

## Exhibit 1 to Ordinance 2164

the Design Review Board makes a recommendation to vary the site requirements it shall be based on the following:

- (i) The application of certain provisions of the Development Guide would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the underlying zoning district and of the design standards.
- (ii) Permitting a minor variation will not be materially detrimental to the public welfare or injurious to the property or improvements in the area.
- (iii) Permitting a minor variation will not be contrary to the objectives of the design standards. (Ord. 1993)
- (iv) The minor variation protects the integrity of a Historic Landmark or the Historic Design subarea.

### 20D.40.15 City-Wide Design Standards.

#### 20D.40.15-010 Purpose.

The purpose of this section is to establish design standards for development projects located outside of the City Center. It is organized to first address contextual issues (how the project fits into the surrounding neighborhood), then site design issues, building design issues, landscaping design issues, and sign design issues. The last section addresses circulation issues, such as access to and from the site, internal circulation, parking, and transit. (Ord. 1993)

### 20D.40.20 Context Design Standards.

#### 20D.40.20-010 Purpose.

The purpose of this section is to identify existing neighborhood characteristics that should be enhanced or incorporated into the designs of new development projects. In addition, the standards address neighborhood compatibility and transitions between adjacent land uses, buildings, and street frontages. (Ord. 1993)

#### 20D.40.20-020 Design Contexts.

##### (1) Intent.

- (a) To provide contextual references that can be used to encourage distinctive designs for new development and redevelopment projects.
- (b) To create contexts that capture the community visions and values as reflected in the Comprehensive Plan, neighborhood plan, and/or Design Review Handbook. Contextual elements could include the following:
  - (i) Context Defined by Natural Forms and Patterns. These are natural landforms found in the Sammamish River Valley and other parts of the City. Examples include river contour forms; river bench terraces; multiple silhouette ridgelines; and panoramic vistas with associated mountain, lake, river, and gully forms.
  - (ii) Historic and Cultural Context. This consists of specific cultural references to Redmond as an historic urban crossroads or as a farming community. Historic Landmarks and the section of Leary Way framed by older historic structures have

## Exhibit 1 to Ordinance 2164

been identified as contributing to the historic character of the City. In addition, Redmond's native peoples and Redmond's heritage as a logging and farming community, and as a historic urban crossroads, define the more general historic and cultural context of the City.

- (iii) Architectural Context. This includes buildings with articulated facades, pedestrian friendly scale and detailing, historic building features or character, and interesting rooflines.
- (2) Design Criteria.
- (a) Development sites should blend with natural landforms and be designed to maximize scenic views.
  - b) Developments that have a historic or cultural context should incorporate or enhance historic or cultural references by-with the use of symbolic design details, interpretive signs or informational plaques.
  - (c) Developments within an area that has a distinctive architectural context should carry it forward with similar structure types and materials and, where appropriate, consistent architectural detailing.

### 20D.40.20-030 Relationship to Adjacent Properties.

- (1) Design Criteria.
- (a) Building setbacks from public streets should be minimized in commercial developments.
  - (b) All development shall include site-planning measures to create an attractive street edge and accommodate pedestrian access. Examples of ways that a development meets the requirements of this provision are provided in subsections (2)(b)(i) through (iv) of this section.
    - (i) Define the street edge with buildings landscaping or other features.
    - (ii) Provide for a sidewalk at least five feet wide if there is not space in the public ROW.
    - (iii) Provide building entries that are accessed from the sidewalk. Preferably these access ways should be separated from the parking and drive aisles. If access traverses the parking lot, then it should be raised and clearly marked.
    - (iv) For businesses which require outdoor display oriented to the street, such as nurseries and auto sales, the street edge shall be defined.
  - (c) Create a well-defined streetscape to allow for the safe movement of pedestrians. Wherever possible, minimize building setbacks and relegate parking and drive-through passageways to the side and rear of all buildings.
  - (d) Provide site development features that are visible and pedestrian accessible from the street. These features could include plazas, open space areas, employee lunch and recreational areas, architectural focal points, and accent lighting. (Ord. 1993)
  - (e) Designs shall minimize impacts to historic structures or sites, and mitigate impacts through such means as:
    - (i) Developments adjacent to Historic Landmarks should ensure that significant features of Historic Landmarks are not obscured from public view. In cases where this is not fully possible, developments shall mitigate with photo documentation showing the significant features that will be obscured and/or the relationship of the structure to that adjacent site prior to construction of the obscuring structure.



## **Exhibit 1 to Ordinance 2164**

- (ii) Use of color on adjacent structures that allows existing Historic Landmarks to remain prominent within the immediate area.
- (iii) Use of materials or design that emulate existing Historic Landmarks but which can be differentiated in age from that of the Landmark.
- (iv) Views from the new development may include views of significant features of the Historic Landmark.

### **20D.40.40 Sign Design Standards.**

#### **20D.40.40-010 Purpose.**

The purpose of this section is to establish criteria for signs and street graphics, including the type of sign, the sign message, color, and illumination. (Ord. 1993)

#### **20D.40.40-020 Signs and Street Graphics.**

- (1) Intent.
  - (a) Signs should be used primarily for the purpose of identification or conveying recognition of a particular development.
  - (b) Signs should be consistent with building design and surrounding structures, and be appropriate to the type of activity to which they pertain. Design elements, such as the size, shape, materials, lighting, color, lettering style, and the number and arrangement of signs should present a professional appearance and quality of permanence.
  - (c) The shape of a sign should strive for simplicity with all elements constituting an integrated design with the building and landscaping.
  - (d) A sign must be legible.
  - (e) The scale of a sign should be in proportion with the building or site to which it pertains.
  - (f) The number of signs should be minimized in order to avoid visual clutter.
  - (g) Sign programs should be adhered to unless:
    - (i) Special circumstances can be substantiated for an individual tenant to deviate from the standard requirements.
    - (ii) Adherence would be out of character with a Historic Design Subarea, or a Historic Landmark.
  - (h) A sign should be an understatement in relation to the building and site the sign is identifying. Conversely, a sign should not overshadow its building or surroundings.
  - (i) For Historic Landmarks or Historic Design Subareas, signs should be consistent with historic character and not obscure significant features.

## Exhibit 1 to Ordinance 2164

**Section 5.** A new section is added to Chapter 20D.40, Design Standards to provide for design standards for the City Center Historic Design Subarea and map 20D.40.120-015 Historic Design Subarea is renumbered and renamed to match the new section.

Chapter 20D.40, *Design Standards*, of the Redmond Community Development Guide and Municipal Code is hereby amended to read as follows:

---

### **20D.40.150 City Center Historic Design Subarea Standards.**

#### **20D.40.50-010 Purpose**

The purpose of this division is:

- (1) To preserve the existing Historic Landmarks within the District;
- (2) To maintain or enhance the historic integrity of the Leary Way corridor and;
- (3) To ensure new development and additions or other remodeling within the City Center Historic Design Subarea is complimentary to and in context with the existing historic fabric.

#### **20D.40.150-020 Scope and Authority**

The guidelines in this section shall apply only within the City Center Historic Design Subarea as shown on the map entitled City Center Historic Design Subarea. Citywide and City Center design standards shall also apply to this area. Where the Citywide or City Center design standards, or sign standards conflict, the Historic Design Subarea guidelines shall prevail.

#### **20D.40.150-030 Site Design**

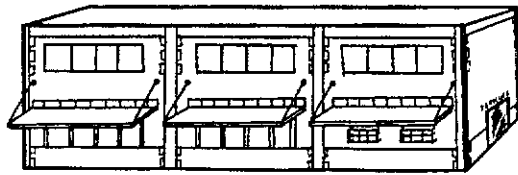
- (1) Intent. The core of this district developed between the late 1800's to the mid 1900's encompassing a variety of periods. The intent of site design standards within the City Center Historic Design Subarea is to ensure that historic patterns of land development and general character of the district that was created during this timeframe are maintained.

#### (2) Design Criteria.

- (a) Building setbacks. Setbacks shall reflect historic patterns. Commercial buildings shall front on the public sidewalk. Setbacks of residential structures from the public sidewalk should be minimized. Narrow areas of lawn or landscaping may be acceptable between entrances. Structures should be built to the side lot line or the side setback should be 5 feet or less not including access width. Rear setbacks may allow for a narrow alley access, for service entrances or for several stalls of parking. Additions or other remodels are encouraged to match this pattern when feasible.
- (b) New structures should incorporate structured parking or mechanical stacked parking systems. Visible structured parking shall not front along the sidewalk edge except to allow placement of entrances. Structured parking should preferably be underground or in backs of structures. Surfaces masking parking shall continue design rhythms, colors, materials, and trims used in the other parts of the structure. Surface lots should be located to the rear of structures.

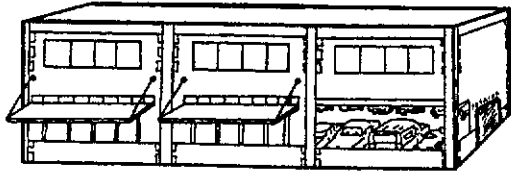
# Exhibit 1 to Ordinance 2164

Recommended



Design rhythms repeat. Automobiles are not visible.

Not Recommended



Automobiles should not be clearly visible from sidewalk.

Figure 1. Parking Design

## 20D.40.150-40 Building Design

- (1) The intent of building design standards within the City Center Historic Design Subarea is to ensure that Historic Landmark buildings maintain their prominence within the district and to ensure the character of the original downtown core is maintained. These building design standards shall apply to all new structures. Whenever it is feasible and in context with the existing structure, these standards will also apply to additions or other remodeling.
- (2) Building orientation.
  - (a) Entrances shall front towards the sidewalk.
  - (b) For peaked roofs, primary roof ridgelines or roof ridgelines predominant to the viewer shall run from front to back.

Predominant roof-line runs from front to back

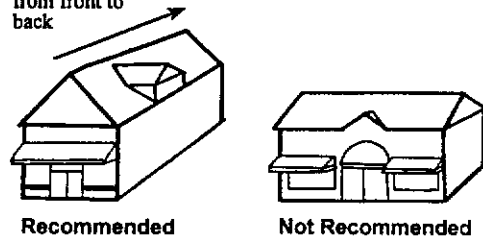


Figure 2. Roof Ridgelines for Peaked Roofs

- (3) Building scale. New construction should be in scale with existing historic patterns. In cases where the scale of the building is larger, techniques should be used to break up the scale of the building to match existing patterns. These techniques can include variance in roof height, Vertical columns to break up facade, changes in roof or parapet detail, use of smaller repeating window patterns, use of fascia on the facade, façade articulation, and stepping back or modulating of upper stories.

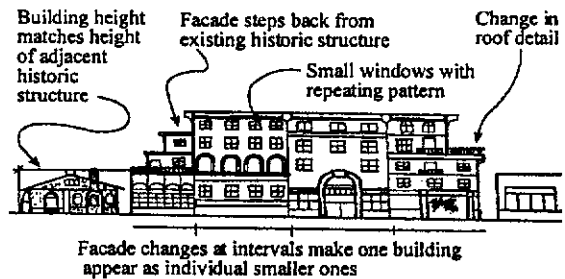


Figure 3. Building Scale

Building facade steps back and modulates to reduce scale

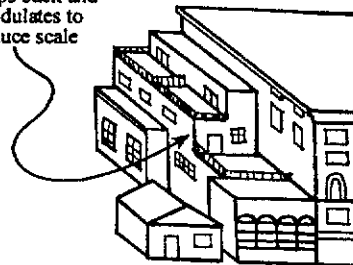
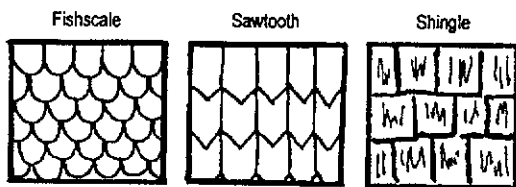


Figure 4. Methods to reduce scale

## Exhibit 1 to Ordinance 2164

- (4) Building design, details, and materials.
- (a) Buildings should incorporate vernacular architectural styles from the periods reflected in the district.
  - (b) Buildings should incorporate materials similar to those used on existing historic structures. This includes brick, stucco that is used in the art deco style, wood, and stone. Use of modern materials is acceptable to the extent that it differentiates the new structures from historic ones without substantially changing the visual character reflected in the district.

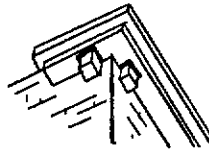


Wood sidings common to the historic period of Redmond. These sidings were often used individually or in combination with clapboard or board and batten. These sidings or reasonable facsimiles in modern materials are encouraged.

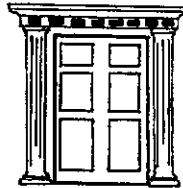
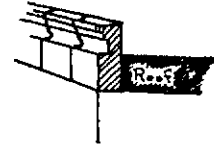
**Figure 5. Illustration of Common Wood Siding materials**

- (c) For one to one and one-half story structures, a false front is allowed on peaked roofs.
- (d) Hipped roofs are discouraged unless they are in context with the period of architecture reflected in the district.
- (e) Additions and other remodeling to existing buildings should closely pattern the architectural styles reflected in the district. Otherwise, additions and other remodeling should be complimentary to the pattern of the district.
- (f) Buildings shall incorporate details prevalent in the architecture reflected in the district.

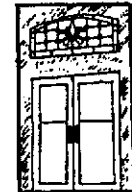
Comice Details such as this are encouraged. Use of molding or brackets also enhance historic character.



Parapets and parapet details such as this are encouraged. The detail of the parapet is enhanced when it differs in material or color.



Use of columns, or pilasters can enhance door detail. Use of such detail as pediments or architraves for doors is also encouraged.



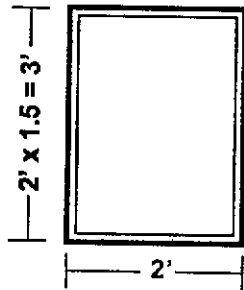
Transoms above doors and use of decorative glass are details that can enhance historic character.

**Figure 6. Details encouraged to enhance Historic character**

- (g) Details such as parapets and bands, windowsills, and doorframes shall consist of alternate materials or color to enhance detail.
- (h) Size of individual windowpanes or false panes shall not exceed the smaller sizes typical of early period glass separated by mullions and rails. For windows above the first story, the height or vertical dimension shall be at least one and one-half (1 1/2) the width or horizontal dimension or mullions or stiles should separate the panes to create the sense that the dimension of the vertical element exceeds the horizontal one.

# Exhibit 1 to Ordinance 2164

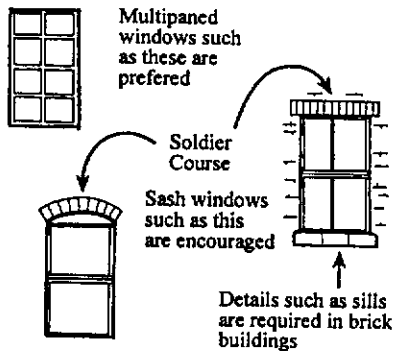
Example of Ratio Requirements:



Window Height must equal or exceed Width by 1 1/2 times.

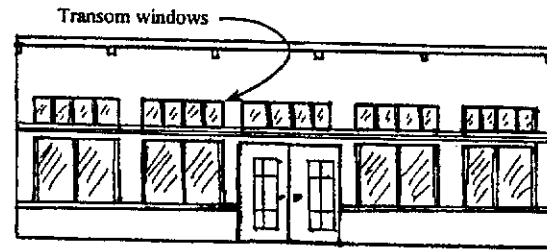
**Figure 7. Window Dimensions above First Story**

- (i) Building fenestration shall consist of numerous individual windows or larger windows having multi-panes to avoid large areas of solid surface.
- (j) For brick, stone, and art-deco stucco structures, upper story windows shall be punched or recessed except for bay windows.
- (k) Details such as soldier course or solid lintels and sills shall be used around windows in brick, and stone structures.



**Figure 8. Multipaned Windows and Sill and Lintel treatments**

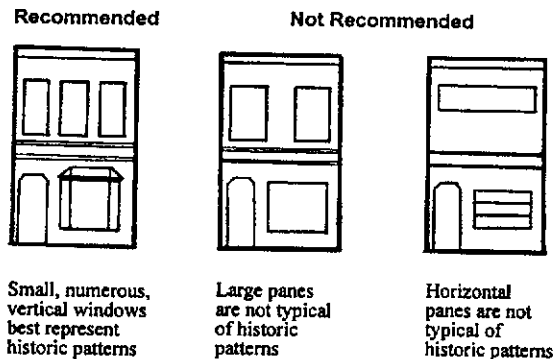
- (l) Windows shall not start at floor level and shall repeat historic patterns that allowed views to the interior of a storefront.
- (m) Transom windows are encouraged.



Window shall not start at floor level. This illustration shows a typical starting point for many historic buildings.

**Figure 9. Transom Windows and Windows Above Floor Level**

- (n) Preferred window dimensions and type.



**Figure 10. Preferred Window Dimensions and Types**

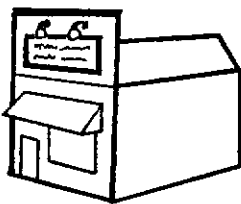
- (o) Recessed entrances are encouraged for storefronts. Porches, courtyard entrances, or stoops are encouraged for residential buildings.
- (5) Building Color.
  - (a) New buildings, additions, and other remodels may contrast with that of existing buildings to the extent that use of color still allows a Historic Landmark building to remain prominent within the district.
  - (b) Preferred colors are those that reflect the historic patterns of the district, however other colors, particularly on non-historic structures, will be allowed if they are complimentary to surrounding structures.

# Exhibit 1 to Ordinance 2164

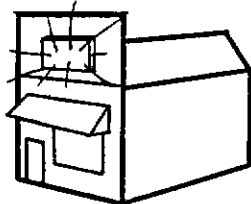
## 20D.40.150-50 Signage and Awnings

- (1) The intent of sign standards within the City Center Historic Design Subarea is to ensure that all buildings in the district have signage compatible with or complimentary to the Historic Landmark, the period of the structure, or with the general period reflected in the district.
- (2) Size of signs will comply with the sign 20D.160 Signs unless either compliance would be detrimental to the integrity of a Historic Landmark or when a design concept is more in keeping with the architecture reflected in the district.
- (3) Preferred signage. Window signage, painted signage on wooden facades, wood signs, signs on awnings, signs lit by sources other than the sign itself, or decorative signs hung perpendicular to the building façade are encouraged. Wood facsimile products may be an acceptable substitute. Use of backlit plastic wall signs, extruded aluminum, changing message, or other newer technology signs should not be allowed. Use of neon signs should be limited to window signs or art deco styled buildings.

Recommended

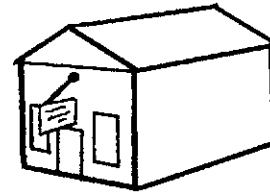


Not Recommended



Use of painted signs lit by separate source such as illustrated here are encouraged. Highly modern signs such as this backlit plastic sign are strongly discouraged.

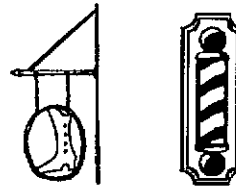
Figure 11. Preferred Signage



Signs hung perpendicular to front facade are encouraged.

Figure 12. Perpendicular Signage

- (4) Use of signs with logos illustrating trades is encouraged.



Trade logo signs are encouraged

Figure 13. Typical Trade Logo Signs

- (5) Awning design, color, and lettering should be compatible with or complimentary to the awning styles, colors, and lettering that are typical of the periods reflected in the district.
- (6) For awnings, preferred styles are wedge awnings, bullnose entrance awnings, and flat decorative metal awnings anchored to the structure.

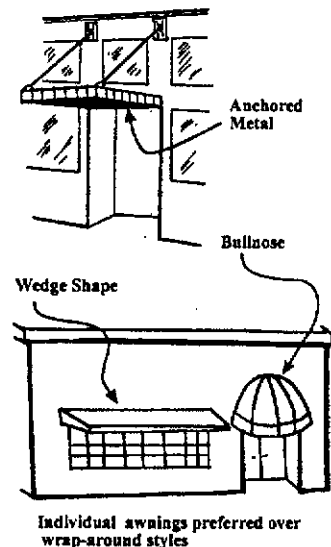
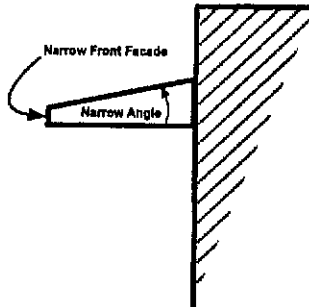


Figure 14. Preferred Awning Styles

## Exhibit 1 to Ordinance 2164

(4) For wedge style awnings, a narrow awning style is preferred.

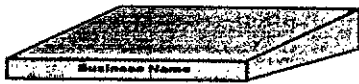


**Figure 15. Preferred Style for Wedge shaped Awnings**

(5) Individual awnings over window and entrance awnings are preferred to wrap around awnings.

(6) It is preferable for awnings that the lettering and logo does not dominate the awning façade unless the lettering style and size is in keeping with the historic period of the structure.

**Recommended**



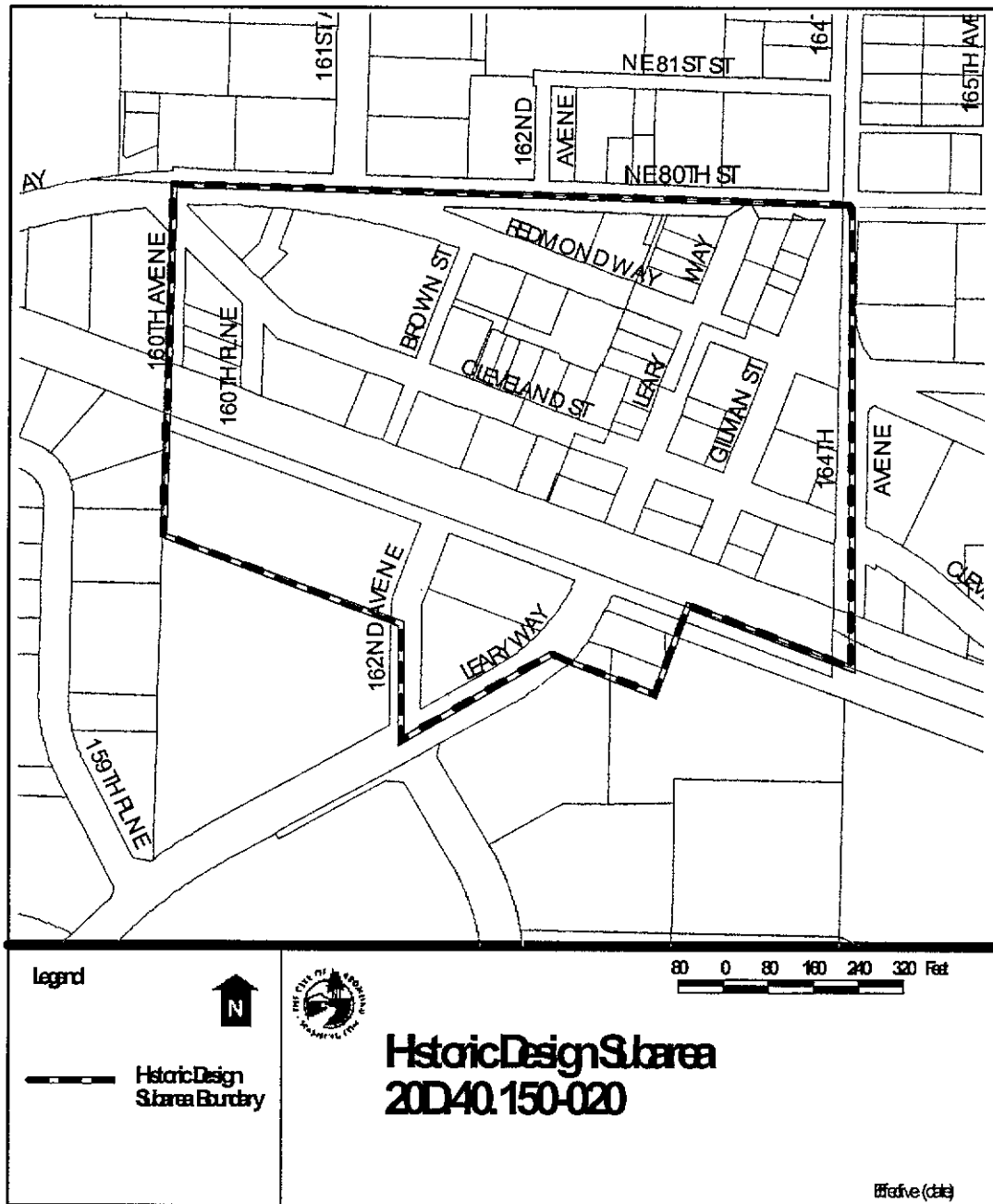
**Not Recommended**



**Figure 16. Name & Logo should not Dominate awning**

(7) The use of backlighting on fabric awnings is strongly discouraged.

# Exhibit 1 to Ordinance 2164





## Exhibit 1 to Ordinance 2164

### **Section 6. Residential Chapter is modified to provide for flexibility in incorporating historic resources into subdivisions.**

Subsection 20C.30.105-040(1) of Chapter 20C.30.105 *Planned Residential Development*, of the Redmond Community Development Guide and Municipal Code, is hereby amended to read as follows:

---

### **20C.30.105 Planned Residential Development.**

#### **20C.30.105-040 Decision Criteria.**

- (1) Design Criteria. The City may approve, or approve with modifications, a PRD or MPRD if the proposal meets the requirements of this chapter and the design of the proposed development achieves two or more of the following results:
  - (a) High quality architectural design, placement, relationship or orientation of structures;
  - (b) Achieving allowable densities for the subject property;
  - (c) Providing housing types that effectively serve the affordable housing needs of the community;
  - (d) Improving circulation patterns or the screening of parking facilities;
  - (e) Minimizing the use of impervious surfacing materials;
  - (f) Increasing open space or recreational facilities on-site;
  - (g) Landscaping, buffering, or screening in or around the proposed PRD or MPRD;
  - (h) Providing public facilities;
  - (i) Preserving, enhancing or rehabilitating natural features of the subject property such as significant woodlands, wildlife habitats or streams;
  - (j) Incorporating energy efficient site design or building features;
  - (k) Providing for an efficient use of infrastructure.
  - (l) Incorporates a Historic Structure/s or a Historic Landmark in such a manner as preserves its historic integrity and encourages adaptive reuse.

## Exhibit 1 to Ordinance 2164

### **Section 7. TDR Chapter modified to reflect use of TDRs to protect historic resources and to simplify understanding and use of the TDR system.**

Chapter 20D.200, *Transfer of Development Rights (TDR) Program*, of the Redmond Community Development Guide and Municipal Code is hereby amended to read as follows:

---

---

### **20D.200.10 Transfer of Development Rights (TDR) Program.**

#### **20D.200.10-010 Purpose.**

~~The City of Redmond has a transfer of development rights procedure available for the protection of areas with significant hazards and sensitive areas. The transfer of development rights from one property to another is intended to maintain and protect sensitive areas, historic resources, and archeological resources these areas while giving by removing or limiting the right to build on the area needing protection while compensating the owner with development rights that can be used elsewhere. TDRs are also intended to help achieve the objectives of this subtitle and the goals and policies of the Comprehensive Plan. (Ord. 1984; Ord. 1954; Ord. 1917; Ord. 1873)~~

#### **20D.200.10-020 Procedure.**

The following procedure applies to the TDR program:

- (1) The property owner must file an application with the City for the issuance of a certificate of transfer rights. The Administrator shall set forth the submittal requirements necessary for application.
- (2) The Administrator will verify ownership and qualification of the property for the program. The Administrator will calculate the quantity of development rights based upon the use of the land at the time the certificate is requested.
- (3) The Administrator will issue to the owner certificates of development rights with an assigned serial number stating the quantity of development rights for that property and describing what portion of the site the certificate shall apply to. The owner has the right to transfer or sell the granted development rights to any person or legal entity.
- (4) Prior to or concurrent to the time that the property owner exercises their right to sell, transfer, or use such certificates, the following shall be approved by the Administrator and the City Attorney and the owner shall execute and record in King County's real property records:
  - (a) A TDR conservation easement for critical wildlife habitat areas or:
  - (b) A TDR conservation easement for Agriculture or Urban Recreation zoned land or:
  - (c) A TDR preservation easement for a historic resource.
- (5) Such easements shall restrict use of the property in the manner described in 20D.200.10-040(2)
- (6) If the owner is selling or transferring the rights, a deed, as approved by the Administrator, shall be executed by the selling and purchasing parties and recorded with the King County

## Exhibit 1 to Ordinance 2164

Records and Elections Division transferring ownership of those development rights being sold. The purpose of the deed is to confirm that a developer or investor has purchased the development right. A copy of the recorded document shall be filed with the King County Assessors Office and the Redmond Administrator. The deed shall include the recording number(s) of the TDR conservation easement or preservation easement for the rights being transferred, and a legal description of the land from which development rights are granted.

- (7) At the time the holder of the development rights uses such rights they will record an extinguishment document. (Ord. 1984; Ord. 1954; Ord. 1873)

### 20D.200.10-020030 Eligible Purchasers.

Any person or organization may purchase development rights for development in any City approved receiving area, regardless of whether the purchaser is an owner of lands designated as a receiving property. Development rights may be sold or transferred by any owner of those rights provided the sale complies with this division. (Ord. 1984; Ord. 1954; Ord. 1873)

### 20D.200.10-030040 Sending Areas Properties.

- (1) Sending Area Properties are those properties that are deemed by the City as warranting protection through development right transfers. The following properties shall be in transfer of development rights sending areas properties:
- (a) Agriculture. Properties zoned Agriculture (A).
  - (b) Urban Recreation Zone. Properties zoned Urban Recreation (UR).
  - (c) Critical Habitats. Properties classified as critical habitats and critical wildlife habitats by RCDG 20D.140.10-070(3), Wildlife Habitat Classification, and buffers for critical habitats or critical wildlife habitats required under RCDG 20D.140.10-110(3), Wildlife Habitat Area Buffers.
  - (d) Historic Landmarks listed on the Redmond Heritage Resource Register.
- (2) Requirement to record restrictions on Eligible Sending Area Properties. Sending area properties shall be eligible to transfer development rights once a document is recorded placing the following restrictions on the property, if all of the following criteria are met:
- (a) For properties zoned Agriculture (A) or Urban Recreation (UR) and not classified as a critical habitat by RCDG 20D.140.10-070(3), Wildlife Habitat Classification, or a buffer for a critical habitat under RCDG 20D.140.10-110(3), Wildlife Habitat Area Buffers, the land shall be restricted to agricultural or recreational uses by a TDR conservation easement meeting the requirements of this division.
  - (b) For properties classified as a critical habitat by RCDG 20D.140.10-070(3), Wildlife Habitat Classification, or a buffer for a critical habitat under RCDG 20D.140.10-110(3), Wildlife Habitat Area Buffers:
    - (i) Properties classified as a critical habitat shall be restricted to use as a fish and wildlife habitat by a TDR conservation easement meeting the requirements of this division.
    - (ii) Properties classified as a buffer for a critical habitat shall be limited to uses, activities, development, and intensities allowed by RCDG 20D.140.10-

## Exhibit 1 to Ordinance 2164

110(3), Wildlife Habitats, by a TDR conservation easement meeting the requirements of this division.

(c) For Historic Landmarks, the property shall be restricted by a preservation easement that protects the significant features of the structure and site.

(e)(3) Eligibility. The land meets the definition of sending properties in (1) of this section and:

- (a) Is undeveloped, vacant or in an agricultural or recreation use or;
- (b) Meets the requirements of RCDG 20D.200.10-130, TDRs for Partially Developed Wildlife Areas; or
- (c) Is designated as a Historic Landmark or as a Historic Landmark District .
- (d) The land's development rights or development capacity have not been sold, transferred, or limited by easements, deed restrictions, equitable servitudes, or similar measures to any of the following:
  - (i) agriculture, recreation, open space uses.
  - (ii) or wildlife habitats or buffers where the development rights were granted for the habitat or buffer.
  - (iii) alteration by a preservation easement, or through any agreement by any governmental agency or non-profit.
  - (iv) For Historic Landmarks or Historic Landmark districts, the significant features have not been previously preserved by a facade easement, a preservation easement, or through any agreement by any government agency or non-profit other than this TDR program.

(e)(d) No development rights shall be granted for any property classified as a critical habitat by RCDG 20D.140.10-070(3), Wildlife Habitat Classification, or a buffer for a critical habitat under RCDG 20D.140.10-110(3), Wildlife Habitat Area Buffers, for which a reasonable use has been granted under RCDG 20D.140.10-350, Reasonable Use Provision. The property owner shall have the option of either applying for a reasonable use under RCDG 20D.140.10-350, Reasonable Use Provision, or requesting development rights under this division. For properties classified as a critical habitat by RCDG 20D.140.10-070(3), Wildlife Habitat Classification, or a buffer for a critical habitat under RCDG 20D.140.10-110(3), Wildlife Habitat Area Buffers, the property owner shall have the option of either applying for a reasonable use under RCDG 20D.140.10-350, Reasonable Use Provision, or requesting development rights under this division. No development rights shall be granted for any property for which a reasonable use has been granted under RCDG 20D.140.10-350, Reasonable Use Provision. Nothing in the chapter shall require that a reasonable use granted under RCDG 20D.140.10-350, Reasonable Use Provision, equal the economic value of the TDRs granted under this division.

(f) No development rights shall be granted for any part of the property the Comprehensive Plan designates for use as a collector, arterial street, or highway. For properties classified as a critical habitat by RCDG 20D.140.10-070(3), Wildlife Habitat Classification, or a buffer for a critical habitat under RCDG 20D.140.10-110(3), Wildlife Habitat Area Buffers, no development rights shall be granted for any part

## Exhibit 1 to Ordinance 2164

~~of the property the Comprehensive Plan designates for use as a collector, arterial street, or highway. (Ord. 1984; Ord. 1954; Ord. 1917; Ord. 1873)~~

### 20D.200.10-0405 Receiving Areas.

- (1) Eligible Properties. The properties eligible to use development rights transferred from the sending areas shall be properties within the following zones: City Center (CC), Retail Commercial (RC), General Commercial (GC), Overlake Business and Advanced Technology (OV), Business Park (BP), Manufacturing Park (MP), and Industry (I).
- (2) Restriction. No more than 35 percent of the development rights eligible for being transferred from the sending areas shall be transferred to the combined receiving areas in any one neighborhood. (Ord. 1984; Ord. 1954; Ord. 1873)

### 20D.200.10-050 Granting and Measuring Calculation of Development Rights.

- (1) ~~Based on Gross Acreage. The total available development rights from a lot or property is based upon gross acreage except in the case of Historic Landmark structures properties in commercial zones, and will not be reduced in measurement if wetlands or other environmentally sensitive areas are present that would otherwise limit development except as otherwise provided in this division.~~
- (2) ~~The land owner shall receive the number of development rights per gross acre specified by the development rights factor set for the property by subsection (4) of this section, Granting and Measuring Development Rights, for each gross acre of land that meets the requirements for eligible sending area properties in RCDG 20D.200.10-030(2), Eligible Sending Area Properties, with any adjustments. For each fraction of a gross acre of land that meets the requirements for eligible sending area properties in RCDG 20D.200.10-030(2), Eligible Sending Area Properties, the owner shall receive a fraction of the development rights in the same proportion that the fraction of an acre of land makes up of a gross acre of land, with any adjustments.~~
- (3) ~~The following formula shall be used to calculate the number of development rights except for Historic Landmark properties in commercial zones:~~

(3)

Eligible Gross acres (including a fraction of an acre) as defined by (20D.200.10-040)	X	The development rights factor set in the following table, for the property by RCDG 20D.200.10-050(4), <u>Development Rights Factors Granting and Measuring Development Rights</u>	X	Any applicable adjustments provided for by RCDG 20D.200.10-130(4)(f), expressed as a percentage, provided for by RCDG 20D.200.10-130(4)(f), TDRs for Partially Developed Wildlife Areas, and any other part of this division	=	The number of development rights the landowner shall receive.
---	---	---	---	--	---	---

## Exhibit 1 to Ordinance 2164

(4) Development Rights Factors. The development rights factors in this table were determined by analyzing median assessed land values. The factors were derived by determining the median assessed fair market value of land not including any improvements in the various zones in Redmond. The values analyzed were values per square foot of land. This value was converted to the value for an acre of land and divided by an estimated value of \$50,000 per TDR to determine the factor.

<u>Zoning Category (as shown by zone symbols)</u>	<u>Development Rights Factor Per Gross Acre of Land for Critical Areas Sending Properties listed in 20D.200.10-040 (1)(c)</u>	<u>Development Rights Factor Per Gross Acre of Land for Sending Properties listed in 20D.200.10-040(1)(d)</u>
<u>A, UR, and RA-5</u>	<u>1.1</u>	<u>1.1</u>
<u>R-1 and R-2</u>	<u>1.7</u>	<u>1.7</u>
<u>R-3</u>	<u>6.0</u>	<u>6.0</u>
<u>R-4 and R-5</u>	<u>6.5</u>	<u>6.5</u>
<u>R-6</u>	<u>7.5</u>	<u>7.5</u>
<u>R-8, R-12, R-18, R-20, R-30</u>	<u>8.0</u>	<u>8.0</u>
<u>NC</u>	<u>8.0</u>	
<u>GC</u>	<u>7.5</u>	
<u>RC and OV</u>	<u>14.0</u>	
<u>GDD and DD</u>	<u>9.5</u>	
<u>CC-1, CC-2, CC-3, CC-4, CC-5, and CC-6</u>	<u>11.7</u>	
<u>BP</u>	<u>8.7</u>	
<u>MP and I</u>	<u>5.7</u>	

## Exhibit 1 to Ordinance 2164

	<b><u>Development Rights Factor Per Gross Acre of Land for other Sending Properties listed in 20D.200.10-040 (1)(a or b)</u></b>	
A or UR	<u>1</u>	

(5) If a zone is not listed in the table in this section, the Administrator shall classify the zone in the table row that contains the zone most similar to it.

~~(5)~~(6) Development right transfers for Historic Landmarks in a commercial zone. The amount of development rights to be transferred from an eligible Historic structure in a commercial zone shall in no case be less than 1. The difference between the maximum FAR (without TDRs) and the FAR of the existing structure shall then be added to the minimum as illustrated in the following formulas.

<u>Site in square feet</u>	X	<u>FAR (without TDRs)</u>	=	<u>Total allowed square footage</u>
<u>Total allowed square footage</u>	-	<u>Net square footage of existing structure</u>	=	<u>Square foot amount for TDR calculation</u>
<u>(Square foot amount for TDR calculation (from above calculation)</u>	/	<u>8,712 square feet</u>	±	<u>1</u>
				=
				<u>The number of development rights the owner shall receive (rounded to 2 decimals)</u>

<u>Example:</u>				
<u>gross site area/lot size:</u>		<u>25,000 sq. ft.</u>		
<u>FAR allowed by zoning:</u>		<u>1.25</u>		
<u>size of existing structure:</u>		<u>10,000 sq. ft.</u>		
<u>25,000</u>	<u>x</u>	<u>1.25</u>	<u>=</u>	<u>31,250 sq. ft.</u>
<u>site</u>		<u>FAR</u>		<u>allowed development</u>
<u>31,250</u>	<u>-</u>	<u>10,000</u>	<u>=</u>	<u>21,250</u>
<u>allowed development</u>		<u>existing structure</u>		<u>remaining possible development potential</u>
<u>21,250</u>	<u>/</u>	<u>8712</u>	<u>=</u>	<u>1.85</u>
<u>remainder</u>		<u>value of 1 TDR</u>		<u>development rights</u>
<u>1.85</u>	<u>+</u>	<u>1</u>	<u>=</u>	<u>2.85</u>
<u>calculated development rights</u>		<u>minimum</u>		<u>Total Number of development rights to owner</u>

## Exhibit 1 to Ordinance 2164

- (6) Adjustments to Development Rights Factors.
- (a) Property owners eligible for development rights on properties classified as critical wildlife habitats by RCDG 20D.140.10-070(3), Wildlife Habitat Classification, or buffers for critical habitats under RCDG 20D.140.10-110(3), Wildlife Habitat Area Buffers, or Historic Landmark sites may request that the Administrator increase the development rights factor for their properties. The property owner making the request shall provide evidence acceptable to the Administrator showing that the market value of the fee simple interest in the land, not including any improvements, has a value higher than the value represented by the applicable development rights factor. The request shall be in writing. The request shall be provided to the Administrator on or before the date a certificate of development rights is requested. If the City has issued a certificate of transferable development rights for the property without a request from the property owner, the request shall be provided to the Administrator before a TDR conservation easement is recorded for the sending property.
- (b) If after reviewing the evidence provided by the property owner and any information to which the City has access the Administrator determines that the development rights factor should be increased to match the market value of the fee simple interest in the land, the Administrator shall use a development rights factor that matches the market value of the fee simple interest in the land exclusive of any improvements on the land in calculating the development rights for the property. In making this determination, the Administrator shall consider the current and likely future market value of transferable development rights. (Ord. 1984; Ord. 1954; Ord. 1873)

### **20D.200.10-060 — Procedure.**

The process of acquiring, conveying and recording development rights includes:

- ~~(1) The issuance of certificates of development rights with an assigned serial number (by the Administrator);~~
- ~~(2) The approval (by the Administrator) and recording of either a TDR conservation easement or a preservation easement;~~
- ~~(3) The recording of a deed transferring ownership of the development rights; and~~
- ~~(4) The recording of an extinguishment document. (Ord. 1984; Ord. 1954; Ord. 1873)~~

(Portions of these three sections were incorporated into 20D.200.10-020 Procedure.)

### **20D.200.10-070 — Certificate of Development Rights.**

- ~~(1) Certificate. The Administrator, upon the request of the sending property owner, shall issue a certificate of development rights to the landowners for the eligible land in accordance with the formula in RCDG 20D.200.10-050, Granting and Measuring Development Rights.~~
- ~~(2)(1) Written Request. To receive a certificate of development rights, the landowner shall contact the Administrator with a written request for the Certificate. The property owner shall~~



## **Exhibit 1 to Ordinance 2164**

provide the City with a title report confirming ownership of the property prior to the issuance of the certificate.

(3)Quantity. The issuance of the certificate of development rights shall establish the quantity of development rights for the property. The development rights quantity will be based upon the use of the land at the time the certificate is requested.

(4)Sale. Prior to or concurrent with development rights being offered for sale, lands with transferable development rights shall have a certificate of development rights issued. Upon receipt of the certificate of development rights, the property owner may transfer the development rights to any person or legal entity. (Ord. 1984; Ord. 1954; Ord. 1873)

### **20D.200.10-080 — TDR Conservation Easement.**

(1)When an agreement has been reached between the seller and buyer of the development rights, the seller shall inform the Administrator of the pending sale.

(2)Prior to the transfer of the development rights, the seller shall record a e TDR conservation easement on the property from which the development rights are being sold. The TDR conservation easement shall include a legal description of the property from which the development rights will be transferred, meet the requirements of this division, be approved by the Administrator and the City Attorney, and executed by the owners of the eligible sending area property. The approved TDR conservation easement shall be recorded in King County's real property records.

(3)For properties zoned Agriculture (A) or Urban Recreation (UR) and not classified as a critical habitat or buffer for a critical habitat under Chapter 20D.140, Sensitive Areas, the TDR conservation easement shall limit use of the property to agricultural uses, agricultural residences, and those recreational uses allowed by the Agriculture or Urban Recreation zone.

(4)For properties classified as a critical habitat by RCDG 20D.140.10-070(3), Wildlife Habitat Classification, or a buffer for a critical habitat required under RCDG 20D.140.10-110(3), Wildlife Habitat Area Buffers, the TDR conservation easement shall be limited to the uses and activities set out in RCDG 20D.200.10-030(2)(b), Eligible Sending Area Properties.

(5)After granting the TDR conservation easement to the City of Redmond, the development and use of the property on which the TDR conservation easement is recorded shall comply with the TDR conservation easement. (Ord. 1984; Ord. 1954; Ord. 1873)

### **20D.200.10-090 Deed of Transfer of Development Rights.**

(1)The deed transferring development rights, as approved by the Administrator, shall be executed by the selling and purchasing parties and recorded with the King County Records and Elections Division. The purpose of the deed is to confirm that a developer or investor has purchased the development right. A copy of the recorded document shall be filed with the King County Assessors Office and the Redmond Administrator.

## Exhibit 1 to Ordinance 2164

~~(2)(1) The deed shall include the recording number(s) of the TDR conservation easement for the rights being transferred, and a legal description of the land from which development rights are granted.~~

### **20D.200.10-110 Partial Sale or Use of Development Rights.**

- (1) The sending area property owner can sell all, none, or part of the development rights.
- (2) If the sale of development rights from the sending area property owner would entail less than an entire parcel, the following additional regulations shall apply except for those properties designated as Historic Landmarks:
  - (a) The portion of the lot involved in the proposed sale of development rights shall be legally described and must be shown on a map. The serial number assigned to the certificate of development rights shall reflect only the portion of the property where development rights have been sold.
  - (b) When a portion of the total available development rights are sold from a lot or property, the future sale of additional development rights from that property shall occur so that the land is contiguous, to the greatest extent possible, to the lands from which development rights were previously sold.
  - (c) If the land subject to the TDR conservation easement is subdivided, within the limitations of the zoning, any new parcel created shall continue to be subject to the TDR conservation easement and shall comply with this division. (Ord. 1984; Ord. 1954; Ord. 1873)
- (3) In the case of a Historic Landmark, the partial sale of development rights shall cause the preservation easement to be executed in full.

### **20D.200.10-120 Use of the Development Rights: Floor Area and Regulatory Flexibility.**

- (1) Within the designated receiving zones, each development right may be used as a right for any one of the following, subject to the limitations of this division:
  - (a) To authorize an additional 8,712 square feet of building area;
  - (b) To substitute a requirement to provide 8,712 square feet of public or private park land;
  - (c) To increase the maximum impervious surface limitations or maximum structure coverage by 8,712 square feet provided that the total increase shall not exceed 10 percent of the site;
  - (d) To increase the height limitation up to 10 feet across each 8,712 feet increment of gross floor area (gfa). In no case can total building height be greater than 10 feet above the height allowed in the underlying zones; or
  - (e) To add up to five additional parking stalls per 8,712 square feet of TDR purchased in the sending area.

A fraction of a development right shall be entitled to the equivalent fraction of any of the above.

## Exhibit 1 to Ordinance 2164

**Section 8A. Chapter 20F.20, General Review Procedures modified to reflect changes in certain procedures for historic resources.**

Chapter 20F.20, *General Review Procedures*, of the Redmond Community Development Guide is hereby amended to read as follows:

---

### **20F.20.60 Building and Construction Permit Review**

#### **20F.20.60-030 Procedures**

- (1) No building and construction permits, shall be granted unless a site plan has been reviewed and approved by the Technical Committee and, if required, the Design Review Board or the Landmark Commission. Exceptions to this requirement are permits for the following:
  - (a) Signs not associated with a Historic Landmark, or a Historic Design District;
  - (b) Tenant improvements not associated with a Historic Landmark and not encompassing modification to the exterior of an existing building;
  - (c) Single family structures unless the structure is a Historic Landmark; and
  - (d) Projects not associated with a Historic Landmark and deemed as minor construction by the Code Administrator and not having environmental or related impacts.
- (2) The Code Administrator shall review building permit applications for signs and may, at the Administrator's option, submit such applications to the Technical Committee and the Design Review Board for review.
- (3) All building and construction permits shall comply with the approved site plan.

# Exhibit 1 to Ordinance 2164

## **Section 8B. Chapter 20F.30, Administrative Review Procedures modified to reflect changes in certain procedures for historic resources.**

Chapter 20F.30, *Administrative Review Procedures*, of the Redmond Community Development Guide is hereby amended to read as follows:

---

### **20F.30.15 Types of Review**

#### **20F.30.15-020 Classification of Permits and Decisions**

##### **(1) Type I Review: Minor Administrative Decisions**

A Type I Process is an administrative review and decision by the appropriate Department or Division. Applications reviewed under the Type I process are minor or ministerial administrative decisions and are exempt from certain administrative procedures, such as complete application review and decision timeframes. Decision and appeal authority varies by application and is set forth in 20F.30.30. The permits and actions reviewed and decided as Type I are listed in 20F.30.15-040.

##### **(2) Type II Review: Administrative, Technical Committee/Design Review Board Decisions/Landmark Commission**

(a) A Type II Process is an administrative review and decision by the Technical Committee, and if required, by the Design Review Board or the Landmark Commission. - Public notification is provided at the application and decision stages of the review. Appeals of Type II Technical Committee/Design Review Board decisions are made to the Hearing Examiner. The permits and actions reviewed and decided as Type II are listed in 20F.30.15-040.

(b) For properties covered by the interlocal agreement with King County for preservation services, a Type II review will follow procedures in K.C.code chapter 20.62. Appeals are made to the Hearing Examiner.

##### **(3) Type III Review: Hearing Examiner, Quasi-Judicial Decisions**

This Type III Process is a quasi-judicial review and decision made by the Hearing Examiner. The Hearing Examiner makes a decision based on a recommendation from the Technical Committee and, if required, the Design Review Board. A public meeting may be held prior to the Technical Committee/Design Review Board recommendation. The Hearing Examiner considers public testimony received at an open record public hearing. Public notification is provided at the application, public hearing and decision stages of application review. The administrative appeal body is the City Council. The permits and actions reviewed and decided as Type III are listed in 20F.30.15-040.

##### **(4) Type IV Review: Hearing Examiner and City Council, Quasi-Judicial Decisions**

A Type IV Process is a quasi-judicial review and recommendation made by the Hearing Examiner and a decision made by the City Council. The Hearing Examiner considers the recommendation from the Technical Committee and, if required, the Design Review Board, as well as public testimony received at an open record public hearing. The City Council

## **Exhibit 1 to Ordinance 2164**

makes a decision based on a recommendation from the Hearing Examiner, during a closed record public meeting. Public notification is provided at the application, public hearing, and decision stages of application review. There is no opportunity for an administrative appeal. Appeals of City Council decisions are made to King County Superior Court. The permits and actions reviewed and decided as Type IV are listed in 20F.30.15-040.

### **(5) Type V Review: City Council, Quasi-Judicial Decisions**

A Type V Process is a quasi-judicial review and decision made by the City Council. The Technical Committee makes a recommendation to the City Council. Depending on the application, the Technical Committee may conduct a public meeting to obtain public input. The City Council may choose to hold a public hearing on the application prior to making a decision. Public notification is provided at the application, public hearing (if any), and decision stages of application review. There is no opportunity for an administrative appeal. Appeals of City Council decisions are made to King County Superior Court. The permits and actions reviewed and decided as Type V are listed in 20F.30.15-040.

### **(6) Type VI Review: City Council, Legislative, Non-Project Decisions**

A Type VI Review is for legislative and/or non project decisions made by the City Council under its authority to establish policies and regulations regarding future private and public development and management of public lands. The Planning Commission makes a recommendation to the City Council. The Planning Commission will conduct a public hearing to obtain public testimony on the proposed legislation. The City Council may elect to conduct an additional public hearing. The actions reviewed and decided as Type VI are listed in 20F.30.15-040.

### **(7) Type VII Review: Landmark Commission, Quasi-Judicial Decisions**

- (a) Properties covered by Interlocal agreement with King County for preservation services. A Type VII review is a quasi-judicial review and decision made by the Landmark Commission following procedures in K.C.code chapter 20.62.
- (b) All other properties. A Type VII review is a quasi-judicial review and decision made by the Landmark Commission. The Landmark Commission makes a decision based on applicable Redmond Community Development Guide (RCDG) regulations and a recommendation from the King County Historic Preservation Officer and/or City preservation staff, and testimony given at the public hearing. A public hearing is held. The Landmark Commission considers public testimony received at an open record public hearing. Public notification is provided at the public hearing and decision stages of application review. The administrative appeal body is the Hearing Examiner. The permits and actions reviewed and decided as Type VII are listed in 20F.30.15-040.

## Exhibit 1 to Ordinance 2164

20F.30.15-040 Classification of Permits and Decisions – Table.

Type of Review Procedure	TYPE I Administrative, Appropriate Department	TYPE II Administrative, Technical Committee/ Design Review Board/Landmark Commission	TYPE III Quasi-Judicial, Hearing Examiner	TYPE IV Quasi-Judicial, City Council with Hearing Examiner Recommendation	TYPE V Quasi-Judicial, City Council	TYPE VI Legislative, City Council with Planning Commission Recommendation	Type VII Quasi-Judicial, Landmark Commission
<b>Permits and Land Use Actions</b>	<b>Planning Department</b> Boundary Line Adjustment Certificate of Appropriateness, Level I <sup>1</sup> Sign Permit Sign Program Shoreline Exemption Telecom. Facility (no ground equipment) Temporary Use (short-term) Tree Removal <b>Building Division</b> Building Permit Electrical Permit Home Moving Permit Mechanical Permit Plumbing Permit Fire Department Fire Protection Permit Hazardous Materials Permit UFC Permit <b>Public Works Department</b> Clearing and Grading Permit Extended Public Area Use Permit Flood Zone Permit Hydrant Permit Right-of-Way Use Permit Sewer Permit Special Event Permit Water Permit	Administrative Design Flexibility Administrative Modification Binding Site Plan  Certificate of Appropriateness, Level II <sup>1</sup> SEPA Review (when not combined with another permit or required for a Type I permit) Shoreline Substantial Development Short Plat Site Plan Entitlement Special Use Telecom. Facility (with ground equipment)	Preliminary Plat Reasonable Use Exception Shoreline Conditional Use Shoreline Variance Variance	Concurrency Exemption Conditional Use Master Planned Development (Residential and Commercial) Planned Development (Residential and Commercial) Public Project Alteration of Wildlife Habitat Areas Development Guide Amendment, Zoning Map (consistent with Comprehensive Plan) Essential Public Facility	Annexation Final Plat Plat Alteration Plat Vacation Right-of-Way Vacation Sensitive Areas Exception for Streets and/or Utilities Temporary Use (long-term)	Development Guide Amendment, Comprehensive Plan Map and/or Policies Development Guide Amendment, Text Development Guide Amendment, Zoning Map (that requires a Comprehensive Plan Amendment, that is an area-wide amendment or that is the adoption of a new or substantially revised neighborhood or city-wide Zoning Map)	Historic Landmark Designation <sup>1</sup> Certificate of Appropriateness, Level III <sup>1</sup>

<sup>1</sup> Procedures and hearing body may differ for those properties covered by the King County interlocal for preservation services.

## Exhibit 1 to Ordinance 2164

### 20F.30.15-050 Determination of Decision-making and Appeal Authority

The decision-making authority and appeal authority for permit applications and legislative actions is established in Table 2. A detailed explanation for each review procedure is in divisions 20F.30.30 through 20F.30.55.

Type of Review	TYPE I Administrative	TYPE II Administrative	TYPE III Quasi-Judicial	TYPE IV Quasi-Judicial	TYPE V Quasi-Judicial	TYPE VI Legislative	TYPE VII Quasi-Judicial
Recommendation By:	--	Project Manager	Technical Committee, Design Review Board, (if Design Review required)	Hearing Examiner	Technical Committee, Design Review Board, (if Design Review required)	Planning Commission	<u>Landmark Commission</u>
Public Hearing Prior to Decision (Open or Closed Record)	No	No	Yes, Open Record	Yes, Open Record	Optional, Open Record	Yes, Open Record	<u>Yes, Open Record</u>
Decision-maker	Appropriate Department, see Table 3	Technical Committee, Design Review Board (if Design Review required)	Hearing Examiner	City Council	City Council	City Council	<u>Landmark Commission</u>
Administrative Appeal Body	Depends on permit, see Table 3.	Hearing Examiner	Hearing Examiner	None	None	None	<u>Hearing Examiner</u>
Administrative Appeal Hearing (Open or Closed Record)	Open Record	Open Record	Closed Record	None	None	None	<u>Closed Record</u>
Judicial Appeal	Superior Court	Superior Court	Superior Court	Superior Court	Superior Court	Superior Court	<u>Superior Court</u>

## Exhibit 1 to Ordinance 2164

**20F.30.25-010 Purpose**

RCW 36.70B.070 and RCW 36.70B.080 require that timeframes be established to ensure applications are reviewed in a timely and predictable manner. This division establishes the timeframes and procedures for a determination of completeness and final decision for Type II, III, IV or V reviews. No timeframes are established by these statutes for Type I or Type VI, VII reviews.

**20F.30.25-020 Complete Application Review Timeframe**

The following procedures shall be applied to new applications requiring Type II, III, IV, or V reviews. Applications requiring Type I, ~~review or~~ Type VI, or Type VII review are excluded from this requirement.

### 20F.30.30 Type I Review: Minor Administrative Decisions

**20F.30.30-010 Purpose**

A Type I Review is an administrative review and decision by the appropriate Department or Division. These are applications which are categorically exempt from review under the State Environmental Policy Act (SEPA) or permits which environmental review has been completed in connection with another application. Type I reviews are exempt from the procedures of 20F.30.25, Timeframes for Review.

**20F.30.30-020 Type I Review Decision-maker and Appeal Body**

- (1) Decisions on Type I applications are made by the appropriate Department Director or designee. Appeals of Type I decisions are made to the appropriate appeal body. The decision-maker and designated appeal body for each application reviewed as a Type I, are indicated in Table 3 20F.30.30-020(2).
- (2) Type I Decision maker and Appeal Body

Application	Decision-maker (Department)	Appeal Body
Administrative Interpretation	Planning	Hearing Examiner
Certificate of Appropriateness, Level I	Planning	Hearing Examiner
Christmas Tree Lot	Planning	Hearing Examiner
Home Business	Planning	Hearing Examiner
Lot Line Revision	Planning	Hearing Examiner
Sign Permit	Planning	Hearing Examiner
Sign Program	Planning	Hearing Examiner
Shoreline Exemption	Planning	Hearing Examiner
Telecommunication Facility	Planning	Hearing Examiner
Temporary Use (short term)	Planning	Hearing Examiner
Tree Removal	Planning	Hearing Examiner
Building Permit	Building	Hearing Examiner
Electrical Permit	Building	Hearing Examiner
Home Moving Permit	Building	Hearing Examiner



## Exhibit 1 to Ordinance 2164

Mechanical Permit	Building	Hearing Examiner
Plumbing Permit	Building	Hearing Examiner
Fire Protection Permit	Fire	Hearing Examiner
Hazardous Materials Permit	Fire	Hearing Examiner
UFC Permit	Fire	Hearing Examiner
Clearing and Grading	Public Works	Hearing Examiner
Flood Plain Development Permit	Public Works	Hearing Examiner
Hydrant Permit	Public Works	Hearing Examiner
Right-of-Way Use Permit	Public Works	Hearing Examiner
Sewer Permit	Public Works	Hearing Examiner
Special Event Permit	Public Works	Hearing Examiner
Street Use Permit	Public Works	Hearing Examiner
Water Permit	Public Works	Hearing Examiner

### **20F.30.40 Type II Review: Administrative, Technical Committee / Design Review Board / Landmark Commission**

#### **20F.30.35-010 Purpose.**

A Type II review is an administrative review and decision by the Technical Committee, and if required, by the Design Review Board or the Landmark Commission. Except for Certificates of Appropriateness, public notification is provided at the application and decision stages of the review. Appeals of Type II decisions are made to the Hearing Examiner. The purpose of this section is to provide the step-by-step procedures for reviewing, notifying, and appealing permits requiring Type II review.

#### **20F.30.35-015 Overview of Type II Review.**

- (1) This section contains the procedures the City will use in processing Type II applications except for Certificates of Appropriateness procedures. This process begins with a complete application, followed by notice to the public of the application and a public comment period.
- 3) Upon completion of the Technical Committee/Design Review Board reviews, a written report will be issued which will set forth a decision to approve, approve with modifications, or deny the application. The report will also include a final City decision on any threshold determination.
- (4) The decision of the Technical Committee, ~~or~~ Design Review Board, or Landmark Commission is appealable to the Hearing Examiner. The Hearing Examiner action deciding the appeal and approving, approving with modifications, or denying a project is the final City decision on a Type II application. The Hearing Examiner decision on the appeal is appealable to Superior Court.

#### **20F.30.35-020 Notice of Application.**

- (1) Notice of application for Type II permits, shall be provided within 14 days of the determination of completeness pursuant to RCDG 20F.30.25, Timeframes for Review except for Certificates of Appropriateness. Notice shall be provided as indicated in subsection (2) of this section.

## **Exhibit 1 to Ordinance 2164**

### **20F.30.35-050 Technical Committee Decision.**

A written record of the Type II decision shall be prepared in each case. The record may be in the form of a staff report, letter, the permit itself, or other written document and shall indicate whether the application has been approved, approved with conditions, or denied. The Technical Committee decision shall be based on the applicable Redmond Community Development Guide (RCDG) regulations and shall include any conditions to ensure consistency with the development regulations. The decision is final upon expiration of any applicable appeal period, or if appealed, on the date of the Hearing Examiner's final decision on the appeal.

### **20F.30.35-060 Design Review Board Decision.**

When design review is required, the Design Review Board decision shall be included in the same staff report, letter, permit or other written document that contains the Technical Committee decision.

### **20F.30.35-065 Landmark Commission Decision.**

Except for properties covered by the interlocal agreement with King County for preservation services, when a review of a Certificate of Appropriateness is required, the Landmark Commission decision shall be included in the same staff report, letter, permit or other written document that contains the Technical Committee decision.

### **20F.30.35-070 Notice of Decision.**

The Administrator shall mail notice of the Technical Committee/Design Review Board/Landmark Commission decision and the SEPA determination, if any, to the applicant and to each person who submitted comments during the public comment period or at any time prior to issuance of the decision. The Notice of Decision shall include a statement of any threshold determination made under SEPA (Chapter 43.21C RCW) and the procedures for administrative appeal, if any. For those project permits subject to SEPA, the Notice of Decision on the issued permit shall contain the requirements set forth in RCDG 20F.20.40, Environmental Review. The exception shall be for decisions on those properties governed by the King County interlocal agreement for preservation services. Notice procedures for those can be found in K.C. code chapter 20.62.

### **20F.30.35-080 Appeal of Type II, Technical Committee and/or Design Review Board /Landmark Commission Decisions.**

---

### **Section 8B. Chapter 20F.30, Administrative Review Procedures modified to reflect changes in certain procedures for historic resources.**

Chapter 20F.30, *Administrative Review Procedures*, of the Redmond Community Development Guide is hereby amended to add the following division:

---

# Exhibit 1 to Ordinance 2164

## 20F.30.60 Type VII Review: Quasi-Judicial, Commission Decisions

### 20F.30.60-010 Purpose

A Type VII process is a quasi-judicial review and decision made by the Landmark Commission. Type VII reviews are exempt from the procedures of 20F.30.25, Timeframes for Review, however to ensure timeliness shall include a timeframe requirement between application and the hearing stage.

### 20F.30.60.015 Overview of Type VII Review

- (1) This section contains the procedures the City will use in processing Type VII applications. K.C. code chapter 20.62 shall apply to all properties covered by the King County interlocal agreement. For all other properties, this process begins with submittal of the application, followed by notice to the public of the application, and a public comment period.
- (2) Except for properties covered by the King County interlocal agreement, within ninety (90) days of application, a public hearing will be held before the Landmark Commission. Following the public hearing, the Landmark Commission will issue a written report that will set forth a decision to approve, approve with modifications, or deny the application.

### 20F.30.60-020 Notice of Public Hearing

- (1) For those historic properties listed in the Interlocal Agreement with King County, notice of hearing shall be pursuant to King County Code, Chapter 20.62. For all other historic properties, Type VII permits notice shall be provided 14 days prior to a scheduled hearing date in the manner set forth in 20F.30.60-020(2).

### (2) Notice of Public Hearing

Permit	Mail	Post
Land mark Designation	X	X
Certificate of Appropriateness, Level 3	X	X

### (3) Mailed notice.

~~(b)~~(a) The City or King County, as applicable, shall provide notice of public hearing to the owner, to the applicant, to adjacent properties, and to any persons who have requested notice.

~~(e)~~(b) No proceeding of any procedure established in this chapter shall be found to be invalid for failure to provide mailed notice as required in this section as long as the other methods of notice have met their respective requirements and there was a good faith attempt to comply with the mailed notice requirements.

### 20F.30.60-030 Public Hearing and Public Hearing Record

- (a) Historic properties listed in the Interlocal Agreement with King County shall comply with procedures for public hearing found in King County Code, Chapter 20.62.
- (b) All other historic properties. When the administrator deems the application sufficient, within ninety (90) days the Redmond Landmark Commission shall hold a public hearing to receive all relevant evidence. Any hearing may be continued at the discretion of the commission. A written report shall be issued including findings of fact and reasons for

## **Exhibit 1 to Ordinance 2164**

the conclusions reached. The commission shall maintain a record of each hearing from which a verbatim transcript may be made.

### **20F.30.60-040 Preliminary Determination for Historic Landmark Designation**

In the event that a hearing is continued, either Commission may make a preliminary determination of significance if the commission determines, based on the record before it that the historic resource is of significant value and likely to satisfy the criteria for designation set out in 20F.40.85-040 or in King County Code, Chapter 20.62. Once this determination of significance is made, the Certificate of Appropriateness procedures shall apply from the date of the notice until a final determination is made or for six months, whichever is shorter. Such preliminary determination shall be effective as of the date of the public hearing at which it is made. Where the Commission makes a preliminary determination it shall specify the boundaries of the nominated resource, the significant features thereof, and such other description of the historic resource as it deems appropriate. Within five working days after the Commission has made a preliminary determination, the staff handling the designation shall mail copies of the same to the owner, the person submitting the nomination and interested persons of record. Such notice shall include:

- (a) A copy of the Commission's preliminary determination;
- (b) A statement that while proceedings pursuant to this chapter are pending, or six months from the date of the notice, whichever is shorter, and thereafter if the designation is approved by the Commission, the Certificate of Appropriateness procedures a copy of which shall be enclosed, shall apply to the described historic resource whether or not a building or other permit is required.

### **20F.30.60-050 Landmark Commission Decision**

The Landmark Commission shall approve, approve with modifications, or deny the application. A written report shall be issued including findings of fact and reasons for the conclusions reached.

### **20F.30.60-060 Notice of Final Decision**

Within five (5) working days of its approval, the Administrator or their designee shall transmit a copy of the Commission's designation report or a decision rejecting the nomination. This transmittal or a separate transmittal shall give notice of the appeal deadline.

### **20F.30.35-070 Appeal of Type VII, Landmark Commission Decision**

- (1) For a Type VII appeal, the following procedures shall be followed:
  - (a) Who May Appeal. The project applicant or any person who submitted written comments prior to the date the decision was issued may appeal the decision.
  - (b) Form of Appeal. A person appealing a Type VII decision must submit a completed appeal form which sets forth:
    - (i) Facts demonstrating that the person is adversely affected by the decision;
    - (ii) A concise statement identifying each alleged error and the manner in which the decision fails to satisfy the applicable decision criteria;
    - (iii) The specific relief requested; and

## **Exhibit 1 to Ordinance 2164**

- (iv) Any other information reasonably necessary to make a decision on the appeal.
- (c) Time to Appeal. The written appeal and the appeal fee, if any, must be received by the Redmond Permit Center no later than 5:00 p.m. on the fourteenth day following the date of the decision of the department.

### **20F.30.60-080 Notice of Appeal**

If a Type VII decision is appealed, a hearing before the designated appeal body (as established in the table in RCDG 20F.30.30-015(2)) shall be set and notice of the hearing shall be mailed to the appellant, the applicant, and all parties of record by the applicable department director. Notice shall be mailed no less than 14 days prior to the appeal hearing.

### **20F.30.60-090 Hearing Examiner Public Hearing**

The Hearing Examiner shall conduct an open record hearing on a Type VII appeal. The appellant, the applicant, and the City shall be designated parties to the appeal. Each party may participate in the appeal hearing by presenting testimony or calling witnesses to present testimony. Interested persons, groups, associations, or other entities who have not appealed may participate only if called by one of the parties to present information; provided, that the Examiner may allow nonparties to present relevant testimony if allowed under the Examiner rules of procedure.

### **20F.30.60-0100 Hearing Examiner Decision on Appeal**

- (1) Within 14 days after the close of the record for the Type VII appeal, the Hearing Examiner shall issue a written decision to grant, grant with modifications, or deny the appeal. The Hearing Examiner may grant the appeal or grant the appeal with modification if:
  - (a) The appellant has carried the burden of proof; and
  - (b) The Examiner finds that the Type VII decision is not supported by a preponderance of the evidence.
- (2) The Hearing Examiner shall accord substantial weight to the decision of the applicable department director.
- (3) Reconsideration Period. Any person who participated in the hearing may file a written request with the Hearing Examiner for reconsideration within 10 business days of the date of the Hearing Examiner's decision. The request shall explicitly set forth alleged errors of procedure or fact. The Hearing Examiner shall act within 14 days after the filing of the request for an appeal by either denying the request, issuing a revised decision, or calling for an additional public hearing.

### **20F.30.60-0110 Appeal of Hearing Examiner Decision on Appeal**

- (1) A Hearing Examiner decision on a Type VII appeal may be appealed to the City Council as follows:

## **Exhibit 1 to Ordinance 2164**

- (a) **Who May Appeal.** The project applicant or any person who participated in the public hearing as provided for in RCDG 20F.30.30-060 or by the applicant or the City.
- (b) **Form of Appeal.** A person appealing a Hearing Examiner decision on a Type VII appeal must file at the Redmond Permit Center a completed appeal form, including a written statement of the findings of fact or conclusions which are being appealed.
- (c) **Time and Place to Appeal.** The appeal form, the written statement of appeal, and the appeal fee, if any, must be received by the Redmond Permit Center no later than 5:00 p.m. on the fourteenth day following the expiration of the reconsideration period.
- (d) **Hearing Required.** The City Council shall conduct a closed record appeal hearing in order to decide upon an appeal of the appeal decision of the Hearing Examiner. The decision on any such appeal shall be made within such time as is required by applicable State law.
- (e) **Public Notice of Appeal Hearing.**
  - (i) **Contents of Notice.** The Administrator shall prepare a Notice of Appeal Hearing containing the following:
    - (A) The name of the appellant, and, if applicable, the project name, and
    - (B) The street address of the subject property and a description in non-legal terms sufficient to identify its location, and
    - (C) A brief description of the decision of the Hearing Examiner which is being appealed, and
    - (D) The date, time, and place of the appeal hearing before the City Council.
  - (ii) **Time and Provision of Notice.** The Administrator shall mail the Notice of Appeal Hearing on an appeal of the appeal decision of the Hearing Examiner no less than 14 days prior to the appeal hearing to each person entitled to participate in the appeal pursuant to subsection (f)(i).
- (f) **Closed Record Hearing on Appeal to City Council.**
  - (i) **Who May Participate.** The applicant, the appellant, the applicable department director, or representatives of these parties may participate in the appeal hearing.
  - (ii) **How to Participate.** A person entitled to participate may participate in the appeal hearing by:
    - (A) Submitting written argument on the appeal to the City Clerk no later than the date specified in the City Council's rules of procedure; or
    - (B) Making oral argument on the appeal to the City Council at the appeal hearing. Argument on the appeal is limited to information contained in the record developed before the Hearing Examiner and must specify the findings or conclusions which are the subject of the appeal, as well as the relief requested from the Council.

## **Exhibit 1 to Ordinance 2164**

- (iii) Hearing Record. The City Council shall make an electronic sound recording of each appeal hearing.
  - (iv) Testimony. Testimony or other evidence and information not presented to the Hearing Examiner shall not be considered. The decision by the City Council shall be made only on the basis of facts presented at the hearing. If the City Council finds there is good reason to take additional evidence, the Council may remand the matter for reconsideration by the Hearing Examiner in light of the additional information.
  - (v) Decision. When the City Council has not conducted a public hearing it shall uphold the decision of the Hearing Examiner unless, based upon the record of the Hearing Examiner's proceedings, it is determined that the Hearing Examiner's decision is clearly erroneous
- (g) City Council Decision on Appeal.
- (i) Criteria. The City Council may grant the appeal or grant the appeal with modifications if the appellant has carried the burden of proof and City Council finds that the decision of the Hearing Examiner is not supported by a preponderance of the evidence. In all other cases, the appeal shall be denied. The City Council shall accord substantial weight to the decision of the Hearing Examiner.
  - (ii) Conditions. The City Council may impose conditions as part of the granting of an appeal or granting of an appeal with modification to ensure conformance with the criteria under which the application was made.
  - (iii) Findings. The City Council shall adopt findings and conclusions which support its decision on the appeal.
  - (iv) Required Vote. A vote to grant the appeal or grant the appeal with modifications must be by a majority vote of the membership of the City Council. A tie vote shall be decided by the vote of the Mayor. Any other vote constitutes denial of the appeal.

### **20F.30.60-0110 Appeal of City Council Decision**

A final decision by the City Council on an appeal of a Type VII appeal may be appealed to Superior Court by filing a land use petition which meets the requirements set forth in Chapter 36.70C RCW. The petition must be filed and served upon all necessary parties as set forth in State law and within the 21-day time period as set forth in RCW 36.70C.040. Requirements for fully exhausting City administrative appeal opportunities must be fulfilled.

### **20F.30.60-0120 Time Period to Complete Appeal Process**

In all cases, except where the parties to an appeal have agreed to an extended time period, the administrative appeal process generally shall be completed within 90 days from the date the original administrative appeal period closed. The administrative appeal process shall be deemed complete on the date of issuance of the Hearing Examiner's decision or the City Council's decision on the appeal.

# Exhibit 1 to Ordinance 2164

## 20F.30.60-0120 Commencement of Activity.

For a Type VII procedure no construction or demolition activity may commence prior to the conclusion of all appeals.

---

**Section 8B. Chapter 20F.30, Administrative Review Procedures modified to add protection against irretrievable loss of historic significance by preventing activities on historic resources during an appeal process.**

Chapter 20F.30, *Administrative Review Procedures*, of the Redmond Community Development Guide is hereby amended to read as follows:

---

## 20F.30.65 Public Hearings and Appeals

### 20F.30.65-030 Appeals

- (1) Processing of Appeals. Appeals of decisions on project permit decisions shall be processed according to the procedures outlined in each of the review types in Section 20F.30.30 through 20F.30.55.
- (2) Effect of Appeal. Decisions on Type I, Type II, Type III, and Type IV permits are assumed valid unless overturned by an appeal decision. Project activity commenced prior to the end of any appeal period, or withdrawal of, or final decision on, an appeal, may continue at the sole risk of the applicant, provided, however, that:
  - (a) Where the applicant begins project activity prior to the end of any applicable appeal period, site restoration performance assurance in an amount sufficient to restore the site to the predevelopment state shall be required.
  - (b) Where the applicant begins or continues project activity after an appeal has been filed, the continuing project activity shall not impact the specific appeal issues being raised.
  - (c) If the appeal concerns project activities impacting a natural area, such activities shall not be allowed pending withdrawal of, or final decision on, the appeal.
  - (d) If the appeal concerns project activities impacting a Historic Landmark such activities shall not be allowed pending withdrawal of, or final decision on, the appeal.
- ~~(d)~~(e) If project activity has begun and is subsequently discontinued pending the withdrawal of, or final decision on an appeal, then proper erosion control measures shall be maintained in accordance with the provisions of local, state and federal law. Project infrastructure improvements in progress at this time shall be secured and shall be maintained in a safe condition pending withdrawal of, or final decision on, the appeal.



# Exhibit 1 to Ordinance 2164

## **Section 8C. Chapter 20F.40, Land Use Actions and Decision Criteria modified to reflect changes in certain procedures for historic resources.**

Chapter 20F.40, *Land Use Actions and Decision Criteria*, of the Redmond Community Development Guide is hereby amended to read as follows:

---

## **20F.40 Land Use Actions and Decision Criteria**

### **20F.40.20 Administrative Design Flexibility**

#### **20F.40.20-040 Decision Criteria**

(1) Criteria for projects other than existing single-family structures. The City may approve or approve with modifications the request for Administrative Design Flexibility only if the project meets all of the following criteria:

- (a) Superiority in achieving the City of Redmond Comprehensive Plan Neighborhood goals and policies as well as superiority in design in terms of architecture, building materials, site design, landscaping and open space. Projects shall seek to create greater amounts of privacy, maintenance of views, preservation of trees, preservation of historic resources, vegetation and habitat, and provide for adequate security.

### **20F.40.130 Site Plan Entitlement**

#### **20F.40.130-020 Purpose**

As a part of its review of applications, the Technical Committee, Design Review Board, the Landmark Commission, and the Code Administrator shall individually or collectively review site plans as follows to ensure that the following purposes have been achieved:

#### **20F.40.130-020 Scope**

(1) Review and approval is required for all multiple family, commercial, industrial, utility, shoreline development, public-initiated land use proposals, the expansion and exterior remodeling of structures, parking, and landscaping; or as otherwise specified in the Redmond Community Development Guide. All of the above projects require the review and approval of a Development Review Permit **except for:**

- (a) Detached single-family residential buildings unless the building is a Historic Landmark;
- (b) Signs determined by the Code Administrator to comply with review criteria set forth in Section 20D.160 unless associated with a Historic Landmark or a Historic Design District; and
- (c) Tenant improvements not affecting significant features of a Historic Landmark and not encompassing modification to the exterior of an existing building.

#### **20F.40.80-030 Procedure**

Site Plan Entitlements shall follow the procedures established in Section 20F.30.35 for a Type II permit process.

## **Exhibit 1 to Ordinance 2164**

### **20F.40.80-040 Decision Criteria**

- (1) The Technical Committee, composed of the Departments of Planning and Public Works, shall review all Development Review Permits except for Certificates of Appropriateness, for compliance with the State Environmental Policy Act and the Redmond Community Development Guide. The Technical Committee may refer any application requiring a building permit to the Design Review Board for review based upon review criteria outlined in Section 20D.40.
- (2) The Landmark Commission will review all Certificates of Appropriateness for compliance with the Redmond Community Development Guide.

---

---

### **Section 8B. Chapter 20F.40, Land Use Actions and Decision Criteria modified to reflect changes in new procedures for Historic Landmark Nomination, Certificates of Appropriateness, and for treatment of Archeological sites.**

Chapter 20F.30, *Land Use Actions and Decision Criteria*, of the Redmond Community Development Guide is hereby amended to add three (3) new divisions:

---

---

### **20F.40.85 Historic Landmark Nomination and Listing**

#### **20F.40.85-010 Purpose**

This division establishes the procedures to nominate and remove a property from the Redmond Heritage Resource Register.

#### **20F.40.85-020 Scope**

This division applies to any historic property with potential for listing or properties on the current Redmond Heritage Resource Register that have either suffered a substantial loss of their significant features or have been destroyed.

#### **20F.40.85-030 Nomination Procedure**

The City of Redmond, any person, group, owner, or member of the Landmark and Heritage Commissions may nominate a structure, object, or site, to be a Historic Landmark. Except for properties listed in the Comprehensive Plan as Key Historic Landmarks, the owner must sign the application for nomination. The applicant shall file an application for designation as a Historic Landmark with the Administrator. The Administrator shall set the application submittal requirements necessary for a Historic Landmark nomination. Nomination shall follow the procedures established in Section 20F.30.60 for a Type VII permit process.

#### **20F.40.85-040 Historic Landmark Designation Criteria**

- (1) Designation Criteria for properties covered by the interlocal agreement with King County can be found in King County Code Chapter 20.62.
- (2) General Designation Criteria all other properties. Any site, structure, or geographic area may be designated as a historic landmark if it is more than forty (40) years old, and possesses significant historic integrity and:

## **Exhibit 1 to Ordinance 2164**

- (a) Is associated in a significant way with, a historic event that had a significant effect upon national, state, or local history; or
  - (b) Is associated in a significant way with the lives of persons important in national, State or local history; or
  - (c) Embodies the distinctive architectural characteristics of type, period, style, or method of design or construction and is one of only a few examples of its typology in the City or Eastside region or is a contributing feature of a historic district; or
  - (d) It represents a notable work of a builder, designer, or architect who has made a substantial contribution to their field; or
  - (e) Has other historic significance.
- (3) Exception for properties not covered by King County interlocal agreement. A structure may be designated as a historic landmark if it has been moved from its original location if it can still contribute to the interpretation of history and it meets one of the following:
- (a) It is significant for its architectural value.
  - (b) It is a surviving structure associated in a significant way with important historic person, organization, ethnic group, or event.

### **20F.40.85-050 Procedure for Removal of Historic Landmark Designation**

Any site, structure, or geographic area may be removed from designation if it has either suffered a substantial loss of significant features or has been destroyed. Removal of designation shall follow the procedures established in Section 20F.30.35 for a Type II permit process or King County Code Chapter 20.62 for properties covered by the interlocal agreement with King County for preservation services.

### **20F.40.85-050 Criteria for Removal of Historic Landmark Designation**

- (1) The significant features of the Landmark have suffered irreparable loss due to circumstances other than neglect such that the Landmark no longer complies with the designation criteria in 20F.40.85-040, Historic Landmark Designation Criteria; or
- (2) The structure was destroyed by accident or natural disaster; or
- (3) The owner of the structure obtains a Certificate of Appropriateness for demolition due to reasons of economic impact, and subsequently demolishes the structure.

### **20F.40.32 Certificate of Appropriateness**

#### **20F.40.32-010 Purpose**

The purpose of a Certificate of Appropriateness is to ensure against the loss of the historic significance to a Historic Landmark by setting up a review procedure when alterations, additions, and moves are requested. Further, it ensures that prior to consideration of a demolition that alternatives have been explored and that mitigation, if appropriate, is required.

## **Exhibit 1 to Ordinance 2164**

### **20F.40.32-020 Scope**

- (1) Unless exempted by RCDG 20F.40.32-030, *Exceptions*, a Certificate of Appropriateness shall be required for the following:
  - (a) Before making any alteration that would affect a significant feature of a Historic Landmark; or
  - (b) For additions to Historic Landmarks; or
  - (c) For moving a Historic Landmark from its original location; or
  - (d) For demolition of a Historic Landmark.
- (2) Where a recognized religious group owns a site or structure and uses that site or structure for worship or religious education, the decision on a Certificate of Appropriateness shall be advisory.

### **20F.40.32-030 Exceptions**

A Certificate of Appropriateness shall not be required for the following:

- (1) Ordinary repairs and maintenance to designated historic landmarks that do not alter the appearance of a significant feature and do not use substitute materials. Ordinary repair shall include painting to match the original color or a color consistent with the integrity of the historic landmark and applied in a manner that protects significant features.
- (2) Emergency repair work necessary to prevent destruction or dilapidation to real property or parts of a structure that are immediately threatened or damaged by fire, flood, earthquake, or other disaster.
- (3) Normal excavations of new graves in a cemetery.
- (4) Interior improvements made in order to accommodate the needs of a tenant or different use that
  - (a) Do not affect a significant feature; or
  - (b) Do not alter or obscure from view, a significant feature; or
  - (c) That during the course of construction, remove, catalog, and restore the original feature in the original location; or
  - (d) Do not use substitute materials.

### **20F.40.32-040 Procedure**

The following procedures shall be established for the actions listed in 20F.40.32-020. The level of review shall depend upon the action requested. The levels have been established based on the potential of the action to affect the Historic Landmark.

- (1) Level I Certificate of Appropriateness shall apply to restorations and repairs which utilize identical materials except repair exempted by RCDG 20D.57.40-020, *Exceptions*, for new or replacement signs, and for minor utility system changes. A Level I Certificate of Appropriateness shall follow a Type I permit process.

## Exhibit 1 to Ordinance 2164

- (2) Level II Certificate of Appropriateness shall apply to additions, for replacement of historic materials with alternate materials, or for painting or covering historic materials or surfaces except painting exempted by RCDG 20D.57.40-020, *Exceptions*. Should the Commission and the applicant agree in writing to a proposal for this work, a stipulated certificate may be issued following a Type II permit process. If such an agreement cannot be reached using a stipulated agreement, a hearing may be held under a Type VII permit process.
- (3) Level III Certificate of Appropriateness shall apply to demolitions, in whole or in part, or for filling, grading, or excavation on or to an archeological site, paving or building in or over an archeological site, or moving a structure. A Level III Certificate of Appropriateness shall follow the procedures established in Section 20F.30.60 for a Type VII permit process.
- (4) Evaluation of Economic Impact for demolitions. At the time of application, the property owner or a person authorized by the owner, may request consideration of evidence pertaining to the economic impact on the owner of a denial or a partial denial of a Certificate of Appropriateness. The application submitted shall include documentation as set by the Administrator. In no case shall a certificate be denied, in whole or in part, when it is established that the denial or partial denial will deprive the owner of a reasonable economic use of the landmark given the following:
  - (a) There is no viable and reasonable alternative that would have less impact on the features of significance; and
  - (b) Moving the resource has been evaluated as an alternative; and
  - (b) That the economic analysis showed that the use of all available incentives would not change the economic impact to the owner.

### **20F.40.32-050 Decision Criteria**

The Administrator or the Landmarks and Heritage Commission shall use the Secretary of the Interior's Standards for the Treatment of Historic Properties together with generally accepted preservation practices as guidance in making decisions concerning a Certificate of Appropriateness.

## **Exhibit 1 to Ordinance 2164**

### **20D.40.31 Archeological Sites**

#### **20F.40.31-010 Purpose**

This purpose of this division is to provide guidance on procedures for dealing with archeological sites.

#### **20F.40.31-020 Scope**

- (1) This division applies to any person proposing to do any of the following on known archeological sites, and all sites that have a high probability of containing archeological artifacts:
  - (a) Filling, grading, compacting, blasting, boring, tunneling, or any form of earthwork or disturbance; or
  - (b) Excavating or mining; or
  - (c) Excavation of artifacts; or
  - (d) Paving or otherwise covering of the earth surface with such materials as concrete.
  - (e) Planting or farming; or
  - (f) Erecting a structure.
  - (g) Any other activity that may harm or disturb an archeological site.
- (2) This division also applies to persons who discover sites during the course of other development or land use activity.

#### **20F.40.31-020 Procedures, Known Archeological Sites or High Probability Archeological Sites**

- (1) If the administrator has or is presented with reliable and credible information that the site is a known archeological site or that it has a high probability of containing archeological artifacts no land use actions or activities as described in 20F.40.31-020, Scope, shall occur unless approval is granted under this section.
- (2) The administrator shall set forth the submittal requirements necessary for an application and the application shall be processed concurrently with any other required permit or approval.
- (3) The applicant shall have a qualified archeologist, as approved by the Administrator, prepare a site study to determine the effect that any proposed action may have on the archeological site and recommend necessary treatment and mitigation measures.
- (4) The investigation and written report by the approved archeologist shall include information about the probable significance of the site, the probable effect of the land use action or activity on the integrity of the site, and a set of recommendations for any necessary treatment or mitigation measures. This investigation and report shall include but not be limited to the following:
  - (a) The boundaries of the archeological site. If the boundaries of the archeological site are found to be outside the areas of the proposed project activities (i.e. sensitive areas

## **Exhibit 1 to Ordinance 2164**

proposed for buffers) the investigation and report shall be deemed complete with this information together with information in subparts (i-iv) that follows.

- (i) A description of the archeological features and of the depth and characteristics of any artifacts unearthed during the course of investigation.
  - (ii) The impacts that the proposed construction or use are likely to have on the site.
  - (iii) Recommendations for measures to interpret and protect the site as appropriate to standard archeological practice.
  - (iv) If based on the analysis, construction is conditionally recommended, a description of any areas to be monitored during construction.
- (5) The Administrator shall make a determination based on the investigation whether the work can proceed and if so under what conditions.
- (6) If the appropriate living relatives or a related cultural groups are known or discovered during the course of investigation they shall be notified within 15 days of the time of application or within 15 days of the time that the Administrator is notified of the discovery.
- (7) Final decision. The decision of the Administrator shall be final unless appealed as provided for under RCDG 20F.30.30-040, *Appeal of Administrative Decision*.

### **20F.40.31-020 Procedures, Incidental Discovery of Archeological Sites**

If archeological artifacts or evidence is unearthed or exposed in the course of a project, the find shall be reported immediately to the Administrator. The project shall be halted and a qualified archeologist shall be called in to investigate and recommend preservation, further evaluation, excavation and appropriate mitigation or other appropriate treatment of the site following the procedures in 20F.40.31-020, *Permits and Procedures, Known Archeological Sites or High Probability Archeological Sites*.

# Exhibit 1 to Ordinance 2164

## Section 8D. Chapter 20F.50, Duties, Authorities and Qualifications of

Decision-Making Bodies modified to reflect changes in authority over historic resources.

Chapter 20F.50, *Land Use Actions and Decision Criteria*, of the Redmond Community

Development Guide is hereby amended to read as follows:

---

## **20F.50 Duties, Authorities and Qualifications of Decision-Making Bodies**

### **20F.50.30 Design Review Board**

#### **20F.50.30-010 Purpose**

The Design Review Board is created independent from the legislative and staff functions to review and make urban design decisions that will promote visual quality throughout the City. The purpose of the Design Review Board and their procedure includes but is not limited by this reference to the following:

- (1) To encourage and promote the public health, safety and general welfare of the citizens of Redmond including the development and coordination of municipal growth and services;
- (2) To supplement land use regulation: to encourage the most appropriate use of land throughout the municipality, lessen traffic congestion and accidents, secure safety from fire, provide light and air, prevent the overcrowding of land, avoid undue concentration of population, promote a coordinated development of the unbuilt areas and conserve and restore natural beauty and other natural resources;
- (3) To encourage originality, flexibility, and innovation in site planning and development, including the architecture, landscaping and graphic design of proposed developments in relation to the City or design area as a whole;
- (4) To discourage monotonous, drab, unsightly, dreary and inharmonious developments and to promote the orderliness of community growth, the protection and enhancement of property values for the community as a whole and as they relate to each other, the minimization of discordant and unsightly surroundings and visual blight, the avoidance of inappropriate and poor quality of design and other environmental and aesthetic consideration which generally enhance rather than detract from community standards and values for the comfort and prosperity of the community and the preservation of its natural beauty and other natural resources which are of proper and necessary concern of local government, and to promote and enhance construction and maintenance practices that will tend to prevent visual blight and enhance environmental and aesthetic quality for the community as a whole;
- (5) To aid in assuring that structures, signs and other improvements are properly related to their sites and the surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping and that proper attention is given to exterior appearances of structures, signs and other improvements;
- (6) To protect the heritage of the City by ensuring that historic resources retain integrity, ensuring that developments adjacent to historic Landmarks are compatible, and by encouraging design that is appropriate to historic design districts.



## **Exhibit 1 to Ordinance 2164**

- (76) To protect and enhance the City's pleasant environments for living and working and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business and other properties;
- (87) To stabilize and improve property values and prevent blight areas to help provide an adequate tax base to the City to enable it to provide required services to its citizens;
- (98) To foster civic pride and community spirit by reason of the City's favorable environment and thus promote and protect the peace, health and welfare of the city and its citizens.

# Exhibit 1 to Ordinance 2164

## **Section 9. New Appendix 20D-6 Adopted.**

Appendix 20D-6, Care and Restoration of Historic Landmarks, is hereby adopted at part of the Redmond Community Development Guide and Municipal Code to read as follows:

---

### **Appendix 20D-6**

#### **Care and Restoration of Historic landmarks.**

##### **I. Need/Introduction**

In accordance with 20D.55.30-060 this appendix establishes the required maintenance and restoration standards to prevent deliberate or inadvertent neglect of the significant features of Historic Landmarks and to guide the restoration of historic features.

##### **II. Required Maintenance.**

The owner, lessee or other person legally responsible for a Historic Landmark or its maintenance shall maintain the structure and site to prevent deterioration and decay of structural integrity through prompt corrections of any of the following defects:

- (1) Facades or portions of a façade that may fall and injure members of the public or property.
- (2) Deteriorated or inadequate foundations, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical supports.
- (3) Members of ceilings, roofs, ceiling and roof supports or other horizontal members that sag, split, or buckle due to deterioration or defective materials.
- (4) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundation or floors, including broken windows or doors.
- (5) Defective or insufficient weather protection for exterior wall covering, including lack of paint or other protective covering.
- (6) Fireplaces, chimneys, ventilation stacks, or ornamentation such as flagpoles that list, bulge, settle, or otherwise are deteriorating such that the structural load bearing capacity is negatively affected or that the attachment to the structure is in jeopardy.
- (7) Any fault or defect in a structure which renders it not properly watertight, prone to damage by the elements, or structurally unsafe.
- (8) Erosion other than natural erosion that would risk destabilizing a foundation, losing significant site features, or exposing archeological or historic material or artifacts.

##### **III. Restoration and care.**

## **Exhibit 1 to Ordinance 2164**

The following shall be used as guidelines for the care and restoration of historic resources:

- (1) Use the gentlest possible procedure such as low-pressure water, natural bristle brushes, or hand scraping when cleaning, refinishing, or repairing historic materials.
- (2) Use bonding materials compatible with the materials used in original construction.
- (3) Do not cover historic surfaces with vinyl, aluminum or other siding that can cause deterioration of the original material and loss of historic integrity.
- (4) When disassembly of an historic element is necessary for restoration or repair, use methods to catalog the item and protect it.
- (5) Restoration or repair of existing historic buildings should meet the Guidelines established by the Secretary of the Interior for Treatment of Historic Properties.
- (6) Additions should be similar in style yet discernable from the original structure and may use new materials to the extent that those materials allow building design to have similarity in window patterns, articulation, and use of detail to that of the existing historic building.
- (7) Minimize the visual impacts of new building systems on exterior features of identified historic buildings.
- (8) Where by necessity of use any of the primary entrances should no longer be functional to that use, the character defining entrances should remain. If installation of additional entrances or secondary service entrances are allowed to be added, they should be compatible in size and scale and not redefine primary entrances or destroy the character defining features of the existing structure.
- (9) Avoid placing mechanical and electrical equipment on primary, character-defining facades.
- (10) Minimize damaging historic materials in order to insert new mechanical and electrical systems, such as cutting holes in walls.
- (11) Color of Historic Landmark buildings should reflect the period of architecture or the original color if documented. Painting over of unpainted brick shall be prohibited. Preservation of wood structures with paint, stains or preservative shall be allowed.
- (12) Signage for businesses shall not obscure significant features.