

CODE ORDINANCE

CITY OF REDMOND  
ORDINANCE NO. 2652

AN ORDINANCE OF THE CITY OF REDMOND,  
WASHINGTON, AMENDING PORTIONS OF THE REDMOND  
ZONING CODE IN ORDER TO IMPROVE CLARITY AND  
PREDICTABILITY, PROVIDING FOR SEVERABILITY,  
AND ESTABLISHING AN EFFECTIVE DATE  
(FILE NO. L110456)

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WHEREAS, the Growth Management Act requires that  
development regulations shall be subject to continuing  
evaluation and review; and

WHEREAS, the City Council approved a Zoning Code Evaluation  
Plan at the conclusion of the 2009-11 Code Rewrite; and

WHEREAS, the Zoning Code Evaluation Plan directs staff to  
maintain a list of code conflicts or unanticipated code issues;  
and

WHEREAS, staff has maintained such a list and, from that  
list, prepared a package of zoning code amendments for review by  
the Planning Commission; and

WHEREAS, state agencies received 60-day notice of the  
proposed amendments to the Redmond Zoning Code on November 3,  
2011; and

WHEREAS, a State Environmental Policy Act Checklist was  
prepared and a Determination of Non-Significance was issued on  
November 23, 2011; and

WHEREAS, the Planning Commission held study sessions on November 30, and December 7, 2011, and a public hearing on December 7, 2011, to receive public comment regarding the proposed amendments; and

WHEREAS, the Planning Commission voted 6-0 on December 7, 2011, to recommend approval of the package of amendments as shown in Exhibit 1; and

WHEREAS, the City Council reviewed the Planning Commission's recommendation at its March 20, 2012, business meeting; and

WHEREAS, the City of Redmond desires to amend portions of the Redmond Zoning Code.

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

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City Code.

Section 2. Findings and Conclusions. The City Council hereby adopts the findings and conclusions contained in the Planning Commission Report dated March 14, 2012, including all related attachments and exhibits to that report, City File No. L110456.

Section 3. Amendments to the Redmond Zoning Code.  
Portions of Chapters 21.04, General Provisions; 21.08,

Residential Zones; 21.10, Downtown; 21.12, Overlake; 21.14, Commercial Zones; 21.16, Site Requirements Measurement; 21.44, Signs; 21.54, Utility Standards; 21.56, Wireless Communication Facilities; and 21.76, Review Procedures, are amended as shown in Exhibit 1 incorporated herein by this reference as if set forth in full to this ordinance.

Section 4.      Severability.      If any section, sentence, clause, or phrase of this ordinance 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 section, sentence, clause, or phrase of this ordinance.

Section 5.      Effective Date.      This ordinance shall take effect five (5) days after passage and publication of an approved summary consisting of the title, or as otherwise provided by law.

ADOPTED by the Redmond City Council this 17<sup>th</sup> day of April,  
2012.

CITY OF REDMOND

  
\_\_\_\_\_  
JOHN MARCHIONE, MAYOR

ATTEST:

  
\_\_\_\_\_  
MICHELLE M. MCGEHEE, MMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

  
\_\_\_\_\_  
JAMES HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK:	April 11, 2012
PASSED BY THE CITY COUNCIL:	April 17, 2012
SIGNED BY THE MAYOR:	April 17, 2012
PUBLISHED:	April 23, 2012
EFFECTIVE DATE:	April 28, 2012
ORDINANCE NO. 2652	

ADOPTED 7-0: Allen, Carson, Flynn, Margeson, Myers, Stilin and Vache

## Exhibit 1: Recommended Amendments to the Zoning Code

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# Amateur Radio Towers

## RZC 21.04 General Provisions

RZC 21.040.030: Add Amateur Radio Tower as permitted use in BCDD(1) and BCDD(2) in Comprehensive Permitted Use Chart.

## RZC 21.14 Commercial Regulations

### 21.14.070 Bear Creek Design District

(D) Allowed Uses and Basic Development Standards. The following tables contain the basic zoning regulations that apply to uses in the Bear Creek Design District (BCDD) zone. To use the chart, read down the left-hand column titled "Use." When you have located the use that interests you, read across to find regulations that apply to that use. Uses are permitted unless otherwise specified in the Special Regulations column. Permitted uses may require land use permit approval. See RZC 21.76.020, Overview of the Development Process for more information for more information. Uses not listed are not permitted.

#### Performance Area 1

Section	Use	Minimums	Maximums				Parking ratio: unit of measure (min. required, max. allowed)	Special Regulations
		Setbacks (ft) for 1- and 2-story, 3- story, and 4- story structures, respectively	Lot coverage	Impervious surface area	Height (stories)	FAR		
<b>Transportation, Communication, Information, and Utilities</b>								
5	<a href="#">Amateur Radio Tower</a>	Avondale: 15, 75, 150	30%	65%	4	0.80	Adequate to accommodate peak use	1. <a href="#">See RZC 21.56, Wireless Communication Facilities for specific development requirements</a>
	Antenna Array and Base Station	Other property lines: 10, 75, 100						A Conditional Use Permit may be required; see RZC 21.56, Wireless Communication Facilities for specific development requirements.

Section	Use	Minimums	Maximums				Parking ratio: unit of measure (min. required, max. allowed)	Special Regulations
		Setbacks (ft) for 1- and 2-story, 3- story, and 4- story structures, respectively	Lot coverage	Impervious surface area	Height (stories)	FAR		
6	Antenna Support Structures							1. RZC 21.56, Wireless Communication Facilities. 2. Conditional Use Permit required. See RZC 21.76.070(K), Conditional Use Permit.

**Performance Area 2**

Section	Use	Maximums			Special Regulations
		Lot coverage	Impervious surface area	FAR	
1	Natural and other recreational parks	0	0	0	
<b>Agriculture, Forestry, Fishing, and Hunting</b>					
2	Crop production	0	0	0	1. Permitted until such time that a state-approved wetland mitigation bank is established; at that time, crop production shall cease.
3	Wetland mitigation banking				
<b>Transportation, Communication, Information, and Utilities</b>					
4	<u>Amateur Radio Tower</u>				1. <u>See RZC 21.56, Wireless Communication Facilities for specific development requirements</u>

## **RZC 21.56 Wireless Communication Facilities**

*Changes only to the portions of 21.56.040(B) and 21.56.050(A) that are printed. Any portion not printed is not changed.*

<b>21.56.010</b>	<b>Purpose</b>
<b>21.56.020</b>	<b>Applicability</b>
<b>21.56.030</b>	<b>General Siting Criteria</b>
<b>21.56.040</b>	<b>General Development Standards</b>
<b>21.56.050</b>	<b>Design Requirements for Wireless Communication Facilities</b>
<b>21.56.060</b>	<b>Special Exceptions</b>
<b>21.56.070</b>	<b>Technical Evaluation</b>
<b>21.56.080</b>	<b>Cessation of Use</b>

### **21.56.040 General Development Standards**

(A) All wireless communication facilities shall be installed and operated in accordance with the regulations of the Federal Communications Commission and in compliance with the development standards set forth in the following subsection and in the chart below:

(B) No Wireless Communication Facility shall be used for the purposes of signage or message display of any kind



**General Development Standards for Wireless Communication Facilities**

Wireless Communication Facility Type	Zone	Installation Type		Location	Size Requirements	Supplemental Requirements
Amateur Radio Towers	All Zones	Roof Mounted	Ground Mounted	Shall not be located within any easements, front, side or rear yard building setback areas.	Mountings and Amateur Radio Towers shall be no taller than the minimum required for the purposes of obtaining an obstruction-free reception window.	Construction plans and final construction of the mounting bases of amateur radio towers covered by this section shall meet the structural design requirements of this section and shall be approved by the City's Building Division.  Applications shall document that the proposed tower and any mounting bases are designed to withstand wind and seismic loads as established by the International Building Code.
		Allowed	Allowed			
	RA-5, and UR and BCDD(2)	Allowed	Allowed	Shall be located in the yard of the residence and avoid using land that is available for crops, pasturage or other agricultural activities.	Ground Mounted: Shall not exceed 65 feet unless a proposal demonstrates that physical obstructions impair the adequate use of the tower. Telescoping towers may exceed the 65-foot height limit only when extended and operating.	
UR, and R and BCDD(1)	Allowed	Allowed	Shall be located at a point farthest from lot lines as feasible, or the point farthest from residential structures on abutting properties.	Roof Mounted The combined structure of a roof-mounted tower and antenna(s) shall not exceed a height of 25 feet above the existing roofline.  Within the shoreline jurisdiction, the height limit for ground-mounted and roof-mounted towers and antennas, inclusive of building height, is 50 feet. (SMP)		

## 21.56.050 Design Standards for Wireless Communication Facilities

(A) Compliance Required. All wireless communications facilities shall comply with the design standards set forth in the following table:

**Design Standards for Wireless Communication Facilities**

Wireless Communication Facility Type	Zone	Design Standards	Landscaping and Screening Requirements	Additional Standards
Amateur Radio Towers	All Zones	To the extent technically feasible and in compliance with safety regulations, specific paint colors may be required to allow the tower to blend better with its setting.	Required when visible from any street and from the yards and main floor living areas of residential properties within approximately 500 feet of the facility.	Screening shall be provided with one or a combination of the following methods: fencing, walls, landscaping, structures, or topography to block the view of the facility as much as possible from any street and from the yards and main floor living areas of residential properties within approximately 500 feet. Screening may be located anywhere between the facility being screened and the above-mentioned viewpoints. Landscaping for the purpose of screening shall be maintained in a healthy condition. To the extent technically feasible and in compliance with safety regulations, specific paint colors may be required for camouflage purposes.
	UR, and R and BCDD		Required when view of the antenna(s) base is visible from any street and from the yards and main living floor areas of surrounding residential properties.	
	All non-residential zones		No specific criteria	

# Drive-Through Facilities

This proposal amends parts of RZC 21.06, 21.08, 21.10, 21.12, and 21.14. Only those parts of the chapters printed below in underline or ~~strike~~ are amended; all other parts remain unchanged.

## RZC 21.06 URBAN RECREATION

### 21.06.010 Urban Recreation Zone

(B) Regulations Common to All Uses.

	Regulation	Standard	Exceptions
<b>Minimum</b>	Lot Area per Dwelling Unit	10 acres	Not applicable to accessory dwelling units.
	Building Site Circle	100 feet in diameter	
	Lot Frontage	300 feet	
	Setbacks <ul style="list-style-type: none"> <li>• Front</li> <li>• Rear</li> <li>• Side</li> </ul>	<ul style="list-style-type: none"> <li>• 30 feet</li> <li>• 40 feet</li> <li>• 40 feet for each side</li> </ul>	
	Building Separation	20 feet	Not applicable to accessory structures on the same lot as the primary structure.
<b>Maximum</b>	Number of Dwelling Units per Acre	0.10	Not applicable to accessory dwelling units.
	Impervious Surface	10 percent	
	Building Height	35 feet	Maximum building height shall be 30 feet within Shorelines. For properties subject to the King County Farmland Preservation Program, the maximum building height shall be 45 feet. Agricultural structures shall not exceed 45 feet.
	<u>Drive-through</u>	<u>n/a</u>	<u>Drive-through facilities are prohibited except where expressly permitted in the Allowed Uses and Special Regulations table below.</u>

## RZC 21.08 RESIDENTIAL REGULATIONS

### 21.08.020 RA-5 Semi-Rural Residential

#### (C) Regulations Common to All Uses.

Regulation	Standard	Exceptions
<a href="#">Drive-through</a>	N/A	<a href="#">Drive-through facilities are prohibited except where expressly permitted in the Allowed Uses and Special Regulations table below.</a>

### 21.08.030 R-1 Single-Family Constrained Residential

#### (C) Regulations Common to All Uses.

Regulation	Standard	Exceptions
<a href="#">Drive-through</a>	N/A	<a href="#">Drive-through facilities are prohibited except where expressly permitted in the Allowed Uses and Special Regulations table below.</a>

### 21.08.040 R-2 Single-Family Constrained Residential

#### (C) Regulations Common to All Uses.

Regulation	Standard	Exceptions
<a href="#">Drive-through</a>	N/A	<a href="#">Drive-through facilities are prohibited except where expressly permitted in the Allowed Uses and Special Regulations table below.</a>

### 21.08.050 R-3 Single-Family Constrained Residential

#### (C) Regulations Common to All Uses.

Regulation	Standard	Exceptions
<a href="#">Drive-through</a>	N/A	<a href="#">Drive-through facilities are prohibited except where expressly permitted in the Allowed Uses and Special Regulations table below.</a>

**21.08.060 R-4 Single-Family Urban Residential**

**(C) Regulations Common to All Uses.**

Regulation	Standard	Exceptions
<a href="#">Drive-through</a>	<a href="#">N/A</a>	<a href="#">Drive-through facilities are prohibited except where expressly permitted in the Allowed Uses and Special Regulations table below.</a>

**21.08.070 RIN (Residential Innovative) Single-Family Urban Residential**

**(B) Regulations Common to All Uses.**

Regulation	Standard	Exceptions
<a href="#">Drive-through</a>	<a href="#">N/A</a>	<a href="#">Drive-through facilities are prohibited except where expressly permitted in the Allowed Uses and Special Regulations table below.</a>

**21.08.080 R-5 Single-Family Urban Residential**

**(C) Regulations Common to All Uses.**

Regulation	Standard	Exceptions
<a href="#">Drive-through</a>	<a href="#">N/A</a>	<a href="#">Drive-through facilities are prohibited except where expressly permitted in the Allowed Uses and Special Regulations table below.</a>

**21.08.090 R-6 Single-Family Urban Residential**

**(C) Regulations Common to All Uses.**

Regulation	Standard	Exceptions
<a href="#">Drive-through</a>	<a href="#">N/A</a>	<a href="#">Drive-through facilities are prohibited except where expressly permitted in the Allowed Uses and Special Regulations table below.</a>

**21.08.100 R-8 Single-Family Urban Residential**

**(C) Regulations Common to All Uses.**

Regulation	Standard	Exceptions
<a href="#">Drive-through</a>	<a href="#">N/A</a>	<a href="#">Drive-through facilities are prohibited except where expressly permitted in the Allowed Uses and Special Regulations table below.</a>

**21.08.110 R-12 Multifamily Urban Residential**

**(C) Regulations Common to All Uses.**

Regulation	Standard	Exceptions
<a href="#">Drive-through</a>	<a href="#">N/A</a>	<a href="#">Drive-through facilities are prohibited except where expressly permitted in the Allowed Uses and Special Regulations table below.</a>

**21.08.120 R-18 Multifamily Urban Residential**

**(C) Regulations Common to All Uses.**

Regulation	Standard	Exceptions
<a href="#">Drive-through</a>	<a href="#">N/A</a>	<a href="#">Drive-through facilities are prohibited except where expressly permitted in the Allowed Uses and Special Regulations table below.</a>

**21.08.130 R-20 Multifamily Urban Residential**

**(C) Regulations Common to All Uses.**

Regulation	Standard	Exceptions
<a href="#">Drive-through</a>	<a href="#">N/A</a>	<a href="#">Drive-through facilities are prohibited except where expressly permitted in the Allowed Uses and Special Regulations table below.</a>

**21.08.140 R-30 Multifamily Urban Residential**

**(C) Regulations Common to All Uses.**

Regulation	Standard	Exceptions
<a href="#">Drive-through</a>	<a href="#">N/A</a>	<a href="#">Drive-through facilities are prohibited except where expressly permitted in the Allowed Uses and Special Regulations table below.</a>

## RZC 21.10 Downtown

### 21.10.030 Old Town (OT) Zone

#### (C) Regulations Common to All Uses.

Regulation	Standard	Notes and Exceptions
<u>Drive-through</u>	<u>n/a</u>	<u>1. Drive-through facilities are prohibited except where expressly permitted in the Allowed Uses and Basic Development Standards table below.</u>

#### (D) Allowed Uses and Basic Development Standards.

The following table contains the basic zoning regulations that apply to uses. To use the chart, read down the left-hand column titled "Use." When you have located the use that interests you, read across to find regulations that apply to that use. Uses are permitted unless otherwise specified in the Special Regulations column. Permitted uses may require land use permit approval. See RZC 21.76.020, Overview of the Development Process, for more information. Uses not listed are not permitted.

Section	Use	Parking ratio: unit of measure (min. required, max. allowed)	Special Regulations
<b>General Sales or Service</b>			
5	General Sales or Services	1,000 sq ft gfa (2.0, 2.0)	<ol style="list-style-type: none"> <li>1. Uses not permitted include: <ol style="list-style-type: none"> <li>a. Gasoline service.</li> <li>b. Auto repair.</li> <li>c. Automobile sales with outdoor display and storage.</li> <li>d. Rental storage and mini-warehouses.</li> <li>e. Retail sales or services involving drive-through/drive-up facilities, except drive-through facilities confined within the garage of a multi-story (at least three stories) building shall be allowed when the drive-through lanes provide a queuing length adequate to serve peak demand without overflowing onto public sidewalks or streets, as determined by a professional traffic engineer and approved by the City.</li> <li>f. Uses that are materially detrimental to typical downtown office and residential uses in terms of excessive noise and vibration, truck traffic, fumes, and other potential impacts.</li> </ol> </li> <li>2. Parking standards for restaurant uses: <ol style="list-style-type: none"> <li>a. Sit-down restaurant: 1,000 SF GFA (2.0, 9.0).</li> <li>b. Take-out restaurant: 1,000 SF GFA (2.0, 10.0).</li> <li>c. The Technical Committee may waive the parking requirement for restaurant/deli/café uses 1,000 square feet gfa, or less in area that support/enhance the City's vision for creating/enhancing Downtown as a pedestrian place provided: <ol style="list-style-type: none"> <li>i. The use is located in an office building and primarily serves the occupants and guests of the office building; or</li> <li>ii. The use is visible from, and within 100 feet of a promenade or Downtown park, such as Luke McRedmond Park, Anderson Park, O'Leary Park, The Edge Skate Park or the 83<sup>rd</sup> Street Promenade, for example, or within 100 feet of a critical areas buffer of the Sammamish River and access to the River Trail, and the use is designed to enliven the pedestrian environment and primarily cater to pedestrians and outdoor patrons.</li> </ol> </li> </ol> </li> <li>3. The maximum number of parking stalls allowed may be increased to 5.0 per 1,000 square feet of gross floor area for the retail components of mixed-use developments.</li> </ol>



**21.10.040 Anderson Park (AP) Zone**

(C) Regulations Common to All Uses.

Regulation	Standard	Notes and Exceptions
<u>Drive-through</u>	<u>n/a</u>	<u>1. Drive-through facilities are prohibited except where expressly permitted in the Allowed Uses and Basic Development Standards table below.</u>

**21.10.050 Town Center (TWNC) Zone**

(C) Regulations Common to All Uses.

Regulation	Standard	Notes and Exceptions
<u>Drive-through</u>	<u>n/a</u>	<u>1. Drive-through facilities are prohibited except where expressly permitted in the Allowed Uses and Basic Development Standards table below.</u>

**21.10.060 Bear Creek, Valley View, and Trestle Zones**

(C) Regulations Common to All Uses.

Regulation	Standard	Notes and Exceptions
<u>Drive-through</u>	<u>n/a</u>	<u>1. Drive-through facilities are prohibited except where expressly permitted in the Allowed Uses and Basic Development Standards table below.</u>

**21.10.070 Sammamish Trail (SMT) Zone**

(C) Regulations Common to All Uses.

Regulation	Standard	Notes and Exceptions
<u>Drive-through</u>	<u>n/a</u>	<u>1. Drive-through facilities are prohibited except where expressly permitted in the Allowed Uses and Basic Development Standards table below.</u>

**21.10.080 Town Square (TSQ) Zone**

(C) Regulations Common to All Uses.

Regulation	Standard	Notes and Exceptions
<u>Drive-through</u>	<u>n/a</u>	<u>1. Drive-through facilities are prohibited except where expressly permitted in the Allowed Uses and Basic Development Standards table below.</u>

## 21.10.090 River Bend (RVBD) Zone

### (C) Regulations Common to All Uses.

Regulation	Standard	Notes and Exceptions
<u>Drive-through</u>	<u>n/a</u>	<u>1. Drive-through facilities are prohibited except where expressly permitted in the Allowed Uses and Basic Development Standards table below.</u>

## 21.10.100 River Trail (RVT), Carter (CTR), and East Hill (EH) Zones

### (C) Regulations Common to All Uses.

Regulation	Standard	Notes and Exceptions
<u>Drive-through</u>	<u>n/a</u>	<u>1. Drive-through facilities are prohibited except where expressly permitted in the Allowed Uses and Basic Development Standards table below.</u>

### (D) Allowed Uses and Basic Development Standards.

The following table contains the basic zoning regulations that apply to uses. To use the chart, read down the left-hand column titled "Use." When you have located the use that interests you, read across to find regulations that apply to that use. Uses are permitted unless otherwise specified in the Special Regulations column. Permitted uses may require land use permit approval. See RZC 21.76.020, Overview of the Development Process, for more information. Uses not listed are not permitted.

Section	Use	Parking ratio: unit of measure (min. required, max. allowed)	Special Regulations
<b>General Sales or Service</b>			
5	General Sales or Services	1,000 sq ft gfa (2.0, 3.5)	<ol style="list-style-type: none"> <li>1. Uses not permitted include: <ol style="list-style-type: none"> <li>a. Gasoline service.</li> <li>b. Auto repair.</li> <li>c. Automobile sales with outdoor display and storage.</li> <li>d. Rental storage and mini-warehouses.</li> <li><del>e. Retail sales or services involving drive-through/drive-up facilities.</del></li> <li>e. Uses requiring or utilizing outdoor storage.</li> </ol> </li> <li>2. Shall not be materially detrimental in terms of noise, truck traffic and other potential operational impacts with nearby residential developments.</li> <li>3. General Retail uses may only occupy single-family structures in existence prior to the year 2005 provided: a) Required parking for the use is not located in the front yard, and the parking and driveway areas do not expand beyond the year 2005 recorded parcel; b) The exterior of the structure, accessory structures, and landscaping maintain a single-family character; and c) Storage of all products is kept indoors and accessory buildings do not exceed 60 percent of the ground floor area of the main structure</li> <li>4. General Services are allowed only on the ground floor of multi-story mixed-use residential buildings. Except, General Service uses may occupy existing single-family structures in existence prior to 2005 provided: a) on-site parking is not located in the front yard; b) the exterior of the structure and landscaping maintains a single-family character; and c) the use is consistent with Comprehensive Plan Policies for the zone.</li> <li>5. Parking standards for restaurant uses: <ol style="list-style-type: none"> <li>a. Sit-down restaurant: 1,000 SF GFA (9.0, 9.0).</li> <li>b. Take-out restaurant: 1,000 SF GFA (10.0, 10.0).</li> <li>c. The Technical Committee may waive the parking requirement for restaurant/deli/café uses less than 750 square feet gfa that support/enhance the City's vision for creating /enhancing Downtown as a pedestrian place provided: <ol style="list-style-type: none"> <li>i. The use is located in an office building and primarily serves the occupants and guests of the office building; or</li> <li>ii. The use is visible from and within 100 feet of a promenade or Downtown park, such as Luke McRedmond Park, Anderson Park, O'Leary Park, The Edge Skate Park or the 83<sup>rd</sup> Street Promenade, for example, or within 100 feet of a critical areas buffer of the Sammamish River and access to the. River Trail, and the use is designed to enliven the pedestrian environment and primarily cater to pedestrians and outdoor patrons.</li> </ol> </li> </ol> </li> <li>6. The maximum number of parking stalls allowed may be increased to 5.0 per 1,000 square feet of gross floor area for the retail components of mixed-use Developments.</li> </ol>

## RZC 21.12 Overlake

### **21.12.035 Regulations Common to All Uses**

- (A) Drive-through facilities are prohibited in all OV zones except where expressly permitted in the Allowed Uses and Basic Development Standards tables in RZC 21.12.040, 21.12.050, 21.12.060, 21.12.070, and 21.12.080

### **21.12.200 OBAT Regulations Common to All Uses**

- (A) Regulations Common to All Uses.

	Regulation	Standard	Exceptions
	<u>Drive-through</u>	<u>n/a</u>	<u>1. Drive-through facilities are prohibited except where expressly permitted in the Allowed Uses and Basic Development Standards table below.</u>

## RZC 21.14 Commercial Regulations

### 21.14.010 Neighborhood Commercial 1 (NC-1)

(C) Regulations Common to All Uses.

Regulation	Standard	Exceptions
Drive-through		1. Drive-through <del>establishments facilities</del> are prohibited with the exception of drive-up stands.

### 21.14.015 Neighborhood Commercial 2 (NC-2)

Drive-through		1. Drive-through <del>establishments facilities</del> are prohibited with the exception of drive-up stands.
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**21.14.020 General Commercial**

(C) Regulations Common to All Uses.

Regulation	Standard	Exceptions
<u>Drive-through</u>	<u>n/a</u>	<u>2. Drive-through facilities are prohibited except where expressly permitted in the Allowed Uses and Basic Development Standards table below.</u>

(D) Allowed Uses and Basic Development Standards. The following table contains the basic zoning regulations that apply to uses in the General Commercial (GC) zone. To use the chart, read down the left-hand column titled "Use". When you have located the use that interests you, read across to find regulations that apply to that use. Uses are permitted unless otherwise specified in the Special Regulations column. Permitted uses may require land use permit approval. See RZC 21.76.020, Overview of the Development Process, for more information. Uses not listed are not permitted.

Section	Use	Maximums				Parking ratio: unit of measure (min. required, max. allowed)	Special Regulations
		Height (stories)		FAR			
		w/o TDRs	w/ TDRs	w/o TDRs	w/ TDRs		
10	Finance and insurance	2	3	0.35	0.70	1,000 sq ft gfa (4.0, 5.0)	<ol style="list-style-type: none"> <li><del>Multi-lane drive-through facilities uses permitted only as part of multi-story buildings.</del></li> <li>Adequate vehicle queuing space shall be provided outside the public right-of-way, on-site vehicular circulation aisles, and the area between the building and the street.</li> <li>Type II landscaping shall screen drive-through lanes.</li> </ol>
14	Full-service restaurant	2	3	0.35	0.70	1,000 sq ft gfa (9.0, 9.0)	<ol style="list-style-type: none"> <li><u>Drive-through facilities permitted.</u></li> <li><u>Adequate vehicle queuing space shall be provided outside the public right-of-way, on-site vehicular circulation aisles, and the area between the building and the street.</u></li> <li><u>Type II landscaping shall screen drive-through lanes.</u></li> </ol>
15	Cafeteria or limited service restaurant					1,000 sq ft gfa (10.0, 10.0)	
16	Bar or drinking place					1,000 sq ft gfa (10.0, 10.0)	

**21.14.030 Business Park**

(C) Regulations Common to All Uses.

Regulation	Standard	Exceptions
<u>Drive-through</u>	<u>n/a</u>	<u>1. Drive-through facilities are prohibited except where expressly permitted elsewhere in this section.</u>

(E) Supplemental Standards in Willows/Rose Hill Neighborhood.

(3) Design Standards.

(a) Requirements.

- (i) Parking shall be screened by buildings or trees from Willows Road.
- (ii) Structures shall be screened by topography, trees or other measures to visually buffer the development from nearby residential uses to the west.
- (iii) Drive-through windows permitted only in multi-tenant buildings and shall be designed to prevent interference with pedestrian access, driveway access to surrounding development, and traffic flow on adjacent streets.
- (iv) Convenience uses should be located to minimize walking distance between them and to enable the convenience use to serve as a gathering and meeting place for employees in the BP zone.
- (v) Convenience uses shall be located to encourage employee access by walking or bicycling.
- (vi) Developments should be separated from one another and from Willows Road. Forested gullies, wetlands, old pastures and treed areas are the preferred means of separating uses. The separation areas may include trails, open recreation areas, and natural-looking storm water ponds.
- (vii) Open space, critical areas and treed areas should be connected to existing or projected open space on adjoining properties to provide for a continuous band of open space across the hillside.

## 21.14.040 Manufacturing Park

(C) Regulations Common to All Uses.

	Regulation	Standard	Exceptions
	<u>Drive-through</u>	<u>n/a</u>	<u>1. Drive-through facilities are prohibited except where expressly permitted in the Allowed Uses and Basic Development Standards table below.</u>

## 21.14.050 Industry

(C) Regulations Common to All Uses.

	Regulation	Standard	Exceptions
	<u>Drive-through</u>	<u>n/a</u>	<u>1. Drive-through facilities are prohibited except where expressly permitted in the Allowed Uses and Basic Development Standards table below.</u>



**21.14.060 Gateway Design District**

(C) Regulations Common to All Uses.

	Regulation	Standard	Exceptions and Notes
Minimum	Setbacks Perimeter Internal, side, rear	35 20	1. For the purpose of determining setbacks in this zone: a. Perimeter streets are Avondale Road, Union Hill Road, 178 <sup>th</sup> Place NE, Redmond Way, and 180 <sup>th</sup> Avenue NE. b. Internal streets are all other streets in the zone.
	Landscaping	25 percent	
Maximum	Lot coverage	35 percent	
	Height (stories)	3	1. Maximum height of structures or portions of structures located above parking shall not include the distance between the finished grade of the parking surface and the structure, or the stories of the structure devoted to parking. 2. Maximum height in shoreline areas is 35 feet.
	<u>Drive-through</u>	<u>n/a</u>	1. <u>Drive-through facilities are prohibited except where expressly permitted in the Allowed Uses and Basic Development Standards table below.</u>

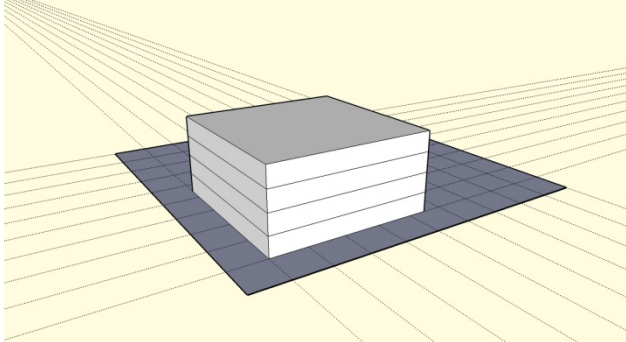
(D) Allowed Uses and Basic Development Standards. The following table contains the basic zoning regulations that apply to uses in the Gateway Design District (GDD) zone. To use the chart, read down the left-hand column titled “Use”. When you have located the use that interests you, read across to find regulations that apply to that use. Uses are permitted unless otherwise specified in the Special Regulations column. Permitted uses may require land use permit approval. See RZC 21.76.020, Overview of the Development Process for more information. Uses not listed are not permitted.

Section	Use	Maximums		Parking ratio: unit of measure (min. required, max. allowed)	Special Regulations
		FAR			
		without TDRs	with TDRs		
<b>General Sales or Services</b>					
13	Full-service restaurant			1,000 sq ft gfa (9.0, 9.0)	<del>Drive-thru facilities prohibited.</del>
14	Cafeteria or limited service restaurant			1,000 sq ft gfa (10.0, 10.0)	

**21.14.070 Bear Creek Design District**

(A) Purpose. The purpose of the Bear Creek Design District is to provide development potential on the upland portion of the Bear Creek Design District in the northwest portion of the site in a comprehensive master plan that would allow for the permanent protection of Bear Creek, its riparian corridor, and associated wetlands and floodplains. The Design District provides for the location of retirement residence facilities, associated limited support services, and affordable housing for employees. The Design District will provide critical links in the Bear and Evans Creek Greenway System, an important planned regional trail along Bear and Evans Creeks. The balance of the undevelopable portion of this district will be established as a wetland mitigation banking site.

(B) Maximum Development Yield.

	Base	Bonuses Available, and Quantity	Maximum	Example of a 4-story building with FAR = 0.80
Floor area ratio (FAR)	0.80	None	0.80	
Height	4 stories	None	4 stories	

(C) Regulations Common to All Uses.

(1) Maximum height of structures or portions of structures located above parking shall not include the distance between the finished grade of the parking surface and the structure, or the stories of the structure devoted to parking.

(2) Maximum height in shoreline areas is 30 feet.

(3) Impervious surface area resulting directly from the Bear and Evans Creek Trail and Greenway is exempt from impervious surface area calculations.

~~(3)~~(4) Drive-through facilities are prohibited except where expressly permitted in the Allowed Uses and Basic Development Standards tables below.

# **Residential Height Limit Exceptions & Green Building Consistency**

## **RZC 21.08 RESIDENTIAL REGULATIONS**

**21.08.010 to .160** *No edits proposed*

**21.08.170** *(A)-(L) unchanged; (M) modified to be consistent with similar provision in commercial zones*

**21.08.180** *(E)(2)(e) modified to be consistent with update to Green Building and Green Infrastructure Incentive Program; other parts of .180 unchanged.*

### **21.08.170 Site Requirements for Residential Zones**

(M) Maximum Height of Structures.

(1) Purpose. The purpose of the maximum height of structures requirement is to:

- (a) Help to maintain a consistent land use pattern and visual character in residential neighborhoods;
- (b) Protect important community-recognized view corridors; and
- (c) In the case of shoreline height limits, to protect habitat values and the aesthetic resources of the shoreline and aid in preserving views in shoreline areas.

(2) Requirements. The maximum height of structures requirement sets the limit above which structures shall not extend, as set forth in the zone use chart for each residential zone (RZC 21.08.020 through 21.08.140).

- (a) Hose towers (when associated with a fire station), chimneys, antennae, smoke and ventilation stacks flagpoles, heating, cooling and ventilation equipment, mechanical equipment screens and enclosures, roof access stair enclosures, solar panels, and wind turbines may exceed the highest point of the existing or proposed structure by no more than 15 feet.
- (b) Religious Icons and Structures. Special height exceptions for steeples, bell towers, crosses or other symbolic religious icons are contained in RZC 21.08.280, Churches, Synagogues, Temples and Other Places of Worship.

(3) Maximum Height of Structures – Height Limits within Shorelines. (SMP) Within the shoreline jurisdiction, the following height limits apply:

- (a) The maximum height of all structures, except water-oriented accessory structures and piers or docks, shall be 30 feet.
- (b) Water-oriented accessory structures shall not exceed 10 feet in height.
- (c) The maximum height of docks is specified in RZC 21.68.070, In-Water Structures.
- (d) The maximum height of structures, including bridges, that support a regional light rail transit system may be higher than 30 feet but shall be no higher than is reasonably necessary to address the engineering, operational, environmental, and regulatory issues at the location of the structure.

### **21.08.180 Residential Development and Architectural, Site and Landscape Design Regulations**

**21.08.180(A) through (E)(2)(d) unchanged.** Proposed amendments to (E)(2)(e) shown below

- (e) Low Impact Development within North Redmond Wedge Subarea and Bear Creek Neighborhood. Sustainable and low impact development (LID) techniques shall be incorporated into new residential development within the Wedge Subarea and Bear Creek Neighborhood. Refer to RZC 21.08.330, Green Building and Green Infrastructure Incentive Program, for definitions and guidelines, with the exception of the

additional density incentive. Additional density by way of the Green Building and Green Infrastructure Incentive Program shall not be allowed within the Wedge subarea.

- (i) All of the following Green Building and Green Infrastructure techniques are required within the Wedge subarea; bioretention or infiltration (where feasible) and at least two other techniques are required in the Bear Creek neighborhood:
  - (A.) Site assessment;
  - (B.) Green Building Certification – ~~3~~Demonstrate ability to meet BuiltGreen 4-star/LEED Silver, Salmon Safe, or Evergreen Sustainable Development standard Certification-minimum;
  - (C.) Drought-tolerant landscaping;
  - (D.) Native vegetation retention – refer to points awarded for flexibility in meeting this requirement;
  - (E.) Native soil preservation;
  - (F.) Native soil restoration;
  - (G.) Impervious surface area reduction – refer to points awarded for flexibility in meeting this requirement;
  - (H.) Minimal excavation foundation – where feasible;
  - (I.) Bioretention or infiltration – where feasible.

**Remainder of Chapter 21.08 remains unchanged.**

## **RZC 21.67 Green Building and Green Infrastructure Incentive Program (GBP)**

**21.67.010-030 unchanged**

### **21.67.040 Techniques and Incentives for Development**

Techniques and Incentives Tables. The tables below summarize the sustainable development techniques for which points are awarded and the incentives toward which points may be used based on the type of development proposed. Sections RZC 21.67.050 and 21.67.060 explain the techniques and incentives. Definitions and descriptions of on-site natural stormwater management techniques can be found in the most recently adopted edition of the *Redmond Stormwater Technical Notebook* or its successor document.

(A) Green Building and Green Infrastructure Incentive Program Techniques

<b>Technique</b>	<b>Points Awarded – Residential Development</b>	<b>Points Awarded - Non-Residential Development</b>
1. Site assessment	2 (when optional)	2 (when optional)
Assessments plus identification of amenities	1 additional	1 additional
2. Green Building Certification		
<u>Demonstrate ability to meet BuiltGreen 4-star/LEED silver</u>	2	N/A
<u>Demonstrate ability to meet BuiltGreen 5-star/LEED gold</u>	3	N/A
<i>Other table rows unchanged</i>		

**Remainder of (A) and all of (B) unchanged.**

## 21.67.050 Techniques Explained

Many of the techniques below are described in more detail in the most recent edition of the *Redmond Stormwater Technical Notebook*. These techniques, as explained, apply to both residential and non-residential developments, provided they are an identified option in their respective tables above (21.67.040(A)).

(A) Site Assessment. **Unchanged.**

(B) Residential Green Building Certification. Use the table below to determine the appropriate type of green building certification for the proposed development. Applicants may certify using BuiltGreen, LEED, or another program determined by the Technical Committee to have similar standards.

Development Type	Certification Level	Points Awarded
Single-family development	<u>Demonstrate ability to meet</u> BuiltGreen 4-star/LEED for Homes Silver	2 if all units <u>have demonstrated ability to meet are-certificated level</u>
	<u>Demonstrate ability to meet</u> BuiltGreen 5-star/LEED for Homes Gold <sup>1</sup>	3 if all units <u>have demonstrated ability to meet are-certificated level</u>
Multifamily development	<u>Demonstrate ability to meet</u> BuiltGreen 4-star/LEED for New Construction Silver <sup>2</sup>	2 if all buildings <u>have demonstrated ability to meet are-certificated level</u>
	<u>Demonstrate ability to meet</u> BuiltGreen 5-star/LEED for New Construction Gold <sup>2, 3</sup>	3 if all buildings <u>have demonstrated ability to meet are-certificated level</u>

<sup>1</sup> 51 percent of all units shall be certified at the 5-star/LEED Gold level; all others shall meet or exceed the 4-star/LEED Silver level.

<sup>2</sup> Applicants may certify using BuiltGreen only if 4-star or 5-star levels are available for the particular development type. Otherwise, proponents must certify using LEED or a similarly rigorous protocol.

<sup>3</sup> One residential building, or buildings comprising at least 20 percent of the residential units, whichever is greater, shall be certified at the 5-star/LEED Gold level; all others shall meet or exceed the 4-star/LEED Silver level.

**Remainder of Chapter 21.67 remains unchanged.**

# Downtown FAR

## RZC 21.10.100, River Trail (RVT), Carter (CTR), and East Hill (EH) Zones

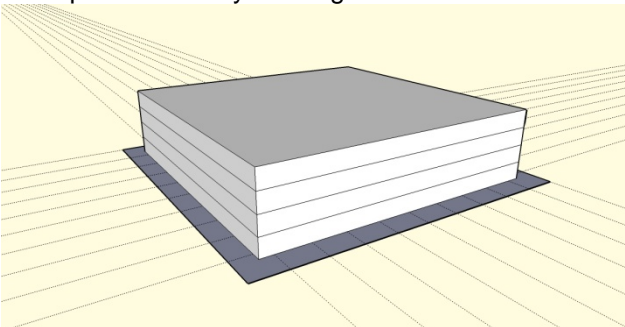
*Minor correction to Base FAR allowance in 21.10.100(C)*

### 21.10.100 River Trail (RVT), Carter (CTR), and East Hill (EH) Zones

**(A) Purpose.**

Downtown includes three residential zones at the periphery of the neighborhood that are intended to retain a quieter “residential” character than the other nearby mixed-use areas. These zones will provide a variety of housing types that are not primarily mixed-use in developments that include more typical residential features, such as front yards, landscaping, and ground-related patios and porches. These areas are all located within walking distance to the various retail and service areas in the Downtown. The regulations in this division are intended to retain the East Hill zone’s special character and to ensure that single-family residential structures in this zone are well maintained until they are redeveloped with higher-density residential uses or are converted to nonresidential uses that are compatible with the residential neighborhood.

**(B) Maximum Development Yield.**

Allowed	Base	Maximum	<p>Example of a 4-story building</p> 
Height	4 stories	5 stories	
Lot Coverage	75 percent	Depends on setbacks and residential usable space requirements	

These are office building examples using Transfer Development Rights to achieve the maximum achievable floor area within the maximum allowed building height. Residential and mixed-use residential developments may achieve similar results.

(C) Regulations Common to All Uses.

Regulation	Standard	Notes and Exceptions
<b>Front Setback (distance from back of curb)</b>		
Front and side street (commercial use)	See Map 10.3 Downtown Pedestrian System Map.	Setbacks along Downtown Streets are regulated by the Downtown Pedestrian System which specifies street frontage standards between the street curb and the face of buildings, depending on site location.
Front and side street (residential use on ground floor)	See Map 10.3 Downtown Pedestrian System Map.	Setbacks along Downtown Streets are regulated by RZC 21.10.150, Downtown Pedestrian System which specifies street frontage standards between the street curb and the face of buildings, depending on site location.
<b>Setback line (distance from property line)</b>		
Side commercial	0 feet	
Rear commercial	0 feet	
Side (residential)	Depends on size of building	See RZC 21.10.130(D) Residential Setback Requirements
Rear (residential)	10 feet	
Yard adjoining BNSF ROW or Parks	14 feet	
Yard adjoining Mid-Block Path	See Pedestrian System Map	
<b>Other Standards</b>		
Minimum Building Height	n/a	
Maximum Building Height without TDRs	4 Stories	
Maximum Building Height with TDRs	5 Stories	1. One floor of additional height may be achieved with the use of Transfer Development rights. See RZC 21.10.170, Using Transfer Development Rights.
Maximum Height Within Shorelines (SMP)	35 feet	1. This height limit is restricted to that portion of the building physically located within the shoreline jurisdiction. (SMP) 2. The maximum height of structures, including bridges, that support a regional light rail transit system may be higher than 35 feet but shall be no higher than is reasonably necessary to address the engineering, operational, environmental and regulatory issues at the location of the structure. (SMP)
Maximum Lot Coverage	See Residential Density Chart.	1. For residential development without ground floor commercial/office, lot coverage shall be governed by RZC 21.10.130(B), Residential Density Chart. 2. For non-residential uses, maximum allowable lot coverage is 75%.
Base FAR <del>Without TDRs</del>	<del>1.250</del>	1. <del>Maximum FAR without TDRs, for non-residential space, is 1.25Applies to commercial uses only.</del>

		<p>2. Residential  —space within a mixed-use building is exempt from <del>TDR-FAR</del> requirements. See RZC 21.10.170, Using Transfer Development Rights.  2. All legal lots are entitled to 10,000 square feet GFA without the use of TDRs provided that other site requirements can be met.</p>
Allowed Residential Density	Depends on Lot Size	See RZC 21.10.130(B), Downtown Residential Density Chart.



# **Overlake Build-To Lines**

## **RZC 21.12 Overlake**

**21.12.010 to .140 No edits proposed**

**21.12.150 OV Street Cross Sections: (B)(1)(e) modified to improve clarity**

**21.12.160 to .230 No edits proposed**

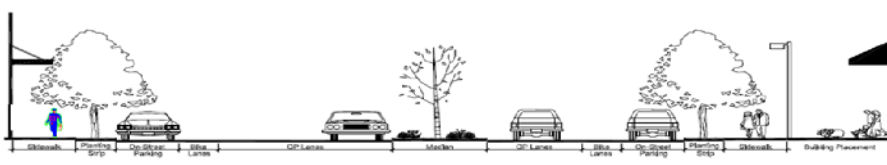
### **21.12.150 OV Street Cross Sections**

(A) Guidelines for Application.

- (1) The Technical Committee shall review and approve each component of the street cross section on a project by project basis and has the authority to alter street cross section widths and uses, including utility locations.
- (2) Street cross section widths apply at the middle of the block.
  - (a) The widths and existence of each component may vary at intersections, as determined by the Technical Committee.
  - (b) Intersection design shall be based upon the Pedestrian Program Plan and Bicycle System Plan chapters of the TMP, the Bicycle Facilities Design Manual, the City's Construction Specifications and Design Standards for Streets and Access, and any corridor study adopted by the City Council for the street(s) in question.
- (3) Provisions of medians and left turn lane access shall be determined on a project-by-project basis, based on traffic speeds, volumes and collision history and using recognized engineering standards such as those published by AASHTO, ITE, or other recognized authority.
- (4) Utilities, such as power, telephone and cable, shall be placed under the sidewalk.
- (5) When designing multimodal corridors refer to the Modal Integration section of Transportation Master Plan. Corridors shall support all modes.
- (6) Improvements less than 30 inches above grade, including decks, patios, walks and driveways are permitted in setbacks. Fences, landscaping, flagpoles, street furniture, transit shelters and slope stability structures are permitted in setback areas, provided that all other applicable requirements are met. No other structures, including accessory structures, are permitted in setback areas.

(B) Site Requirements by Cross Section.

(1) The table below describes street cross section requirements for some streets in Overlake Village shown on Map 12.2. Other street cross sections are described in the table in subsection (2) of this section.

 <p>TYPICAL CROSS SECTION</p>																
Street Cross Section													Building Placement		Building Use	Notes
Southbound/Westbound						Northbound/Eastbound										
Ped. Zone			Street						Ped. Zone							
Cross Section	Total right-of-way	Sidewalk	5' Planting Strip or 4' Furniture Zone with Tree Grates	On-Street Parking	Bike Lane	GP Lanes	Median / Two Way Left Turn Lane	GP Lanes	Bike Lanes	On Street Parking	5' Planting Strip or 4' Furniture Zone with Tree Grates	Sidewalk	Build-To Line (Front and Side Street)	Setback line (Side and Rear)	Ground Floor Uses	
A	Unchanged															
B	Unchanged															
E	82	8	5	0	0	22	12	22	0	0	5	8	2-8	0	Residences prohibited. Offices or recreational areas associated with residential uses allowed.	
F	Unchanged															

(2) unchanged

(D) unchanged

# Site Requirements Measurement

## RZC 21.16 Site Requirements Measurement and Other Applicable Regulations

21.16.010 Clarifies that this chapter only applies to commercial zones

21.16.020 (E)(2) modified to be consistent with a similar provision for residential zones

21.16.030 No edits proposed

### 21.16.010 Purpose

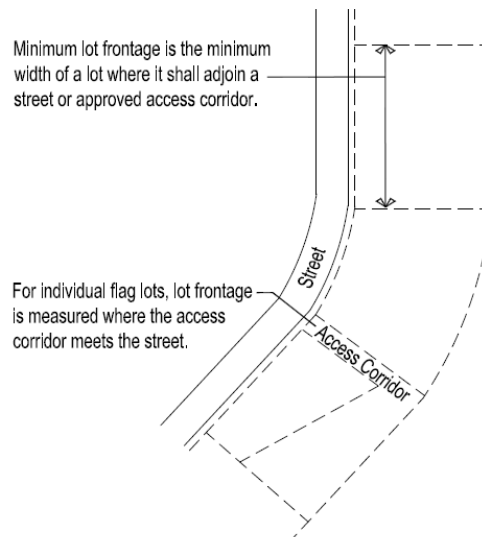
This chapter explains how to measure site requirements, such as height and setbacks for non residential zones. Site requirements measurement for residential zones can be found within RZC 21.08, Residential Regulations. Each zone has different site requirements, but the manner in which those requirements must be measured is the same for each zone. Definitions of site requirements can be found in RZC 21.78, Definitions. This chapter also identifies regulations in the zoning code and generally when they apply.

### 21.16.020 How to Measure Site Requirements

- (A) Tract area. Some zones require a minimum tract area in order to develop a site. This is simply the land area that is part of the development application. Existing rights-of-way are excluded from the calculation.
- (B) Lot Frontage. Some zones require a minimum lot frontage in order to develop a site. Calculate this by measuring the length of the lot abutting a public or private street or access corridor. See Figure 16.1 for an example.

**Figure 16.1**

#### MINIMUM LOT FRONTAGE



### (C) Setbacks.

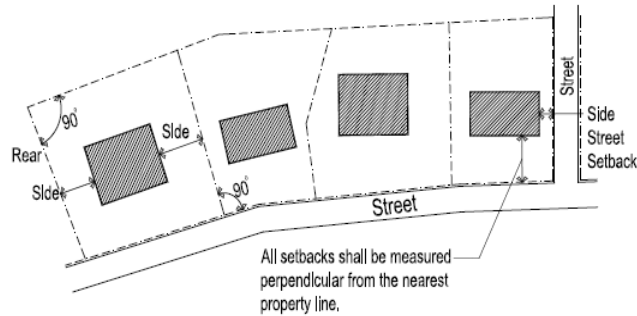
(1) All zones require minimum or maximum setbacks. Setbacks shall be measured:

- (a) From the property line.
- (b) At right angles, or as near to right angles as possible.
- (c) In a plane horizontal to the ground.

- (2) The front of the lot is the side nearest the street or access corridor that provides the primary access. The rear is opposite the front, or as nearly so as the lot shape permits. The sides are 90 degrees to the front or as nearly so as the lot shape permits.

**Figure 16.2**

**BUILDING SETBACKS**



(D) Impervious Surface Area. All zones have impervious surface area limits. Calculate impervious surface area by summing the area of all impervious surfaces on the site. Developments can meet impervious surface area requirements on a lot-by-lot basis or on a development-wide basis.

(E) Height.

(1) All zones set limits on building height. To calculate the height of a structure:

- (a) Draw the smallest rectangle possible around it.
- (b) Find the midpoint of each side of the rectangle.
- (c) Calculate the finished grade at that point.
- (d) Average the elevations for the four midpoints.
- (e) Subtract the result from the building's highest elevation.

(2) Hose towers (when associated with a fire station), chimneys, antennae, smoke and ventilation stacks, flagpoles, heating, cooling and ventilation equipment, mechanical equipment screens and enclosures, roof access stair enclosures, solar panels, and wind turbines may exceed the highest point of the existing or proposed structure by no more than 15 feet.

~~Antennas, heating, cooling and ventilation equipment, mechanical equipment screens and enclosures, elevator penthouses, roof access stair enclosures, flagpoles, and wind turbines may exceed the height limit of a zone by fifteen feet.~~

(F) Floor Area Ratio (FAR).

(1) Many zones set FAR limits. To calculate FAR:

- (a) Determine the gross site area (but exclude existing rights-of-way).
- (b) Determine the gross floor area of all structures on the site (excluding parking structures).
- (c) Divide the gross floor area by the gross site area.
- (d) Use the same units (e.g., feet or acres) for both site and structure area.

- (2) For properties under a common ownership that are contiguous or separated only by rights-of-way, FAR may be calculated based on the average FAR across those properties, and density and impervious surface coverage may be transferred among contiguous properties, provided the properties meet other applicable regulations.
- (G) Landscaped Area. Many zones require minimum landscape areas. Calculate a site's landscape area by subtracting area devoted to building, parking, storage or accessory uses, and stormwater detention ponds from the total site area. A landscape area may include patios, plazas, walkways, walls and fences, water features, such as fountains or pools, and planting areas. Stormwater detention ponds may count toward the landscape area total if they are integrated with landscaping.
- (H) Lot Coverage. Many zones have lot coverage limits. Calculate lot coverage area by summing all structure and accessory structure footprints as viewed in plan view, including decks exceeding 30 inches in height above grade, and patios and porches with roofs, and dividing the total by the lot area.
- (I) Building Separation. Many zones have minimum building separation standards. Building separation shall be determined by measuring the distance between the foundations of the subject buildings at the narrowest area.

# Signs

## RZC 21.44 Signs

**21.44.010** (E)(15) added for consistency with temporary signs provision; other parts unchanged  
**21.44.020** No edits proposed

### 21.44.010 Signs and Street Graphics

(E) Prohibited Signs. The following signs are prohibited:

- (1) Animated Signs. No sign shall be animated, revolve or rotate either mechanically or by illumination except the movement of the hands of a clock, digital changers and barber poles.
- (2) Temporary Portable Signs. Temporary portable signs not meeting the requirements of this chapter. This prohibition includes, but is not limited to, portable reader boards, signs on trailers, banners and sandwich boards.
- (3) Signs on Utility Poles. Signs on utility, street light and traffic control standards or poles are prohibited, except for those of the utility or government.
- (4) Signs not meeting the requirements of this section or that are legal nonconformances. The following signs are unlawful: signs that do not comply with the conditions of their permits; signs erected, altered or relocated without a permit and not in compliance with this section; signs which were lawful under prior sign codes, but which have been altered or relocated so that the sign is not in compliance with this section; and signs that identify and advertise activities, products, businesses, or services which have been discontinued, terminated or closed for more than 60 days on the premises upon which the signs are located.
- (5) Streamers, Pennants and Banners. Displays of banners, festoon flags, flags, posters, pennants, ribbons, streamers, strings of lights (except as provided in seasonal decorations), chasing strobe or scintillating lights, flares, balloons, bubble machines, and similar devices are prohibited when the same are visible from any off-site location, including, but not limited to, any public right-of-way. Where such signs or devices are not visible from public rights-of-way, this prohibition does not apply. For purposes of this subsection, a single, integrated development that does not contain or cross public rights-of-way is considered a single site even where the development spans more than one contiguous parcel. This section shall not prohibit the use of displays in a parade.
- (6) Traffic-Like Signs. Signs which by reason of their size, location, movement, content, coloring or manner of illumination may be confused with a traffic control sign, signal, or device, or the light of an emergency vehicle, or which obstruct the visibility of any traffic or street sign or signal are prohibited.
- (7) Obscene Signs. Signs which bear or contain statements, words or pictures which are obscene under the prevailing statutes or U.S. Supreme Court decisional law are prohibited.
- (8) Abandoned signs or signs displaying a business that is no longer in operation at the location of the sign.
- (9) Signs attached to or strung in between trees.
- (10) Signs attached to fences, with the exception of temporary construction signs (for safety purposes).
- (11) Signs wholly or partially above a roofline. All rooftop signs, including those painted on a rooftop are illegal.
- (12) Signs/devices that are inflated, or balloons, whether on the ground or on a building or vehicle, that are used to attract attention to a particular business, product, or service.
- (13) Signs used in a home business.

(14) Any sign placed or attached to a vehicle, vessel, or trailer parked on public or private property for the sole purpose of advertising a business, product, or service identification.

(15) Signs displaying information related to, but not limited to, commercial, real property, or construction sites that are located outside of the Redmond city limits.

# Transportation Standards

## RZC 21.52 Transportation Standards

**21.52.010 to .020** *No edits proposed*

**21.52.030** *Street and Access Standards: Section (F) consolidated with RZC 21.54*

**21.52.040** *Sight Clearance at Intersections: Subsection (C) revised to provide flexibility for private driveways*

**21.52.050** *No edits proposed*

### **21.52.030 Street and Access Standards**

(A) Purpose. The purpose of this division is to establish street and access standards to implement:

- (1) The Comprehensive Plan;
- (2) The City of Redmond Transportation Master Plan; and
- (3) The Neighborhood Street Plans found in the Neighborhoods Element of the Redmond Comprehensive Plan or other adopted street plans within the RZC.

(B) Scope. The requirements of this division shall apply to all development in the City processed under Chapter 15.08 RMC, Building Code, and RZC Article I, Zone Based Regulations, Article II, Citywide Regulations, Article VI, Review Procedures. No permit shall be issued nor approval granted without compliance with this section.

(C) Street Classification. Streets and rights-of-way are classified as freeways, principal arterials, minor arterials, collectors, connectors, local access streets, and alleys. A description of each of these classifications is contained in Section 5D of the City's Transportation Master Plan.

(D) Street Plan.

- (1) Streets shall be designated and located to conform to the Transportation Master Plan and the Neighborhood Street Plans. Where not part of an adopted plan, streets shall be designed to:
  - (a) Provide multimodal street improvements according to City standards;
  - (b) Complete missing links and improve connections among adjacent neighborhoods;
  - (c) Provide access to and from public transportation facilities;
  - (d) Maintain continuity of the street pattern;
  - (e) Avoid creation of excessively large blocks on local access streets; and
  - (f) Manage access to arterials.
- (2) Where topography or other conditions make achievement of the design objectives in subsection (1) impractical, street design shall conform to a system approved by the Technical Committee.

(E) Access.

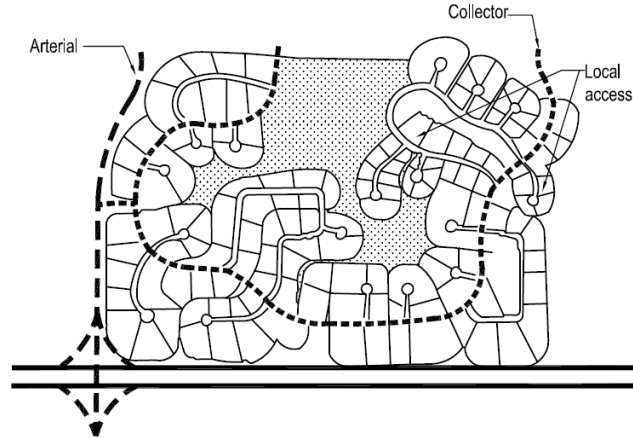
- (1) Lot Access. All lots shall have access to a public right-of-way via direct access to the right-of-way, an easement recorded with King County, or a private drive or road. The specific design of property access shall be based on standards and guidelines established or approved by the City of Redmond.

Where feasible access is available from a property to more than one public right-of-way, the property shall access the lower classification street as defined in RZC 21.52.030(C), Street Classification. Access is feasible when it provides a direct connection via easement, private road, or other means to a public right-of-way and when it meets minimum Fire Code access requirements.



- (2) Waterfront Access. Rights-of-way may be required to be extended to water bodies and/or the center of watercourses as land is developed to provide public access.

Figure 52.1



The Street System Provides for Various Levels of Traffic Service and Property Access

~~(F) Required Public Improvements. Except as provided in subsection (4) below, it shall be a condition of approval for development permits that public improvements, including paving, curbs, sidewalks, storm drainage, street lights and underground utilities, conforming to the standards adopted by the Technical Committee shall be installed by the applicant prior to final approval or occupancy as follows:~~

~~(1) This section shall apply to:~~

~~(a) New commercial, industrial or residential construction (except for accessory dwelling units);~~

~~(b) Subdivisions;~~

~~(c) Dedication of private streets;~~

~~(d) Remodeling or additions to existing commercial, industrial, or multifamily residential buildings or conversions to these uses that increase gross floor area by 20 percent or greater, or any alterations or repairs which exceed 100 percent of the value of the previously existing structure;~~

~~(e) Remodeling or additions to existing single-family residential buildings located on an arterial, along a designated Lake Washington School District school walk route, in the Downtown, or within 350 feet of an improved section of roadway that increase the gross floor area by 100 percent or more, or any alterations or repairs which exceed 100 percent of the value of the previously existing structure. The Technical Committee may waive this requirement if any of the conditions set forth in subsection (4) below are present.~~

~~(2) Street improvements shall as a minimum include half the street abutting the property, but may extend to full-street improvements to ensure safe movement of vehicles, bicyclists or pedestrians. Additional construction may also be required beyond the property frontage to the minimum extent to ensure safe movement of vehicles, bicyclists or pedestrians, to ensure safe walking conditions for students who walk to and from school, and to connect with nearby improvements within 350 feet.~~

~~(3) Other public improvements may be required by the RZC as part of street improvements for development. These may include, but are not limited to, sidewalks, landscaping, street trees, pedestrian and equestrian paths, curb ramps, safety railings, guard rails, traffic calming measures, and transit and bicycle facilities.~~

~~(4) Improvements required by this section shall not be required if the Technical Committee determines that any of the following conditions are present:~~

~~(a) The impacts of the development do not contribute to the need for the required improvement or dedication; or~~

~~(b) The improvements required by this section do not alleviate or mitigate any need created by the development; or~~

~~(c) The required improvement or dedication is not related either in nature or extent to the impact of the proposed development; i.e., the improvement or dedication is not roughly proportional to the impacts of the development; or~~

~~(d) If constructed, the use or operation of the improvements would decrease traffic safety; or~~

~~(e) The street is planned to be improved as a whole through a fully funded capital improvement project programmed by the City, County or State, and~~

~~(i) The developer contributes to the cost of the improvement through payment of traffic impact fees or other payment based on the impacts of the development; and~~

~~(ii) The property owner signs a covenant not to oppose formation of a Local Improvement District (LID) for the planned improvement.~~

~~If the Technical Committee determines that improvements are not required under this subsection, the Technical Committee may still require the applicant to furnish and implement an interim street plan to bring the roadway up to the existing character of surrounding streets and pedestrian facilities.~~

**(GF) Traffic Control, Safety Devices and Street Lights.**

(1) As a condition of development approval, the Director of Public Works may require that all or any portion of the needed traffic control and safety markings, signs, signals, street lights, turn lanes, traffic calming measures, and other devices be installed or funded. The requirement for these items shall be based on warrants and guidelines established by the City of Redmond, the Washington State Department of Transportation (WSDOT), the American Association of State Highway and Transportation Officials (AASHTO), and the Manual on Uniform Traffic Control Devices (MUTCD). Such devices shall only be required when it is clearly demonstrated that the development itself or in conjunction with other developments is causing the need for the improvement.

(2) Whenever any construction within or adjacent to any public street will result in street lights being temporarily removed or disconnected for more than 24 hours, the party proposing such temporary removal or disconnection shall be required to submit a temporary lighting plan for review and approval by the Public Works Department before any removal or disconnection takes place. The Public Works Department shall approve the temporary lighting plan only if adequate provisions are made for the safety of vehicles and pedestrians during periods in which the street lights will be removed or disconnected for more than 24 hours.

(3) Whenever any construction within or adjacent to any public street will result in the temporary closure of all or any portion of any sidewalk or other public walkway, the party proposing such temporary closure may be required to submit a temporary pedestrian linkage plan for review and approval by the Public Works Department before any closure takes place. The Public Works Department shall approve the temporary pedestrian linkage plan only if adequate provisions are made for the safe passage of pedestrians during the periods when the sidewalk or walkway will be closed.

**(HG)** Right-of-Way and/or Easement Dedication. Where a planned street right-of-way or roadway, sidewalk, slope or utility easement, as indicated by RZC 21.52.030(D) or as is necessary to complete a public City street, lies within a proposed development, the fee owner of the property shall be required to dedicate the right-of-way to the City as a condition of approval under RZC 21.76, Review Procedures. Prior to acceptance of the right-of-way and/or easement by the City, the fee owner will be required to remove or subordinate any existing private easements or rights that encumber the property to be dedicated, and shall be required to remove any encroachments on such easements or rights-of-way.

**(H)** Private Streets. Local access streets serving less than 10 single-family homes may be private, subject to the approval of the Technical Committee. If agreed to by the City, private streets may be dedicated to the City but only upon meeting all requirements of RZC 21.5254.030010(F), Adequate Streets, Sidewalks, and Trails Required Public Improvements.

**(J)** Construction Specifications and Design Standards. Street and right-of-way improvement construction specifications, standardized details, and design standards shall be prepared by the Director of Public Works. The specifications

shall include, but are not limited to, the following: street widths, curve radii, alignments, street layout, grades, sidewalk placement and standards, length of cul-de-sacs, intersection design, sight distance and clearance, and driveway location. Amendments to these standards may be made as conditions warrant. The specifications and any amendments shall be made available to the public as Appendix 2 to the RZC. Alternative street designs may be approved by the City Council to encourage innovative designs or reduce disturbance to the natural setting if it finds that the alternative meets the intent of this chapter.

(KJ) Performance Assurance. To ensure compliance with this section, the provisions of RZC 21.76.090(F), Performance Assurance, shall be met.

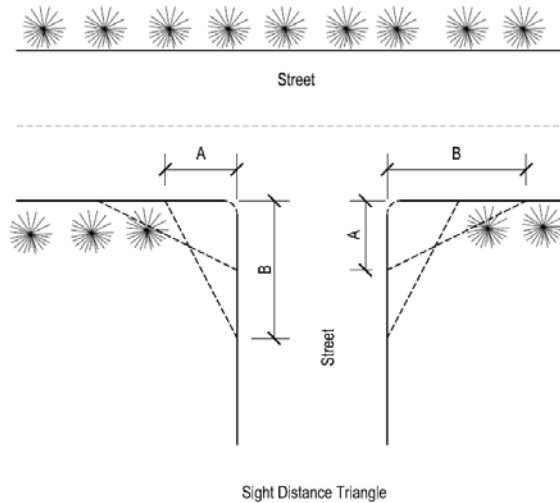
**21.52.040 Sight Clearance at Intersections**

- (A) Purpose. The purpose of this section is to ensure adequate sight distance for all users at intersections.
- (B) Sight Distance Triangle. The sight distance triangle is described by two intersecting lines of a specified length (a) and (b) which correspond to the straight line projections of the pavement edges or curb face and a third line which connects the extremities of the other two, as shown in the table and figure 52.2 below. The location of the pavement edge or curb face shall be for a fully developed street that meets City standards for the classification.

**Required Horizontal Sight Clearance**

Type of Intersection	Horizontal Sight Clearance for Intersection Legs Noted	
	(a)	(b)
Controlled by Traffic Signal or Stop Sign		
Intersections that Involve Arterials (30MPH+)	20'	100'
Others (Local access, driveways, etc.) (25 MPH)	20'	65'
Uncontrolled or Yield Right-of-Way (Local access – residential)	70'	70'

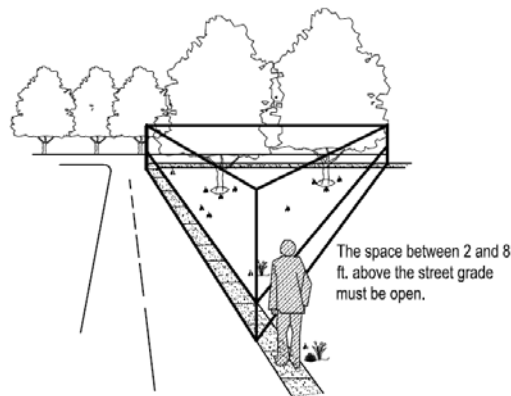
**Figure 52.2: Sight Distance Triangle**



- (C) Obstructions Prohibited. The obstruction of a motor vehicle operator's view at an intersection shall be prohibited within the "Sight Distance Triangle" described in this section and in Appendix 2, Standard Specification and Details, between a height of two feet and eight feet above existing street grade. The sight triangle shall be applied in both directions along major and minor intersecting streets. Sight triangles from streets into a driveway may not apply in circumstances where the Department of Public Works determines that on site constraints prevent the application of the sight distance requirements and there is no detriment to the public safety and welfare, including pedestrian access and safety.

Fences, hedges, signs, shrubs, natural vegetation and trees, and other inanimate objects greater than 18 inches in width or diameter are not allowed in the Sight Distance Triangle. Traffic control devices, utility poles, trees and other opaque inanimate objects 18 inches or less in width or diameter are allowed in the sight distance triangle when spaced at an adequate distance to not significantly obstruct the site distance triangle.

**Figure 52.3**



- (D) Vertical Sight Distance at Intersections.

- (1) Minimum vertical sight distances shall be established by the Department of Public Works consistent with vehicular speeds and stopping sight distance.
- (2) These standards shall be published, placed in Appendix 2 of the RZC, and be made available to the public.

(E) Special Cases. Where unusual conditions, such as roundabouts, preclude the application of this section in a reasonable manner, the Department of Public Works may establish minimum sight distances based on the intent of this section. These minimum sight distances may be more restrictive than provided above. Minimum sight distances for roundabouts are provided in the City's Roundabout Design Manual.

*References to RZC 21.52.030(F), (G), (H), and (I), are amended to reference the revised numbering including, but not limited to:*

- *RZC 21.10.52.030(F)*
- *RZC 21.76.100(F)(2)(b)*

# Adequate Public Facilities and Undergrounding of Utilities

## **RZC 21.54 Adequate Public Facilities and Undergrounding of Utilities Standards**

**21.54.010** *Adequate Public Facilities and Services Required*-*edits include consolidating provisions from 21.52, Transportation Standards to include required street/trail improvements within this chapter and to consolidate provisions for applicant request and ~~Technical Committee~~decision maker determination to waive certain improvements.*

**21.54.020** *Electrical Equipment and Wiring – minor editorial changes*

### **21.54.010 Adequate Public Facilities and Services Required.**

(A) Purpose. The purpose of this ~~chapter~~-~~section~~ is to ensure that public facilities and services necessary to support development are adequate or will be provided in a timely manner consistent with the Public Facilities and Services planning goal of the Washington State Growth Management Act, as amended, and the policies of the Redmond Comprehensive Plan by:

- (1) Specifying the on-site and off-site facilities and services that must be in place or otherwise assured of timely provision before development.
- (2) Allocating the cost of those facilities and services based upon the extent to which the development contributes to the need for such facilities and services.
- (3) Providing a mechanism to relate development standards and other requirements of the RZC to:
  - (a) Adopted service level standards for public facilities and services.
  - (b) Procedural requirements for phasing development projects to ensure that services are provided as development occurs.
  - (c) The review of development permit applications.

(B) General Requirements.

- (1) All new development proposals, including any use, activity, structure or division of land allowed by the RZC or the Redmond Municipal Code that requires City of Redmond approval, shall be adequately served by the following facilities and services prior to the time of occupancy, recording, or other land use approval, as further specified in this chapter:
  - (a) Sewage disposal.
  - (b) Water supply.
  - (c) Surface water management.
  - (d) Streets, sidewalks, trails, and access.
  - (e) Fire protection service.
- (2) All improvements, dedications, or property transfers required under this ~~division~~-~~chapter~~ shall meet the following requirements:
  - (a) The impacts of the development must contribute to the need for the required improvement, dedication, or transfer.

- (b) The required improvement, dedication, or transfer must alleviate or mitigate the need created by the development.
- (c) The required improvement, dedication, or transfer must be related in nature and extent to the impact of the development; i.e., it must be roughly proportional to the impact of the development.

(3) Requests to Modify or Rescind Requirements.

- (a) An applicant may request that the ~~Technical Committee~~ decision maker modify or rescind a required improvement, dedication, or transfer if the requirement does not meet all of the provisions of subsection (2) above.
- (b) The applicant shall explain what condition justifies the modification or rescission. The request shall be made in writing and be made no later than the end of the appeal period for the approval that imposes the required improvement, dedication, or transfer.
- (c) The ~~Technical Committee~~ decision maker shall adopt written findings and conclusions documenting its decision to approve or deny the request. The findings and conclusions shall document whether (i) the development contributes to the need for the required improvement or dedication and (ii) the required improvement or dedication is roughly proportional to the impact from the development. The ~~Technical Committee~~ decision maker shall consider whether credits, latecomer's fees, or other measures can be used to modify the required improvement, dedication, or transfer so that it is roughly proportional to the impact from the development.
- (d) As a condition of approving an exception, the ~~Technical Committee~~ decision maker may require:
  - (i) Those dedications or improvements necessary to mitigate the impacts of the development; and
  - (ii) The applicant to furnish and implement an interim improvement plan to mitigate the impacts of the development. Any interim improvement plan may include a covenant consenting to formation of a local improvement district, and a plan for the installation of improvements that will bring the facility up to the adopted level of service standards. Any requirement to prepare an interim plan shall be proportionate to the scale of the proposed development.

(4) The decision maker may waive required improvements, dedications or property transfers if it determines that any of the requirements in subsection (2)(a),(b) or (c) above are not met or;

(a) If constructed, the use or operation of the improvements would decrease public safety; or

(b) The improvement is planned to be improved as a whole through a fully funded capital improvement project programmed by the City, County or State, and

(i) The developer contributes to the cost of the improvement through payment of impact fees or other payment based on the impacts of the development; and

(ii) The property owner signs a covenant not to oppose formation of a Local Improvement District (LID) for the planned improvement.

(C) Certificates of Water and Sewer Availability Outside City Limits. Whenever the City agrees to provide water or sewer service to development outside of the City limits, a certificate of water or sewer availability will be issued.

(D) Adequate Water Supply and Sewage Disposal.

- (1) All uses and development shall be served by an adequate public water supply system, including both supply and distribution, and an adequate public sewage disposal system, including both collection and treatment facilities, that meet the requirements of this section.
- (2) A public water system is adequate for a use or development proposal if the following requirements are met:
  - (a) For the issuance of a building permit, preliminary plat approval or other land use approval, the applicant must demonstrate the following:
    - (i) The proposed development can be connected to the City's water supply system or another system approved by the City.
    - (ii) The water supply system can supply sufficient flows to serve the proposed uses and their needed fire flows.
    - (iii) The water supply system has sufficient storage capacity to serve the proposed uses and their needed fire flows.
  - (b) The ~~Technical Committee~~decision maker shall review the proposed water supply system and, if the system meets the requirements of this section, approve the water system. The ~~Technical Committee~~decision maker can condition its approval and require on-site and off-site improvements or contributions to off-site improvements to ensure the requirements of this section are met. These improvements include, but are not limited to:
    - (i) The construction of mains in all public and private streets or utility easements within and adjacent to the proposed development.
    - (ii) The construction of mains through the development to adjacent properties to provide for a well-gridded water system and allow adjacent properties to connect to and extend the water system.
    - (iii) The construction of off-site improvements needed to:
      - (A.) Connect to the existing system.
      - (B.) Provide the storage and flows needed to meet the level of service standards and the requirements of the Water System Plan.
      - (C.) Provide the storage and flows needed to meet the water demands generated by the proposed development.
      - (D.) Provide the storage and flows needed to supply the fire flows needed to serve the development.
    - (iv) The construction of pressure-reducing valves and similar appurtenances to provide pressure zone separation in the distribution system.
    - (v) The construction of pump stations needed to serve the development if it is in a special pressure zone. This will only be required or allowed in accordance with designated permanent pump stations listed or shown in the current Water System Plan.
    - (vi) The construction of replacements or improvements to existing facilities in order to maintain an established level of service for water system demand and fire flow to the development.
    - (vii) The construction of replacements or improvements to existing off-site facilities to the extent that the new development would cause the level of service for existing customers to drop below existing standards.
    - (viii) The transfer or dedication of easements or land needed for the construction and maintenance of water system improvements.



- (3) A public sewage disposal system is adequate for a use or development if the following requirements are met:
- (a) For the issuance of a building permit for a new structure that requires sewage disposal, preliminary subdivision approval, short plat approval, binding site plan approval, site plan entitlement approval or other land use approval:
    - (i) The site shall be connected to the City's sewage collection system in compliance with the General Sewer Plan, or its successor.
    - (ii) The disposal system has been approved by the ~~Technical Committee~~decision maker as being consistent with applicable state and City policies, regulations, design and operating guidelines.
  - (b) The ~~Technical Committee~~decision maker can condition its approval and require on-site and off-site improvements or contributions to off-site improvements to ensure the requirements of this section are met. These improvements include, but are not limited to:
    - (i) The construction of mains in all public and private streets or utility easements within and adjacent to the proposed development.
    - (ii) The construction of mains through the development to serve the lots and buildings within the development and to adjacent parcels to allow adjacent properties to connect to and extend the sewer system.
    - (iii) The construction of off-site improvements needed to connect to the existing system and to provide collection capacity needed to meet the level of service standards and the anticipated demand from the service area.
    - (iv) The construction of wastewater pump stations needed to serve the development because of topographical considerations. This will only be required in accordance with or allowed with designated wastewater pump stations listed or shown in the current General Sewer Plan, or its successor.
    - (v) The construction of replacements or improvements to existing facilities in order to maintain established level of service for wastewater discharge from the service area.
    - (vi) The construction of replacements or improvements to existing off-site facilities to the extent that the new development would cause the level of service for existing customers to drop below existing standards.
    - (vii) The transfer or dedication of easements or land needed for the construction and maintenance of sewer system improvements.
- (4) A private sewage collection and disposal system meets the requirements of this sub-section where all of the following requirements are met:
- (a) The system will serve one single-family residence developed at an average density of one dwelling unit per acre or less.
  - (b) The zoning district in which the single-family residence will be located has a maximum density of one dwelling unit per acre or less.
  - (c) The Seattle-King County Department of Public Health, or its successor, has approved the private sewage collection and disposal system as meeting all of the department's applicable requirements.
- (5) For final inspection approval for a building, the issuance of a certificate of occupancy for a building, or approval of a change of use ~~permit~~; the approved connections to the City water system and any system improvements needed to adequately serve the proposed building or use and the approved sewage disposal system required in subsections (1), (2), and (3) or (4) of this section shall be installed to serve each building or lot.
- (6) Before recording a final plat, a ~~final~~-short plat, or a binding site plan; either the approved connections to the City water system and any system improvements needed to adequately serve the proposed building or use and the

approved public sewage disposal system required in subsections (2) and (3) or (4) of this sub-section shall be installed to serve each lot, or a performance guarantee complying with the requirements for subdivisions, short subdivisions, or binding site plans shall be used to guarantee the future installation of the approved public sewage collection system. The performance guarantee may be assigned to the City to assure the construction of the required facilities if the system is not otherwise constructed to City standards as required by City performance guarantee requirements.

(7) For the issuance of a building permit, site plan approval, or changes in use, any sewage pre-treatment or treatment facilities required by any government agency shall be provided at occupancy. The property owner and occupant shall maintain and operate the pretreatment facility for the life of the use.

(E) Surface Water Management. All new development shall be served by an adequate surface water management system complying with the policies of the Comprehensive Plan and meeting the requirements of Chapter 15.24 RMC, Clearing, Grading, and Storm Water Management.

(F) Surface Adequate Streets, Sidewalks, and Trails. Except as provided in RZC 21.54.010(B)(4), it shall be a condition of approval for development permits that public improvements, including paving, curbs, sidewalks, storm drainage, street lights, and underground utilities, conforming to the standards adopted by the Technical Committee shall be installed by the applicant prior to final approval or occupancy as follows:

(1) This subsection shall apply to:

(a) New commercial, industrial or residential construction (except for accessory dwelling units)

(b) Subdivisions

(c) Dedication of private streets

(d) Remodeling or additions to existing commercial, industrial, or multifamily residential buildings or conversions to these uses that increases gross floor area by 20 percent or greater, or any alterations or repairs which exceed 100 percent of the value of the previously existing structure.

(e) Remodeling or additions to existing single family residential buildings located on an arterial, along a designated Lake Washington School District school walk route, in the Downtown, or within 350 feet of an improved section of roadway that increases the gross floor area by 100 percent or more, or any alterations or repairs which exceed 100 percent of the value of the previously existing structure. The ~~Technical Committee~~ Decision Maker may waive this requirement if any of the conditions set forth in subsection 21.54.010(B)(4) are present.

(42) All new uses or development shall be served by adequate streets, sidewalks, and trails. Street improvements shall as a minimum include half the street abutting the property, but may extend to full-street improvements to ensure safe movement of vehicles, bicyclists or pedestrians. Additional construction may also be required beyond the property frontage to the minimum extent to ensure safe movement of vehicles, bicyclists or pedestrians, to ensure safe walking conditions for students who walk to and from school, or to connect with nearby improvements within 350 feet. Streets, sidewalks, and trails are adequate if all of the following conditions are met:

(a) The development's traffic impacts on surrounding public streets are acceptable under the level-of-service standards and the compliance procedures in RZC 21.52, Transportation Standards.

(b) The construction requirements of RZC 21.52.030 Street and Access Standards are met.

(c) The proposed development and the traffic, pedestrians, and bicyclists generated by or attracted to the development will not create safety hazards on nearby streets and sidewalks or those hazards will be corrected by the applicant.

(d) All trails, bikeways, bicycle lanes, and bicycle routes shown in the Comprehensive Plan on or adjacent to the development are constructed and dedicated or transferred to the City.

(e) All sidewalks and pedestrian improvements required by the RZC are provided.

(f) Other public improvements may be required by the RZC as part of street improvements for development. These may include, but are not limited to, sidewalks, landscaping, street trees, pedestrian and equestrian paths, curb ramps, safety railings, guard rails, traffic calming measures, and transit and bicycle facilities.

(g) The proposed circulation system of a proposed subdivision, short subdivision or binding site plan shall intersect with existing and anticipated streets abutting the site at safe and convenient locations, as determined by the ~~Technical Committee and the City Engineer~~ decision maker.

(gh) Every lot upon which one or more buildings is proposed to be erected or a traffic-generating use is proposed to be established, shall establish safe access as follows:

(i) Safe passage from the street right-of-way to building entrances for transit patrons and other pedestrians, in accordance with the requirements of RZC 21.60, Design Standards.

(ii) Direct access from the street right-of-way, fire lane or a parking space to any part of the property as needed to provide public services in accordance with adopted standards (e.g., fire protection, emergency medical service, mail delivery and trash collection).

(iii) Direct access from the street right-of-way, driveway, alley or other means of ingress and egress approved by the City of Redmond to all required off-street parking spaces on the premises.

(23) ~~Location of sidewalks~~ Sidewalks, walkways ~~Walkways, trails~~ Trails, bikeways ~~Bikeways, bike~~ Bike lanes ~~Lanes, and bicycle~~ Bicycle routes Routes and other Non-Motorized Connections.

(a) Required location and installation. As development occurs, sidewalks, walkways, trails, bikeways, bike lanes, bicycle routes or other non motorized connections shall be provided and installed within public rights of way or easements that guarantee public access. Trails, walkways, and bikeways shall follow the routes shown in the Comprehensive Plan, but may vary if connections between points are maintained. In determining the location of walkways, trails, bikeways, bike lanes, and bicycle routes, the following factors shall be considered in determining requirements for and locations of required improvements: Sidewalks, walkways, trails, bikeways, bike lanes, and bicycle routes shall be located in public rights-of-way or easements that guarantee public access.

~~(b) Trails, walkways, and bikeways shall follow the routes shown in the Comprehensive Plan, but may vary if connections between points are maintained. In determining the location of walkways, trails, bikeways, bike lanes, and bicycle routes, the following factors shall be considered:~~

~~(i) The locations shown on~~ Compliance with the Comprehensive Plan.

~~(ii) The need to improve access to public facilities.~~

~~(iii) The need to connect a development with various ways, such as streets, trails, bikeways, and walkways.~~

~~(iv) The need to provide access between developments and uses.~~

(v) Compliance with standards in RZC 21.54.010(F)(2).

(vi) Need for sidewalks on one or both sides of a street.

~~(vii)~~ The feasibility of constructing the facility in the proposed route.

(viii) Compliance with Appendix 2, Standard Specifications and Details; and

(iv) Compliance with RZC 21.10, Downtown, RZC 21.12, Overlake, and RZC 21.08, Residential.

- (3) The renewal of permits or the issuance of a new permit for existing uses constitutes a new development proposal only if it will generate additional traffic above that currently generated by the use.
- (4) The ~~Technical Committee~~decision maker shall review the proposed transportation improvements and, if the improvements meet the requirements of this section, approve them. The ~~Technical Committee~~decision maker can condition its approval and require on-site and off-site improvements or contributions to off-site improvements to ensure the requirements of this section are met.

(G) Adequate Fire Protection.

- (1) All new developments shall be served by adequate fire protection. This requirement shall be met if:
  - (a) The site of the proposed development is served by a water supply system that provides the required minimum fire flow.
  - (b) The site of the proposed development is served by a street system or fire lane system that provides life safety/rescue access.
  - (c) The site of the proposed development and any proposed buildings meet the fire protection requirements for buildings in Chapter 15.06 RMC, Fire Code.
  - (d) Emergency access easements needed to maintain required emergency access and fire lane systems are created and recorded.
- (2) The ~~Technical Committee~~decision maker shall review the proposed fire improvements and, if the improvements meet the requirements of this section, approve them. The ~~Technical Committee~~decision maker can condition its approval and require on-site and off-site improvements or contributions to off-site improvements to ensure the requirements of this section are met.

(H) Construction Standards, Specifications, and Drawings.

- (1) The Public Works Department, or its successor, shall prepare and approve:
  - (a) Design standards, construction specifications and construction details for water systems, sewer systems, storm water systems, streets, sidewalks, bikeways, and other ways.
  - (b) Construction and as-built drawing formats and content requirements.
- (2) For any facilities to be dedicated or transferred to the City of Redmond or required under the RZC, the person constructing the facility shall submit construction drawings to the Public Works Department for approval before construction of the improvements.
- (3) For any facilities to be dedicated or transferred to the City of Redmond or required under the RCZ the person constructing the facility shall submit as-built construction drawings to the Public Works Department for approval after the facilities are built and before the improvements are accepted.

**21.54.020 Electrical Equipment and Wiring**

- (A) Purpose. The purpose of this ~~chapter-section~~ is to ensure the placement of utilities underground in order to:
- (1) Eliminate safety issues caused by damaged overhead lines;
  - (2) Reduce the number of service interruptions caused by storms;
  - (3) Remove utility poles which are a hazard along streets; and

(4) Increase the appearance and aesthetics of the public ways.

(B) Requirements for Wiring and Electrical Equipment.

(1) Existing aerial wiring shall be relocated underground and new facilities installed underground within a property and within the public right-of-way abutting the property when one or more of the following occurs:

- (a) Subdivisions are developed;
- (b) Short subdivisions are developed;
- (c) Local improvement districts and utility local improvement districts are developed;
- (d) Street or utility improvements are undertaken;
- (e) Binding site plans are developed;
- (f) New commercial, industrial or multifamily residential buildings are constructed;
- (g) Remodeling or additions to existing commercial or industrial buildings or conversions to these uses that increase gross floor area by 50 percent or more, or any alterations or repairs which exceed 100 percent of the value of the previously existing structure, and to single-family and multifamily residential buildings whenever any alterations or repairs exceed 100 percent of the value of the previously existing structure; or
- (h) Building complexes or other projects are developed and are of a size to warrant undergrounding.

(2) Wiring for electrical, communication, and other purposes serving a building or property shall be relocated or placed underground from the point of primary distribution to within a property when one of the following occurs:

- (a) The overhead electrical, communication, and primary utility distribution facilities are relocated underground;
- (b) Remodeling or additions to existing commercial or industrial buildings or conversions to these uses takes place;
- (c) The electrical service panel within a structure, or the service lines to the structure, are upgraded or modified; or
- (d) Remodeling or additions to the existing residential buildings that increase gross floor area by 20 percent or more, or any alterations or repairs which exceed 100 percent of the value of the previously existing structure.

(3) All new equipment related to the provision of electrical service, communications, or other utilities, except transformers, switch cabinets, traffic signal cabinets and street lighting cabinets, shall be installed in one of the following locations:

- (a) Underground;
- (b) Inside a building;
- (c) In a service alley;
- (d) Immediately adjacent to a building and screened from view; or
- (e) In a landscaped area and screened from view.

The ~~Technical Committee~~decision maker may approve an alternate location if an applicant demonstrates that the equipment cannot be placed in any of the above locations.

(4) All existing above-ground equipment related to the provision of electrical service, communications, or other utilities, except transformers, switch cabinets, traffic signal cabinets, and street lighting cabinets, shall be relocated and placed within one of the locations described in subsection (3) whenever any of the conditions set forth in subsections (1) or (2) are present.

(5) Traffic signal cabinets and street lighting cabinets shall be placed within the street furnishings zone where this zone exists or in a less conspicuous or other alternate location when all operational and maintenance needs of the City of Redmond and other utilities related to safety, access and visibility are met. The street furnishings zone is described in the Transportation Master Plan and consists of a hard surface area between the sidewalk and curb in which trees, benches, trash receptacles, and other street furniture serving pedestrian needs are placed.

(6) Where the ~~Technical Committee~~ decision maker has determined that interim street improvements are adequate as provided in RZC 21.52.030, Street and Access Standards, the requirement to underground distribution facilities may be temporarily waived.

(C) Overhead Facilities Prohibited. As overhead communication, electrical and utility facilities are relocated underground, persons and businesses served by such facilities shall relocate all overhead connections underground and connect to the new underground facilities within 90 days of the date of undergrounding completion.

(D) Property Owner's Responsibility for Rewiring. The property owner is responsible for providing all labor and materials for any required rewiring and relocation of existing facilities between primary relocation and the point at which secondary service is received on the customer's premises. The property owner shall also provide necessary occupancy rights and easements for transmission facilities and maintenance.

(E) Construction Specifications. The design and construction specifications for underground facilities covered by this section shall be subject to approval by the Director of Public Works.

(F) Exemptions. The requirements of this section shall not apply to electrical distribution substations nor to electrical lines of greater than 50 kV capacity unless it can be shown that the undergrounding of these lines has become economically feasible. This section shall also not apply where the utility demonstrates that its facilities will not function properly if located underground or cannot be maintained properly if so located.

*References to RZC 21.54 are changed to "Adequate Public Facilities and Undergrounding of Utilities" everywhere the reference is made in the RZC, including but not limited to:*

- RZC 21.16.030(W)
- RZC 21.68.160(B)(17)
- RZC 21.54 page footers



			Landmarks Commission)**			
Administrative Appeal Body	Hearing Examiner (Hearing Examiner decision on appeal may be appealed to City Council)	Hearing Examiner* (Hearing Examiner decision on appeal may be appealed to City Council)	City Council*	None (decision appealable to Superior Court)	None (decision appealable to Superior Court)	None (decision appealable to Superior Court)

\* Shoreline Substantial Development Permits, Shoreline Variances and Shoreline Conditional Use Permits are appealable directly to the State Shorelines Hearings Board

\*\*Landmarks Commission makes decisions for Certificate of Appropriateness Level III permits



(C) Classification of Permits and Decisions - Table. The following table sets forth the various applications required and classifies each application by the process used to review and decide the application.

- Type I - RZC 21.76.050(F): Administrative Approval, Appropriate Department is Decision Maker
- Type II - RZC 21.76.050(G): Administrative Approval, Review and Decision by Technical Committee and Design Review Board or Landmarks Commission\*
- Type III - RZC 21.76.050(H): Quasi Judicial, Decision by Hearing Examiner or Landmarks and Heritage Commission\*
- Type IV - RZC 21.76.050(I): Quasi-Judicial, Recommendation by Hearing Examiner, Decision by City Council
- Type V - RZC 21.76.050(J): Quasi-Judicial, Decision by City Council
- Type VI - RZC 21.76.050(K): Legislative, recommendation by Planning Commission, Decision by City Council

\*for properties with a Designation of Historic Significance, please refer to RZC 21.76.060(H)

Permit Type	Process Type	RMC Section (if applicable)
Administrative Interpretation	I	
Administrative Modification	II	
Alteration of Geologic Hazard Areas	III	
Binding Site Plan	II	
Boundary Line Adjustment	I	
Building Permit	I	RMC 15.06
Certificate of Appropriateness Level I	I	
Certificate of Appropriateness Level II	II	
Certificate of Appropriateness Level III	III	
Clearing and Grading Permit	I	RMC 15.24
Comprehensive Plan Map and/or Policy Amendment	VI	
Conditional Use Permit	IV	
Development Agreement	V	
Electrical Permit	I	RMC 15.12
Essential Public Facility	IV	
Extended Public Area Use Permit	I	RMC 12.08
Flood Zone Permit	I	RMC 15.04
Historic Landmark Designation	III	
Home Business	I	
Hydrant Use Permit	I	RMC 13.16.020
International Fire Code Permit	I	RMC 15.06
Master Planned Development See RZC 21.76.070(P)	II, III, IV or V	
Mechanical Permit	I	RMC 15.14
Plat Alteration	V	
Plat Vacation	V	
Plumbing Permit	I	RMC 15.16
Preliminary Plat	III	
Reasonable Use Exception See RZC 21.76.070(U)	I,II, III, IV or V	
Right-of-Way Use Permit	I	RMC 12.08
<b>SEPA</b>	<b>II</b>	

Sewer Permit	I	RMC 13.04
Permit Type	Process Type	RMC Section (if applicable)
Shoreline Conditional Use Permit	III	
Shoreline Exemption	I	
Shoreline Substantial Development Permit	II	
Shoreline Variance	III	
Short Plat	II	
Sign Permit/Program	I	
Site Plan Entitlement	II	
Special Event Permit	I	RMC 10.60
Structure Movement Permit I-IV	I	RMC 15.22
Temporary Use Permit (long term)	V	
Temporary Use Permit (short term)	I	
Tree Removal Permit	I	
Variance	III	
Water Permit	I	RMC 13.08
Willows Rose Hill Demonstration Project	III	
Wireless Communication Facility Permit I	I	
Wireless Communication Facility Permit II	II	
Zoning Code Amendment-Zoning Map (consistent with Comprehensive Plan)	IV	
Zoning Code Amendment (text)	VI	
Zoning Code Amendment (that requires a Comprehensive Plan Amendment)	VI	

(D) Permits and Actions Not Listed. If a permit or land use action is not listed in the table in RZC 21.76.050(C), the Administrator shall make a determination as to the appropriate review procedure based on the most analogous permit or land use action listed.

(E) Consolidated Permit and Appeal Process.

- (1) Where this Code requires more than one land use permit for a given development, all permit applications (except Type I applications) may be submitted for review collectively according to the consolidated review process established by this section.
- (2) Where two or more land use applications for a given development are submitted for consolidated review, the review shall be conducted using the highest numbered process type applicable to any of the land use applications, provided, that each land use application shall only be subject to the relevant decision criteria applicable to that particular development application. For example, a development proposal that includes a Type II application and a Type III application shall be reviewed using the Type III process, but the Type II application shall be decided based on the relevant decision criteria applicable to the Type II application. [If two or more land use applications are consolidated for review, the highest application review and decision timeframe as outlined within RZC 21.76.040\(D\) shall apply.](#)
- (3) When the consolidated process established by this section is used, the City shall issue single, consolidated notices, staff reports, and decision documents encompassing all of the land use applications under review. Except as provided in subsection (5), the applications shall be considered in a single, consolidated open record public hearing and shall be subject to no more than one consolidated closed record appeal.
- (4) Where a development requires more than one land use permit but the applicant elects not to submit all applications for consolidated review, applications may be submitted and processed sequentially, provided, that

the permit subject to the highest numbered process type must be submitted and obtained first, followed by the other permits in sequence from the highest numbered type to the lowest.

- (5) Where a development proposal requires a zoning map amendment, the zoning map amendment must be considered and approved by the Hearing Examiner and City Council before any hearing is held or decision is made on any related application for a conditional use permit, subdivision, variance, master planned development, site plan entitlement, or other similar quasi-judicial or administrative action. This subsection is intended to be a “procedural requirement” applicable to such actions as contemplated by RCW 58.17.070.
- (6) All appeals of project permit decisions for a single project shall be consolidated and heard together in a single appeal, except for appeals of environmental determinations of significance. Where a determination of significance (DS) is appealed, the appeal shall be heard by the Hearing Examiner using the Type II review process prior to any consideration of the underlying application. Where a determination of non-significance (DNS) or the adequacy of an environmental impact statement (EIS) is appealed, the hearing on the appeal shall be consolidated with any open record public hearing to be conducted on the underlying application.

(F)-(K) *No Changes*

## **21.76.060 PROCESS STEPS AND DECISION MAKERS**

(A) Purpose. The purpose of this Section is to provide an explanation of each of the procedural steps set forth in the process flow charts in RZC 21.76.050, Permit Types and Procedures.

(B) Environmental Review under the State Environmental Policy Act (SEPA).

- (1) All applications shall be reviewed under the State Environmental Policy Act (SEPA) unless categorically exempt under SEPA. The City’s environmental procedures are set forth in RZC 21.70.
- (2) Threshold Determinations. The Administrator shall issue the threshold determination after the minimum comment period for the Notice of Application and prior to the decision on the application. The threshold determination shall be mailed and posted in the same manner as the Notice of Application. The threshold determination shall also be sent to agencies with jurisdiction, if any, and the Washington State Department of Ecology. There is a 14-day comment period for certain threshold determinations as provided in WAC 197-11-340. Any comments received shall be addressed in the Technical Committee decision or recommendation on the application, which shall include the final threshold determination (DNS or DS) issued by the Administrator.
- (3) Optional DNS Process. For projects where there is a reasonable basis for determining that significant adverse impacts are unlikely, a preliminary DNS may be issued with the Notice of Application. The comment period for the DNS and the Notice of Application shall be combined. The Notice of Application shall state that the City expects to issue a DNS for the proposal and that this may be the only opportunity to comment on the environmental impacts of the proposed project. After the close of the comment period, the Technical Committee shall review any comments and issue the final DNS in conjunction with its decision or recommendation on the application.
- (4) Determination of Significance. If a determination of significance (DS) is issued, and an environmental impact statement (EIS) is required, the EIS will be completed prior to issuance of the Technical Committee/Design Review Board decision or recommendation. If the requirement to prepare an EIS or a supplemental EIS is appealed by the applicant, that appeal must be resolved prior to issuance of the Technical Committee/Design Review Board decision or recommendation.

(C) Neighborhood Meetings.

- (1) The purpose of neighborhood meetings is to:
  - (a) Provide a forum for interested individuals to meet with the applicant to learn about the proposal and the applicable process early in the review process;
  - (b) Provide an opportunity for meaningful public input;
  - (c) Provide a dialogue between the applicant, citizens and City whereby issues can be identified and discussed; and

(d) Provide an opportunity for applicants to address concerns generated by individuals, and incorporate possible changes.

(2) Required Neighborhood Meeting:

A neighborhood meeting shall be required for the following:

(a) Essential Public Facility.

(b) Master Planned Development.

(c) Preliminary Plat.

(d) Short plats that meet any of the following criteria:

(i) propose three or more lots.

(ii) have critical areas on-site, or

(iii) are forested (75 percent tree canopy).

(e) As otherwise required within the RZC.

(af) In addition, the Technical Committee may require a neighborhood meeting on any Type III, IV or V application.

(b3) Where a neighborhood meeting is required, it shall be conducted by the applicant within 45 days of the termination of the notice of application comment period. The applicant shall notify the City of the date and time of the meeting. At least one representative from City staff shall be in attendance. The applicant shall mail notice of the neighborhood meeting to the same individuals to whom notice is required for the Notice of Application, a minimum of 21 days in advance of the meeting. The applicant shall provide the City with an affidavit of mailing. The neighborhood meeting shall be required to take place prior to the Technical Committee decision or recommendation. In certain circumstances, the Technical Committee may choose to hold the neighborhood meeting, in which case the City shall mail the notice of neighborhood meeting as described above. A sign-in sheet shall be provided at the meetings, [giving attendees the option of establishing themselves as a party of record](#).

(e4) Additional Neighborhood Meetings. In order to provide an opportunity for applicants to address concerns generated by interested parties, applicants are encouraged to hold an additional neighborhood meeting (or meetings) to provide interested parties with additional information, proposed changes to plans, or provide further resolution of issues. If the applicant holds additional meetings, there shall be no specific requirements for notice or City attendance. However, the City shall make effort to attend meetings where appropriate and when the applicant has notified the City that additional meetings are taking place. Any persons attending additional neighborhood meetings who have not established themselves as a party of record, and who wish to do so, must contact the City directly.

(D) Director Decisions on Type I Reviews.

(1) Type I Decision Makers. Decisions on Type I applications are made by the appropriate department director or designee.

(2) Decision Criteria. The decision of the department director shall be based on the criteria for the application set forth in this Code, or in the applicable uniform or international code in the case of building and fire-related permits. The decision shall include any conditions necessary to ensure consistency with the applicable development regulations. The department director may consult with the Technical Committee, the Design Review Board, or the Landmarks and Heritage Commission on any Type I application, but the final decision-making authority on such applications remains with the department director.

(3) [Record Decision](#). A written record of the director's decision shall be prepared in each case and may be in the form of a staff report, letter, the permit itself, or other written document indicating approval, approval with

conditions, or denial. ~~The applicant shall be notified of the final decision~~The decision shall be mailed as provided in RZC 21.76.080(G), Notice of Final Decision. See RZC 68.200(C)(7)(a) for decisions on Shoreline Exemptions.

- (4) Appeal. Type I decisions may be appealed to the Hearing Examiner as provided in RZC 21.76.060(I), Appeals to Hearing Examiner on Type I and II Permits. All decisions are final upon expiration of the appeal period or, if appealed, upon the date of issuance of the Hearing Examiner's final decision on the appeal. Appeal decisions of the Hearing Examiner may be appealed to the City Council in a closed record appeal proceeding as provided RZC 21.76.060(M).

(E) Technical Committee Decisions on Type II Reviews.

- (1) Decision. Decisions on Type II applications are made by the Technical Committee. The decision of the Technical Committee shall be based on the criteria for the application set forth in the RZC and shall include any conditions necessary to ensure consistency with the applicable development regulations.
- (2) Record. A written record of the Technical Committee's decision shall be prepared in each case and may be in the form of a staff report, letter, the permit itself, or other written document indicating approval, approval with conditions, or denial. ~~The applicant~~All parties of record shall be notified of the final decision.
- (3) Design Review Board and Landmarks and Heritage Commission Review. When design review or review of a certificate of appropriateness is required, the decision of the Design Review Board or Landmarks and Heritage Commission shall be included with the Technical Committee decision.
- (4) Appeal. Type II decisions (except shoreline permits) may be appealed to the Hearing Examiner as provided in RZC 21.76.060(I), Appeals to Hearing Examiner on Type I and II Permits. All decisions are final upon expiration of the appeal period or, if appealed, upon issuance of the Hearing Examiner's final decision on the appeal. Appeal decisions of the Hearing Examiner may be appealed to the City Council in a closed record appeal proceeding as provided in RZC 21.76.060(M).

- (F) Technical Committee Recommendations on Type III, IV, V and VI Reviews. The Technical Committee shall make a recommendation to the Hearing Examiner on all Type III and Type IV reviews, a recommendation to the City Council on all Type V Reviews and a recommendation to the Planning Commission for all Type VI reviews. The Technical Committee's recommendation shall be based on the decision criteria for the application set forth in the RZC and shall include any conditions necessary to ensure consistency with the City's development regulations. Based upon its analysis of the application, the Technical Committee may recommend approval, approval with conditions or with modifications, or denial. A written report of the Technical Committee's recommendation shall be prepared and transmitted to the Hearing Examiner along with the recommendation of the Design Review Board and/or Landmarks and Heritage Commission where applicable.

- (G) Design Review Board Determinations on Type II, III, IV and V Reviews. When design review is required by the Design Review Board, the Design Review Board shall consider the application at an open public meeting of the Board in order to determine whether the application complies with the design standards set forth in Article III. The Design Review Board's determination shall be given the effect of a final decision on design standard compliance for Type II applications, shall be given the effect of a recommendation to the Hearing Examiner on a Type III, or IV application, and the effect of a recommendation to the City Council on a Type V application. The Design Review Board's determination shall be included with the written report that contains the Technical Committee recommendation or decision. The Design Review Board's determination may be appealed in the same manner as the decision of the applicable decision maker on the underlying land use permit.

- (H) Landmarks and Heritage Commission Determination/Decisions. The Landmarks and Heritage Commission as specified below shall review all applications requiring a Level II or Level III Certificate of Appropriateness and all applications for Historic Landmark Designation.

- (1) When review of a Level II Certificate is required, the Redmond Landmarks and Heritage Commission shall consider the application at an open public meeting using the review process for the application in RZC 21.76.050(C) in order to determine whether the application complies with the criteria set forth in RZC 21.30, Historic and Archeological Resources of the RZC and King County Code Chapter 20.62. Based upon its analysis of the application, the Landmarks and Heritage Commission may approve the application, approve it with conditions or modifications, or deny the application. The Landmarks and Heritage Commission's determination shall be included with the written report that contains the Technical Committee recommendation or decision.

Conditions based on the Landmarks and Heritage Commission's determination may be appealed to the Hearing Examiner in the same manner as the Technical Committee decision.

- (2) When review of a Level II Certificate of Appropriateness requiring a public hearing (see RZC 21.30.050(D)(2)) or review of a Level III Certificate of Appropriateness is required, the Redmond Landmarks and Heritage Commission shall hold an open record public hearing on the application using a Type III process as provided in RZC 21.76.060(J). The Landmarks and Heritage Commission shall determine whether the application complies with the criteria set forth in RZC 21.30.050(E) of the RZC. Based upon its analysis of the application, the Landmarks and Heritage Commission may approve the application, approve it with conditions or modifications, or deny the application. The decision of the Landmarks and Heritage Commission may be appealed to the Redmond City Council in a closed record appeal proceeding pursuant to RZC 21.76.060(M).
- (3) The King County Landmarks Commission, acting as the Redmond Landmarks and Heritage Commission, shall review and make determinations on all applications for Historic Landmark Designation or removal of a Historic Landmark Designation. When the King County Landmarks Commission reviews a Historic Landmark Designation nomination or the removal of a Historic Landmark Designation, the King County Landmarks Commission will follow the procedures set forth in King County Code Chapter 20.62, including the holding of an open record hearing on the application. Applications shall be decided based on the criteria in King County Code Chapter 20.62. The decision of the King County Landmarks Commission on a Historic Landmark Designation or removal of a Historic Landmark Designation shall be a final decision appealable to the Redmond City Council in a closed record appeal proceeding pursuant to RZC 21.76.060(M).

(I) Appeals to Hearing Examiner on Type I and Type II Permits.

- (1) Overview. For Type I and Type II permits, the Hearing Examiner acts as an appellate body, conducting an open record appeal hearing when a decision of a department director (Type I) or the Technical Committee (Type II) is appealed. The Hearing Examiner's decision on the appeal may be further appealed to the City Council in a closed record appeal proceeding.

(2) Commencing an Appeal. Type I and II decisions may be appealed as follows:

(a) Who May Appeal. ~~The project applicant or any person who signed in at any public meeting, neighborhood meeting, or requested to be made a party of record prior to the date the decision was issued~~Any party of record may appeal the decision.

(b) Form of Appeal. A person appealing a Type I or II 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 of fact, law, or procedure, and the manner in which the decision fails to satisfy the applicable decision criteria;
- (iii) The specific relief requested; and
- (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 Development Services Center no later than 5:00 p.m. on the fourteenth day following the date the decision of the Technical Committee/Design Review Board Decision is issued.

(d) Shoreline Permit Appeals must be submitted to the Shoreline Hearings Board. See RZC 21.68.200(C)(6)(b).

- (3) Hearing Examiner Public Hearing on Appeal. The Hearing Examiner shall conduct an open record hearing on a Type I or Type II appeal. Notice of the hearing shall be given as provided in RZC 21.76.080(H). The appellant, ~~the~~ applicant, owner(s) of property subject to the application, and the City shall be designated parties to the appeal. ~~Each~~ Only designated party-parties may participate in the appeal hearing by presenting testimony or calling witnesses to present testimony and by providing exhibits. 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's

rules of procedure. The Hearing Examiner shall create a complete record of the public hearing, including all exhibits introduced at the hearing and an electronic sound recording of each hearing.

(4) Hearing Examiner Decision on Appeal. Within 24-10 business days after the close of the record for the Type I or II appeal, the Hearing Examiner shall issue a written decision to grant, grant with modifications, or deny the appeal. The decision on appeal shall be mailed to all parties of record. The Hearing Examiner shall accord substantial weight to the decision of the department director (Type I) or Technical Committee (Type II). The Hearing Examiner may grant the appeal or grant the appeal with modifications if the Examiner determines that the appellant has carried the burden of proving that the Type I or II decision is not supported by a preponderance of the evidence or was clearly erroneous.

(5) Request for Reconsideration. Any designated party to the appeal who participated in the hearing may file a written request with the Hearing Examiner for reconsideration within ~~14-calendar~~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 14-10 business days after the filing of the request for reconsideration by either denying the request or issuing a revised decision. The decision on the request for reconsideration and/or issuing a revised decision shall be sent to all parties of record.

(6) Appeal. A Hearing Examiner Decision on a Type I or Type II appeal may be appealed to the City Council as provided in RZC 21.76.060(M).

(J) Hearing Examiner and Landmarks and Heritage Commission Final Decisions on Type III Reviews.

(1) Overview. For Type III reviews, the Hearing Examiner (or the Landmarks and Heritage Commission on Level II Certificates of Appropriateness that require a public hearing under RZC 21.30.050(D)(2) and on Level III Certificates of Appropriateness) makes a final decision after receiving the recommendation of the Technical Committee and holding an open record public hearing. The Hearing Examiner's (or Landmarks and Heritage Commission's) decision may be appealed to the City Council and considered by the Council in a closed record appeal proceeding.

(2) Public Hearing. The Hearing Examiner (or Landmarks and Heritage Commission on the applications specified above) shall hold an open record public hearing on all Type III permits. The open record public hearing shall proceed as follows:

(a) Notice of the hearing shall be given as provided in RZC 21.76.080(D).

(b) Any person may participate in the Hearing Examiner's (or Landmarks and Heritage Commission's) public hearing on the Technical Committee's recommendation by ~~submitting written comments to the Technical Committee prior to the hearing, by~~ submitting written comments prior to or at the hearing, or by providing oral testimony and exhibits at the hearing.

(c) The Administrator shall transmit to the Hearing Examiner (or Landmarks and Heritage Commission) a copy of the department file on the application including all written comments received prior to the hearing and information reviewed by or relied upon by the Administrator. The file shall also include information to verify that the requirements for notice to the public (Notice of Application and Notice of SEPA Threshold Determination) have been met.

(d) The Hearing Examiner (or Landmarks and Heritage Commission) shall create a complete record of the public hearing, including all exhibits introduced at the hearing and an electronic sound recording of each hearing.

(3) Authority. The Hearing Examiner (or Landmarks and Heritage Commission) shall approve a project or approve with modifications if the applicant has demonstrated that the proposal complies with the applicable decision criteria of the RZC. The applicant bears the burden of proof and must demonstrate that a preponderance of the evidence supports the conclusion that the application merits approval or approval with modifications. In all other cases, the Hearing Examiner (or Landmarks and Heritage Commission) shall deny the application.

(4) Conditions. The Hearing Examiner (or Landmarks and Heritage Commission) may include conditions to ensure a proposal conforms to the relevant decision criteria.

(5) Decision. The Hearing Examiner (or Landmarks and Heritage Commission) shall issue a written report supporting the decision within 24-10 business days following the close of the record. The report supporting the decision shall be mailed to all parties of record. The report shall contain the following:

- (a) The decision of the Hearing Examiner (or Landmarks and Heritage Commission); and
- (b) Any conditions included as part of the decision; and
- (c) Findings of fact upon which the decision, including any conditions, was based and the conclusions derived from those facts; and
- (d) A statement explaining the process to appeal the decision of the Hearing Examiner (or Landmarks and Heritage Commission) to the City Council.

(6) Request for Reconsideration. Any ~~party to the appeal who participated in the hearing~~party of record may file a written request with the Hearing Examiner (or Landmarks and Heritage Commission) for reconsideration within 44 10 business days of the date of the Hearing Examiner's decision. The request shall explicitly set forth alleged errors of procedure, law, or fact. No new evidence may be submitted in support of or in opposition to a request for reconsideration. The Hearing Examiner shall act within 24-10 business days after the filing of the request for reconsideration by either denying the request or issuing a revised decision. The decision on the request for reconsideration and/or the revised decision shall be sent to all parties of record.

(7) Appeal. Except for shoreline conditional use permits or shoreline variances, a Hearing Examiner or Landmarks and Heritage Commission decision may be appealed to the City Council as provided in RZC 21.76.060 (M). Shoreline conditional use permits and shoreline variances may be appealed to the Shoreline Hearings Board as provided in RZC 21.68.200(C)(6)(c)

(K) Hearing Examiner Recommendations on Type IV Reviews.

(1) Overview. For Type IV reviews, the Hearing Examiner makes a recommendation to the City Council after receiving the recommendation of the Technical Committee and holding an open record public hearing. The City Council considers the Hearing Examiner's recommendation in a closed record proceeding.

(2) Hearing Examiner Public Hearing. The Hearing Examiner shall hold an open record public hearing on all Type IV permits. The open record public hearing shall proceed as follows:

(a) Notice of the hearing shall be given as provided in RZC 21.76.080(D).

(b) Any person may participate in the Hearing Examiner's public hearing on the Technical Committee's recommendation by submitting written comments to the Technical Committee prior to the hearing, by submitting written comments at the hearing, or by providing oral testimony and exhibits at the hearing.

(c) The Administrator shall transmit to the Hearing Examiner a copy of the department file on the application including all written comments received prior to the hearing and information reviewed by or relied upon by the Administrator. The file shall also include information to verify that the requirements for notice to the public (Notice of Application and Notice of SEPA Threshold Determination) have been met.

(d) The Hearing Examiner shall create a complete record of the public hearing, including all exhibits introduced at the hearing and an electronic sound recording of each hearing.

(3) Hearing Examiner Authority. The Hearing Examiner shall make a written recommendation to approve a project or approve with modifications if the applicant has demonstrated that the proposal complies with the applicable decision criteria of the RZC. The applicant bears the burden of proof and must demonstrate that a preponderance of the evidence supports the conclusion that the application merits approval or approval with modifications. In all other cases, the Hearing Examiner shall make a recommendation to deny the application.

(4) Conditions. The Hearing Examiner may include conditions in the recommendation to ensure a proposal conforms to the relevant decision criteria.

(5) Decision. The Hearing Examiner shall issue a written report supporting the recommendation within 24 days10 business days following the close of the record. The report shall contain the following:

(a) The recommendation of the Hearing Examiner; and



- (b) Any conditions included as part of the recommendation; and
  - (c) Findings of fact upon which the recommendation, including any conditions, was based and the conclusions derived from those facts.
- (6) Mailing of Recommendation. The office of the Hearing Examiner shall mail the written recommendation, bearing the date it is mailed, to each person included in the parties of record. The Administrator will provide notice of the Council meeting at which the recommendation will be considered [to all parties of record](#).
- (7) Request for Reconsideration. Any party of record may file a written request with the Hearing Examiner for reconsideration within ~~14 days~~[10 business days](#) of the date of the Hearing Examiner's recommendation. The request shall explicitly set forth alleged errors of procedure, law, or fact. No new evidence may be submitted as part of a request for reconsideration. The Hearing Examiner shall act within ~~21 days~~[10 business days](#) after the filing of the request for reconsideration by either denying the request or issuing a revised decision. [The decision on the request for reconsideration and/or revised decision shall be sent to all parties of record.](#)
- (8) All Hearing Examiner recommendations on Type IV permits shall be transmitted to the City Council for final action as provided in RZC 21.76.060(N).

(L) Planning Commission Recommendations on Type VI Reviews.

- (1) Overview. For Type VI proposals, the Planning Commission makes a recommendation to the City Council after holding at least one open record public hearing. The Planning Commission may also hold one or more study sessions prior to making the recommendation. The City Council considers the Planning Commission's recommendation and takes final action by ordinance.
- (2) Planning Commission Public Hearing. The Planning Commission shall hold at least one open record public hearing. The hearing shall proceed as follows:
  - (a) Notice of the public hearing shall be given as provided in RZC 21.76.080(F).
  - (b) Any person may participate in the public hearing by submitting written comment to the applicable department director prior to the hearing or by submitting written or making oral comments to the Planning Commission at the hearing. All written comments received by the applicable department director shall be transmitted to the Planning Commission no later than the date of the public hearing
  - (c) The Administrator shall transmit to the Planning Commission a copy of the department file on the application, including all written comments received prior to the hearing and information reviewed by or relied upon by the Administrator. The file shall also include information to verify that the requirements for notice to the public (Notice of Application, as required; Notice of SEPA Determination) have been met.
  - (d) The Planning Commission shall record and compile written minutes of each hearing.
- (3) Recommendation. The Planning Commission may recommend that the City Council adopt, or adopt with modifications, a proposal if it complies with the applicable decision criteria in RZC 21.76.070. In all other cases, the Planning Commission shall recommend denial of the proposal. The Planning Commission's recommendation shall be in writing and shall contain the following:
  - (a) The recommendation of the Planning Commission; and
  - (b) Any conditions included as part of the recommendation; and
  - (c) Findings of fact upon which the recommendation, including any conditions, was based and the conclusions derived from those facts.
- (4) Additional Hearing on Modified Proposal. If the Planning Commission recommends a modification which results in a proposal not reasonably foreseeable from the notice provided pursuant to RZC 21.76.080(F), the Planning Commission shall conduct a new public hearing on the proposal as modified. The Planning Commission shall consider the public comments at the hearing in making its final recommendation.
- (5) A vote to recommend adoption of the proposal or adoption with modification must be by a majority vote of the Planning Commission members present and voting.
- (6) All Planning Commission recommendations shall be transmitted to the City Council for final action as provided in RZC 21.76.060(P).

(M) Appeals to City Council on Type I, II, and III Reviews and from King County Landmark Commission Decisions.

- (1) Overview. Except for shoreline substantial development permits, shoreline conditional use permits and shoreline variances, all decisions of the Hearing Examiner on Type I and II appeals and all decisions of the Hearing Examiner on Type III permits may be appealed to the City Council. All decisions of the Redmond Landmarks and Heritage Commission on Level II Certificates of Appropriateness that require a public hearing, and Level III Certificates of Appropriateness, and all decisions of the King County Landmarks Commission on Historic Landmark Designations and removal of Historic Landmark Designations may also be appealed to the City Council. The City Council will make a final decision on such matters in a closed record appeal proceeding in which no new evidence may be submitted.

- (2) Commencing an Appeal. Hearing Examiner decisions on Type I and II appeals and on Type III permits and decisions of the Redmond Landmarks and Heritage Commission and King County Landmarks Commission on matters described in subsection (1) may be appealed to the City Council as follows:
- (a) Who May Appeal. The following parties may appeal:
- (i) The applicant;
  - (ii) The owner(s) of property subject to the application
  - (iii) The City staff;
  - ~~(iii)~~ In the case of Type I or II decisions, any party who appealed the department director's or Technical Committee's decision to the Hearing Examiner;
  - (iv) In the case of Type III decisions, any person ~~who participated in the public hearing before the Hearing Examiner~~who established themselves as a party of record prior to or at the public hearing; and
  - (vi) In the case of decisions by the Redmond Landmarks and Heritage Commission or the King County Landmarks Commission specified in subsection (1) above, any person who ~~participated in the hearing before the Commission~~established themselves as a party of record prior to or at the public hearing.
- (b) Form of Appeal. A person appealing a Type I, II, or III decision by the Hearing Examiner or the decisions of the Redmond Landmarks Commission or King County Landmarks Commission described in subsection (1) 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 of fact, law, or procedure and the manner in which the decision fails to satisfy the applicable decision criteria;
  - (iii) The specific relief requested; and
  - (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 Development Services Center no later than 5:00 p.m. ~~on the fourteenth day~~10 business days following the expiration of the Hearing Examiner's (or Landmarks and Heritage Commission's) reconsideration period.
- (3) Closed Record Appeal Proceeding Before City Council.
- (a) Notice. Notice of the closed record appeal proceeding shall be given as provided in RZC 21.76.080(I).
- (b) Conduct of the Appeal Proceeding.
- (i) Who May Participate. The applicant, owner(s) of property subject to the application, ~~the~~ appellant, the applicable department director, or representatives of these parties may participate in the appeal proceeding.
  - (ii) How to Participate. A person entitled to participate may participate in the appeal proceeding 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 closed record appeal proceeding.

Argument on the appeal is limited to information contained in the record developed before the Hearing Examiner or Landmarks and Heritage Commissions and must specify the findings or conclusions which are the subject of the appeal, as well as the relief requested from the Council.
  - (iii) Hearing Record. The City Council shall make an electronic sound recording of each appeal proceeding.

- (iv) Testimony. Testimony or other evidence and information not presented to the Hearing Examiner or Landmarks and Heritage Commissions shall not be considered. The decision by the City Council shall be made only on the basis of facts presented at the open record hearing before the Hearing Examiner or Landmarks and Heritage Commissions.

(C.) City Council Decision on Appeal.

- (1.) Criteria. The City Council may grant the appeal or grant the appeal with modifications if the appellant proves that the decision of the Hearing Examiner or Landmarks and Heritage Commission is not supported by a preponderance of the evidence or is clearly erroneous. In all other cases, the appeal shall be denied. The City Council shall accord substantial weight to the decision of the Hearing Examiner or Landmarks and Heritage Commission.
- (2.) 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.
- (3.) Findings. The City Council shall adopt findings and conclusions which support its decision on the appeal.
- (4.) 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.

[\(5\) Notice of Decision on Appeal. Notice of Decision on Appeal shall be provided pursuant to RZC 21.76.080\(G\), Notice of Final Decision](#)

- (4) The City Council's decision on an appeal from the Hearing Examiner on a Type I, II, or III review or the Redmond Landmarks and Heritage Commission or King County Landmarks Commission on those matters specified in subsection (1) is the final decision of the City and (except for shoreline conditional use permits and shoreline variances) may be appealed to the King County Superior Court as provided in RZC 21.76.060(Q).
- (5) Shoreline Substantial Development Permits, Shoreline Conditional Use Permits and Shoreline Variances must be appealed to the Shoreline Hearings Board. See RZC 21.68.200(C)(6)(b) and (c).

(N) City Council Decisions on Type IV Reviews.

- (1) Overview. The City Council considers all Hearing Examiner recommendations on Type IV permits in a closed record proceeding. Decisions of the City Council on Type IV permits may be appealed to the King County Superior Court as provided in RZC 21.76.060(Q).

(2) City Council Decision.

- (a) The Administrator shall transmit to the City Council a copy of the department file on the application, including all written comments received prior to and during the open record hearing and information reviewed by or relied upon by the Hearing Examiner. The file shall also include information to verify that the requirements for notice to the public (Notice of Application, Notice of Public Hearing, and Notice of SEPA Determination) have been met.
- (b) The City Council shall conduct a closed record proceeding. [Notice of the closed record proceeding shall be provided as outlined within RZC 21.76.080\(J\), Notice of Closed Record Appeal Proceeding on Type IV and City Council Proceeding on Type VI Reviews.](#) The City Council shall not accept new information, written or oral, on the application, but shall consider the following in deciding upon an application:
  - (i) The complete record developed before the Hearing Examiner; and
  - (ii) The recommendation of the Hearing Examiner.

(c) The City Council shall either:

- (i) Approve the application; or
  - (ii) Approve the application with modifications; or
  - (iii) Deny the application, based on findings of fact and conclusions derived from those facts which support the decision of the Council.
- (d) Form of Decision. All City Council decisions on Type IV reviews shall be in writing. All decisions approving a Type IV application shall require passage of an ordinance. Decisions denying Type IV applications shall not require passage of an ordinance. Decisions on Type IV applications shall include:
- (i) Findings and Conclusions. The City Council shall include findings of fact and conclusions derived from those facts which support the decision of the Council, including any conditions, in the decision on the application. The City Council may, by reference, adopt some or all of the findings and conclusions of the Hearing Examiner.
  - (ii) Conditions. The City Council may, based on the record, include conditions in any ordinance approving or approving with modifications any conditional use permit, essential public facilities permit, or master planned development application in order to ensure conformance with the approval criteria specified in the code or process under which the application was made. For Zoning Map Amendments that are consistent with the Comprehensive Plan, conditions of approval shall not be included in the ordinance, but shall be included in a separate development agreement approved concurrently with the ordinance.
  - (iii) Required Vote. The City Council shall adopt an ordinance which approves or approves with modifications the application by a majority vote of the membership of the City Council. Decisions to deny a Type IV application shall require a majority vote of those Council members present and voting.
  - (iv) Notice of Decision. Notice of the City Council Decision shall be provided as outlined within RZC 21.76.080(G), Notice of Final Decision

(O) City Council Decisions on Type V Reviews.

- (1) Overview. For Type V reviews, the City Council makes a final decision after receiving the recommendation of the Technical Committee and the recommendation of the Design Review Board (if required) and after holding an open record public hearing. The City Council's decision is appealable to the King County Superior Court as provided in RZC 21.76.060(Q).
- (2) City Council Open Record Public Hearing.
  - (a) Notice. Notice of the City Council's open record public hearing shall be given as provided in RZC 21.76.080(E).
  - (b) Transmittal of File. The Administrator shall transmit to the City Council a copy of the department file on the application, including all written comments received prior to the City Council open record public hearing and information reviewed by or relied upon by the Administrator. The file shall also include information to verify that the requirements for notice to the public (Notice of Application, Notice of Public Hearing, and Notice of SEPA Determination) have been met.
  - (c) Participation. Any person may participate in the City Council public hearing on the Technical Committee's recommendation by submitting written comments to the Redmond Development Services Center prior to the hearing or at the hearing by providing oral testimony and exhibits at the hearing, prior to the hearing or by submitting written comments or making oral comments at the hearing. The Council shall create a complete record of the open record public hearing, including all exhibits introduced at the hearing and an electronic sound recording of the hearing.
- (3) City Council Decision.
  - (a) Options. The City Council shall, at the open record public hearing, consider and take final action on each Type V application. The final action may take place in the same meeting as the public hearing, ~~if any~~. The City Council shall either:

- (i) Approve the application; or
- (ii) Approve the application with modifications or conditions; or
- (iii) Deny the application.

(b) Form of Decision. The City Council's decision shall be in writing and shall include the following:

- (i) Findings and Conclusions. The City Council shall include findings of fact and conclusions derived from those facts which support the decision of the Council, including any conditions, in the decision approving the application or approving the application with modifications or conditions. The City Council may by reference adopt some or all of the findings and conclusions of the Technical Committee.
- (ii) Conditions. The City Council may, based on the record, include conditions in any ordinance approving or approving with modifications an application in order to ensure conformance with the approval criteria specified in the code or process under which the application was made.

[\(iii\) Notice of the Decision shall be provided as outlined within RZC 21.76.080\(G\), Notice of Final Decision](#)

(P) City Council Decisions on Type VI Reviews.

(1) Overview. The City Council shall consider and take action on all Planning Commission recommendations on Type VI reviews. The City Council may take action with or without holding its own public hearing. Any action of the City Council to adopt a Type VI proposal shall be by ordinance.

(2) City Council Action.

(a) Notice of City Council Proceeding. Notice shall be provided in accordance with RZC 21.76.080(J).

(b) Initial Consideration by Council. The City Council shall consider at a public proceeding each recommendation transmitted by the Planning Commission. The Council may take one of the following actions:

- (i) Adopt an ordinance adopting the recommendation, or adopt the recommendation with modifications; or
- (ii) Adopt a motion denying the proposal; or
- (iii) Refer the proposal back to the Planning Commission for further proceedings, in which case the City Council shall specify the time within which the Planning Commission shall report back to the City Council with a recommendation; or
- (iv) Decide to hold its own public hearing to take further public testimony on the proposal or in order to consider making a modification of the proposal that was not within the scope of the alternatives that could be reasonably foreseen from the notice of the Planning Commission public hearing provided under RZC 21.76.080(F).

(c) Public Hearing and Decision. If the Council determines to hold its own public hearing, notice shall be provided and the hearing shall be conducted in the same manner as was provided for the Planning Commission hearing on the proposal. After conducting the public hearing, the City Council shall render a final decision on the proposal as provided in Subsection (2)(b)(i) or (ii) above.

(Q) Appeal of Council Decisions on Types I - V Reviews to Superior Court. The decision of the City Council on Type I - V permits or reviews is the final decision of the City and may be appealed to Superior Court by filing a land use petition which meets the requirements set forth in Chapter 36.70C RCW. No action to obtain judicial review may be commenced unless all rights of administrative appeal provided by the RZC or State law have been exhausted. The petition for review 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.

(R) Appeal of Council Decisions on Type VI Reviews to Growth Board. The action of the City Council on a Type VI proposal may be appealed together with any SEPA threshold determination by filing a petition with the Growth Management Hearings Board pursuant to the requirements set forth in RCW 36.70A.290. The petition must be filed within the 60-day time period set forth in RCW 36.70A.290(2).

(S) Appeal of Shoreline Master Plan Amendments and Decisions. Appeal of shoreline master plan amendments and decisions must be made to the Shoreline Hearings Board.

## 21.76.070 LAND USE ACTIONS AND DECISION CRITERIA

(A) Through (O): no changes

(P) Master Planned Development.

(1) Purpose. The purpose of this section is to provide a mechanism to allow the master planning of sites where development is proposed to occur in phases, where coordination of public facilities is needed, when a master plan is needed to determine how best to develop the area, when a master plan is needed to integrate various uses, or when multiple ownerships are to be coordinated into a unified development. The MPD process establishes conditions of approval for all concurrent and subsequent development applications and thereby ensures that infrastructure, public services, and open space and recreation areas will be provided in a timely manner and be tailored to the MPD site. The MPD process also provides long-term guidance for a large area so that the continuity of development is maintained.

(2) Applicability. MPDs are:

- (a) Allowed in all zones for projects encompassing at least three acres (for multifamily, commercial, and mixed use) or 50 dwelling units (for single-family);
- (b) Required in the Overlake Village Subarea for all projects encompassing at least three acres;
- (c) Optional in the Overlake Village Subarea and in Downtown zones for projects encompassing less than three acres;
- (d) Required in the East Sammamish Valley area pursuant to RZC 21.08.190(B); and
- (e) Required in the Southeast Redmond neighborhood pursuant to RZC 21.08.200(B)(3).

(3) Scope of Approval. The MPD approval shall constitute a limitation on the use and design of the site.

~~(a) Approval Time Frame for MPDs Located in the Overlake Village Subarea and for MPDs Greater than 10 Acres Located in Downtown. Development plans may include multiple phases to be developed successively over a period of no more than 10 years. If after 10 years uncompleted phases remain, the applicant may request of the Technical Committee one extension of no more than five years. The Technical Committee may grant the extension if the applicant demonstrates economic hardship, change of ownership, unanticipated construction or site design problems, or other circumstances beyond his/her control determined acceptable by the Technical Committee. The MPD approval shall expire no more than 15 years from the original approval.~~

~~(ba) Approval Time Frame for All Other MPDs~~ MPD Term. Development plans may include multiple phases to be developed successively over a period of no more than five years (10 years for MPDs located in Overlake Village and MPDs greater than 10 acres in Downtown). If after five years this time period uncompleted phases remain, the applicant may request of the Technical Committee one extension of no more than five years. The Technical Committee may grant the extension if the applicant demonstrates economic hardship, change of ownership, unanticipated construction and/or site design problems, or other circumstances beyond his/her control determined acceptable by the Technical Committee. The MPD approval shall expire no more than 10 years from the original approval (15 years for MPDs located in Overlake Village and MPDS greater than 10 acres in Downtown). If an MPD is accompanied by a development agreement, the applicant shall have the option of having the term of the MPD coincide with that of the development agreement, even if the term of the development agreement exceeds the ordinarily allowable MPD timeframe.

~~(eb) MPD and Subdivision. An MPD that requires platting shall not receive final plat approval until the City has granted an MPD approval.~~

~~(ec) Approval Process. The approval process includes the City's review and consideration of the general project concept, including its intensity and overall design. Each land use permit associated with the MPD would then relate to specific site and development requirements as defined by the approval and the RZC.~~

(4) Procedures. MPDs shall be processed using the following procedures:

- (a) MPDs in the Overlake Village Subarea that are larger than three acres in size, and MPDs in the Downtown that are larger than ten acres in size, shall follow a Type V process as set forth in RZC 21.76.050(J).
  - (i) A recommendation from the Design Review Board shall be required.
  - (ii) The applicant shall host a neighborhood meeting early in the MPD review process.
  - (iii) MPD approval extensions, and MPD amendments that meet the criteria for administrative modifications, shall be reviewed under RZC 21.76.090.
- (b) All other master planned developments shall follow the process that is followed for the underlying land use permit. For example, an MPD that accompanies a site plan entitlement would follow a Type II process.
  - (i) A neighborhood meeting to gather public input shall be held prior to the applicant making a formal application for the underlying land use permit.
  - (ii) MPD approval extensions, and MPD amendments that meet the criteria for administrative modifications, shall be reviewed under RZC 21.76.090(D), Administrative Modifications.
- (c) A Master Plan shall be completed prior to approval of any subdivision, binding [site](#) plan or issuance of land use permit approval for any development. [The following actions are exempt from this requirement:](#)
  - [\(i\) ~~excluding those alterations~~ Alterations to a building that qualify for review as an Administrative Modification under RZC 21.76.090\(D\).](#)
  - [\(ii\) Public projects, such as parks, utility, and street improvements, including subdivision of property for land acquisition, or acquisition of other property rights required for such projects.](#)
  - [\(iii\) Actions exempt from subdivision requirements as listed in RZC 21.74.010\(B\)\(2\)](#)
  - [\(iv\) Relocation of structures displaced by public projects.](#)

(5) Decision Criteria. Master planned developments shall meet the following criteria:

- (a) All elements of the MPD shall support and be consistent with the RZC and all applicable Comprehensive Plan policies.
- (b) MPDs proposed in the Overlake Village Subarea shall be consistent with the Overlake Village Master Plan and Implementation Strategy and shall include the items listed in (c) below in addition to the following:
  - (i) A height and bulk study that demonstrates how building mass, height and scale relate to open spaces, pedestrian pathways, streets and other buildings;
  - (ii) An analysis of shading effects of taller buildings (for sites smaller than three acres, only required if the Technical Committee or Design Review Board determine based upon the height and bulk study that analysis of shading effects is needed); and
  - (iii) Phasing plan for bonus features and affordable housing component showing that the completion of improvements of bonus features and affordable housing shall be commensurate with the progress on the construction of the development (for sites smaller than three acres, only required if the Technical Committee determines necessary).
- (c) All MPDs shall include the items listed below:
  - (i) A design concept that is in conformance with all applicable Comprehensive Plan policies and development regulations;



- (ii) Conceptual site plan indicating all proposed land uses (architectural design, exact building shapes, locations and other detailed information required in a site plan shall not be required);
  - (iii) Transportation and circulation plan indicating the layout and conceptual design of all streets, pedestrian pathways, parking, and location of transit facilities (as available), in plan view and cross section for streets (cross sections only required for projects in the Downtown);
  - (iv) Location of proposed space for parks, open space and any cultural facilities;
  - (v) Phasing plan describing anticipated time frames for development, and showing that completion of affordable housing shall be commensurate with the progress on the construction of the development;
  - (vi) Location of any environmentally critical areas;
  - (vii) Landscape and tree retention concepts, including consideration of the health and structural stability of retained trees, as determined by an arborist report;
  - (viii) Preliminary plan indicating required connections to adjacent properties for transportation and open space systems;
  - (ix) Overall approach to sustainable design, including consideration of the use of environmentally sustainable materials such as permeable pavement, where possible; and
  - (x) Preliminary plan for other major infrastructure improvements (may be waived by the Technical Committee for sites in Overlake smaller than three acres).
- (d) The master plan must comply with all site requirements or design guidelines that would ordinarily apply to projects developed in the underlying zone.
- (e) Property included in an MPD must be under the same ownership, or there must be a signed agreement establishing control over multiple ownerships.
- (6) Vesting. Where MPDs are required, they must be completed in conjunction with a development agreement, as described in Chapter 36.70B RCW, in order to vest to development regulations in place at the time of the agreement. Where MPDs are optional, applicants wishing to vest may pursue a development agreement as described in Chapter 36.70B RCW.
- (7) Nothing in this section shall preclude the acquisition of land prior to application or approval of a master plan.

## 21.76.080 NOTICES

(A)-(C) No Changes

(D) Notice of Open Record Public Hearings on Type III and IV Permits.

- (1) Public notice of the date of the Hearing Examiner or Landmarks and Heritage Commission public hearing for a Type III or IV application shall be published in a newspaper of general circulation. The public notice shall also include a notice of availability of the Technical Committee/Design Review Board recommendation. If a determination of significance was issued by the responsible official, the notice of the Technical Committee/Design Review Board recommendation shall state whether an EIS or supplemental EIS was prepared or whether existing environmental documents were adopted. The public hearing shall be scheduled no sooner than 21 days following the date of publication of the notice.
- (2) The Administrator shall mail notice of the public hearing and the availability of the recommendation to each owner and occupant of real property within 500 feet of the project site, or 20 property owners and residents/tenants (whichever is greater).
- (3) The Administrator shall mail notice of the availability of the recommendation and the date of the public hearing to each person who ~~submitted oral or written comments during the public comment period or established themselves as a party of record~~ at any time prior to the publication of the notice of ~~recommendation hearing~~.

- (4) The Administrator shall post the notice of the date of the public hearing and the availability of the recommendation on-site and at a designated location within City Hall and at least one other public building. The Administrator shall establish standards for size, color, layout, design, wording and placement of the notice boards.
- (5) The following applications are major land use actions: Conditional Use Permits, Master Planned Developments, Essential Public Facilities, and Zoning Code Amendment – Zoning Map (consistent with Comprehensive Plan). In addition to the general notice requirements, major land use actions shall comply with the extraordinary signage requirements outlined in Appendix 6.

(E) Notice of City Council Public Hearing on Type V Reviews.

- (1) Public notice of the date of the City Council public hearing at which the City Council will consider the application shall be published in a newspaper of general circulation. The public hearing shall be scheduled no sooner than 21 days following the date of publication of the notice. If a determination of significance was issued by the Administrator, the notice of the Technical Committee’s recommendation shall state whether an EIS or supplemental EIS was prepared or whether existing environmental documents were adopted. The notice of the City Council meeting shall also include the notice of the availability of the Technical Committee’s recommendation.
- (2) The Administrator shall mail notice of the City Council public hearing, the SEPA determination and the notice of the availability of the Technical Committee recommendation to each person who ~~submitted comments during the public comment period or~~ established themselves as a party of record at any time prior to the publication of the notice of ~~recommendation~~ hearing.
- (3) Type V Master Planned Developments are considered a major land use action. In addition to the general notice requirements, major land use actions shall comply with the extraordinary signage requirements outlined in Appendix 6.

(F) Notice of Planning Commission Hearing on Type VI Reviews.

- (1) When the Planning Commission or City Council has scheduled a public hearing on a Type VI proposal, notice of the public hearing shall be provided 21 days prior to the scheduled hearing date in the manner set forth in subsection (2) of this section.
- (2) Notice of Public Hearing.

Land Use Action	Publish	Mail	Post
Comprehensive Plan Amendment	X		
Zoning Code Amendment – Text	X		
Zoning Code Amendment – Zoning Map	X	X	X

- (3) Published Notice. When required, the applicable department director shall publish a notice in a newspaper of general circulation in the City. The notice shall contain the following information:
  - (a) The name of the applicant, and, if applicable, the project name;
  - (b) If the application involves specific property, the street address of the subject property, a description in nonlegal terms sufficient to identify its location, and a vicinity map indicating the subject property;
  - (c) A brief description of the action or approval requested;
  - (d) The date, time, and place of the public hearing; and
  - (e) A statement of the right of any person to participate in the public hearing as provided in RZC 21.76.060(L)

(4) Mailed Notice.

- (a) Zoning Map Amendments. If the proposal involves specific property, rather than an area-wide or zone-wide change, notice of the public hearing, containing the same information set forth in subsection (3) of this section, shall be mailed to each person establishing themselves a party of record prior to notice of hearing being issued, and to each owner and occupant of real property within 500 feet of any boundary of the subject property, or 20 property owners and residents/tenants (whichever is greater).
  - (i) The records of the King County Assessments Department shall be used for determining the property owner of record. Addresses for a mailed notice required by this code shall be obtained from the King County real property tax records. The approval authority shall issue a certificate of mailing to all persons entitled to notice under this chapter. The approval authority may provide notice to other persons than those required to receive notice under the code.
- (b) Notice shall be mailed to each person who has ~~requested such notice~~established themselves as a party of record prior to issuance of the notice of hearing.
- (c) 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.
- (d) All public notices shall be deemed to have been provided or received on the date the notice is deposited in the mail or personally delivered, whichever occurs first.

(5) Posted Notice.

- (a) Zoning Map Amendments. If the proposal involves specific property, rather than an area-wide or zone-wide change, at least one public notice board shall be posted on the site or in a location immediately adjacent to the site that provides visibility to motorists using the adjacent street(s).
- (b) Type VI Development Guide Zoning Code Amendment – Zoning Map is considered a major land use action. In addition to the general notice requirements, major land use actions shall comply with the extraordinary signage requirements outlined in Appendix 6.

(6) Responsibility for Notice. The Administrator is responsible for providing published legal notices, mailed notice and posted notice in public buildings. The applicant is responsible for complying with on-site posted notice requirements.

(7) Alternative Means of Notification. In the case of the following actions initiated by the City, which affect large areas of the City, the Administrator may elect to use alternative means of public notification in addition to the newspaper publication required by RCW 35A.63.070, provided such notification is likely to achieve equal or greater actual public notification:

- (a) Adoption or amendment of a neighborhood or other area-wide community plan;
- (b) Zoning Map amendments adopted on a neighborhood or other area-wide basis.

(G) Notice of Final Decision. The Administrator shall mail the Notice of Final Decision and the final SEPA determination, if any, to ~~the applicant and to each person who participated in the public hearing or who submitted comments during the public comment period at any time prior to issuance of the decision~~all parties of record. The Notice of Decision shall include a statement of any threshold determination made under SEPA, and the procedures for administrative appeal, if any. For those project permits subject to SEPA, the Notice of Decision shall contain the requirements set forth in RZC 21.70, State Environmental Policy Act. The exception shall be for Notice of Decision for Historic Landmark Designations, which shall conform to the notice procedures found in King County Code Chapter 20.62. For Shoreline Substantial Development Permits, Shoreline Conditional Use Permits and Shoreline Variances, see RZC 21.68.200(C)(6)(b) and (c).

(H) Notice of Open Record Appeal Hearings on Type I and II Permits. If a Type I or II decision is appealed, a hearing before the City Hearing Examiner shall be set and notice of the hearing shall be provided ~~in the same manner as was done for the Notice of Decision~~to all parties of record no less than 14 days prior to the date on which the Hearing

Examiner will hold the appeal hearing; except that if the Type I or II decision has been consolidated with a recommendation on a Type III, IV, or V application, any appeal of the Type I or II decision shall be consolidated with the Type III, IV, or V public hearing. No separate notice of a Type I or II appeal will be provided if a public hearing has already been scheduled for the Type III, IV, or V component of an application.

(I) Notice of Closed Record Appeal Proceeding Before City Council.

(1) Contents of Notice. The Administrator shall prepare a Notice of Closed Record Appeal Proceeding 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 closed record appeal proceeding before the City Council.

(2) Time and Provision of Notice. The Administrator shall mail the Notice of Closed Appeal Proceeding to each person entitled to participate in the appeal party of record no less than 14 days prior to the date on which the Council will hold the closed record appeal proceeding.

(J) Notice of Closed Record City Council Proceeding on Type IV and City Council Proceeding on Type VI Reviews. The Administrator shall mail notice of the proceeding at which the City Council will consider the recommendation, the SEPA threshold determination and the availability of the recommendation to each person who submitted comments during the public comment period or at any time established themselves as a party of record prior to the publication of the notice of the City Council public meeting close of public hearing by either the Hearing Examiner or Planning Commission. Notice shall be provided a minimum of 21 days prior to the meeting/proceeding.

# Definitions

## RZC 21.78 Definitions

*Definitions not listed are not amended.*

### 21.78.010 “A” Definitions

#### Athletic, Sports, or Play Fields.

Parks or similar recreation areas designed especially for organized sports or play, such as soccer, football, or baseball/softball fields.

### 21.78.020 “B” Definitions

#### ~~Beer, Wine, and Liquor Store.~~

~~An establishment primarily engaging in retail sales of packaged alcoholic beverages, such as ale, beer, wine, and liquor.~~

### 21.78.030 “C” Definitions

#### Commercial Swimming Pool.

An indoor or outdoor swimming pool operated for commercial purposes.

#### Community Indoor Recreation

A non-commercial indoor recreation establishment operated for the benefit of a community. Examples include community clubhouses and indoor swimming pools.

### 21.78.040 “D” Definitions

#### Dormitory.

A rooming establishment, typically associated with an educational institution, that provides temporary accommodations and may offer housekeeping, meals, and laundry services.

### 21.78.050 “E” Definitions

#### Educational Services.

Establishments that offer teaching and learning activities or experiences, including preschools, grade schools, colleges and universities, and technical, trade, and other specialty schools.

### 21.78.060 “F” Definitions

#### Float Plane Facility.

A facility for storing and operating a float plane. The facility typically consists of piers, docks, and/or floats.

### 21.78.080 “H” Definitions

#### Health and Human Services.

A subset of Education, Public Administration, Health Care, and Other Institutions consisting of: Ambulatory or Outpatient Services; Nursing, Supervision, and Other Rehabilitative Services; Social Assistance, Welfare, and Charitable Services; Day Care Centers; and Family Day Care Providers.

#### Hotels, Motels, and Other Accommodation Services.

Establishments that serve lodging and short-term accommodations for travelers, such as hotels, motels, bed and breakfast inns and other similar establishments.

## 21.78.130 “M” Definitions

### Marine Recreation.

An establishment offering water-oriented recreation opportunities in or on a river or lake. Swimming areas are excluded from this definition and are included as part of Parks, Open Space, Trails and Gardens.

## 21.78.160 “P” Definitions

### Parks, Open Space, Trails and Gardens

A variety of outdoor recreation areas including wildlife refuges; wetland, stream, and wildlife mitigation areas; arboretums; pea patches; and play areas. This definition excludes: Athletic, Sports, and Play Fields; and Marine Recreation.

### Party of Record

In addition to the project applicant and owner(s) of property subject to an application, any person who:

- 1). Submits written or verbal comments prior to the decision maker (as identified in RZC 21.76.050(B) issuing its decision, and/or;
- 2). Participates in an open record, pre decision hearing, and/or;
- 3). Signs in at a neighborhood meeting conducted in compliance with RZC 21.76.060(C)(2), Required Neighborhood Meeting and/or;
- 4) Requests to be made a party of record prior to the decision maker (as identified in RZC 21.76.050(B) issuing its decision

Any person who completes any of the above actions must also provide a complete, legible postal mailing address to be considered as a party of record.

## 21.78.180 “R” Definitions

### Research and Development. ~~See Professional Services.~~

Research and analysis in the physical, engineering, cognitive, social, or life sciences.

## 21.78.190 “S” Definitions

### Solid Waste Transfer and Recycling

The collection, treatment, sorting, or disposal of residential or commercial solid waste or recycling materials at a central facility.

### Story.

That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under floor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under floor space shall be considered a story. For non-buildings, or for other instances where measurement in stories is insufficient, a story shall equal 12 feet.

### Structure.

~~That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built or composed of parts joined together in some definite manner.~~

That which is constructed and placed permanently on or under the ground or over the water, or attached to something having a permanent location on or under the ground or over the water, excluding residential fences less than six feet in height; retaining walls, rockeries, patios, and decks less than 30 inches in height; and similar improvements of a minor character. For the purpose of administering the Shoreline Master Program, structure shall have the meaning given in WAC 173-27-030(15).

## 21.78.230 “W” Definitions

**Water-Oriented Accessory Structure.**

A structure that is accessory to a shoreline or water-dependent use, such as a boathouse, storage and changing room, or boat lift.

**Wetland Mitigation Banking.**

The act of restoring, establishing, or enhancing a wetland, stream, or other aquatic resource for the purpose of providing compensation in advance for unavoidable impacts to similar aquatic resources.