

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

In the Matter of the Application of)	NO. L110195
)	
Barry Margolese, for)	
IBBO LLC/Amalani LLC)	Shaughnessy Heights PRD Modification
)	
for approval of a)	FINDINGS, CONCLUSIONS, AND
Modification to an approved)	RECOMMENDATION
<u>Planned Residential Development</u>)	

SUMMARY OF RECOMMENDATION

The Redmond Hearing Examiner recommends that the requested modification of the Shaughnessy Heights PRD **SHOULD BE GRANTED** with conditions.

SUMMARY OF RECORD

Request

Barry Margolese, on behalf of IBBO LLC and Amalani LLI (Applicant) requests approval of a modification to the approved PRD known as Shaughnessy Heights. The project is located in the 8300 Block of 169th Avenue NE in Redmond, Washington. The request would replace architectural elevations approved as part of the 2007 PRD (in the record at Exhibit 1, Attachment 8) with design guidelines (in the record at Exhibit 1, Attachment 9) and reduce the number of dwelling units from 64 to 61 without changing the number or the basic layout of lots.

Hearing Date

The Redmond Hearing Examiner conducted an open record hearing on the request on July 6, 2011.

Testimony

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

- Steven Fischer, Principal Planner
- Barry Margolese, IBBO LLC/Amalani LLC, Applicant
- Lafe Hermansen, CORE Design, Applicant Representative
- Jill Richardson
- Steven Howard
- Jerry Smith
- Terry Duffin
- Sylvia Jansson

Richard Settle, Attorney from Foster Pepper PLLC, offered testimony and argument on behalf of the Applicant.

Exhibits

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

- Exhibit 1 Redmond Technical Committee Report to the Hearing Examiner, with the following attachments:
1. General Application Form
 2. Vicinity Map
 3. Shaughnessy Heights Site Plan
 4. Hearing Examiner Remand Decision and Recommendation, Shaughnessy Heights, dated September 6, 2007
 5. City Ordinance 2371, Shaughnessy Heights PRD
 6. Technical Committee Staff Report for public hearing on Shaughnessy Heights PRD Remand, dated August 23, 2007
 7. City Ordinance 2447, Repeal of Planned Residential Development provision
 8. Architectural Elevations, approved 2007
 9. Architectural Design Standards, proposed 2011
 10. Notice of Application and Affidavit of Publishing
 11. Notice of Application Public Comment Letters
 12. SEPA DNS and Environmental Checklist, dated November 16, 2006
 13. Notice of Public Hearing and Affidavits of Posting
- Exhibit 2 Staff's PowerPoint presentation slides
- Exhibit 3 Affidavits of publication for notice of public hearing (including corrected notice of public hearing)
- Exhibit 4 Agenda and Sign-In Sheet from June 29, 2011 neighborhood meeting, convened by the Applicant
- Exhibit 5 Additional public comment submitted in advance of the hearing, including:
- a. Email from Dennis Thoennes, dated July 6, 2011
 - b. Email from Jeanne Fox, dated June 28, 2011
 - c. Email from Kathryn O'Keefe, dated June 13, 2011
- Exhibit 6 Public comment letter from the Smiths, Howards, Duffins, Woods, and Sylvia Jansson, dated July 6, 2011
- Exhibit 7 City of Redmond Ordinance No. 2468, effective June 2, 2009, and Ordinance No. 2500, effective November 23, 2009
- Exhibit 8 Hearing Examiner Findings, Conclusions, Decision, and Recommendation from original public hearing on the PRD, dated April 9, 2007
- Exhibit 9 Hearing Examiner Remand Order on Reconsideration, dated October 3, 2007

Exhibit 10 Excerpts from project plat set consisting of landscape plans depicting buffer along northern boundary, Sheets L2.03 and L2.06, prepared by Core Design, last dated May 5, 2011

The record also contains a July 7, 2011 Post-Hearing Order.

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

FINDINGS

1. The Applicant requests approval of a modification to the approved Shaughnessy Heights PRD, located in the 8300 Block of 169th Avenue NE in Redmond, Washington.¹ The request would replace architectural elevations approved as part of the 2007 PRD (Exhibit 1, Attachment 8) with design guidelines (Exhibit 1, Attachment 9) and reduce the number of dwelling units from 64 to 61. *Exhibit 1, page 1; Exhibit 1, Attachment 1; Margolese Testimony.*
2. The procedural history of the instant land use application is complex. The applications for the Shaughnessy Heights preliminary plat and PRD were deemed complete on May 23, 2005. After a March 12, 2007 public hearing, the City's Hearing Examiner (Examiner) issued a decision and recommendation on April 9, 2007. A request for reconsideration was timely filed and the Examiner issued a decision on reconsideration on May 16, 2007. The reconsideration decision was timely appealed to the City Council, which body conducted a closed record review and remanded the matter for further proceedings before the Examiner. After a public hearing on the remand, the Examiner issued a decision and recommendation on September 6, 2007. Timely motions for reconsideration were filed by the Applicant and four other parties. A final decision on reconsideration approving the plat and recommending approval of the PRD was issued October 3, 2007. On November 5, 2007, by Ordinance No. 2371, the City Council approved the Shaughnessy Heights PRD. The plat and PRD approvals subdivided the 15.1-acre subject property into 42 lots to be developed with 20 single-family detached residences and 22 duplexes, creating 64 dwelling units on 42 lots. *Exhibit 1, page 3; Exhibit 1, Attachments 4, 5, and 6; Exhibits 8 and 9.*
3. Ordinance No. 2371 incorporated conditions of approval from the various Examiner decisions/recommendations, including condition B.1 on page 13 of the September 6, 2007 Examiner decision. Condition B.1 required development on the 42 lots to conform to the approved architectural elevations. *Exhibit 1, Attachment 4, page 13.* The approved elevations depicted high-end "Whistler like" detached residences that were to be listed for sale at above one million dollars each, and duplex units with similar design and upper end pricing. The elevations called for three story homes that would take advantage of territorial views. Design was proposed to be modern in appearance (exposed concrete and large windows) with luxury features including the use of cedar and stone. *Margolese Testimony; Exhibit 1, Attachment 8; Exhibit 1, page 6.*

¹ The subject property is known as Tax Assessor Parcel 0125059020. *Exhibit 1, Attachment 1.*

4. The subject property has an R-5 zoning designation. The R-5 zone allows five units per acre and requires an 80% minimum of the allowed density. It requires an average lot size of 5,500 square feet. *Redmond Community Development Guide (RCDG) 20C.30.105-050; Exhibit 1, page 5.*
5. Surrounding development includes single-family residences on larger lots to the north and east, a four-plex apartment complex and mixed single-family and duplex residences to the south, and Redmond Elementary School southeast of the site. Topographically, it slopes from northeast to southwest. The site is vegetated with a mix of mature evergreens and deciduous species. There are steep slopes to the east and west. Approximately seven acres of the site, including steep slopes and associated buffers, were set aside by the 2007 approvals to be recorded as a native growth protection easement at final plat recording; this area would be permanently preserved in its undeveloped state. *Exhibit 1, page 3; Exhibit 2, Slide 3; Fisher Testimony.*
6. In response to the collapse of local and national housing markets and the ensuing difficulty developers faced in reaching final plat approval, the City Council adopted emergency legislation on June 2, 2009. Ordinance No. 2468 extended the duration of preliminary plat approval for single-family residential plats from five to seven years in duration. This ordinance applied to all preliminary plats that had been approved and not yet expired or final platted before June 2, 2009. Shaughnessy Heights PRD was among the preliminary plat approvals extended; its preliminary plat is valid through 2014.² After a November 17, 2009 public meeting of the City Council, the provisions of emergency Ordinance No. 2468 were adopted as a permanent amendment to the RCDG by Ordinance No. 2500, effective November 23, 2009. *Exhibit 7; Fischer Testimony.*
7. After approval, the subject property went through foreclosure. The current Applicant's purchase of the property was finalized in December 2010. Based on current economic conditions, there is no market for the approved luxury homes. After consulting with City of Redmond Planning Staff (Planning Staff), the Applicant opted to request modification of the approved PRD to allow design flexibility to build homes consistent with current market demand. The complete application for PRD modification was submitted May 10, 2011. The requested modification would replace the high-end luxury home elevations approved in 2007 with a set of PRD design standards that parallel those used in other PRDs approved in recent years in the City. *Fischer Testimony; Margolese Testimony; Hermansen Testimony; Exhibit 1, pages 2-3.*
8. The current application would also convert three approved duplex lots to single-family detached residence lots, resulting in 23 detached single-family homes and 19 duplexes. This would reduce the total project dwelling units from 64 to 61 without changing the number or layout of the approved lots. *Exhibit 1, Attachment 1; Margolese Testimony.*

² Ordinance No. 2447 was adopted pursuant to emergency provisions; however, the City Council advertised and conducted a public hearing on July 21, 2009 ("or as soon thereafter as the matter may be heard") to take public testimony on the adopted plat approval extensions. *Exhibit 7.*

9. The proposed design standards include such design elements as: a variety of rooflines and exterior materials, recessed garages, and front porches. Plans for individual units would be reviewed at time of building permit to ensure each home is consistent with the adopted design standards. The homes that would result from proposed modification would be more similar in character to the existing homes surrounding the site than the approved Whistler-like luxury homes would have been. *Exhibit 1, page 6; Fischer Testimony; Hermansen Testimony; Exhibit 1, Attachment 9.*
10. On March 3, 2009, the City Council adopted Ordinance No. 2447, repealing the PRD provisions (among others) of the Redmond Community Development Guide. Ordinance No. 2447 went into effect on April 8, 2009. Active or approved PRD applications that vested before its effective date were not affected by the repeal. *Exhibit 1, Attachment 5; Fischer Testimony.*
11. Planning Staff testified that once a PRD was approved, the granted deviations from City standards remain in effect on the project like site-specific zoning unless the application expires. According to Staff, because the PRD provisions did not contain specific criteria for modification of a PRD, modifications are reviewed for compliance with the approval criteria for PRD. *Exhibit 1, page 3; Fischer Testimony.*
12. In order to be granted the design flexibility intended by the PRD ordinance, a project was required to demonstrate compliance with two of twelve design criteria RCDG 20C.30.105-040(6)(a) through (l).³ Compliance of the Shaughnessy Heights project with the PRD criteria was reviewed in the March 2007 and August 2007 Technical Committee reports; the August 23, 2007 Technical Committee report is in the record at Exhibit 1, Attachment 6. *Exhibit 1, pages 6-8; Fischer Testimony.*
13. In replacing architectural elevations (specific designs) with design standards (more general guidelines), Planning Staff noted that the proposed modification implicates PRD criterion (a), which requires "high quality architectural design, placement, relationship or orientation of structures." The previously approved elevations depicted the intended appearance of the finished units once built, and approval was based, in part, on that specific appearance.⁴ However, Planning Staff notes that design guidelines are a permitted alternative route to satisfying criterion (a) and that construction consistent with the design standards proposed would achieve compliance with this criterion. Therefore

³ RCDG 20C.30.105-040(6): a) High quality architectural design, placement, relationship, or orientation of structures; b) achieving allowable densities for the subject property; c) providing housing types that effectively serve the affordable housing needs of the community; d) improving circulation patterns or the screening of parking facilities; e) minimizing the use of impervious surfacing materials; f) increasing open space and recreational facilities on-site; g) landscaping, buffering, or screening in around the proposed PRD; h) providing public facilities; i) preserving, enhancing, or rehabilitating natural site features (wildlife habitat, woodlands, streams, etc); j) incorporating energy-efficient site design or building features; k) providing for an efficient use of infrastructure; and l) incorporating a historic structure or landmark in such a manner as preserves its historic integrity and encourages adaptive reuse.

⁴ The approved 2007 elevations were only artist's renderings; no engineering or construction information was included. *Hermansen Testimony.*

Planning Staff submitted the position that the proposed modification complies with the only criterion implicated by the application. *Exhibit 1, page 6; Exhibit 1, Attachments 8 and 9; Fischer Testimony.*

14. In addition to criterion (a), Shaughnessy Heights as approved in 2007 satisfied the following PRD design criteria: (b) allowable densities; (e) total impervious surfaces; (f) open space exceeded required minimums; (g) required landscaping and screening were provided; (h) impacts on public facilities were not present; (i) impacts to natural features on-site were not present; (k) proposed infrastructure was efficient; and (l) no historic or landmark structures were identified on-site. The instant modification would not change the project in any way that would cause it to fail to satisfy more than two of the PRD design criteria. *Exhibit 1, pages 6-8; Fischer Testimony.*
15. To obtain PRD approval, the 2007 Shaughnessy Heights Applicant was required to demonstrate that: the PRD would be served by adequate public facilities including streets, bicycle and pedestrian facilities, fire protection, water, stormwater control, sanitary sewer, and parks and recreation facilities; the perimeter of the PRD would be appropriate in design, character and appearance with the existing or intended character of adjacent to properties and with the physical characteristics of the subject property; open space and recreation facilities would be provided and effectively integrated into the overall development of a PRD and surrounding uses and that existing and proposed streets and sidewalks within a PRD would be suitable and adequate to carry anticipated traffic within the project and in the vicinity. *RCDG 20C.30.105-040(2) through (5).* The 2007 project approvals found that the PRD satisfied all of these criteria. *Exhibit 1, Attachments 4 and 5; Exhibits 8 and 9.*
16. To be approved, Shaughnessy Heights was also required to show compliance with City-wide regulations relating to: affordable housing; impact fees; tree protection; noise standards; critical areas; transportation standards; and utility standards. The City Council concluded that, as conditioned, Shaughnessy Heights satisfied these additional criteria at the time of the 2007 approval. The proposed modification would not change: how impact fees are calculated; the number of trees retained by the project; any part of the PRD that would result in noise; impacts to on-site critical areas or buffers; approved site access or street improvements; or approved utility improvements. *Exhibit 1, pages 10-11; Fisher Testimony.*
17. Under the City's PRD provisions, project proponents were allowed to request modification to certain City standards identified in 20C.30.105-050 and 20C.30.105-060. The current application does not seek to modify any City standards. *Exhibit 1, page 9.*
18. Planning Staff determined that the proposed change from specific elevations to design standards would not change the project's impacts to the environment. No additional review pursuant to the State Environmental Policy Act (SEPA) was conducted. The mitigation measures implemented through the November 16, 2006 determination of non-significance (DNS) remain in effect on the project. *Exhibit 1, pages 4-5; Fischer Testimony; Exhibit 1, Attachment 12.*

19. On May 16, 2011, notice of the application for PRD modification was published, posted, and mailed to property owners within 500 feet of the site and to all parties of record from the 2007 proceedings. Planning Staff received several public comment letters in response to notice of application requesting additional information about the proposed changes. The Applicant conducted a public meeting on June 29, 2011 for the purpose of providing information and allowing neighborhood input on the proposal. Nine people signed in at the meeting. *Exhibit 1, Attachment 11; Exhibit 4.*
20. Notice of the open record hearing on the applications was posted on-site and at City Hall, published, and mailed to surrounding property owners within 500 feet of the site and parties of record on June 15, 2011. *Exhibit 1, page 4; Exhibit 1, Attachment 13; Exhibit 3.*
21. The City received several public comments on the proposal in the time leading up to and at the July 6th public hearing. Many of the comments were submitted by neighbors of the site who were involved in the 2007 public hearing, reconsideration, and/or appeal processes and who offered similar concerns at that time. Expressed concerns included⁵:

Procedural adequacy in terms of notice and participation:

- a. Assertions that there has been a lack of transparency and that the process didn't provide enough opportunity for public participation;
- b. Concern over lack of public comment opportunity at the point when the duration of the permit approval was extended from five to seven years;

Questions about which rules apply to the instant application:

- c. Questions about why the new zoning code doesn't apply;
- d. Assertion that the change in number of dwelling units and replacement of elevations with design standards constitute a substantial changes that should trigger brand new review of the project rather than review limited to the proposed modification;

Concerns about impacts of the PRD:

- e. Assertions that small lots will adversely impact the values of surrounding homes;
- f. Impacts on municipal water pressure;
- g. Adequacy of the public roads proposed;
- h. Impacts to Redmond Elementary School;
- i. Increased traffic volumes on surrounding streets;
- j. Pedestrian safety impacts from increased traffic next to the school;
- k. Impacts to the steep slopes on-site, particularly with regard to drainage facilities and tree clearing;
- l. Concerns that tree clearing will result in flooding, erosion, or landslide onto surrounding properties;

⁵ This list of concerns is paraphrased from the cited testimony and public comment letters. Paraphrasing and organization into groups of concerns was done by the Examiner for efficiency.

- m. Impacts to wildlife;
- n. Impacts to the territorial views of existing homes in the vicinity;
- o. Objection to the project's density;
- p. Removal of old growth trees; and
- q. Questions about the adequacy of emergency access;

Objections to the proposed modification:

- r. Concern that the proposed design standards are too vague to apprise neighbors of what the homes will look like, resulting in unknown impacts to the character and feel of the existing neighborhood;
- s. Impacts on values of surrounding properties from the proposed lower price point units; and
- t. Assertions that the landscape plans in the instant record fail to demonstrate compliance with the 2007 conditions of approval and also that the landscaping depicted appears to be valued at less than \$10,000, when in 2007, the landscaping costs to the developer were estimated at closer to \$40,000.

Richardson Testimony; Howard Testimony; Smith Testimony; Duffin Testimony; Jansson Testimony; Exhibits 5a, 5b, and 5c; Exhibit 6.

22. In response to public comment, Staff offered testimony reiterating that the project was approved for 42 lots with 64 dwelling units, a density that is consistent with applicable zoning regulations. Staff noted that changing from one specific architectural style to a more flexible set of guidelines will have no impacts off-site and no impacts on the slope. The City cannot require the Applicant to fix existing utility issues (such as water pressure) but only to address the impacts of the project, and this project is already approved for 64 connections to municipal water. Staff noted that the 28-foot street width is approved and that the narrower streets would result in less runoff and less clearing and grading than a standard street width. Staff noted that there is no authority that allows the City to stipulate values or prices of proposed residential development. Staff commented that the assertion that parties of record to the 2007 PRD did not know about the emergency ordinance extending plat approval duration is outside the scope of these proceedings. City noted that some of the landscaping required by the 2007 conditions of approval has already been planted in the off-site City utility easement adjacent to the site and that compliance with the conditions of approval would be reviewed at time of civil engineering and construction permit issuance. The Lake Washington School District received notice of application and public hearing, and submitted no comments. Finally, Staff noted that the applicable code specifically allows applicants to choose to submit either elevations or design standards and that the proposed design standards satisfy code requirements. *Fischer Testimony.*
23. In response to public comment, the Applicant offered testimony noting that the project vested to code in effect in 2005 and that the code contains no provisions conferring authority on the City to regulate minimum house values. Regarding the sizes of lots, the Applicant stated that the detached single-family residence lots would range from 3,960 to 7,442 square feet in area, with an average of 4,500 square feet, which is greater than the

2007 approved average lot size of 3,520 square feet. Duplex lots would range from 6,400 square feet to 11,032 square feet. The lot layout and number of lots would not change, while the number of dwelling units would decrease. The Applicant noted that the landscape plan in the record shows a Type I buffer planting along the northern side of the City utility easement adjacent to the north of the site, consistent with the landscape buffer required by the 2007 conditions of approval. A six-foot solid fence is to run along the north site boundary and additional trees and shrubs are proposed inside the fence in the north end of the back yards. *Hermansen Testimony; Settle Comments; Exhibit 10.*

24. The City of Redmond's Technical Committee reviewed the Applicant's submittals for compliance with applicable City codes and regulations and recommended project approval subject to conditions requiring project construction to abide by the design standards at Exhibit 1, Attachment 9 instead of the 2007 architectural elevations. All other conditions of the 2007 plat and PRD approvals would remain in effect. *Exhibit 1, pages 11-12; Fischer Testimony.* The Applicant waived objections to the recommended conditions of approval. *Margolese Testimony.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner is authorized to conduct open record hearings and issue recommendations to City Council on applications for planned residential developments, pursuant to RCDG 20F.30.45-010.

PRD Criteria for Review

Pursuant to RCDG 20C.30.105-040(6), the Examiner shall recommend approval of an application for planned residential development if findings can be entered showing that the proposal satisfies the following requirements:

- (1) [Two or more of the following results are achieved]:
 - a. High-quality architectural design, placement, relationship or orientation of structures;
 - b. Achieving allowable densities for the subject property;
 - c. Providing housing types that effectively serve the affordable housing needs of the community;
 - d. Improving circulation patterns or the screening of parking facilities;
 - e. Minimizing the use of impervious surfacing materials.
 - f. Increasing open space or recreational facilities on site;
 - g. Landscaping, buffering, or screening in or around the proposed PRD;
 - h. Providing public facilities;
 - i. Preserving, enhancing or rehabilitating natural features of the subject property such as significant woodlands, wildlife habitats or streams;
 - j. Incorporating energy-efficient site design or building features;
 - k. Providing for an efficient use of infrastructure; and/or
 - l. Incorporating a historic structure(s) or a historic landmark in such a manner as preserves its historic integrity and encourages adaptive reuse.

- (2) The PRD shall be served by adequate public facilities including streets, bicycle and pedestrian facilities, fire protection, water, stormwater control, sanitary sewer, and parks and recreation facilities.
- (3) The perimeter of the PRD shall be appropriate in design, character and appearance with the existing or intended character of development adjacent to the subject property and with the physical characteristics of the subject property.
- (4) Open space and recreation facilities shall be provided and effectively integrated into the overall development of a PRD and surrounding uses.
- (5) Existing and proposed streets and sidewalks within a PRD shall be suitable and adequate to carry anticipated traffic within the proposed project and in the vicinity of the subject property.

Conclusions Based on Findings

1. Regarding concerns on procedural adequacy:
 - a. Ordinance Nos. 2468 and 2500 extending preliminary plat approval applied universally to preliminary plats vested before June 2, 2009. Shaughnessy Heights PRD falls within the class of plats affected; it remains valid for seven years from date of approval. The legislation was discussed in at least one public meeting held by the City Council and the adoption of both ordinances was published consistent with Redmond's legislative procedures. There is no requirement that parties of record of the affected plats be notified of the legislation extending the duration of plat approvals. *Findings 2 and 6.*
 - b. Notice of the instant application for PRD modification was provided consistent with requirements of code. Several public comments were submitted. Notice of hearing was properly provided and members of the public participated. The Applicant held a June 29, 2011 public meeting to provide information and address questions about the proposal. All required public notice and participation procedures were followed. *Findings 19 and 20.*
2. Regarding which rules apply to the instant application:
 - a. After thorough review, the Shaughnessy Heights PRD was approved and its approval remains valid. The present owners could develop it exactly as proposed without further public process. The PRD procedures under which the project was approved remain applicable, regardless of their subsequent repeal by Ordinance No. 2447. The deviations from City standards granted by the 2007 approval remain in effect like site-specific zoning unless the permit expires. See *Schneider Homes v. Kent*, 87 Wn.App. 774 (1997). *Findings 2, 3, 6, and 10.*

- b. Because the PRD provisions did not contain specific criteria for modification of a PRD, requested modifications are reviewed for compliance with the PRD approval criteria. Public comment expressed the opinion that the entire project should undergo new review based on the proposed modifications; however, no citation to authority requiring new review of the project was offered. The City's typical method of addressing modification applications is to limit review to the items proposed to be modified. No evidence was submitted that supports deviating from the City's method of reviewing only the modification proposed. *Finding 11.*
3. Regarding the PRD's overall impacts to adjacent properties, municipal utilities, and surrounding public infrastructure: lot size, municipal utility connection, roads, school impacts, traffic volumes, pedestrian and traffic safety, impacts to steep slopes and to wildlife, stormwater drainage, density, tree preservation, impacts to territorial views, and emergency access were all thoroughly reviewed in the 2007 proceedings and approved. They are outside the scope of the requested modification. Many of these same concerns were specifically raised and addressed in the 2007 approvals of the PRD. *Findings 2, 3, 14, 15, and 21.*
4. Regarding objections specific to the proposed modifications: the proposed reduction in dwelling units would decrease the project's impacts on schools, traffic, and municipal utilities. Public comment failed to cite any City authority to regulate minimum home values. New homes conforming to the proposed design guidelines would satisfy all applicable regulations governing style and appearance of new development. The record contains no citation to any code or regulation that gives neighboring property owners the right to direct architectural styles of adjacent development. The landscape and perimeter buffering conditions of the 2007 permits remain in effect. *Findings 2, 3, 4, 5, 8, 9, and 24.*
5. The instant PRD modification application proposes two changes: replacing the approved elevations with design standards and conversion of three duplex units into single-family detached units. In reviewing those changes for compliance with PRD criteria:
 - a. More than two of the twelve PRD design criteria are met with the modification. By conforming to the proposed design standards, the PRD modification would satisfy 20C.30.105-040(6)(a), providing "high quality high quality architectural design, placement, relationship, or orientation of structures." Regarding remaining design criteria, the proposed PRD modification would not affect the approved project's ability to: b) achieve allowable densities; e) satisfy impervious surface limits; f) exceed open space minimums; g) provide adequate landscaping and buffering; h) provide adequate public facilities; i) avoid adverse impacts to natural site features; and k) provide adequate infrastructure. *Findings 2, 12, and 13.*
 - b. What the buildings eventually look like in no way impacts public facilities (such as fire, utilities, parks, etc), affects the approved perimeter design, open space, or recreation demand, or impacts public streets. Substituting

new homes that conform to design standards for the approved "Whistler like" luxury homes would not result in any impacts to surrounding properties that are prohibited by Redmond's adopted regulations. Conversion of three duplex lots to single-family detached lots would reduce the PRD's demand for public services and impacts to public facilities by three housing units. The requested modifications would not cause Shaughnessy Heights to fail to satisfy any of the criteria for PRD approval. *Findings 8, 12, 13, 14, and 15.*

RECOMMENDATION

Based on the preceding findings and conclusions, the Redmond Hearing Examiner recommends that the requested modification of the Shaughnessy Heights PRD **SHOULD BE GRANTED** to allow the approved architectural elevations to be replaced by approved design guidelines governing the future development of the proposed lots, subject to the conditions below:

1. Condition B.1 on page 13 of the September 6, 2007 Hearing Examiner Decision/Recommendation is amended. The architectural design standards in the record at Exhibit 1, Attachment 9 shall be adopted as part of the Shaughnessy Heights PRD, replacing and replace the architectural elevations previously approved in 2007 for this project.
2. Development of the Shaughnessy Heights PRD shall comply with all other conditions of the Shaughnessy Heights Preliminary Plat and PRD approvals made by the Hearing Examiner and/or the City Council in 2007.

RECOMMENDED July 20, 2011.

By:



Sharon A. Rice
City of Redmond Hearing Examiner