



QUASI JUDICIAL

DATE: June 19, 2020

MEMO TO: Parties of Record

FROM: Office of the Hearing Examiner, 425-556-2190, kbiegel@redmond.gov

SUBJECT: **PENNY LANE II UNIT-LOT SUBDIVISION AND SITE PLAN ENTITLEMENT
LAND-2019-00399 LAND-2019-00400**

Reconsideration of the Hearing Examiner's Decision

Enclosed is a copy of the Hearing Examiner's Findings, Conclusions, and Decision on the Penny Lane II Unit-Lot Subdivision and Site Plan Entitlement, LAND-2019-00399 LAND-2019-00400. Pursuant to the Redmond Zoning Code, any party of record may file a written request for reconsideration with the Hearing Examiner. To be considered, a request for reconsideration must explicitly set forth alleged errors of procedure or fact, and must be filed within ten business days of the Hearing Examiner's Decision in this matter. Reconsideration requests must be received by the Office of the Hearing Examiner of the City of Redmond and can be submitted by email prior to **5:00 p.m. on July 6, 2020.**

City of Redmond Office of the Hearing Examiner Contact Information:

Mailing Address

Office of the Hearing Examiner
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For your convenience, Request for Reconsideration forms are available online:

<https://www.redmond.gov/913/Request-for-Reconsideration-or-Appeal>

FURTHER PROCEEDINGS

Hearing Examiner decision may be appealed to Superior Court by filing a land use petition which meets the requirements set forth in RCW Chapter 36.70C. The petition must be filed and served upon all necessary parties as set forth in State law and within the 21-day time period as set forth in RCW Section 36.70C.040.

**BEFORE THE CITY OF REDMOND
HEARING EXAMINER**

In the Matter of the Application of)	
)	NOS. LAND-2019-00399
)	LAND-2019-00400
Randy Barnett,)	
Ichijo USA Co., LTD)	Penny Lane II
)	
)	
)	
For Approval of a Subdivision and)	FINDINGS, CONCLUSIONS,
<u>Site Plan Entitlement</u>)	AND DECISION

SUMMARY OF DECISION

The request for approval of a unit-lot subdivision and site plan entitlement to construct 14 townhome units within a single building at 7960, 7970, and 7980 170th Avenue NE in Redmond is **GRANTED** subject to conditions.

SUMMARY OF RECORD

Request:

Randy Barnett of Ichijo USA Co., LTD (Applicant) requested approval of a unit-lot subdivision and site plan entitlement to construct 14 townhome units within a single building. The subject property is located at 7960, 7970, and 7980 170th Avenue NE in Redmond, Washington.

Hearing Date:

The Redmond Hearing Examiner conducted an open record hearing on the request on May 20, 2020. On the City’s request, the record was held open 10 business days through June 4, 2020 to allow for additional written public comment from members of the public who may have attempted to join the virtual hearing but been unable to do so due to technological difficulties. Provision was made to allow for responses from the parties to any post-hearing public comment; however, none was submitted, and the record closed on June 4, 2020.

Testimony:

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

Elise Keim, Planner, City of Redmond

Gina Brooks, Core Design, Civil Engineer, Applicant representative

Randy Barnett of Ichijo USA Co., LTD, Applicant representative

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Exhibits:

The following exhibits were admitted in the record:

1. Technical Committee Report to the Hearing Examiner, with the following attachments:
 - 1.A: Application
 - 1.B: Plan Set
 - 1.C: Design Review Board (DRB) Materials
 - 1.D: Notice of Application
 - 1.E: Written Public Comments
 - 1.F: Notice of Neighborhood Meeting
 - 1.G: Neighborhood Meeting Sign in Sheet
 - 1.H: Notice of Public Hearing
 - 1.I: SEPA DNS
 - 1.J: Tree Health Assessment
 - 1.K: Tree Exception
 - 1.L: Critical Aquifer Recharge Area Report
 - 1.M: Critical Area Report
 - 1.N: Geotechnical Report
 - 1.O: Stormwater Report
 - 1.P: Traffic Study
 - 1.Q: Cultural Resources Assessment

2. Public comment, including:
 - 2.a: Linda Seltzer dated May 16, 2020
 - 2.b: Linda Seltzer dated May 16, 2020
 - 2.c: Linda Seltzer dated May 16, 2020
 - 2.d: Christina Bolobanic

3. Staff responses to public comment, including:
 - 3.a: Elise Keim to Linda Seltzer dated May 19, 2020
 - 3.b: Elise Keim to Linda Seltzer dated May 19, 2020
 - 3.c: Elise Keim to Linda Seltzer dated May 19, 2020
 - 3.d: Elise Keim to Christina Bolobanic dated May 20, 2020
 - 3.e: Elise Keim to Linda Seltzer dated May 20, 2020

4. Planning Staff's PowerPoint presentation

Upon consideration of the testimony and exhibits admitted into the record, the Hearing Examiner enters the following findings and conclusions:

FINDINGS

1. The Applicant requested approval of a unit-lot subdivision and site plan entitlement to construct 14 townhome units within a single building. The subject property is located at 7960, 7970, and 7980 170th Avenue NE in Redmond, Washington.¹ *Exhibit 1.A.*
2. The application was submitted and determined to be complete on January 15, 2020. *Exhibits 1 and 1.D.*
3. The subject property is located in the Downtown Neighborhood and is zoned East Hill (EH). *Exhibit 1.* The purpose of the EH zone is as follows:

Downtown includes three residential zones at the periphery of the neighborhood (River Trail, Carter, and East Hill) 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.

Redmond Zoning Code (RZC) 21.10.100.A.

4. The City of Redmond Comprehensive Plan contains policies to encourage infill development and redevelopment of underutilized parcels (LU-6), encourage development of a variety of housing types, sizes and densities throughout the city to accommodate the diverse needs of residents (HO-11), ensure that new development is consistent with citywide and applicable neighborhood goals and policies (HO-15), and support urban centers as Redmond’s primary locations for added residential development (UC-4). Planning Staff submitted that the project would be consistent with applicable Comprehensive Plan goals and policies. *Exhibit 1.*
5. The lots comprising the subject property total 0.56 acres in area and contain single-family residences and associated outbuildings, which would be removed in conjunction with development of the site. Surrounding properties to the south, east, and west are also zoned EH and are developed with townhome or multifamily residences. The property to the north is zoned R-30 and is developed with multifamily residences. *Exhibits 1, 1.B and 1.C.*
6. The subject property does not contain any structures with a historic landmark designation, and the proposed development is not subject to review by the Landmarks

¹ Parcel Nos. 779290-0125, 779290-0130, and 779290-0140. *Exhibit 1.A.*

and Heritage Commission. No archaeological resources were found during a cultural resources assessment of the site. *Exhibits 1 and 1.Q.*

7. The subject property is within Critical Aquifer Recharge Area I, as it is within the City's Wellhead Protection Zone 1 for two City production wells. *Exhibits 1 and 1.L; RZC Table 21.64.050A.* The Applicant proposes to avoid impacts to the critical area consistent with City requirements by conveying runoff from pollution-generating surfaces to the City's stormwater system, infiltrating roof runoff onsite to maintain groundwater recharge, and implementing erosion control measures and a spill prevention and response plan during construction. *Exhibit 1.L.*
8. The subject property is within a Seismic Hazard Area. Based on geotechnical engineering review, the risk to the proposed development due to surficial ground rupture, landslide, and liquefaction is low. The seismic site class per the 2015 International Building Code is "D." City Staff submitted that the geotechnical reports demonstrates that the development meets the geologic hazard area performance standards contained in RZC 21.64.060.E. *Exhibits 1 and 1.N*
9. There are no wetlands, streams, or regulated wildlife habitat on or near the subject property. *Exhibit 1.M.*
10. According to development standards applicable to the EH zone, density on lots over 18,000 square feet in area with a frontage of over 180 feet (such as the subject property)² is not regulated based on a maximum number of dwelling units per acre, but on the application of bulk, height, parking, and other development standards. The applicable development standards include a minimum side setback of eight feet, a minimum rear setback of 10 feet, a maximum building height of four stories, and a minimum patio area of 80 square feet. Common usable open space is not required with respect to units having at least 200 square feet of private usable open space. The parking requirement for attached dwelling units/multifamily structures in the EH zone is 1.0 to 2.25 spaces per unit plus one guest space per four units. Twenty-five percent of the parking requirement may be accomplished through curbside parking. *RZC Table 21.10.100C; RZC 21.10.130.*
11. The site plan demonstrates compliance with the requirements of the EH zone. The minimum setbacks would be satisfied. The building would be three stories high. Each unit would have at least 200 square feet of private open space, consisting of minimum 80 square foot patios in addition to yards. Each unit would have a tandem two-car garage, accessed from 170th Court NE on the east side of the building. The 170th Avenue NE street frontage (west side of building) would be improved with an eight-foot parking lane, which would provide for guest parking. *Exhibits 1, 1.B and 1.C.*

² The site area/frontage density parameters specified on page 4 of Technical Committee Report appear to apply to developments in different Downtown zones. *RZC Table 21.10.130.A.*

12. Redmond Zoning Code 21.72 requires that all healthy landmark trees and 35% of all healthy significant trees be retained.³ The subject property contains one healthy landmark tree and two healthy significant trees.⁴ Due to the location of the trees relative to the proposed building and infrastructure improvements, the Applicant proposes to remove all three trees. The Applicant applied for and obtained Department of Planning and Community Development approval of a tree exception request to remove the trees. The January 6, 2020 approval notes that the trees could not be retained consistent with City policies on urban density, and that the Applicant proposes to plant replacement trees in excess of the 3:1 ratio required by RZC 21.72. Although nine replacement trees are required, the Applicant proposes to plant 15 replacement trees, which would be in addition to the eight street trees required to be planted along the 170th Avenue NE street frontage. The replacement trees would be installed within the setback on the south side of the building. *Exhibits 1, 1.B, 1.C, 1.J, and 1.K.*
13. The Downtown Design Standards (RZC 21.62.020) contain a provision requiring additional landscaping for residential development in the Downtown zones, consisting of one additional tree for each 125 square feet of required yard area. *RZC 21.62.020.F.8.b.* In this case, 52 additional trees would be required. *Exhibits 1 and 1.B.* The RZC allows for administrative design flexibility with respect to application of the design standards (RZC 21.58.020.E), and on February 20, 2020, the Redmond Design Review Board (DRB) recommended approval of a deviation from the additional tree requirement on condition that the Applicant pay a fee in lieu of required trees not planted. The basis for exception was that the quantity of trees would exceed the original number of trees on site, reduce the developability of the site, and conflict with utility easements within which tree planting is prohibited. The Applicant proposes to landscape the yards with assorted shrubs and grasses. Consistent with the ecological standards of the RZC, the overall site landscaping would consist of approximately 44% native plants and 55 % northwest adaptive plants. *Exhibits 1, 1.B, and 1.C; Gina Brooks Testimony.*
14. The DRB reviewed and recommended approval of the proposed building design, including a proposed deviation from the design standard requiring modulation of facades facing interior property lines that are visible from the street (RZC 21.62.020.F.6). While the building design contains modulation, the requirement of modulation approximately every 40 feet with a minimum depth of four feet and minimum width of five feet would not be met with respect to all interior facades. The Applicant requested administrative design flexibility with respect to the requirement due to the narrowness of the units. Most of the units (including the end units) would be approximately 15.5 feet wide. *Exhibits 1 and 1.C; Randy Barnett Testimony.*
15. Per RZC 21.20.030.C, at least 10% of the units in new housing developments over 10 dwelling units must be designated affordable housing units (i.e., affordable to households earning 80 % of the area median income adjusted for household size, spending no more

³ Pursuant to RZC 21.78, landmark trees are those that are greater than 30 inches in diameter at breast height and significant trees are those that are between six and 30 inches in diameter at breast height.

⁴ The arborist report (Exhibit 1.J) identified a total of eight healthy trees, but that number included trees on the adjacent Penny Lane III site. *Exhibit 1.J.*

than 30% of income on housing expenses). In this case, one affordable housing unit is required, and one is proposed. *Exhibits 1 and 3.*

16. Although the building would face 170th Avenue NE, the garages would be accessed from the public alley. The alley, to be called 170th Court NE, would be widened to 20 feet consistent with fire access standards, and six-foot wide sidewalks and streetlights would be provided. An 8.2-foot wide strip of land would be dedicated to the City to allow for these improvements. Frontage improvements on 170th Avenue NE would include an eight-foot wide parking lane, vertical curb and gutter, five-foot wide planter strip, six-foot wide sidewalk, and streetlights. These improvements, along with the landscaped yard areas, would fulfil the pedestrian system requirements of RZC 21.10.150 for 170th Avenue NE. *Exhibits 1 and 1.B.*
17. Based on the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 10th edition, the proposed development is expected to generate 142 net new average weekday vehicle trips, including 11 PM peak hours trips. Based on this volume, the City did not require further traffic analysis. *Exhibit 1.P.*
18. Each proposed lot would be connected to municipal water and sewer service from mains in 170th Avenue NE. The sewer main would be replaced along the property frontage due to its current poor condition. *Exhibits 1 and 1.B.*
19. Stormwater would be managed in accordance with the City's stormwater regulations, including the 2019 Technical Notebook. The proposed conveyance of stormwater to the City system in lieu of onsite detention and water quality would be subject to payment of capital facility charges. *Exhibits 1 and 1.O.*
20. Impacts to schools and parks would be mitigated through payment of a school mitigation fee at the time of building permit issuance, pursuant to Redmond Municipal Code (RMC) 3.10. Common open space is not required for the development because all units would have at least 200 square feet of private open space. *Exhibit 1; RMC 3.10.*
21. Assuming the role of lead agency for review of the project under the requirements of the State Environmental Policy Act, the City of Redmond Technical Committee considered the application materials and completed environmental checklist and issued a determination of non-significance (DNS) on February 28, 2020. *Exhibits 1 and 1.I.*
22. Notice of the open record public hearing on the application was posted onsite and online; published in the *Seattle Times*; and mailed to parties of record and owners of property within 500 feet of the site on or before April 29, 2020. *Exhibits 1 and 1.H.*
23. Several comments on the application were submitted at a neighborhood meeting conducted February 24, 2020 and in response to the notices of application and public hearing. The issues raised in these comments included traffic and the adequacy of on-site parking, construction impacts (e.g., days/hours of construction, debris, noise, crime), tree removal, and housing affordability (request was that development serve low-income

residents at 30% or less of median income). *Exhibits 1, 1.E, 1.G, and 2.* The issues relating to traffic, parking, and tree removal are addressed in the findings above. The City does not have requirements for provision of low-income housing at the level suggested in public comment; the Code-established requirement is for affordable housing at 80% of median income, which this project satisfies. Construction noise is regulated by ordinance, with hours limited to 7:00 am to 7:00 pm Monday through Friday, and 9:00 am to 6:00 pm Saturdays, with no construction noise allowed on Sundays or holidays. Debris would be required to be contained on site. *Exhibits 1.E and 3; Elise Keim Testimony.*

24. The Technical Committee, comprised of staff from City of Redmond Planning, Public Works, and Fire Departments, reviewed the complete application and supporting materials for compliance with City regulations and the Comprehensive Plan. The Technical Committee recommended project approval subject to conditions. *Exhibit 1.* Applicant representatives waived objection to the recommended conditions of approval. *Testimony of Gina Brooks and Randy Barnett.*

CONCLUSIONS

Jurisdiction:

The Hearing Examiner is authorized to conduct open record hearings and issue decisions on Type III permits, including lot unit subdivisions, pursuant to RZC 21.76.050.C, RZC 21.76.060.J, and RZC 21.74.030.H.

Pursuant to RZC 21.76.050.E.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. This provision confers jurisdiction on the Hearing Examiner to decide the associated application for site plan entitlement.

Criteria for Review:

Unit Lot Subdivision

Pursuant to RZC 21.74.030.B.1, the Examiner shall approve an application for a unit lot subdivision if findings can be entered showing the following criteria are satisfied:

- a. The proposal complies with the general criteria applicable to all land use permits set forth in RZC 21.76.070.B, Criteria Applicable to All Land Use Permits;
- b. The proposal conforms to the site requirements for the zoning district in which the property is located;
- c. The proposal conforms to the requirements of this chapter;
- d. The proposed short subdivision, binding site plan, unit lot subdivision, or preliminary subdivision:
 - i. Makes adequate provision for streets, roads, alleys, other public ways, and transit stops as required by this chapter; and the proposed street system conforms to the

- City of Redmond Transportation Master Plan and Neighborhood Street Plan, and is laid out in such a manner as to provide for the safe, orderly, and efficient circulation of traffic;
- ii. Will be adequately served with water, sewer, storm drainage, and other utilities appropriate to the nature of the subdivision or short subdivision;
 - iii. Makes adequate provision for parks, recreation, and playgrounds, as required by this chapter;
 - iv. Makes adequate provision for schools and school grounds;
 - v. Makes adequate provisions for sidewalks and other planning features that meet the requirements of this chapter and that provide safe walking conditions for students who walk to and from school;
 - vi. Serves the public interest and makes appropriate provisions for the public health, safety, and welfare.
- e. Geotechnical considerations have been identified, and all hazards and limitations to development have been considered in the design of streets and lot layout to assure streets and building sites are on geologically stable soil, considering the stress and loads to which the soil may be subjected.

RZC 21.74.030.B.2 states that lack of compliance with the criteria set forth in subsection (1) of this section shall be grounds for denial of a proposed subdivision or short subdivision, or for the issuance of conditions necessary to more fully satisfy the criteria.

Site Plan Entitlement:

Pursuant to RZC 21.76.070.Y.3, Site Plan Entitlement Decision Criteria:

- a. The Technical Committee, composed of the Departments of Planning and Public Works, shall review all Development Review permits with the State Environmental Policy Act and the RZC.
- b. The Landmarks and Heritage Commission will review all Certificates of Appropriateness for compliance with the RZC.

Conclusions Based on Findings:

- 1. With conditions of approval, the proposal complies with the criteria for a unit lot subdivision.
 - A. As conditioned, the proposal complies with the general criteria applicable to all land use permits, which include in relevant part consistency with the City's development regulations, the Comprehensive Plan, and SEPA. The proposal is consistent with the purpose of EH zone and applicable bulk standards. It would satisfy the City's tree replacement, affordable housing and design standards. The two requested deviations from the design standards (relating to additional landscaping and interior modulation) are approved as recommended by the DRB; strict compliance with the requirements would result in hardship inconsistent with

the intent of the zone. Public water and sewer are available to the site and frontage improvements would be provided. The project was reviewed pursuant to SEPA and a DNS was issued. The proposal is consistent with Comprehensive Plan policies that encourage redevelopment of underutilized parcels, the provision of a variety of housing types, and placement of housing in the urban center. *Findings 3, 4, 10, 11, 12, 13, 14, 15, 16, 18 and 21.*

- B. The proposal conforms to the requirements of the EH zone. *Findings 10 and 11.*
 - C. As conditioned, the proposal is consistent with the requirements of RZC 21.74. The project makes adequate provision for water, sewer, and storm drainage. The conditions of approval address easement requirements. Right-of-way would be dedicated for the widening of 170th Court NE, and frontage improvements would be provided on 170th Court NE and 170th Avenue NE. *Findings 16, 18, and 19.*
 - D. As conditioned, the proposal makes adequate provision for streets. *Findings 16 and 17.*
 - E. As conditioned, the proposed subdivision would be adequately served by utilities, including stormwater management. *Findings 7, 18, and 19.*
 - F. As conditioned, the proposal makes adequate provision for parks, recreation, and playgrounds. Private open space would be provided in lieu of common open space, as allowed by the RZC. Impacts to parks would be mitigated through payment of a mitigation fee. *Findings 10, 11, and 20.*
 - G. With payment of mitigation fees, the proposal makes adequate provision for schools and school grounds. *Finding 20.*
 - H. As conditioned, the proposal makes adequate provisions for sidewalks and safe walking conditions for students. Sidewalks would be provided along both fronting streets. *Finding 16.*
 - I. As conditioned, the proposal serves the public interest and makes appropriate provisions for the public health, safety, and welfare. The project was reviewed for seismic hazard and the risk was determined to be low. The critical aquifer recharge area would be protected. The Applicant would pay impact fees consistent with RMC 3.10. Conditions of approval address Fire Department requirements and identify the code section relevant to construction noise. *Findings 7, 8, 9, 16, 17, 18, 19, and 23.*
 - J. Geotechnical considerations were professionally reviewed, and limitations to development were considered in the design of the project. No hazards were identified that would prevent development as proposed. *Finding 8.*
2. With conditions of approval, the proposal satisfies the criteria for site plan entitlement.

- A. The project was reviewed under SEPA and a DNS was issued. *Finding 21.*
- B. As conditioned, the proposal meets all applicable requirements of the RZC, including EH bulk standards, parking, tree replacement, affordable housing, and critical areas requirements. The two requested deviations from the design standards (relating to additional landscaping and interior modulation) are approved as recommended by the DRB; strict compliance with the requirements would result in hardship inconsistent with the intent of the zone, and the changes would not be materially detrimental to the public welfare or contrary to design objectives. The conditions of approval require the Applicant to pay a fee in lieu of planting the trees required by RZC 21.62.020.F.8. *Findings 10, 11, 12, 13, 14, 15 and 16.*
- C. Landmarks and Heritage Commission review is not applicable to the proposal. *Finding 6.*

DECISION

Based on the preceding findings and conclusions, the request for approval of a unit lot subdivision and site plan entitlement to construct 14 attached townhome units within a single structure is **GRANTED** subject to the conditions below.

A. Site Specific Conditions of Approval

1. Approved Plans

The following table identifies those materials that are approved with conditions as part of this decision.

Item	Date Received	Notes
Plan Set	1/15/20	<i>and as conditioned herein.</i>
SEPA Checklist	1/15/20	<i>and as conditioned herein and as conditioned by the SEPA threshold determination on 2/28/20.</i>
Design Review Board Approved/Plans	1/15/20	<i>and as conditioned herein.</i>
Conceptual Landscaping Plan	1/15/20	<i>and as conditioned herein.</i>
Conceptual Lighting Plan	1/15/20	<i>and as conditioned herein.</i>
Proposed Tree Retention Plan	1/15/20	<i>and as conditioned herein.</i>
Stormwater Design	1/15/20	<i>and as conditioned herein.</i>

2. Separate Coordinated Civil Review

This project is directly south of another unit-lot subdivision application currently under review (Penny Lane III LAND-2019-00438 & 00439). Each project is required to provide

its own adequate infrastructure, open space and frontage improvements. Separate Coordinated Civil Review (CCR) permits will be submitted for each project and shall demonstrate that each can be constructed independent of the other. Bonding and permitting shall not be combined for the projects.

Code Authority: RZC 21.74.030.B

Condition Applies: Coordinated Civil Review

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

Development Engineering - Transportation and Engineering

Reviewer: Andy Chow, Senior Engineer

Phone: 425-556-2740

Email: kachow@redmond.gov

- a. **Easements and Dedications.** Easements and dedications shall be provided for City of Redmond review at the time of construction drawing approval and finalized for recording prior to issuance of a building permit. The existing and proposed easements and right-of-way shall be shown on the civil plans. Prior to acceptance of the right(s) of way and/or easement(s) by the City, the developer will be required to remove or subordinate any existing private easements or rights that encumber the property to be dedicated.
 - i. Easements are required as follows:
 - (a) 10 feet wide Sidewalk and Utilities easement type, granted to the City of Redmond, along the existing right-of-way of 170th Ave NE.
 - (b) 10 feet wide Sidewalk and Utilities easement type, granted to the City of Redmond, along the new right-of-way of 170th CT NE.
 - (c) Minimum 8.8 feet wide private access and utility easement adjacent to the most northerly parcel shall be required as part of the overall shared access prepared for Penny Lane III project to 170th CT NE only. This shared access easement shall not be extended to the 170th Ave NE Right-of-Way and no direct access to 170th Ave NE will be permitted.
 - (d) At the time of construction, additional easements may be required to accommodate the improvements as constructed.
 - ii. Dedications for right-of-way are required as follows:
 - (a) A strip of land with minimum 8.2 feet wide or to the edge of the new sidewalk abutting the existing 170th CT NE right-of- way.

Code Authority: RZC 21.52.030.G; RMC 12.12

- b. **Construction Restoration and Street Overlay.** In order to mitigate damage due to trenching and other work on 170th Ave NE and 170th CT NE, the asphalt street shall be planed, overlaid, and/or patched, per COR SD 202 or 203. If the Pavement Condition Index (PCI) of the existing pavement is below 70 (as determined by the

City's bi-annual pavement survey), the development shall be required to plane and overlay the entire half street along the project frontage at a minimum as determined by the Traffic Operations and Safety Engineering Division in Public Works. Contact Paul Cho at 425-556-2751.

Code Authority: RMC 12.08; Redmond Standard Specifications & Details

c. Street Frontage Improvements

- i. The frontage along 170th Ave NE must meet current City Standards which include asphalt paving 19 feet from centerline to face of curb with appropriate tapers, type A-1 concrete curb and gutter, 5 feet wide planter strips, 6 feet wide concrete sidewalk, 14 feet of landscaped yard area within the 25 feet Type III landscaped walkway, storm drainage, street lights, street trees, street signs and underground utilities including power and telecommunications. The minimum pavement section for the streets shall consist of:
 - 7 inches HMA Class ½" PG 64-22
 - 4" of 1-1/4" minus crushed rock base course per WSDOT standard spec 9-03.9(3).
 - Subgrade compacted to 95% compacted maximum density as determined by modified Proctor (ASTMD 1557)
 - Street crown 2% sloped to drain system

Code Authority: RZC 21.52.030; 21.17.010; RMC 12.12; RZC 21 Appendix 2; Redmond Standard Specifications & Details

- a. The frontage along 170th CT NE must meet current City Standards which include asphalt paving minimum 10.2 feet from centerline to edge of concrete sidewalk at-grade with appropriate tapers, 6 feet wide concrete sidewalks, storm drainage, streetlights, street signs and underground utilities including power and telecommunications. The minimum pavement section for the streets shall consist of:
 - 7 inches HMA Class ½" PG 64-22
 - 4" of 1-1/4" minus crushed rock base course per WSDOT standard spec 9-03.9(3).
 - Subgrade compacted to 95% compacted maximum density as determined by modified Proctor (ASTMD 1557)
 - 2% sloped cross slope to invert crown

Code Authority: RZC 21.52.030; 21.17.010; RMC 12.12; RZC 21 Appendix 2; Redmond Standard Specifications & Details

- iii. A separate 20 or 40-scale channelization plan may be required for any public street being modified or constructed. The plan shall include the existing and proposed signs, striping and street lighting and signal equipment for all streets

adjacent to the site and within at least 150 feet of the site property line (both sides of the street). The plan shall conform to the requirements in the City of Redmond Standard Specifications and Details Manual. (Code Authority: RZC 21.52.030.F; RZC 21 Appendix 2; Redmond Standard Specifications & Details; RCW 47.24.020)

iv. Sidewalks constructed to City standards are required at the following locations:

- 6 feet sidewalk along 170th Ave NE
- 6 feet sidewalk along 170th CT NE

Code Authority: RZC 21.10.150; RZC 21.17.010; RZC 21.52.050; RMC 12.12

d. Access Improvements

i. The type and location of the proposed site accesses are approved as shown on the Penny Lane II preliminary transportation and grading plan prepared by CORE Design dated 12/23/2019. To prevent vehicles parking overhanging onto the new sidewalk on 170th CT NE, no less than 18 feet long driveway from the individual unit in between the face of the garage door and the new Right-of-way line of 170th CT NE will be permitted. This restriction shall be indicated on the face of the civil plans and other final documents.

Code Authority: RZC 21.52.030.E; RZC 21 Appendix 2

ii. Direct vehicular access to 170th Ave NE will not be permitted. This restriction shall be indicated on the face of the civil plans and other final documents.

Code Authority: RZC 21.52.030.E; RZC 21 Appendix 2

e. Underground Utilities. All existing aerial utilities shall be converted to underground along the street frontages and within the development. All new utilities serving the development shall be placed underground.

Code Authority: RZC 21.17.020; RZC 21 Appendix 2 – A.11

f. Street Lighting. Illumination of the street(s) along the property frontage must be analyzed to determine if it conforms to current City standards. Streetlights may be required to illuminate the property frontage. Luminaire spacing should be designed to meet the specified criteria for the applicable lamp size, luminaire height and roadway width. Contact Hidemi Tsuru, Transportation Operations at (425) 556-2749 with questions. The street lighting shall be designed using the criteria found in the City's Illumination Design Manual which can be accessed at:

<http://www.redmond.gov/development/CodesAndRules/StandardizedDetails>

Code Authority: RZC 21.52.030.F; RZC 21 Appendix 2

- g. Temporary Pedestrian Access Plan.** The applicant is required to provide a temporary pedestrian access plan for approval by the City prior to any construction on the project site. This plan needs to show how pedestrian traffic passing by the proposed development will be accommodated during the entire length of the construction phase.

Existing sidewalks or pathways shall be closed only when absolutely necessary during construction. If unavoidable, the pedestrian access plan should provide temporary routes with barricades and cones that parallel existing facilities. These routes must be accessible for persons with disabilities per the current ADA regulations and standards, including the provision of ramps, minimum widths, and smooth surfaces for wheelchair access. When a parallel route is not available, pedestrians must be detoured with advance signing in accordance with the Manual on Uniform Traffic Control Devices. The developer may be required to install temporary crosswalks and street lighting as part of this detour.

In order to keep existing routes open during the construction of new structures adjacent to existing sidewalks, a covered walkway will be required to protect pedestrians from falling debris. Covered walkways should be designed to provide sturdiness, adequate light for nighttime use and safety, and proper sight distance at intersections and crosswalks. Plans and details for the construction of these covered walkways shall be included as part of the civil construction plan set.

Code Authority: MUTCD 2009 (or latest revision) sections 6D.01, 6D.02, & 6D.05

Condition Applies: Civil Construction

2. Development Engineering – Water and Sewer

Reviewer: Zheng Lu, Senior Utility Engineer

Phone: 425-556-2844

Email: zlu@redmond.gov

- a. Water Service.** Water service will require a developer extension of the City of Redmond water system as follows:
- There is an existing 12” ductile iron water main in front of the development frontage along 170th Ave. NE. Fourteen water service lines shall be extended from this water main to serve all 14 new townhomes.
 - One irrigation water service shall be installed. The meter shall be owned by homeowner association.

Code Authority: RZC 21.74.020.D, RZC 21.17.010

Condition Applies: Civil Construction

- b. Sewer Service.** Sewer service will require a developer extension of the City of Redmond sewer system as follows:

- The developer shall replace the existing aged 8” concrete sewer main with an 8” PVC sewer main in frontage of the development from manhole 4F4SMH098 to King County manhole MHR19-52. One additional standard 48” manhole shall be installed before new sewer main connecting to King County manhole at turning point. The minimum slope for new sewer main shall not be less than 0.5%. 14 new side sewers shall be constructed connecting 14 new townhomes to new sewer main.
- The developer shall be responsible to reconnect four existing side sewers to the new sewer main for Redmond Square Property in west side of 170th Avenue.
- The applicant shall get King County Wastewater Treatment Division’s approval of the sewer design at the King County manhole connection before City’s coordinate Civil Review will be approved.

Code Authority: RZC 21.74.020.D, RZC 21.17.010

Condition Applies: Civil Construction

- c. **Easements.** Easements shall be provided for all water and sewer improvements as required in the Design Requirements for Water and Sewer System Extensions. Easements for the water and sewer mains shall be provided for City of Redmond review at the time of construction drawing approval. Offsite easements must be recorded prior to construction drawing approval.

Code Authority: RZC 21.74.020.C, Appendix 3

Condition Applies: Civil Construction, Short Subdivision Document

- d. **Permit Applications.** Water meter and side sewer applications shall be submitted for approval to the Development Engineering Utility Division. Permits and meters will not be issued until all improvements are constructed and administrative requirements are approved. Various additional guarantees or requirements may be imposed as determined by the Utilities Division for issuance of meters and permits prior to improvements or administrative requirements being completed. All stub fees shall be paid prior to sale of water and side sewer permits.

Code Authority: RMC 13.08.010

Condition Applies: Prior to Permit Purchase

- e. **Potholing.** All existing utilities at the location of the proposed water/sewer mains, storm, soil nail, traffic signal and service line crossings shall be potholed prior to submittal of first Civil Plan Review.

Potholing in the City Right-of Way requires a permit, approved traffic control plans, and a performance bond before commencing work. The developer shall include in the Right-of-Way permit, a list of potholing numbers along with the potholing information for each number, such as utility name, type of facility and the reason for potholing.

The developer shall do the following during and after potholing:

1. Follow City of Redmond Detail 203 for pothole restoration.
2. Protect existing traffic loops.
3. Survey all potholing locations.

Based on the final survey, a modified design of sewer, water and storm facilities may be necessary to avoid conflict with existing utilities.

All potholing information shall be included in the plans and profiles of water, sewer and storm design in first submittal of CCR review. The developer shall add clearance information on the water/sewer/storm profiles at all crossings of existing and proposed utilities. Minimum clearance in compliance with City standards is required between the sewer/water mains and other utilities including storm sewer. Code Authority: Water and Wastewater System Extensions Design Requirements Section IV. 3. M and Section V. 3. K

3. Development Engineering – Stormwater/Clearing and Grading

Reviewer: Cindy Wellborn, Senior Engineer

Phone: 425-556-2495

Email: cwellborn@redmond.gov

a. Water Quantity Control:

- i. Project lies within the Downtown Regional Stormwater Facility Basin. Stormwater quantity control will be provided by the City of Redmond upon payment of the Downtown Capital Facility Charge.
- ii. Provide for overflow routes through the site for the 100-year storm.
Code Authority: RZC 21.74.020.D; RMC 15.24.080(9)
Condition Applies: Civil Construction

b. Water Quality Control

- i. Project lies within the Downtown Regional Stormwater Facility Basin. Stormwater quality control will be provided by the City of Redmond upon payment of the Downtown Capital Facility Charge.
Code Authority: RZC 21.74.020.D; RMC 15.24.080(8)
Condition Applies: Civil Construction

- #### **c. Public Stormwater Easements.**
- Easements will be required for any public stormwater conveyance systems on private property. Easements shall be provided for City of Redmond review at the time of construction drawing approval and finalized for recording prior to issuance of a building permit or issuance of water meter or side sewer permits. The existing and proposed easements shall be shown on the civil plans. Prior to acceptance of the easement(s) by the City, the developer will be required to remove or subordinate any existing private easements or rights that encumber the property to be dedicated.

- i. No public easements identified on the project.

Code Authority: RZC 21.74.020.C

- d. Private Stormwater Easements.** Private stormwater easements will be required where drainage systems are located across adjacent properties and will remain under private ownership. Maintenance of private drainage systems will be the responsibility of the property owners benefiting from the easement. Prior to construction drawing approval and final subdivision recording, fully executed and recorded easements shall be provided to the Development Engineering Division.
- i. A private easement over each parcel for the benefit of the homeowner's association for maintenance of stormwater facilities.

Code Authority: RZC 21.74.020.C

Condition Applies: Civil Construction, Short Subdivision Document

e. Clearing and Grading.

- i. On-site infiltration trench shall infiltrate approximately 14,712 square feet of roof area.
- ii. On-site stormwater shall connect to the existing stormwater system located in 170th Avenue NE.
- iii. Applicant shall provide confirmation from geotechnical and structural engineer of knowledge of proximity of infiltration to buildings and retaining walls.
- iv. Existing stormwater system that is no longer needed shall be removed.

Code Authority: RMC 15.24.080

f. Temporary Erosion and Sediment Control (TESC).

- i. Rainy season work permitted October 1st through April 30th with an approved Wet Weather Plan.

Code Authority: RMC 15.24.080

g. Floodplain Management. Not applicable to this project.

Code Authority: RZC 21.64.010 and 21.64.040

h. Landscaping.

- i. All new landscaped areas within the project site are required to have compost amended soils. See City or Redmond Standard Detail 632 and City of Redmond Specification 9-14 for requirements.

Code Authority: RZC 21.32

- i. Department of Ecology Notice of Intent Construction Stormwater General Permit.** Notice of Intent (NOI) must be submitted to the Department of Ecology (DOE) at least 60 days prior to construction on a site that disturbs an area of one acre or larger. Additional information is available at:
www.ecy.wa.gov/pubs/0710044.pdf.

Code Authority: Department of Ecology Rule

Condition Applies: Prior to Commencement of Construction

j. Regional Capital Facilities Charge: A Regional Capital Facilities Charge applies to this project, located in the Downtown Sub-basin. Please see the Development Engineering Fee schedule for current fee information.

City-wide Capital Facilities Charge: A City-wide Capital Facilities Charge applies to this project. Please see the Development Engineering Fee Schedule for current fee information

Code Authority: RMC 13.20.045 (Downtown); RMC 13.20.040 (Citywide)

k. Critical Landslide Hazard Areas. Not applicable to this project.

Code Authority: RZC 21.64.060.B

Condition Applies: Civil Construction, Short Subdivision Document

4. Natural Resources

Reviewer: Angie Venturato, Environmental Scientist

Phone: 425-556-2466

Email: aventurato@redmond.gov

a. Wellhead and Groundwater Protection. Wellhead and groundwater performance standards shall be met as per RMC 15.24.095, including providing the City with any well monitoring and decommissioning reports

b. Discovery of Soil Contaminants during Construction. Report any contaminants to the City during project construction and remediate in accordance Washington State reporting and cleanup processes of the Model Toxics Control Act.

Code Authority: WAC 173-340

5. Fire Department

Reviewer: Scott Turner, Assistant Fire Marshal

Phone: 425-556-2273

Email: sturner@redmond.gov

The current submittal is generally adequate for LAND-2019-00399 Approval, but does not fully represent compliance with all requirements. The following conditions are integral to the approval and shall be complied with in Civil Drawings, Building Permit Submittals, Fire Code Permit submittal, and/or other applicable processes:

a. Site Plan Condition – Required Fire access shall be provided as indicated on the site plan. Signage and striping will be formalized in the civil review process.

b. Fire Protection Plan – Fire access per RFD 2.0, Hydrants per RMC and IFC, Fire sprinkles per RMC 15.06

c. Change or Modification - NA

d. Fire Code Permit – These units are to be built as single-family residential units. Units will be equipped with NFPA 13d sprinkler systems per RMC 15.06

e. Comment

Code Authority: RMC 15.06; RZC Appendix 3, RFD Standards, RFDD&CG

6. Planning Department

Reviewer: Elise Keim, Planner

Phone: 425-556-2480

Email: ekeim@redmond.gov

- a. **Street Trees.** The following street trees are required to be installed in accordance with RZC 21.32.090. The minimum size at installation is 2 ½ inch caliper.

Street	Species	Spacing
170 th Ave NE	Zelkova Serrata 'Musashino' (Sawleaf Zelkova)	As shown on preliminary landscape plan

Code Authority: RZC 21.32.090
Condition Applies: Civil Construction

- b. **Final Critical Areas Report.** A final Critical Areas Report must be submitted with the civil construction drawings or building permits if civil construction drawings are not required. If report is greater than two years old at time of CCRs, an updated report shall be submitted. All required enhancement and mitigation must be shown on the civil construction drawings. This includes any required planting, signage, fencing, wetland or stream enhancement, etc. that is required in the report.

Code Authority: RZC Appendix 1, Section G.2
Condition Applies: Civil Review

- c. **Setbacks.** Setback classifications (e.g. front, side, side street, rear) shall be noted on each lot corresponding to the appropriate location for each setback. The setback dimensions shall not be included.

Code Authority: RZC 21.08.170.H
Condition Applies: Building Permits and Final Plat documents

- d. **Planting Standards.** Landscaping shall be coordinated with water/sewer lines and fire hydrants/connections. Trees shall be planted a minimum of 8 feet from the centerline of any water/sewer lines, unless otherwise approved and provisions provided. Shrubs shall be planted to maintain at least 4 feet of clearance from the center of all fire hydrants/connections.

Code Authority: RZC 21.32.080

Condition Applies: Civil Construction

- e. **Impact Fees.** For the Purpose of Impacts, the use(s) assigned for this project have been determined as the following: 14 units classified as single-family residences. The following total units of single-family residence use may be credited for three (3) demolished structures at time of impact fee calculation of associated project permits. If the proposed development is eligible for any additional credits including right-of-way dedication and system improvements, these additional credits will be assessed and provided after construction, dedication or implementation is completed and accepted by the City.

Code Authority: RMC 3.10

Condition Applies: Building Permit

- f. **Bonds.** Bonds for Landscaping, Tree Preservation, Tree Replacement and Mitigation shall be provided no less than five days prior to request for Mylar signatures. Drafts of the Bond Agreements, Bond quantity Worksheets and Bond Calculation Worksheets shall be submitted at time of Civil Construction Application. If not provided at the time of CCR submittal, the entire submittal will be rejected for intake.

Code Authority: RZC 21.76.090.F

Condition Applies: Civil Construction

- g. **Affordable Housing.** Penny Lane II shall demonstrate conformance with the Affordable Housing Regulations in RZC 21.20.050 by providing one (1) affordable unit. An agreement in a form approved by the City must be recorded with the King County Recorder's Office to stipulate conditions under which the required affordable housing unit will remain as affordable housing for the life of the development. This agreement shall be a covenant running with the land, binding on the assigns, heirs, and successors of the applicant. Prior to the issuance of any building permit, the owner shall sign any necessary agreements with the City to implement these requirements. Applicant shall initiate contract by contacting Sarah Stiteler on Human Services and Long Range Planning staff at 425-556-2469 or at sstiteler@redmond.gov.

Code Authority: RZC 21.20.050

Condition Applies: Building Permit

- h. **Archeological and Historical Preservation:** If archaeological resources or archaeological indicators are unearthed or exposed in the course of a project the applicant and its contractors shall stop work immediately. The applicant and its contractors shall implement the procedures of the Inadvertent Discovery Plan.

Code Authority: RZC 21.30.070.D

Condition Applies: Civil Construction & Building Permit

- i. **Design Review:** The Design Review materials shown in Attachment C were recommended for approval at the 2/20/2020 Design Review Board meeting. Where inconsistencies between the floor plans and elevations are found after the Design Review Board has recommended approval of this project, the elevations recommended for approval by the Design Review Board at their meetings will prevail.

Code Authority: RZC 21.76.060.G

Condition Applies: Building Permit

- j. **Administrative Design Flexibility:** The Administrative Design Flexibility regarding building modulation dimensions is granted. The building shall be modulated as shown on the Design Review Materials (Attachment C, DRB Materials) The Administrative Design Flexibility for the additional required landscaping in Downtown is granted waiving the planting of 52 additional trees. A fee-in-lieu for the trees that are not planted will be required to be paid to the City's tree fund for the planting of new trees in City-owned parks, open spaces, or rights-of-way prior to mylars being submitted.

Code Authority: RZC 21.76.060.G; RZC 21.76.070.C.3; and RZC 21.58.020.E

Condition Applies: Civil Construction & Building Permit

- k. **Easements:** Access easement, joint use and maintenance agreements, and covenants, conditions and restrictions identifying the rights and responsibilities of property owners and/or the homeowners association shall be executed for use and maintenance of vehicle access areas, underground utilities, exterior building facades and roofs and other similar features, shall be recorded with the King County Department of Records and Elections.
Code Authority RZC 21.74.030.H.7

- l. **Unit Lot Subdivision Notes:** Notes shall be placed on the face of the plat as recorded with the King County Department of Records and Elections to acknowledge the following:
 - a. Approval of the design of the units on each of the lots was granted by the review of the development as a whole, on the parent lot by RZC 21.76.070.Y Site Plan Entitlement LAND-2019-00399
 - b. Development, redevelopment, or rehabilitation of structures on each unit lot is subject to review and approval of plans that are consistent with the design of the surrounding structures on the parent lot as approved by the City through LAND-2019-00399

Code Authority: RZC 21.74.030.H.10
Condition Applies: Final Plat

- m. Construction Parking Requirements and Contact Information.** A sign shall be posted on-site visible to the public throughout the duration of all construction activity per the Construction Contact Sign Handout. Construction activities consist of all site work including, but not limited to grading, landscaping, infrastructure and building permit related construction. Applicant and contractor shall work with city planner prior to mylar signing to determine location(s) of sign(s). Contact information shall remain up-to-date and visible at all times. The assigned city planner shall be notified within two business days when contact person has been changed and a picture of the updated sign shall be e-mailed. Construction Parking requirements for the project shall be denoted on the bottom portion of the sign per handout instructions.

B. Compliance with City of Redmond Codes and Standards

This approval is subject to all applicable City of Redmond codes and standards, including the following:

Transportation and Engineering

RMC 6.36:	Noise Standards
RZC 21.52:	Transportation Standards
RZC 21.40.010.E:	Design Requirements for Parking Facilities
RZC 21.54:	Utility Standards
RMC 12.08:	Street Repairs, Improvements & Alterations
RMC 12.12:	Required Improvements for Buildings and Development
RMC 12.16:	Highway Access Management
RZC 21.76.100.F.9.c:	Nonconforming Landscaping and Pedestrian System Area
RZC 21.76.020.G:	Site Construction Drawing Review
RZC 21.76.020.H.6:	Preconstruction Conference
RZC 21.76.020.H.7:	Performance Assurance
RZC Appendix 3:	Construction Specification and Design Standards for Streets and Access
City of Redmond:	Record Drawing Requirements, July 2015
City of Redmond:	Standard Specifications and Details (current edition)

Water and Sewer

RMC 13.04:	Sewage and Drainage
RMC 13.08:	Installing and Connecting Water Service
RMC 13.10:	Cross-Connection and Backflow Prevention
RZC 21.17.010:	Adequate Public Facilities and Services Required

RZC Appendix 4:	Design Requirements for Water and Wastewater System Extensions
City of Redmond:	Standard Specifications and Details (current edition)
City of Redmond:	Design Requirements: Water and Wastewater System Extensions - January 2012.

Stormwater/Clearing and Grading

RMC 15.24:	Clearing, Grading, and Storm Water Management
RZC21.64.060.C:	Planting Standards
RZC 21.64.010:	Critical Areas
RZC 21.64.040:	Frequently Flooded Areas
RZC 21.64.050:	Critical Aquifer Recharge Areas
RZC 21.64.060:	Geologically Hazardous Areas
City of Redmond:	Standard Specifications and Details (current edition)
City of Redmond:	Stormwater Technical Notebook, Issue No. 8, April 1 st , 2019
Department of Ecology:	Stormwater Management Manual for Western Washington (amended December 2014)

Fire

RMC 15.06:	Fire Code
RZC Appendix 3:	Construction Specification and Design Standards for Streets and Access
City of Redmond:	Fire Department Design and Construction Guide 5/6/97
City of Redmond:	Fire Department Standards

Planning

RZC 21.10:	Downtown
RZC 21.58-21.62	Design Standards
RMC 3.10	Impact Fees
RZC 21.32, 21.72:	Landscaping and Tree Protection
RZC 21.34:	Exterior Lighting Standards
RMC 6.36:	Noise Standards
RZC 21.40:	Parking Standards
RCZ 21.64:	Critical Areas
RZC Appendix 1:	Critical Areas Reporting Requirements

Building

Applicable codes will be determined by individual building permit vesting date.

DECIDED June 18, 2020.

By:



Sharon A. Rice
City of Redmond Hearing Examiner

Note: Type III decisions of the Hearing Examiner may be appealed to the King County Superior Court as provided in RZC 21.76.060.J.

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

3
4 In the Matter of the Application of) NO. LAND-2019-00399
5) LAND-2019-00400
6)
6 Penny Lane II) UNIT-LOT SUBDIVISION AND
7) SITE PLAN ENTITLEMENT
8)

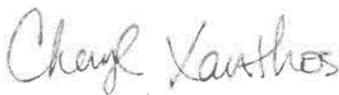
8 CERTIFICATE OF SERVICE

9
10 CERTIFICATE OF SERVICE

11
12 I HEREBY CERTIFY that on this 19th day of June, 2020, a true and correct copy of the Findings,
13 Conclusions and Decision in the Matter of the Application of **PENNY LANE II LAND-2019-00399**
14 **LAND-2019-00400** for approval of a Unit-Lot Subdivision and Site Plan Entitlement was sent via email
15 to the Staff Planner and via United States Postal Service first class mail to the Parties of Record with
16 adequate postage prepaid.

17
18
19 June 19, 2020

20
21 Date

22
23 
24
25

26
27 Cheryl Xanthos
28 City Clerk
29 City of Redmond, Washington
30