

Appellant's Exhibit 52

(as referenced in June 30, 2017

Appellant WPDC Cleveland LLC's Witness and Exhibit List)

May 25, 2007

Josh Peterson
Magellan Architects
8383 - 158th Ave NE, Ste 280
Redmond, WA 98052

SUBJECT: CMU Building - PRE070015 (Pre-Application)

Location: 16390 Cleveland St, Redmond, WA (Downtown Redmond)

Dear Mr. Peterson:

As you know, a Pre-Application meeting was held with City staff for the CMU Building on 03/08/07. At your request, the City of Redmond Technical Committee reviewed the development issues surrounding the project site at its 03/14/07 meeting. Additional meetings by staff and Tech Committee members were conducted with both your team and the property owners, as well as with the Redmond City Attorney between March 14th and May 9th.

The project site involves a 2,780sf one-story CMU structure on a 2,871sf site. The structure has no sewer or water connections and was built before the Redmond Community Development Guide (RCDG) was adopted. Because of the current development code, the site is considered legally non-conforming until certain actions are applied to the structure. The established land use is retail with no on-site parking. The parking is also considered legally non-conforming until certain actions are applied to the structure (RCDG 20F.10.50-070(2)).

Comment [j1]: Is this right?
Comment [j2]: I didn't think retail sales ever occurred in that building. It was more of storage support for the retail sales that occurred across the street.

The applicable section of the RCDG is **20F.10.50-090 Alteration or Expansion of a Nonconformance**. Subsection (3) Nonconforming Structures states:

A nonconforming structure may not be expanded or altered in any way so as to increase that nonconformity. A nonconforming structure shall be brought into full compliance with the Redmond Community Development Guide when alteration or expansion of the structure takes place and the following takes place within any three-year period:

- (a) The gross floor area of the structure is increased by 100 percent or more; or*
- (b) The costs stated on all approved building permit applications for the structure equal or exceed the assessed value of the structure at the beginning of that three-year period.*

Subsection (4) Nonconforming Landscaping and Pedestrian System Area states:

A nonconforming landscaping or pedestrian system area shall be brought into compliance with RCDG 20D.80.10 and 20C.40.105 in accordance with the following:

- (a) When improvements to the building or parking areas do not exceed \$12,000 on any lot in any three-year period, no improvements are required.*
- (b) For improvements to the building or parking area which exceed \$12,000 on any lot in a three-year period, the percentage (by value) of the required landscaping or pedestrian system, to be installed shall be established by dividing the value of the proposed improvement by the assessed value of the existing lot improvements up to 100 percent.*

(c) For the purposes of subsections (4)(a) and (b) of this section, improvements shall not include those improvements required by the City for health and safety reasons, nor ordinary repair and maintenance.

(d) The Technical Committee shall have the authority to specify the location and phasing sequence of the landscaping or pedestrian system improvements which fall under this section.

Additionally, the pedestrian system that would require conformance in the downtown is found in **RCDG 20C.40.105 Downtown Pedestrian System**. Both Cleveland Street and 164th Ave NE are designated as Type V Pedestrian Walkways with 14-foot sidewalks. This pedestrian improvement would require the developer to push back the existing walls along both street fronts.

Comment [dka3]: They also need to comply with 20D.210.20-050, 20D.210.20-150, 20D.220.20, and RMC 12.12

20C.40.105-010 Purpose.

The Downtown Pedestrian System is a network of pedestrian walkways, vehicular lanes, and small greenbelts. It is established to provide safe pedestrian routes removed from traffic, enhance the appearance of buildings and their settings, provide a unified design element to offset varying architectural styles, and to soften the appearance of parking lots and service storage areas. Planting is intended to provide street trees and other vegetation appropriate for an urban setting.

Where landscaping is required, massing and aggregating of plantings to achieve a strong, positive statement is encouraged. Use of seasonal color and ease of maintenance are plant characteristics that should also be considered. (Ord. 1901)

20C.40.105-020 Installation of Pedestrian System.

The various components of the pedestrian system shall be provided as noted on the map entitled "Downtown Pedestrian System" which is incorporated as a part of this section. As property is developed or redeveloped, corresponding portions of the system shall be installed or otherwise provided for by the property owner/developer. The mid-block segments shown on the map represent desired connections between blocks. In order to provide flexibility, the actual alignment shall be determined through the Site Plan Entitlement process. (Ord. 1901)

Redmond's City Attorney has verified that a variance may be legally sought by the applicant in order to seek relief from the "strict application requirements" stated in all of the RCDG sections mentioned above, provided that they are able to meet the decision criteria required by a variance application. The variance application process is separate from the site plan entitlement, or in this case, administrative modification process.

The Technical Committee has contemplated the pre-proposal for the CMU Building and the implications of the development code as applied to the project site. The applicant team is encouraged to apply for a variance, as is your right. However, the Technical Committee maintains that the planned pedestrian system for downtown Redmond should not be compromised at this time.

Comment [j4]: Is this 'code' for we might approve it?

If you have any questions, please contact Nathalie Schmidt at nschmidt@redmond.gov or 425-556-2471.

Sincerely,

JAMES L. ROBERTS, Assistant Director
Department of Planning and
Community Development

DAVID K. ALMOND, Development Services Manager
Department of Public Works

Comment [j5]: Approved for signature after we (you, Judd and I) meet one more time to discuss.