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BEFORE THE HEARING EXAMINER  
FOR THE CITY OF REDMOND

In the Matter of the Appeal of

Abbey Road Homeowners Association, Neil Barnett,  
Manaji Sukuzi, John Stilin, and Sherry Stilin

Of the July 26, 2018 Determination of Non-  
Significance (SEPA-2018-00640) for Emerald Heights  
Assisted/Independent Living (LAND-2018-  
00586/LAND-2018-00617) proposed at 10901 - 17th  
Circle NE, Redmond

NO. APL LAND-2018-00920

CITY OF REDMOND'S FINAL  
WITNESS AND EXHIBIT LIST FOR  
SEPA APPEAL

The City of Redmond submits the following list of witnesses and exhibits for the appeal by the Abbey Road Homeowners Association, Neil Barnett, Manaji Sukuzi, John Stilin, and Sherry Stilin of the City's July 26, 2018, Determination of Non-Significance for the Emerald Heights Assisted Living and Independent Living expansion project.

**I. WITNESSES**

The City of Redmond may call any or all of the following witnesses to testify at the hearing in this matter. The general subject matter of their expected testimony is noted below.

1. Benjamin Sticka, Planner, City of Redmond, 15670 NE 85<sup>th</sup> Street, Redmond, WA 98073, (425) 556-2470, [BSTICKA@redmond.gov](mailto:BSTICKA@redmond.gov). Mr. Sticka is the Planner assigned to the Emerald Heights Conditional Use Permit, Site Plan Entitlement, and SEPA applications. Mr.

1 Sticka is familiar with the Applicant's proposal and may testify to any aspect of this SEPA appeal,  
2 the City's decision-making process, and the City's interpretation of applicable provisions of the  
3 Redmond Zoning Code.

4 2. Erika Vandenbrande, Planning Director, City of Redmond, 15670 NE 85<sup>th</sup> Street,  
5 Redmond, WA 98073, (425) 556-2457, [EVANDENBRANDE@redmond.gov](mailto:EVANDENBRANDE@redmond.gov). As Planning  
6 Director, Ms. Vandenbrande is a member of the City's Technical Committee, which issued the  
7 Determination of Non-Significance in the SEPA appeal. Ms. Vandebrande may testify to any  
8 aspect of the DNS, the City's decision-making process, and the City's interpretation of applicable  
9 provisions of the Redmond Zoning Code.

10 3. Steven Fischer, Planner, City of Redmond, 15670 NE 85<sup>th</sup> Street, Redmond, WA  
11 98073, (425) 556-2432, [SFISCHER@redmond.gov](mailto:SFISCHER@redmond.gov). Mr. Fischer is familiar with the SEPA  
12 application, and may testify to any aspect of the City's SEPA review and to the City's  
13 interpretation of applicable provisions of the Redmond Zoning Code.

14 4. Min Luo, Senior Transportation Engineer, City of Redmond, 15670 NE 85<sup>th</sup> Street,  
15 Redmond, WA 98073, (425) 556-2881, [MLUO@redmond.gov](mailto:MLUO@redmond.gov). Ms. Luo was responsible for  
16 reviewing traffic impacts for this SEPA application, and may testify to any aspect of that review  
17 and to the City's interpretation of applicable provisions of the Redmond Zoning Code.

18 5. Rob Crittenden, Engineering Manager, City of Redmond, 15670 NE 85<sup>th</sup> Street,  
19 Redmond, WA 98073, (425) 556-2838, [RCRITTENDEN@redmond.gov](mailto:RCRITTENDEN@redmond.gov). Mr. Crittenden was  
20 responsible for reviewing the Public Works Traffic Operations aspects of Applicant's SEPA  
21 application, and may testify to any aspect of that review and to the City's interpretation of  
22 applicable provisions of the Redmond Zoning Code.

23 6. Scott Turner, Assistant Fire Marshall, City of Redmond, 15670 NE 85<sup>th</sup> Street,  
24 Redmond, WA 98073, (425) 556-2236, [STURNER@redmond.gov](mailto:STURNER@redmond.gov). Mr. Turner was responsible  
25 for reviewing impacts to fire response for this SEPA application, and may testify to any aspect of  
26 that review and to the City's interpretation of applicable provisions of the Redmond Zoning Code.

7. Jeff Dendy, Senior Engineer, City of Redmond, 15670 NE 85<sup>th</sup> Street, Redmond, WA 98073, (425) 556-2890, [JDENDY@redmond.gov](mailto:JDENDY@redmond.gov). Mr. Dendy is the engineer responsible for reviewing stormwater impacts for this SEPA application, and may testify to any aspect of that review and to the City's interpretation of applicable provisions of the Redmond Zoning Code.

## II. EXHIBITS

The City of Redmond identifies the following as exhibits they may use in the hearing in this matter:

1. City of Redmond Staff Report to the Hearing Examiner, dated July 14, 2018, including the following attachments:

ATTACHMENT A: SEPA Appeal, dated August 22, 2018

ATTACHMENT B: SEPA Application, undated

ATTACHMENT C: SEPA Checklist, dated July 12, 2018

ATTACHMENT D: SEPA Checklist Reference Document, dated July 12, 2018

ATTACHMENT E: Determination of Non-Significance, dated July 26, 2018

ATTACHMENT F: Certification of Public Notice for Determination of Non-Significance, dated July 26, 2018

ATTACHMENT G: Technical Committee Slides

ATTACHMENT H: Vicinity Map

ATTACHMENT I: Email from Julie Lawton to Ben Sticka to Ben Sticka regarding lighting for Assisted Living Building, dated August 22, 2018

ATTACHMENT J: Fish and Wildlife Conservation Areas User Guide

ATTACHMENT K: Critical Areas Report, dated February 16, 2017

ATTACHMENT L: Traffic & Mitigation Confirmation Technical Memorandum, dated June 1, 2018.

1 ATTACHMENT M: Stormwater Management Report, Conditional Use Permit,  
2 dated October 26, 2018.

3 ATTACHMENT N: Stormwater Management Report, Site Plan Entitlement,  
4 dated September 17, 2018.

5 ATTACHMENT O: Wildlife Assessment, dated September 17, 2018.

6 2. Emerald Heights' Critical Aquifer Recharge Areas Report Update, dated  
7 September 1, 2016.

8 3. Emerald Heights' Critical Areas Report Recertification, Letter from Nell Lund of  
9 The Watershed Company to Julie Lawton, dated June 8, 2018.

10 4. Letter from Lisa Rigg, Development Engineering Manager, City of Redmond to  
11 Bart Balko, P.E., conditionally approving storm vault setback deviation for Independent Living  
12 Building (DEVREQ-2018-00914), dated August 23, 2018.

13 5. Letter from Lisa Rigg, Development Engineering Manager, City of Redmond to  
14 Bart Balko, P.E., conditionally approving storm vault setback deviation for Assisted Living  
15 Building (DEVREQ-2018-00915), dated August 23, 2018.

16 6. Letter from Lisa Rigg, Development Engineering Manager, City of Redmond to  
17 Bart Balko, P.E., denying storm pipe deviation for Assisted Living Building (DEVREQ-2018-  
18 00916), dated August 23, 2018.

19 7. Letter from Lisa Rigg, Development Engineering Manager, City of Redmond to  
20 Bart Balko, P.E., denying storm maintenance deviation for Assisted Living Building (DEVREQ-  
21 2018-00918), dated August 23, 2018.

22 8. Emerald Heights' Transportation Concurrency Application, dated September 25,  
23 2018.

24 9. Emerald Heights' Traffic Mitigation Plan, dated August 10, 2018.

25 10. Email from Rob Crittenden to Ben Sticka, *et al*, clarifying that no transportation  
26 management plan is required for the Emerald Heights project, dated June 1, 2018.

- 1 11. Emerald Heights' Tree Preservation Plan, dated October 5, 2018.
- 2 12. Emerald Heights' Arborist Report for the Assisted Living Building, dated April 5,
- 3 2018.
- 4 13. Emerald Heights' Arborist Report for the Independent Living Building, revised
- 5 January 3, 2018.
- 6 14. Public Notice for the Emerald Heights Assisted Living Building Tree Preservation
- 7 Plan, dated October 5, 2018.
- 8 15. Emerald Heights' Landmark Tree Exception Request for RZC 21.72.060, dated
- 9 August 6, 2018.
- 10 16. Emerald Heights' Landscape Irrigation Plan, dated June 1, 2018.
- 11 17. Emerald Heights' Independent and Assisted Living Buildings Plan Set, dated
- 12 October 5, 2018.
- 13 18. Emerald Heights' Final Photograph simulation, dated June 4, 2018.
- 14 19. Emerald Heights' Final Lighting Plan, Assisted Living Building, dated June 4,
- 15 2018.
- 16 20. Washington State Housing Finance Commission Certificate of Continuing Project
- 17 Compliance, dated January 23, 2018.
- 18 21. Emerald Heights' General Application Cover Sheet, undated.
- 19 22. Emerald Height' Greenhouse Gas Data Worksheet, undated.
- 20 23. Emerald Heights Campus Expansion Conditional Use Phasing Plan, dated June 4,
- 21 2018.
- 22 24. Emerald Heights Campus Expansion Conditional Use Phasing Plan, dated
- 23 September 6, 2018.
- 24 25. Emerald Heights Campus Expansion Roof Sight Line Study, Assisted Living
- 25 Building, dated June 4, 2018.
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1           26.     Minutes from September 6, 2018, Design Review Board meeting (in which DRB  
2 approved Emerald Heights project), dated September 6, 2018.

3           27.     Redmond Design Standards Checklist, Assisted Living Building, undated.

4           28.     Redmond Design Standards Checklist, Independent Living Building, undated.

5           29.     Letter from Jim Haney, City Attorney for the City of Redmond, to Benjamin Sticka  
6 and Steven Fischer, City of Redmond Department of Planning and Community Development,  
7 dated July 25, 2018, including the following attachments:

8           a.     Redmond Ordinance No. 1454, dated October 17, 1988

9           b.     Redmond Community Development Guide (“RCDG”) 20C.20.240(05),  
10 Permitted Uses Chart, dated January 1986.

11          c.     City of Redmond Office of the Hearing Examiner, Findings and  
12 Recommendations for File No. SDP-87-9 & PUD #48, dated June 22, 1988

13          d.     City of Redmond Office of the Hearing Examiner, Revised Findings and  
14 Recommendations for File No. SDP-87-9 & PUD # 43, dated July 21, 1988.

15          e.     RCDG 20F.20.235(05), dated January 1986.

16          f.     RCDG 20F.20.035(35), dated January 1986.

17          g.     RCDG 20F.20.120, dated January 1986.

18          h.     Redmond Ordinance 2607, dated July 19, 2011.

19          i.     Redmond Ordinance 1901, dated July 12, 1996.

20          30.     Public comments related to the SEPA application (compiled).

21          31.     Emerald Heights Rezone Application, dated June 7, 2010.

22          32.     Rezoning maps associated with 2010 Rezone of Emerald Heights property,  
23 undated.

24          33.     Letter from G. Richard Hill to Ben Sticka regarding application’s compliance with  
25 conditional use criteria and retirement residence approval criteria, dated June 4, 2018.

1 34. Draft Technical Memorandum from R.W. Beck regarding Emerald Heights impacts  
2 to Avondale Sewer Basin, dated September 16, 2010.

3 In addition to the exhibits identified above, the City of Redmond reserves the right to  
4 introduce additional exhibits as allowed by the Hearing Examiner Rules, and to introduce  
5 additional exhibits during cross-examination or rebuttal.

6 DATED this 3 day of January, 2019.

7  
8 OGDEN MURPHY WALLACE, PLLC

9 By



10 James E. Haney, WSBA #11058

11 Kate D. Hambley, WSBA #51812

12 Attorneys for the City of Redmond

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**DECLARATION OF SERVICE**

I, Kate Hambley, an employee of Ogden Murphy Wallace, PLLC, certify that on the date below, I filed and served this document via email on the following:

***Hearing Examiner***

Cheryl D. Xanthos  
Clerk to the Hearing Examiner  
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I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Executed at Seattle, Washington this 3 day of January, 2019.

  
\_\_\_\_\_  
Kate Hambley