



**CITY OF REDMOND  
HEARING EXAMINER  
MINUTES**

**May 2, 2011**

Redmond City Council Chambers  
15670 NE 85<sup>th</sup> Street, Redmond  
7 p.m.

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**Hearing Examiner**

Sharon Rice, Offices of Sharon Rice,  
Hearing Examiner, PLLC

**Staff**

Judd Black, Planning Manager  
Thara Johnson, Associate Planner  
David Almond, Engineering Manager, PW  
Elizabeth Adkisson, Deputy City Clerk

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Convened: 7 p.m.

Adjourned: 9:40 p.m.

**I. CALL TO ORDER**

Hearing Examiner Sharon Rice convened the hearing at 7 p.m.

**II. DESCRIPTION OF HEARING SEQUENCE AND PROCEDURES**

Ms. Rice introduced the matter under consideration, reviewed the sequence of the hearing for the evening, and explained the proceedings. Ms. Rice noted that she will issue a written Recommendation in the matter of the Emerald Heights Development Guide Amendment application, within ten (10) business days of the closing of the record.

Ms. Rice administered the swearing in of all those in attendance testifying on these matters, reminded the attendees that the proceedings were being recorded, and asked them to identify themselves for the record. The following staff and applicant representatives were in attendance:

Thara Johnson, Associate Planner;  
Judd Black, Planning Manager;  
David Almond, Engineering Manager, PW;  
Lisa Hardy, Emerald Heights CEO;  
Julie Lawton, Applicant Representative, Lawton PMG;  
Mike Miller, Applicant Architect, Rice Fergus & Miller; and  
Attorney Molly Lawrence, Gordon Derr LLP, representing Emerald Heights.

### III. PUBLIC HEARING

#### A. EMERALD HEIGHTS – Development Guide Amendment (DGA)

L100204 Development Guide Amendment (DGA)  
L100205 SEPA

Request: Type IV, Development Guide Amendment (DGA); to rezone from Existing Zoning Designation of R-4 to Proposed Designation of R-6.

Location: 10901 176<sup>th</sup> Circle NE, Redmond, WA 98052

Ms. Rice introduced the matter and assigned the Technical Committee Report as Exhibit 1, identifying the following submitted attachments:

#### Attachments

1. Vicinity Map
2. Zoning Map
3. General Application Form
4. Community Development Guide Amendment Application Form
5. SEPA Application Form
6. Notice of Application and Affidavit of Publishing
7. Notice of Application Public Comment Letters
8. SEPA DNS and Environmental Checklist
9. SEPA DNS Comment Letters
10. Notice of Public Hearing and Affidavits of Posting
11. Rezone Application Packet

#### STAFF PRESENTATION:

Ms. Thara Johnson, Associate Planner, reported on the Emerald Heights Development Guide Amendment (DGA) application:

- Vicinity Map (Subject Site);
- Project Description:
  - request for a DGA to change the zoning from R-4 to R-6;
  - retirement facility located on Education Hill on 38 acres;
  - rezone of the property to R-6 to increase the number of units within the facility over a 20-year timeline through phased development;
  - Phase 1 includes 116 new units;
  - Phase 2 includes 85 new units;
- Conceptual Plan;
- Procedural Summary;
  - Completeness:
    - 06/07/2010 – letter of completeness issued and vested date;
  - Notice of Application:

- 06/23/2010 – comment period begins;
    - 07/24/2010 – comment period ends;
  - SEPA:
    - 10/13/2010 – DNS issued;
    - 10/27/2010 – comment period ends;
    - 11/11/2009 – appeal period ends;
  - Notice of Public Hearing:
    - 04/08/2011 – issued;
- Public Comment;
  - two community meetings were scheduled by the applicant;
  - staff has received several comment letters from residents of Emerald Heights after forwarding the Technical Committee Report;
- DGA – Decision Criteria:
  - the amendment complies with the Comprehensive Plan Land Use Map, policies and provisions;
    - the proposal complies with the City of Redmond’s Comprehensive Plan Land Use Map, policies relating to Framework, Land Use, Housing Policies, and Neighborhood Plan;
  - the amendment bears a substantial relation to the public health and safety;
    - proposed rezone would not alter the uses allowed on the site but would increase density;
    - design of the expansion to the retirement community would be consistent with the Redmond Community Development Guide;
  - the amendment is warranted because of changed circumstances, a mistake, or because of a need for additional property in the proposed zoning district;
    - provide additional senior housing capacity in the Education Hill Neighborhood;
    - the proposed expansion is a response to market demands for an increase in the number of senior housing units needed to serve the needs of the community in an area that is consistent with the Comprehensive Plan, is already zoned residential, and has access to alternative forms of transportation, and utilities available to the site;
  - the subject property is suitable for development in general conformance with zoning standards under the proposed zoning district;
    - R-4 and R-6 zone are residential district and similar in allowed uses;
    - the proposal complies with Retirement Residence Regulations;
  - the amendment will not be materially detrimental to uses or property in the immediate vicinity of the subject property;
    - the site is currently developed with the existing retirement facility which houses 401 existing units;
    - the site is zoned residential and the proposed amendment will not alter the uses allowed on site; however, it would increase the density;
    - no uses exist adjacent to the site that are wholly incompatible with development resulting from this proposal;
  - adequate public facilities and services are likely to be available to serve the development allowed by the proposed zoning;

- exiting sewer and water utilities are currently provided to the site and upgrades to the water and sewer systems would be required as part of the phased development;
    - on-site parking spaces exceed the required number of spaces, and therefore meet everyday parking demands; Emerald Heights provides shuttle services to off-site parking serving special events;
    - there is one main access to and from the Emerald Heights community, off 176<sup>th</sup> Avenue NE on the east side of the property, which would be retained as the main access point; the existing emergency-only driveway on NE 111<sup>th</sup> Street would be relocated southeast and improved to provide a secondary access for residents and employees of Emerald Heights;
  - the probable adverse environment impacts of the types of development allowed by the proposed zone can be mitigated taking into account all applicable regulations or the unmitigated impacts are acceptable;
    - the proposal is not expected to result significant adverse environmental impacts;
    - no portions of the proposed expansion are within any critical areas;
    - the site has an existing Class III Stream with a 100' buffer and steep slopes, greater than 40 percent are located along the west portion of the property; these critical areas are preserved within an existing Native Growth Protection Area (NGPE), which is densely vegetated and the proposed expansion does not propose any impact to the Native Growth Protection Area;
    - the phased development may result in some tree removal and associated loss of habitat for tree- and ground-dwelling species within the site and outside the NGPE;
  - the amendment complies with all other applicable criteria and standards in the Redmond community Development Guide;
    - the proposal is consistent with the Redmond Community Development Guide; the site is already zoned residential and the proposed rezone is consistent with the Comprehensive Plan;
- Recommendation:
  - staff recommends approval subject to the recommendation in the Technical Committee Report with one minor change; and
  - Section VII relating to conditions of approval is to be stricken from the recommendation since the project will be conditioned during phased development of the proposal and not related to the zone change.

Ms. Johnson, submitted the following additional exhibit to the record:

- PowerPoint Presentation, 05/02/2011 Hearing; entered into the record as Exhibit 2;
- Public Comments received; entered into the record as Exhibit 3; and
- Applicant Materials; entered into the record as Exhibit 4.

Ms. Rice questioned whether any appeal was filed for SEPA. Ms. Johnson stated no appeal was filed; comments were received.

Ms. Johnson added another public comment item to Exhibit 3; a survey/petition received 05/02/2011; staff has not had a chance to review and verify the item.

Ms. Rice questioned the entitlement process – phased development, and whether each phase would go through an approval process; have an opportunity for public comment; and have a public hearing before a decision was issued. Ms. Johnson confirmed that each phase would go through an approval process, including a 21-day public comment period; a public hearing would only be held upon appeal.

Ms. Rice queried whether the application was being evaluated per the new zoning code (Redmond Zoning Code) or the old code (Redmond Community Development Guide). Ms. Johnson verified the application is under the Redmond Community Development Guide.

Ms. Rice questioned what adequate public facilities and services are required per the Comprehensive Plan. Ms. Johnson stated adequate public facilities and services include access to public parking, water, sewer, and stormwater facilities. Ms. Rice questioned why sewer and stormwater system capacity reviews were not included in the report. Ms. Johnson stated that these items would be reviewed at the time of future phased development application.

Ms. Rice queried as to whether future developments could involve additional bonuses under the City's senior housing density bonus program, as the current application does not, and has a maximum number of units proposed as 684. Ms. Johnson stated that no bonuses are available per the current code; 684 units is the maximum allowed for R-6 zoning.

Ms. Rice questioned whether the King County Metro comments in Exhibit 1, Attachment 9 have been addressed. Ms. Johnson stated that will be addressed at the time of phased development.

Ms. Rice stated that parking on-site currently exceeds requirements and would be reviewed at phased development. Ms. Johnson confirmed.

#### APPLICANT TESTIMONY

Ms. Molly Lawrence, Gordon Derr LLP, representing Emerald Heights, questioned whether the entire submission from the applicant was submitted and included in the technical committee report (Ms. Johnson confirmed), thanked the City and Ms. Johnson for their work on this application, and stated the applicant would like to offer a presentation including information on master planning of the project and outreach.

Ms. Lisa Hardy, Emerald Heights CEO, provided an overview of Emerald Heights, including site history, make-up, and an overview of services. Ms. Hardy spoke regarding the growth of the need and demand for senior housing.

Mr. Mike Miller, Applicant Architect, Rice Fergus & Miller, presented a conceptual master plan developed over the past two years; and overviewed the site plan and orientation. Ms. Rice questioned whether parking could be provided underground. Mr. Miller stated it is possible, and they are also exploring other surface parking options.

Ms. Lawrence introduced the following Emerald Heights board members, who offered testimony in support of the rezone application:

- John Plovie, Board of Directors Member;
- Larry Pinnt, Resident/ Board of Directors Member; and
- Don Williams, Resident Council Chair.

Ms. Lawrence concluded the applicant's presentation:

- the project has been controversial;
- this item was going to public hearing before the Hearing Examiner in 2010; and when the applicant learned of the concerns of the residents, the process was slowed and residents/citizens involved;
- presented a summary of Emerald Heights/Resident Relations (entered into the record as Exhibit 4);
- stated the residents have no property interest in Emerald Heights, Eastside Retirement Association owns the property; residents sign a Residence Agreement; and
- the goal of the project is to accommodate more seniors at the existing campus.

## PUBLIC TESTIMONY

Ms. Rice opened the floor for public testimony.

The following persons spoke in opposition to the application: Don Taves, Resident; Bill Franz, Resident; Marilyn Farrell, Resident; Barbara Knopf, Board of Directors Member; Catherine Moody, Resident; Ellen Taves, Resident; Barbara Mudge, Resident; and Marsha Heer, Resident.

The following persons spoke in support of the application: Dick Swope, Resident; Jay Bergevin, Board of Directors Member; Al Chambard, Resident; Linda Hussey, Board of Directors, Chair; Russ Smedley, Resident; Tom Rodriguez, Emerald Heights Employee; Robert Lauer, Resident; Judy Hjorth, Resident; John Wright, Resident/ Board of Directors Member; Mary Blanchard, Resident; Bunny Williams, Resident; Everil Loyd, Resident; and Martin Snodgrass, Neighboring Property Owner.

Ms. Rice entered a public comment letter submitted by Ms. Judy Hjorth into the record as Exhibit 5. Ms. Rice questioned if the applicant would like time to respond to any of the public testimony. The applicants requested, and Ms. Rice granted, a five minute recess for discussion.

*The hearing recessed for five minutes and then reconvened.*

Ms. Lawrence stated the applicants have no additional comments; and stated the rezone is critical to the future of Emerald Heights.

## CONCLUSION

Ms. Rice reviewed the exhibits entered into the record; and called for any further comments from Staff or the Applicant. As there were none, Ms. Rice advised the record is closed on the Emerald Heights Development Guide Amendment application, and a recommendation will be issued within ten business days.

## IV. ADJOURNMENT

The public hearing closed at 9:40 p.m., and the meeting adjourned.