



**CITY OF REDMOND  
HEARING EXAMINER  
MINUTES**

**August 1, 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**

David Almond, Engineering Manager, PW  
Lisa Rigg, Senior Engineer, PW  
Kurt Seemann, Senior Engineer, PW  
Steven Fischer, Principal Planner  
Thara Johnson, Associate Planner  
Elizabeth Adkisson, CMC, Deputy City Clerk

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Convened: 7 p.m.

Adjourned: 8:52 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 matters under consideration, reviewed the sequence of the hearings for the evening, and explained the proceedings. Ms. Rice noted that she will issue a written recommendation on the Evangelical Chinese Church – Conditional Use Permit application; and a written decision for the Variance application and a recommendation for the Conditional Use Permit application, for the Rose Hill Middle School matter. These recommendations and decision are to be issued within 21 days of the closing of the record of each matter.

**III. PUBLIC HEARING**

**A. EVANGELICAL CHINESE CHURCH – Conditional Use Permit**

DEV100005  
L110123 Conditional Use Permit (CUP)  
L110124 SEPA

Request: Conversion of two existing manufacturing warehouse buildings into church; including addition of 100 parking spaces, new stormwater system and tenant improvements.

Location: 17460 & 17360 NE 67th Court, Redmond

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 introduced themselves for the record:

Thara Johnson, Associate Planner, City of Redmond  
Paul Eng, Applicant  
Scott Myatich, MulvannyG2 Architecture, Applicant Representative

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 Forms
4. SEPA Application Form
5. Notice of Application and Certificate of Publishing
6. Neighborhood Meeting Notice
7. SEPA DNS and Certificate of Publishing
8. Environmental Checklist
9. Notice of Public Hearing and Certificates of Posting
10. Site Plans (including Landscaping and Tree Retention Plans)
11. Traffic Analysis
12. Stormwater Technical Report
13. Stormwater Design Report
14. CUP Change of Use Memo
15. CUP Decision Criteria
16. Comprehensive Planning Policies
17. Reciprocal Parking Lease
18. Transportation Concurrency Application

### **STAFF PRESENTATION:**

Ms. Thara Johnson, Associate Planner, reported on the Evangelical Chinese Church Conditional Use Permit (CUP) application:

- Vicinity Map;
- Proposal:
  - Conditional Use Permit for conversion of two manufacturing warehouse buildings, comprising of 61,166 square feet into a Church;
  - project located in the Manufacturing Park (MP) zone; and
  - scope includes adding 100 new parking spaces, new stormwater infiltration system, sidewalks, street frontage improvements and street lighting;
- Site Plan;

- Tree Preservation Plan:

	West Parcel:	East Parcel:
total significant trees	55	24
significant trees to be removed	4	4
significant trees undisturbed	51	20
percent significant trees preserved	92.7	83.3
replacement trees	4	4

- Process:

- Notice of Application (CUP):
  - 04/13/2011 – comment period begins;
  - 05/04/2011 – comment period ends;
- SEPA:
  - 06/02/2011 – comment period begins;
  - 06/16/2011 – comment period ends;
  - 06/17/2011 – appeal period begins;
  - 07/01/2011 – appeal period ends;
- Notice of Public Hearing: 07/11/2011 – issued;
- Neighborhood Meeting: 07/13/2011;

- Conditional Use – Decision Criteria:

- consistent with the Redmond Community Development Guide (RCDG) and the Comprehensive Plan;
  - proposal consistent; churches allowed as a Conditional Use or Special Use;
- designed in a manner which is compatible with and responds to the existing or intended character, appearance, quality of development, and physical characteristics of the subject property and immediate vicinity;
  - meets height and lot coverage limits of the MP zone; no exterior modifications proposed; and includes new sidewalks and street frontage improvements;
- the location, size, and height of the buildings, structure, walls and fences, and screen vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;
  - includes street frontage improvements which will improve circulation patterns; properties on three sides of the subject site are manufacturing uses; and a new Muslim Center is being constructed east of the site;
- the type of use, hours of operation, and appropriateness of the use in relation to adjacent uses shall be examined to determine if there are usual hazards or characteristics of the use that would have adverse impacts;
  - regular weekly services on Sundays at 9 and 10 a.m.’ special holiday services are held on limited occasions; and office hours for ten Church Staff members during the week;
- requested modification to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title;
  - proposal conforms to code standards of the MP zone – no modifications requested; and it is required to bring the site into conformance with the City’s current standards for stormwater and frontage improvements;
- the conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood;

- pedestrian and vehicular traffic associated with the proposed Church will not be hazardous or conflict with existing and anticipated traffic in the neighborhood;
- the conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities;
  - adequate water, sanitary sewer, police and fire protection are available at this site;
- if applicable, the application must also conform to the standards established in RCDG 20D.170, Special Uses;
  - the proposal complies with the standards established under Special Uses, RCDG 20D.170, Churches, Temples, Synagogues, and Other Places of Worship;
- Recommendation: approval with conditions on Conditional Use Permit.

The City's PowerPoint Presentation was entered into the record as Exhibit 2.

Ms. Rice stated that her copies of Exhibit 1, Attachment 13, Appendices' H and I, were missing the even-numbered pages. Ms. Johnson stated she will submit complete copies to the record following the hearing.

City Staff members provided the following information in response to Hearing Examiner queries:

- the application is vested under the RCDG (03/29/2011);
- the conditions of approval address adequate water, sewer and fire facilities; and
- the application previously came forward as a Special Use Permit; and was approved.

Ms. Rice requested a copy of the previously approved Special Use Permit be entered into the record, as Exhibit 3; Ms. Johnson noted she will submit a copy to the record following the hearing.

**APPLICANT TESTIMONY:**

Mr. Scott Myatich, MulvannyG2 Architecture, Applicant's Representative, stated that the applicant has no questions; and provided the following information in response to Hearing Examiner queries:

- weekday uses will be very few, vary in time/day, and will be by appointment only; and
- the applicant has no objections to the recommended conditions of approval.

**PUBLIC TESTIMONY:**

No members of the public were in attendance wishing to testify on this matter.

**CONCLUSION:**

Ms. Rice called for any further comments. Hearing none, Ms. Rice stated that the record was closed on the Evangelical Chinese Church and a written recommendation would be issued in no later than 21 days.

#### IV. PUBLIC HEARING

##### A. ROSE HILL MIDDLE SCHOOL – Conditional Use Permit and Variance

L110220 Conditional Use Permit (CUP)  
L110221 Variance

Request: Replacement of existing Junior High with new school building, parking and athletic field; and request for variance on building height and mechanical penthouse height.

Location: 13505 NE 75th Street, Redmond

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 introduced themselves for the record:

Steven Fischer, Principal Planner, City of Redmond  
Michael Romero, Applicant Representative  
Denise Stiffarm, Attorney, representing Applicant Lake Washington School District

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

#### Attachments

1. General Application
2. Vicinity Map
3. Site Plan
4. Notice of Application
5. Public Comment Letters
6. SEPA DNS and Checklist
7. SEPA Addendum
8. Notice of Public Hearing and Certificates of Posting
9. Landscape Plans
10. Arborist Report
11. Tree Retention Plan
12. Updated Tree Retention Table
13. Tree Exception Request and Approval
14. Wetland Report
15. Wildlife Report
16. Traffic Impact Study
17. Administrative Interpretation
18. Comparison of Replacement to Existing Building Location and Construction
19. DRB materials and Minutes
20. Request for Variance

21. Building Height Analysis
22. Preliminary Stormwater Report
23. Applicant's Response to Conditional Use Decision Criteria
24. Site Plans and Construction Phasing

**STAFF PRESENTATION:**

Mr. Steven Fischer, Principal Planner, reported on the Rose Hill Middle School Conditional Use Permit (CUP) and Variance):

- Vicinity Map;
- Site Map; zone: R-6 Single-Family Urban; address: 13505 NE 75<sup>th</sup> Street; site area: 23.49 acres; site is constrained by utilities (overhead power lines, Olympic Pipeline);
- Landscape and Tree Retention;
  - applicant has submitted a conceptual landscape plan that complies with the landscape standards;
  - a detailed landscape plan must be submitted prior to construction demonstrating compliance;
  - site contains 475 trees (457 significant trees, 18 landmark trees);
  - project proposes to save 222 trees (218 significant trees, 4 landmark trees);
  - tree retention: 46.7 percent – meets code;
- Elevations (main entry, south courtyard);
- Process:
  - Notice of Application (CUP and Variance):
    - 05/16/2010 – comment period begins;
    - 12/22/2010 – comment period ends
  - SEPA:
    - Determination of Non-Significance (DNS) issued by LWSD on 03/04/2011;
    - addendum issued by LWSD on 06/20/2011;
  - Notice of Public Hearing: issued 07/11/2011;
- Conditional Use – Decision Criteria:
  - consistent with the Redmond Zoning Code (RZC) and Comprehensive Plan;
    - proposal consistent – variance requested for building height; schools are allowed as a conditional use;
  - designed in a manner which is compatible with and responds to the existing or intended character, appearance, quality of development, and physical characteristics of the subject property and immediate vicinity;
    - continuation of existing use; building massing broken up, colors and materials sensitive to residential neighborhood; maintains existing tree buffer to the west – setback of 83 feet; and enhances landscaping to the south – setback of 181 feet;
  - the location, size and height of the buildings, structure, walls and fences, and screen vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;
    - improved traffic circulation with better on-site queuing for parent drop-off/pick-up; potential conflict between cars and pedestrians minimized; increased on-site parking; most quiet portions of the building on the west side; massing of the building broken down; and building steps up the hillside to minimize height;

- the type of use, hours of operation, and appropriateness of the use in relation to adjacent uses shall be examined to determine if there are usual hazards or characteristics of the use that would have adverse impacts;
  - hours of operation will not change from current use; school begins at 8:30 a.m. and ends at 3 p.m.; and various after school functions – community and school;
- the conditional use us such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood;
  - vehicular driveway will allow for increased queuing for drop-off/pick-up; separate bus lane – increased safety; creation of a bicycle shelter; increased on-site parking – approximately 190 spaces for after school activities; and maintains existing trail connection located in southwest corner of site;
- the conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities;
  - enrollment at the school will be increased; and adequate utility and public safety is available to the site;
- Variance – Decision Criteria:
  - variance will not constitute a grant of special privilege inconsistent with the limitations upon uses of other properties in the vicinity and land use district of the subject property;
    - schools are an allowed use in residential zones; no other schools are located in the general vicinity; and will not constitute a grant of special privilege inconsistent to other properties in the area;
  - variance is reasonably necessary, only because of special physical circumstances relating to the size, shape, topography, location, or surrounding of the subject property to provide it with the use rights and privileges permitted to other properties in the vicinity and in the land use district of the subject property;
    - factors for variance: 1) location; 2) slope;
    - Location: the southwest portion of the site must be used for construction;
      - existing school must remain operational during construction;
      - overhead power lines;
      - Olympic Pipeline Corridor;
      - Hazardous Liquid Pipeline Code;
      - constraints to this site require that the new school be constructed in the southwest corner of the site; and
      - the new school is further away from the pipeline than the existing school;
    - Slope:
      - the building footprint encompasses a 25-foot change in elevation;
      - average finished grade is calculated by enclosing the footprint with a box and measuring the elevation at the four midpoints;
      - building height is then measured from average finished grade; and
      - proposed building follows the existing slope;
  - conditions or situations giving rise to the variance application have not been created or caused by the applicant or recent prior owner of the subject property;
    - the site is constrained due to the overhead power lines, the Olympic Pipeline corridor and the need to keep existing the school in operation during construction;
    - building would meet the height requirement if it were constructed on a level site;

- strict adherence to the regulation from which the variance is requested would create unnecessary hardship to the property owner;
  - building could be designed to meet the 35-foot height limit if it were constructed on a level site;
  - with the slope, the building could be broken into a number of separate buildings which would each meet the building height requirement; this action is not reasonable due to building security and operational needs;
- variance is the minimum necessary to grant relief;
  - yes, the project architect has worked to minimize the variance request;
- variance does not relieve an applicant from conditions established during prior permit review;
  - there are no prior conditions during prior permit review;
- all approved variances otherwise comply with the requirements of the RZC and Comprehensive Plan;
  - other than building height, the project complies with all other standards in the RZC and Comprehensive Plan;
- Recommendation: approval of the Conditional Use Permit with conditions; and approval of the Variance request for increased building height.

Ms. Rice assigned the staff PowerPoint Presentation into the record, as Exhibit 2; and stated that slide no. 3 (not included in Exhibit 2 due to technical printing difficulties) would be submitted into the record as Exhibit 3, and could be submitted post-hearing.

Mr. Fischer submitted the following exhibits to the record; Ms. Rice assigned them accordingly:

- Affidavit of Posting; Exhibit 4;
- Affidavit of Publication; Exhibit 5;
- Redmond Fire Department Olympic Pipeline Response Plan, dated 03/06/2000; Exhibit 6;
- public comment letter received 08/01/2011, from Sue Hogeboom; Exhibit 7; and
- public comment letter received 08/01/2011, from Nancy Faulkner; Exhibit 8.

Mr. Fischer provided the following information in response to Hearing Examiner queries:

- regarding Land Use Policy 10 – any portion of the facility measured is to meet code;
- one call locator service is provided with digging/trenching(provide marking of where utilities are located);
- Ordinance No. 2136, regarding policies related to hazardous liquid pipelines; entered into the record as Exhibit 9;
- the City will review and approve traffic impact report;
- City staff and the applicant has met with Olympic Pipeline; project is in compliance with their requirements;
- correspondence collected during comment period after notice of application;
- proposed use of school for geothermal technology – to be reviewed during civil approval phase; and
- the Design Review Board reviews projects over \$50,000; reviews site plan, architecture, color, materials, landscaping, and lighting; recommendation have been submitted to the Hearing Examiner.

## **APPLICANT TESTIMONY:**

Mr. Michael Romero, Applicant Representative, confirmed the Applicant's concurrence with the City's Report and proposed conditions of approval. Mr. Romero submitted the following exhibits into the record; Ms. Rice assigned them accordingly:

- complete application materials, CD, 08/01/2011; Exhibit 10;
- Final Site Plan, 08/01/2011; Exhibit 11;
- Construction Phasing 2B Building Construction Plan, Sheet G5.15, 08/01/2011; Exhibit 12;
- Geologic Map of Redmond, vicinity of Rose Hill Junior High School; Exhibit 13a;
- Conceptual Hydrogeological Cross Section, prepared by Associated Earth Sciences; Exhibit 13b;
- Important Safety Information for Emergency Responders (brochure), Olympic Pipeline; Exhibit 14a;
- RP 1162 Collaborative Program - [Dear] School Administrator memorandum and attached information, Olympic Pipeline; Exhibit 14b; and
- list of schools to which 14a and 14b are distributed by Olympic Pipeline; Exhibit 14c.

The Applicant Representative's provided the following information in response to Hearing Examiner queries:

- the final site plan submitted includes proposed portable locations (arranged as a cluster);
- revision to sheet G5.15 includes clarification of setback;
- Lake Washington School District (LWSD) is the property owner;
- the pipeline operator owns the pipeline easement;
- two schools are located on the property (current junior high – to be phased into a middle school; and Stella Schola Program for 6<sup>th</sup>/7<sup>th</sup>/8<sup>th</sup> grades – located in portables);
- original school capacity: 654; total enrollment for both schools, 09/2010: 588;
- project will provide energy savings, and benefits for students;
- it is typical for the LWSD to act as lead agency to review SEPA and issue determination (in this case – Determination of Non-Significance [DNS]); the City could object or request to be a co-leader agency – no such requests were made.

## **PUBLIC TESTIMONY:**

The following members of the public spoke regarding concerns with the project:

- Sue Hogeboom– concerns with located doors during drop-off period, traffic, and would like to review tree retention plan and the updated site plan; and
- Nancy Faulkner – concerns with tree retention, wildlife habitat preservation, and impact of P.E. classes near property.

The Applicant responded to the Public Testimony with the following information:

- the applicant has worked with the City regarding plans for pedestrian and vehicular access to the property – how to best to serve the community (student in/egress, as well as after school hours use of property by the community);
- Stella Schola will have a unique entry way;
- the applicant will continue to monitor access.

The Applicant responded to the additional Hearing Examiner queries with the following information:

- review of all access doors and monitoring;
- queuing of drop-off zone is a new additional to the project plan (currently no queuing plan);
- a temporary construction site barrier will be used;
- review of tree preservation plan; and
- review of new P.E. running routes.

Ms. Pamela Grady, BP, Olympic Pipeline, provided the following information in response to Hearing Examiner queries:

- Olympic Pipeline has reviewed the project plans and have no safety concerns;
- reviewers will be available to monitor area around pipeline (one call system); and
- LWSD was the original easement grantor.

### **CONCLUSION:**

Mr. Romero stated that construction parking, by contract, will be limited to onsite, or defined alternative offsite, parking areas only; there will be penalties for noncompliance; and neighborhood streets will be monitored.

Mr. Fischer stated that all exhibits and project files, including the Tree Retention Plan, are on file at the City and available for review.

Ms. Rice called for any further comments. Hearing none, Ms. Rice stated that the record was closed on the Rose Hill Middle School Conditional Use Permit and Variance application, and a written decision (variance) and recommendation (CUP) would be issued in no later than 21 days.

### **V. ADJOURNMENT**

The public hearing closed at 8:52 p.m., and the meeting adjourned.