

TECHNICAL COMMITTEE REPORT

To: Planning Commission

From: Technical Committee

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File Numbers and Title: L100153, L100344 (SEPA) , Redmond Village Square Comp. Plan/DGA

Reasons the Proposal should be Adopted:

The proposed amendments should be adopted because:

- It will improve the economic viability for future redevelopment of the affected area in a manner that is more in keeping with the urban vision for the Downtown neighborhood.
- It will incrementally reduce the land area of a zoning district that is primarily oriented to single-story, automobile oriented, uses which are not preferred land uses in the long-term future.
- The amendment will encourage/allow an intensity of redevelopment that will be commensurate with the newly required north/south vehicular and pedestrian connection from Avondale Way on the north to 168th Avenue NE on the south, through the affected area (in terms of a rational nexus for the new connection requirement).
- The existing non-conforming rights regulations will continue to protect land uses that will become legal non-conforming uses as a

result of the amendments, as they will still be allowed to operate, be sold, and be leased as similar legal non-conforming uses until the properties which contain such uses are redeveloped.

I. APPLICANT PROPOSAL

A. APPLICANT

Legacy Commercial LLC
C/o William Nelson
400 – 112th Avenue, NE Suite 230
Bellevue WA 98004

B. BACKGROUND AND REASON FOR PROPOSAL

The applicant is requesting that their property, which includes Value Village, Malt & Vine, Peking Chinese Restaurant, and other businesses, be included in the adjoining Anderson Park district as opposed to the Bear Creek district that it is currently in (See Exhibit A, Original Application). The reason for their request is to increase the development potential on the property, as the Anderson Park district allows mixed-use office/commercial/residential development up to 5 stories (and up to 6 stories in height with Transfer Development Rights), whereas the Bear Creek district generally allows up to 2 stories (and up to 4 stories with a master plan to create an urban village with internal streets).

In 2003 the Technical Committee recommended a similar, but larger map amendment be approved with the 2003 Downtown Comprehensive Plan Update (see Exhibit D – Boundary Revision Recommended 2003) for the same reasons this amendment should be adopted, as stated above . At that time, the Planning Commission voted to not include that boundary amendment in its recommendation to the City Council, as they felt that extending the area where taller buildings are allowed over the north side of Redmond Way (between Redmond Way and Avondale Way, and 170th Place NE.) would diminish the gateway feel Anderson Park has on west bound traffic, as taller buildings would block the view to Anderson Park from the east.

Additionally, the recent adoption of the Downtown East West Corridor (DEWCS) Plan will have an effect on future redevelopment of the property included in the original application (see Exhibit E and Exhibit A). On the far east of the DEWCS plan (Exhibit E) there is a new future north/south connection required through Redmond Village Square to connect Avondale Way on the north with 168th Avenue NE on the south in Town Center. The recommended increase in building height and residential density would help offset the reduction of developable land that is required for the new north/south connection.

II. RECOMMENDATION

The Technical Committee recommends amending the Comprehensive Plan and Zoning Code as shown in Exhibits B and C.

In summary, this amendment would change the zoning of the affected properties for Bear Creek (BC) to Anderson Park (AP), which would allow an increase in building height from 2 to 4 stories in the BC zone to an allowed height of 5 to 6 stories in the AP zone, and would allow an increase in lot coverage from 80% in the BC zone to 100% in the AP zone. Conversely, with the change from BC to AP, single-story drive-through uses would no longer be allowed on properties that do not currently have that type of use on it now, as that use is not permitted in the AP zone. The change would make existing single-story drive through uses on the affected properties (including McDonalds, Dairy Queen, Starbucks and the gas station) legal non-conforming uses which are allowed to continue operation until the properties are redeveloped in the future.

III. PRIMARY ISSUES CONSIDERED AND ALTERNATIVES

A. ISSUES CONSIDERED

- Long Term Vision for Downtown

As stated above, Planning Staff and the Technical Committee recommended a similar map amendment (Exhibit D) with the 2003 Downtown update in order to move future land uses closer to the vision of a more intense, urban, and pedestrian friendly design, and away from the existing low density, auto-oriented, suburban model in the proposed area. However, a majority of the Planning Commissioners were concerned with increasing the building height on the north side of Redmond Way, as they felt that taller buildings close to Anderson Park would adversely change the “gateway” Anderson Park presents at the east end of the inner Downtown core, as well as extend the length of area where tall buildings (5 to 6 stories) are allowed on Redmond Way.

Planning Staff and the Technical Committee continues to recommend future development to be more intense and less auto-oriented at this end of the Anderson Park district.

- Recommended Boundaries

The applicant, Legacy Commercial LLC presented a request to move only their two parcels from the BC district to the AP district (See map in Exhibit A), which would leave the existing gas station that is in front of a portion of their property

(and fronting Redmond Way) in the adjoining BC district. Staff does not recommend only the Legacy Commercial LLC properties be rezoned, but recommends all of the properties on the south side of Redmond Way between their property and 170th Avenue NE be moved into the adjoining AP district (as shown in Exhibits B and C) so the entire block face could move toward the future urban center vision. As Staff understood the concerns of the Planning Commission in 2003, it is not recommending that the north side of Redmond Way be added into the AP district.

- **Making Existing Permitted Uses Legal Non-Conforming Uses**

With the recommended changes in boundaries, the existing single-story drive-through uses would become legal non-conforming uses, and new single-story drive-through uses would be prohibited on properties where none currently exist in the affected area. The City's regulations regarding legal non-conforming uses allow the legal non-conforming uses the ability to remain, remodel, and rebuild if destroyed by accident.

Changing the boundaries and making the existing single-story drive-through uses legal non-conforming uses would not necessarily hasten their departure. They could remain as long as the property owner wants them to. The businesses could be sold, and reoccupied by like-kind drive-through businesses (if it goes vacant) until the property owner decides to redevelop the property. Therefore, the zone change would not negatively affect these existing uses, or the future operation of them.

B. ALTERNATIVES

1. Endorse the Technical Committee's recommendation in full.
2. Endorse an alternate boundary revision.
3. Do not endorse the Technical Committee's recommendation in favor of no action.

IV. SUPPORTING ANALYSIS

A. EXISTING CONDITIONS

The current boundary between the Anderson Park district and the Bear Creek District is shown in Exhibits F and G. The existing uses in the subject area include the retail/service uses in Redmond Village Square, a gas station, McDonald's, Dairy Queen, Starbucks and some other retail/service uses. To the north, across Redmond Way are two banks. To the east, across 170th Avenue, is a bank, and to the south, across NE 76th Street, is Redmond Town Center.

B. COMPLIANCE WITH CRITERIA FOR PLAN AMENDMENTS

Redmond Comprehensive Plan Policies PI-16 and LU-24 direct the City to take several considerations, as applicable, into account as part of decisions on proposed amendments to the Comprehensive Plan.

Items 1 through 6 apply to all proposed amendments. Items 7 through 9 apply when proposed amendments concern allowed land uses or densities, such as proposed amendments to the Land Use Plan Map, land use designations, allowed land uses, or zoning map.

The following is an analysis of how this proposal complies with the requirements for amendments.

1. Consistency with Growth Management Act (GMA), State of Washington Department of Commerce Procedural Criteria, VISION 2040 or its successor, and the King County Countywide Planning Policies.

The recommended map amendments are consistent with Redmond's Comprehensive Plan, and such coordination is one of the Growth Management Act's principle themes. The proposed amendments have been circulated according to the Washington State Department of Commerce procedures, and are consistent with the VISION 2040 goal to focus growth within already urbanized areas to create walkable, compact, and transit-oriented communities that maintain unique local character.

2. Consistency with Redmond's Comprehensive Plan, including the following sections as applicable:

a. Consistency with the goals contained in the Goals, Vision and Framework Policy Element.

The proposal directly addresses the following goals:

To support vibrant concentrations of retail, office, service, residential, and recreational activity in Downtown and Overlake.

The proposal supports this goal as would enable a greater concentration of development in the subject portion of Downtown.

DT-5 Apply flexible regulations that encourage creative proposals consistent with Downtown policies. Consider favorably land use changes or plan amendments that allow projects consistent with the vision and framework policies for the Downtown.

Adopting the recommended amendments would be in keeping with the above policy as it would be considering favorably an amendment to the plan that would allow future development that would be more consistent with the vision.

b. Consistency with the preferred land use pattern as described in the Land Use Element,

Policy FW-10 summarizes Redmond's preferred land use pattern. The proposal is consistent with the fifth objective; which is to focus and promote office, housing, and retail development in the Downtown and Overlake Urban Center. The proposal accomplishes this by encouraging/allowing more land use intensity (consistent with the urban vision) in the affected area.

3. Potential general impacts to the natural environment, such as impacts to critical areas and other natural resources, including whether development will be directed away from environmentally critical areas and other natural resources.

The proposed amendment will not have, or cause, any impacts to the natural environment.

4. Potential general impacts to the capacity of public facilities and services. For land use related amendments, whether public facilities and services can be provided cost-effectively and adequately at the proposed density/intensity.

The proposed amendment will likely result in an increased demand for public services, but not beyond what is already anticipated for in this Urban Center.

5. Potential general economic impacts, such as impacts for business, residents, property owners, or City Government.

The proposed amendment should have long term beneficial economic impacts for most of the above when the affected area is redeveloped at a higher economic potential.

6. For issues that have been considered within the last four annual updates, whether there has been a change in circumstances that makes the proposed amendment appropriate or whether the amendment is needed to remedy a mistake.

As stated above, a similar amendment was considered in 2003. Since that time there has been a change in circumstances that makes this proposed amendment appropriate. That change is the recent adoption of the Downtown East-West Corridor Study (DEWCS) Plan, which provides implementation guidelines for improving the pedestrian/retail environment in the Redmond Way/Cleveland Street corridor and associated north/south streets that cross them. With that adoption

came the addition of a new north/south vehicular/pedestrian connection (not necessarily a public street) from Avondale Way (on the north) to 168th Avenue NE (on the south) through the affected area. (See Exhibit E) This new north/south connection has been added to the functional plans requiring such improvements for new developments. The proposed amendment will more likely result in future development that is large and intense enough to warrant rational nexus to require this desired north/south vehicular/pedestrian connection through the area. Conversely, potential redevelopment scenarios envisioned under the existing zoning are not likely to encourage redevelopment of the area as the cost of the new north/south connection may proportionally exceed the cost/benefit of redevelopment under the existing zoning.

The following items apply when proposed amendments concern allowed land uses or densities, such as proposed amendments to the Land Use Plan Map, land use designations, allowed land uses, or zoning map.

- 7. General suitability of the area for the proposed land use or density, taking into account considerations such as adjacent land uses and the surrounding development pattern, and the zoning standards under the potential zoning classifications.**

The subject area is suitable for the extension of the Anderson Park zone, eastward to 170th Avenue NE, as the surrounding zoning and adjacent uses already allow greater intensities of heights and uses than currently exist on the properties, within this urban center. The additional height and intensity allowed on the subject properties of the amended area will not have negative impacts on the surrounding properties, which are all within the urban center boundary.

- 8. Whether the proposed land use designation, zoning, or uses are compatible with nearby land use designations, zoning or uses. Whether there are opportunities to achieve compatibility with surrounding land uses through design or through separation by topography or buffers.**

The proposed zoning designation and the envisioned uses and intensities of the amended area are compatible with the surrounding uses. The current surrounding uses are all commercial/retail.

- 9. If the amendment proposes a change in allowed uses or densities in an area:**
 - a. The need and demand for the land uses that would be allowed and whether the change would result in the loss of capacity to accommodate other needed land uses, especially whether the proposed amendment complies with policy HO-16, the City's policy of no-net loss of housing capacity;**

The amendment will not result in a loss of capacity to accommodate other needed land uses. The amendment will allow greater density of development, including residential, commercial, and tourism related uses.

b. Implications of the proposed amendment for the balance between the amount and type of employment in Redmond and the amount and type of housing in Redmond.

The proposed amendment provides greater ability to achieve more housing in Redmond, as it will increase the development potential on the properties.

V. AUTHORITY AND ENVIRONMENTAL, PUBLIC AND AGENCY REVIEW

A. Amendment Process

RCDG Sections 20F.30.15 and 20F.30.55 require that amendments to the Comprehensive Plan or Zoning Code (except zoning map amendments consistent with the Comprehensive Plan) be reviewed under the Type VI process. Under this process, the Planning Commission conducts a study session(s), an open record hearing(s) on the proposed amendment, and makes a recommendation to the City Council. The City Council is the decision-making body for this process.

B. Subject Matter Jurisdiction

The Redmond Planning Commission and the Redmond City Council have subject matter jurisdiction to hear and decide whether to adopt the proposed amendment.

C. Washington State Environmental Policy Act (SEPA)

A Determination of Non-Significance and SEPA Checklist were issued for this non-project action on October 21, 2010.

D. 60-Day State Agency Review

State agencies were sent 60-day notice of this proposed amendment on October 25, 2010.

E. Public Involvement

The public has opportunities to comment on the proposed amendment through the Planning Commission review process and public hearing.

F. Appeals

RCDG 20F.30.55 identifies Development Guide Amendments as a Type VI permit. Final action is held by the City Council. The action of the City Council on a Type VI proposal may be appealed by filing a petition with the Growth Management Hearing Board pursuant to the requirements

VI. LIST OF EXHIBITS

- Exhibit A: Original Boundary Revision Request by Applicant**
- Exhibit B: Recommended Amendment to Comprehensive Plan Map DT-1**
- Exhibit C: Recommended Amendment to Downtown Districts Map 20C.40.20-015**
- Exhibit D: Boundary Revision Recommended 2003**
- Exhibit E: Excerpt of DEWCS Master Plan**
- Exhibit F: Existing Comprehensive Plan Map DT-1**
- Exhibit G: Existing Downtown Districts Map 20C.40.20-015 and Regulations**
- Exhibit H: SEPA Threshold Determination**

Robert G. Odle, Director of Planning and
Community Development

Date

William J. Campbell, Director of Public Works

Date

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