## City of Redmond Code Rewrite Commission

## March 15, 2010 - Meeting Summary

Redmond City Hall – Council Conference Room 15670 NE 85<sup>th</sup> Street, Redmond, Washington

# **Code Rewrite Commissioners in attendance:**

Chair Steve Nolen, Vice Chair Sue Stewart, Robert Fitzmaurice, Robert Pantley, Vibhas Chandorkar

# Staff in attendance:

Lynda Aparicio, Judd Black, Steven Fischer

#### **Business conducted:**

The meeting was called to order at 6:00pm.

Approval of Agenda: Mr. Nolen made a minor change to the agenda to recognize councilmember Allen was present to talk with the Commission about how to consider CRC proposed changes related to sustainability efforts.

Mr. Fitzmaurice made a motion to approve the meeting summary of March 1. Ms. Stewart seconded the motion. The motion passed unanimously.

Mr. Chandorkar requested clarification as to whether summaries would replace minutes. Staff clarified that the transcriptionist prepares minutes when there is a public hearing but that summaries are prepared when no hearing is held.

#### Items from the Audience:

There were no items from the audience

# **CRC** Reports

Mr. Nolen invited councilmember Allen to the table. He informed the Commission that he had spoken with her earlier in the day and she had indicated she had watched the last CRC meeting and was aware of the conversation that took place.

Councilmember Allen expressed gratitude toward the Commission for their service to the City and their commitment to the rewrite effort. Ms. Allen recognized that there has been confusion with respect to what the Council direction is on sustainability issues. She stated that after watching the CRC meeting, she had an opportunity to talk to the Council the following evening about ways to convey the ideas that come out of the Commission to the Green Team, who is looking at sustainability in a holistic manner city-wide. She recognized the frustration of having their ideas placed in a parking lot and wanted to create a more formal approach to conveying ideas to the Green Team on a regular basis. She expressed that she wanted to hear the Commission concerns and relay information back to the Council with respect to an agreed upon approach.

Mr. Nolen stated that his sense was that there was some shared concern about having the CRC ideas on sustainability go through a filter before it gets to Council. He agreed with the idea of having the Green Team review the ideas and present them to Council, but wanted to see the CRC input next to the Green Team's analysis and recommendation to allow a full conversation surrounding the issue. Councilmember Allen agreed that the Council would want to see both proposals.

Mr. Pantley stated that he spoke with Jim Roberts and Judd Black about this issue, and during that conversation they discussed an approach that he felt comfortable with. He expressed that he felt sustainability should be integrated into the code, but recognized there are limitations considering the timing of the rewrite project. He described the approach of identifying 3 or 4 critical aspects, such as green roofs that could be considered with the rewrite. He stated that there may be 20 separate ideas, but that three or four elements could be incorporated with the code instead of after the rewrite.

Mr. Black confirmed a possible approach to identify a few key items that could be worked on now, parallel to the rewrite, so that the CRC can continue with their work, but we don't miss an opportunity to include some sustainable measures into the code. He stated that staff could not promise that those items could be incorporated, but it could be a goal. Mr. Pantley emphasized that we should try to get some key elements in the code now so that Redmond could be a leader in sustainable efforts, and serve as a model for others as to how sustainability can be integrated and built up over time

Ms. Allen stated that she would also suggest staff report back not only to the Commission, but use the report out time at Planning and Public Works Committee meeting to keep the Committee informed as to the efforts being reviewed by staff.

Ms. Stewart asked what the base framework was for the Green Team's work. Staff explained that staff has done a review of the Comprehensive Plan and there are many goals and policies that serve as a foundation. Ms. Stewart stated that the CRC is dealing specifically with the code and the CRC does not want to miss an opportunity to integrate sustainability. She stated she wants to be efficient with the Green Team efforts to incorporate the work into the rewrite.

Mr. Fitzmaurice stated he does not understand the charter and mission of the Green Team. He stated it would be helpful to know who the Green Team is and what their work plan is to identify areas where sustainability can be incorporated into the code. He requested clarification for how the Council would like to handle issues where CRC has proposals that may be considered change in policy.

Ms. Allen stated she felt that the items are showing up in the parking lot and she felt that was a good information loop. Mr. Fitzmaurice stated that frequent and perhaps more official feedback would help the Commission continue their work on specific issues.

Mr. Chandorkar stated the Commission sometimes has questions about what issues to consider or the scope of their work. He stated that the feedback is essential to continue their efforts in a timely fashion in a manner consistent with Council feedback. Ms. Allen concurred that there can be a difficult distinction between changing code and changing policy. She stated that as ideas come from CRC the Council will want to check in periodically to see the ideas CRC is coming up with. Ms. Allen continued on to say that the Council is cognizant of the heavy workload and that significant policy discussion can slow down the process.

Mr. Fitzmaurice stated that it may help to have the information from the public hearing partially inform the recommendation to Council. He gave the example of the discussion pertaining to the standard of proof for appeals. Mr. Nolen described that in that case he felt it was appropriate for the Council to make that decision and it was not the CRC's place to make that recommendation, but rather it should be a recommendation from the City Attorney to the Council.

Mr. Nolen echoed Mr. Fitzmaurice's request to hear from the Green Team as to their mission and work plan so that the CRC gets a good idea of their work plan, timing and scope and help the Commission give appropriate input. He expressed that the CRC represents a lot of experience with respect to development and the City would benefit in hearing the suggestions that concern sustainability.

Ms. Allen reiterated that the Council is aware of the experience and expertise represented on the Commission and stated that the Council does not want to miss the opportunity for their feedback. Ms. Stewart stated that she too felt the experience of the Commission members was very valuable, and she too would not want to miss the opportunity to have their feedback during the process. Mr. Pantley stated that the Commission is very cognizant of when new policy is being discussed and the Council can be reassured that the Commission is considering that as they move through the code. He stated the he felt it was part of the Commission's job to think through the issues so that the Council does not struggle with all the issues at the time they consider the issue. He stated he is hopeful that between the Commission and staff, there are key sustainability issues that the Council can decide what should be focused on, and that this would give

the Green Team some guidance in moving forward. Ms. Allen reiterated that the Commission should continue to identify those areas and feed those to staff to continue the feedback loop to Council.

#### Study Session and Recommendation-Administration and Procedures:

Ms. Aparicio confirmed with the Commission that she would review the public comments that resulted in proposed changes, and if there were any other items the Commission wished to discuss, those items could be considered as well.

Regarding the first item, Ms. Stewart asked for clarification as to the notice procedure for modifications to approved permits. She felt that it was important to be clear in notifications to the public what the intent is behind administrative modifications.

The Commission requested clarification as to whether the term determination or recommendation should be used in describing the Landmark Commission decisions. Staff indicated the proposal would reflect the proper term upon a review of the code. Mr. Nolen noted that the exhibit distributed to the Commission reflecting new language proposed for Landmark Commission determinations did not include corrections to the proper code citations (070 vs. 090). Staff indicated that would be corrected.

Motion made by Commissioner Chandorkar to accept the Administration and Procedures as modified by Commission and staff. Motioned seconded by Mr. Fitzmaurice. Motion carried unanimously.

# Study Session-Environmental Regulations

Mr. Fischer began with a brief overview of the portions of code that comprise the Environmental regulations. The Commission began their review of the Noise section of code with the suggestion by Commissioner Chandorkar that the term Environmental Designation for Noise Abatement (EDNA) be moved up to section 030. There was general support for this change.

Commissioner Fitzmaurice noted that the first portion of the section, 010 Purpose, was not properly structured. The members of the Commission discussed this and came to agreement on modifying this section of code.

Commissioner Chandorkar raised a concern on that the code states that the measurement of noise is to take place at the property line. The Commission agreed to modify the code to allow for the measurement of noise anywhere on the receiving property. The Commission discussed the impacts that noise regulations can have on neighboring properties and uses. Additionally, due to the way noise travels, it can create a situation where it is in compliance at the property line of the receiving property yet be non-compliant within the interior of the property.

Commissioner Pantley expressed concern that emergency generators for residential uses would be regulated by the noise code. Commissioner Fitzmaurice noted that such use is exempt from this code provision. Mr. Pantley was concerned that townhomes within the downtown would not be covered by this exemption and provisions should need to be made to extend the exemption to such uses. Commissioner Fitzmaurice noted that the code did not mention residential zones but residential uses. Commissioner Nolen noted that if it is a matter of life/safety that a Code Enforcement Officer is going to be able to discern when a generator should be allowed.

Commissioner Chandorkar wanted to know about the "designated area where quiet" is necessary.

Commissioner Fitzmaurice wanted to know if the City had designated areas by code or practice. The

Commission considered if there should be signs or if the code should include other areas other than those listed.

Commissioner Nolen noted that the code referred the reader back to section 040 and wanted to know where that was located. Was this within the noise code or elsewhere? Mr. Fischer stated that staff is currently working on creating a numbering system for the code and that the reference to section 040 is simply a placeholder. When commissioners see a reference such as this, it will always pointing the reader back to a section within the existing chapter.

The Commission discussed 050(5)(c) where the measurement of the noise will take place. The members wanted this to be consistent with the change that they made to the applicability portion of the code. Mr. Fischer noted that he believed that the code, as originally written, provided greater clarity than that which was proposed by the Commission. Commissioner Nolen stated that similar language also appears under section 080. Mr. Fischer suggested that the language under 050 be struck from the code as it is redundant.

Commissioner Pantley expressed concern, under 060(3), about the addition of "shall" in place of the word "should". The Commission discussed that noise walls were needed in an urban area; however, blank walls are not desired. Staff noted that noise attenuating fences have been used successfully on both City and private projects that still fit within the residential neighborhood. The Commission noted a number of changes to the wording of this section.

# Reports/Scheduling/Topics for Next Meeting

Staff requested confirmation from the Commissioners as to whether they would be available for the joint meeting with Council on either June 22 or June 29. The Commissioners agreed that June 22 would be preferable.

#### Adjourn:

The meeting was adjourned at approximately 8:25

Summary Approved On: 4/12/10

Code Rewrite Commission/Chair