Memorandum

To: Planning Commission

From: Jeff Churchill, AICP, Senior Planner, 425-556-2492

Date: January 16, 2013

Subject: Overlake SEPA Planned Action Update

INTRODUCTION/BACKGROUND

The City of Redmond established the Overlake SEPA Planned Action in 1999 (Ord. 2025). Planned Actions are a tool authorized in the State Environmental Policy Act (SEPA) that allow agencies to conduct area-wide environmental review and disclose and plan mitigation for impacts over the life of a plan, such as a neighborhood plan.

Planned Actions are periodically updated in order to incorporate environmental review documents that have been completed since the inception of the Planned Action. The Overlake SEPA Planned Action has been updated once, in 2009. Since then, the City has completed additional environmental review that should be incorporated into the Overlake SEPA Planned Action. This proposed Zoning Code amendment would accomplish that.

PREPARATION FOR PUBLIC HEARING AND STUDY SESSION

Please review the enclosed Technical Committee Report. The Report provides additional background and details regarding this proposed amendment.

REVIEW SCHEDULE

This is a minor amendment and staff does not anticipate significant issues. The Commission's introduction to this issue and the public hearing are both scheduled for January 16, 2013. Staff anticipates that the Planning Commission would reach a recommendation on the same night. If not, review would be continued to the following week. City Council review would follow later in the first quarter.

ENCLOSURES

Technical Committee Report

Please contact Jeff Churchill (jchurchill@redmond.gov) with questions or concerns.

TECHNICAL COMMITTEE REPORT TO THE PLANNING COMMISSION

<u>To:</u> Planning Commission

From: Technical Committee

Staff Contacts: Rob Odle, Planning Director

425-556-2417

Lori Peckol, AICP, Policy Planning Manager

425-556-2411

Jeff Churchill, AICP, Senior Planner

425-556-2492

<u>Date:</u> January 2, 2013

Project File Number: L120495

Project Name: Overlake SEPA Planned Action Update

Related File Numbers: L120494 (SEPA)

Applicant: City of Redmond

Applicant's

Representative: Jeff Churchill

Reason for Proposal

Adoption: The proposal should be adopted because it facilitates

implementation of the adopted Overlake Neighborhood

Plan, and ensures that all relevant environmental

documents are part of the Overlake SEPA Planned Action.

I. APPLICANT PROPOSAL

BACKGROUND AND REASON FOR PROPOSAL:

The City of Redmond established the Overlake SEPA Planned Action in 1999 in conjunction with the Overlake Neighborhood Plan and Bellevue-Redmond Overlake Transportation Study Update. The State Environmental Policy Act (SEPA) authorizes cities to complete environmental review at a neighborhood (or other geographic) level, rather than on a project-by-project basis. This is done by

completing an environmental impact statement (EIS). The EIS discloses and identifies mitigation for significant adverse environmental impacts at the outset. Subsequent development projects must fall within the bounds of what was contemplated in the EIS in order to gain "Planned Action Coverage." A project that receives Planned Action Coverage is not required to complete project-specific environmental review, because impacts and mitigation measures were already identified in the EIS.

In 2007 Redmond adopted a significant update to the Overlake Neighborhood Plan, and also completed a Supplemental Environmental Impact Statement (SEIS). In 2009 the SEIS was incorporated into the SEPA Planned Action. Since then the City has completed two other environmental studies that are relevant to the Planned Action: a SEPA Addendum for the regional stormwater facilities in Overlake, and a SEPA Addendum for this proposal to update the Planned Action.

In order to be most effective, the Planned Action needs to be periodically updated in order to incorporate all relevant environmental documents. The purpose of this update is to do exactly that. The City proposes to update the Redmond Zoning Code to incorporate relevant environmental documents completed since 2009 into the Overlake SEPA Planned Action.

II. RECOMMENDATION

Recommend adoption of updates to the Overlake SEPA Planned Action portion of the Redmond Zoning Code in order to incorporate all relevant environmental documents.

III. PRIMARY ISSUES CONSIDERED

A. ISSUES CONSIDERED AND ALTERNATIVES Primary Issues Considered:

• Facilitating implementation of the Overlake Neighborhood Plan

This proposal is principally about using procedural tools authorized in state law as effectively as possible in order to facilitate implementation of the Overlake Neighborhood Plan. As plans evolve, the environmental review associated with them also evolves. Updating the Overlake SEPA Planned Action allows updated environmental information to be considered as projects come forward over the years.

Alternatives:

- Update the Overlake SEPA Planned Action (recommended)
- Do not update the Overlake SEPA Planned Action

B. COMPARISON WITH OTHER COMMUNITIES, APPROACHES

The other approach to environmental review is to do that review on a project-by-project basis. This approach is routine: Redmond does it for other parts of the city, and most cities and counties around the state use this approach for part or all of their jurisdictions. The main benefit of the project-level approach is that it requires no special investment of City resources in terms of staff time or consultants to complete neighborhood-wide environmental review. The drawbacks are that the community never gets a neighborhood-wide look at environmental impacts over time, and that each applicant must complete environmental review at a project level, which consumes private and public resources.

Redmond chose to establish a Planned Action in 1999 in order to, "Increase efficiency and reduce public costs while protecting the environment and the high quality of life in the region" (Ord. 2025). This strategy makes sense for Overlake because, although there was a significant initial investment in environmental review, there has been and will continue to be significant changes in Overlake as the area transforms into the urban place the plan envisions. Most development projects in Overlake can rely on the environmental work completed by the City, saving applicant and staff time without compromising the level of environmental review.

IV. SUPPORTING ANALYSIS

A. EXISTING CONDITIONS

Redmond has a Planned Action in place for Overlake for development projects through 2030. It currently references all relevant environmental documents completed through 2007.

B. COMPLIANCE WITH CRITERIA FOR CODE TEXT AMENDMENTS

RZC 21.76.070.AE provides that all amendments to the Redmond Zoning Code must be consistent with the Redmond Comprehensive Plan. The following is an analysis of how this proposal complies with the requirements for code text amendments.

Consistency with the Redmond Comprehensive Plan

FW-27 Support Overlake as a focus for high technology and other employment located within a vibrant urban setting that provides opportunities to live, shop and recreate close to workplaces.

Make public and private investments that reinforce the desired

character and increase the attractiveness of Overlake as a place in which to walk, bicycle and use transit.

FW-28 Ensure that development and investments in Overlake address transportation issues of concern to both Redmond and Bellevue, help to retain the character of nearby residential neighborhoods, and enhance a green character within the area through addition of parks, street trees and landscaping, as well as retention of significant trees and other natural features.

Updating the Overlake SEPA Planned Action will facilitate implementation of the Overlake Neighborhood Plan, which is encapsulated in FW-27 and FW-28.

PI-20 Ensure that Redmond's development review process provides applicants and the community a high degree of certainty and clarity in timelines and standards, and results in timely and predictable decision making on development applications.

Planned Actions provide the community and applicants with a high degree of certainty and clarity concerning timelines and standards as it concerns the environmental review component of development applications.

V. AUTHORITY AND ENVIRONMENTAL, PUBLIC AND AGENCY REVIEW

A. AMENDMENT PROCESS

RZC 21.76.070.J, 21.76.070.AE, and 21.76.050.K 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 SEPA Addendum was issued for this non-project action on December 21, 2012.

D. 60-DAY STATE AGENCY REVIEW

State agencies were sent 60-day notice of this proposed amendment on December 14, 2012.

E. PUBLIC INVOLVEMENT

The public has opportunities to comment on the proposed amendment through the Planning Commission review process and public hearing. A public hearing is scheduled for January 16, 2013.

F. APPEALS

RZC 21.76.070.J and 21.76.070.AE identify Comprehensive Plan and Zoning Code Amendments as Type VI permits. 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: Recommended AmendmentExhibit B: Notice of SEPA AddendumExhibit C: Notice of Public Hearing

<u>Conclusion in Support of Recommendation</u>: The Technical Committee has found the proposal to be in compliance with the Redmond Zoning Code, Redmond Comprehensive Plan, Redmond Municipal Code, and State Environmental Policy Act (SEPA).

ROBERT G. ODLE,
Planning Director
Planning and Community Development
Department

RONALD D. GRANT, Assistant Director of Public Works Public Works Department

21.70.110 Overlake SEPA Planned Action

- A. **Purpose.** The purpose of the Overlake SEPA planned action is to make efficient use of the significant investments of time and money by the public, neighborhood residents, businesses, property owners, and the City of Redmond in preparing the Overlake Neighborhood Plan and Implementation Project, and to make development review in the Overlake neighborhood more timely, cost-effective, and predictable.
- B. **Authority.** The Washington State Environmental Policy Act (SEPA) provides that where an Environmental Impact Statement on a neighborhood plan has adequately addressed the significant environmental effects of a project, that Environmental Impact Statement may be used as the SEPA analysis for that project. If a project complies with the requirements of this section, the Environmental Impact Statement prepared for the Overlake Neighborhood Plan Update and Implementation Project may be used as the environmental review document for that project and no further environmental review is required.
- C. Requirements for Coverage under the Overlake SEPA Planned Action. To be covered by this SEPA planned action, a proposed project shall comply with all of the following requirements:
 - 1. The project shall be located on land within the Overlake Neighborhood and zoned Overlake Business and Advanced Technology (OBAT), or Overlake Village (OV) zones.
 - 2. The project shall consist of building(s), and on-site and off-site improvements to support the building(s) that will be occupied by uses that are allowed by the Overlake Business and Advanced Technology (OBAT), or Overlake Village (OV) zones.
 - 3. For nonresidential projects and the nonresidential component of mixed-use projects, the proposed project together with the projects already approved as planned actions shall not exceed 4.5 million square feet of gross floor area within the Overlake Neighborhood, beginning on October 31, 2009.
 - 4. For residential projects and the residential component of mixed-use projects, the project and the projects already approved as planned actions shall not exceed 5,494 housing units, beginning on October 31, 2009.
 - 5. The project shall comply with the Floor Area Ratios (FARs), inclusive of allowable Transfers of Development Rights (TDRs), and density limits set by the Overlake Business and Advanced Technology (OBAT) zone or the Overlake Village (OV) zones.
 - 6. The application for coverage under the Overlake SEPA planned action must be submitted by June 1, 2030. If the application is approved, the project must vest under the statutes and case law of the State of Washington by December 31, 2030, or the approval shall expire.

- 7. The project shall not be an essential public facility. Essential public facilities shall not be covered by the Overlake SEPA planned action.
- D. **Required Mitigating Measures.** A proposed project that is covered by the Overlake SEPA planned action shall comply with all of the following:
 - 1. The City of Redmond Comprehensive Plan and the Overlake Neighborhood Plan.
 - 2. All applicable development regulations.
 - 3. If the Technical Committee determines that the traffic generated by the project will require the construction or modification of the transportation facilities of another local government, the State of Washington, or the United States, the project shall provide the mitigation to that government required by the Technical Committee.
 - 4. The proposed project shall provide all off-site and on-site public facilities that the Technical Committee determines are necessary to serve the project, including but not limited to water facilities, wastewater facilities, stormwater facilities, transportation facilities, fire protection facilities, police facilities, and park and recreation facilities.

E. Determining if a Project is Covered by the Overlake SEPA Planned Action.

- 1. An applicant seeking coverage under the Overlake SEPA planned action shall complete a SEPA environmental checklist and submit the checklist to the Administrator together with any fee for a planned action coverage determination set by the City of Redmond. The applicant shall note on the checklist that he or she is requesting an Overlake planned action coverage determination. If the Administrator has prepared a SEPA environmental checklist specific to the Overlake SEPA planned action, that checklist shall be used.
- 2. To be covered by the Overlake SEPA planned action, the project shall comply with all of the following criteria:
 - a. The project complies with all of the requirements for coverage under the Overlake SEPA planned action in subsection RZC 21.70.110.C of this section, Requirements for Coverage Under the Overlake SEPA Planned Action.
 - <u>b.</u> The <u>environmental documents listed below draft and final Environmental Impact Statement and integrated SEPA/GMA documents for the Overlake Neighborhood Plan Update and Implementation Project adequately addressed the project's significant adverse impacts:</u>
 - i. Integrated SEPA/GMA documents for the Overlake Neighborhood Plan and Bellevue-Redmond Overlake Transportation Study, published May 1999;
 - ii. Final Supplemental Environmental Impact Statement (FSEIS) for the Overlake Neighborhood Plan Update and Implementation Project, published August 30, 2007;

Exhibit A: Recommended Amendment

- iii. -Addendum to the FSEIS listed above for the Overlake Stormwater and Parks Facilities Implementation Plan, published July 6, 2010;
- iv. Addendum to the FSEIS listed above for the Group Health Overlake Master Planned Development and Development Agreement, published November 21, 2011; and.
- i.v. Addendum to the FSEIS listed above for the Overlake SEPA Planned Action Update, published December XX, 2012.
- b.c. The project is a subsequent or implementing project for the proposals analyzed in the <u>environmental documents listed in subsection E.2.b above.draft and final Environmental Impact Statement and integrated SEPA/GMA documents for the Overlake Neighborhood Plan Update and Implementation Project.</u>
- e.d. The project is consistent with the City of Redmond Comprehensive Plan and the Overlake Neighborhood Plan, both of which have been adopted under the Growth Management Act.
- d.e. The project shall implement the required mitigating measures in subsection E.4 of this section, Overlake SEPA planned action.
- 3. If the Administrator determines the Overlake SEPA planned action covers the project, a project threshold determination or environmental impact statement shall not be required.
- 4. If the Administrator determines the Overlake SEPA planned action does not cover the project, a project threshold determination is required. In conducting the additional SEPA environmental review, the lead agency may use information and analysis in the environmental documents listed in subsection E.2.b above draft and final environmental impact statement and integrated SEPA/GMA documents for the Overlake Neighborhood Plan Update and Implementation Project and other documents prepared as part of these planning processes.
- 5. The Administrator's determination that a project is or is not covered by the Overlake SEPA planned action is final and may not be appealed.
- 6. If public notice is required for the project, the notice shall state the project is covered by the Overlake SEPA planned action.

F. Monitoring the SEPA Planned Action.

1. Each year, the Administrator shall monitor the amount and type of development in the Overlake Neighborhood, the amount and type of development covered under the Overlake SEPA planned action, and the construction of the transportation facilities provided for in the Overlake Neighborhood Plan Update and Implementation Project.

- These monitoring efforts shall be integrated with the Overlake Neighborhood Plan Update and Implementation Project monitoring activities.
- 2. Based on these monitoring efforts, the Administrator shall consider whether the Overlake SEPA planned action should be updated or modified at least once every five years. This review should take place during the five-year evaluation of the Overlake Neighborhood Plan called for by the Redmond Comprehensive Plan. It may also take place more frequently. If the Administrator determines an update or modification is needed, the Administrator shall begin the process of conducting the update or modification or request funds to do so through the City's budgeting process.

CITY OF REDMOND DETERMINATION OF SIGNIFICANCE, ADDENDUM

Description of proposal: <u>Update to the Overlake SEPA Planned Action to incorporate all relevant environmental documents</u>. <u>Project Numbers: L120</u>494/95.

This is an addendum made pursuant to WAC 197-11-600(4)(c) and WAC 197-11-625 to a DS/FEIS made on August 30, 2007. See attached determination labeled "original".

Description of Addendum: <u>This Addendum modifies and updates the FSEIS for the Overlake Neighborhood Plan and Implementation Project by incorporating all relevant environmental documents issued since the FSEIS was published in August 2007.</u>

Proponent: City of Redmond

Location of proposal, including street address, if any: <u>Citywide</u>	
Lead Agency:	
The lead agency for this proposal has determined that an addendum is appropriate since the proposal has been modified, but the changes do not result in any new significant adverse impacts on the environment. This decision was made after review of this additional information and other information on file with the lead agency. This information is available to the public on request.	
There is no comment or appeal period for this addendum.	
Responsible official/position/title: Robert G. Odle, Planning Director	
Signature: Description Sollo	Phone: <u>556-2417</u>
Responsible official/position/title: <u>Ronald D. Grant, Assistant Public Works Director</u>	
Signature: Renaled S. Spans	Phone: <u>556-2742</u>
Address: <u>15670 NE 85th Street, PO Box 97010, Redmond, WA 98073-9710</u>	
Date:	December 21, 2012

If you have any questions, please contact Dennis Lisk at (425) 556-2471 or dwlisk@redmond.gov

NOTICE OF PUBLIC HEARING CITY OF REDMOND

Redmond Zoning Code Amendment: Overlake SEPA Planned Action Update

The City of Redmond **Planning Commission** will hold a Public Hearing in the **Council Chambers**, **15670 NE 85th Street**, **Redmond**, **Washington** on January 16, 2013 *at 7:00 p.m.* or as soon thereafter as possible, on:

SUBJECT: The City of Redmond proposes to update the Overlake SEPA Planned Action (RZC 21.70.110) in order to incorporate all relevant environmental documents completed since 2007. The Overlake SEPA Planned Action was established in 1999 and was last updated in 2009.

REQUESTED ACTION: Planning Commission recommendation on the proposed Redmond Zoning Code amendment.

All persons are invited to comment in person at the hearing, or in writing prior to the hearing, to the Planning Department at City Hall, P.O. Box 97010, Redmond, Washington, 98073-9710. Telephone number: (425) 556-2440, Fax Number: (425) 556-4242, or e-mail planningcommission@redmond.gov. Contact Jeff Churchill (425-556-2492, jchurchill@redmond.gov) for more information.

A copy of the proposal is available from the Planning Department, 4th Floor of City Hall and on the City's web site at www.redmond.gov/PlanningCommission. If you are hearing or visually impaired, please notify the Planning Department at (425) 556-2440 one week in advance of the hearing in order to be provided assistance.

LEGAL NOTICE: December 26, 2012

<u>WARNING!</u> This notice is not to be removed, mutilated, or concealed in any way prior to date of hearing.