REDMOND CODE REWRITE COMMISSION MINUTES

May 24th, 2010

COMMISSIONERS PRESENT: Steve Nolen, Sue Stewart, Robert Pantley, Vibhas

Chandorkar, Thom Youngblood

COMMISSIONERS EXCUSED: Robert Fitzmaurice, Nancy McCormick

STAFF PRESENT: Steven Fischer, Jayme Jonas, Jeff Churchill

RECORDING SECRETARY: Lady of Letters, Inc.

CALL TO ORDER:

The meeting was called to order at 6:03 p.m. by Chairman Nolen in the Council Chambers at City Hall.

APPROVAL OF THE AGENDA:

No changes were proposed for the agenda.

ITEMS FROM THE AUDIENCE:

One member of the public in the audience was recognized as someone who would speak during the public hearing on the Overlake neighborhood regulations.

CODE REWRITE COMMISSION REPORTS:

Mr. Nolen noted that the CRC will have a meeting on June 22nd with the City Council. Mr. Churchill said that meeting should last one hour. He said that the CRC's main concern appears to be the consolidation of neighborhood standards. Other topics that the CRC had identified on May 17th included:

- 1. Sustainability and green issues
- 2. Test driving the new Code
- 3. What the final product of the Code will look like
- 4. The value of different tree species
- 5. Solar power access
- 6. Parking space requirements

Mr. Pantley suggested that the Council should see some examples of what the CRC has done. He noted that *test driving* is a basic question of what the Council's role should be in the shaping of the Code. He does not want to create large, open-ended questions. Ms. Stewart says showing Council what the final Code should look like might not be that useful; it may be premature to show that to the Council at this time. Mr. Chandorkar noted that showing the Council obvious examples of big differences in the Code, such as the Overlake regulations, might be a good idea, however.

The CRC is still discussing how the City would *test drive* the Code, exactly. Mr. Nolen noted that a hypothetical or real project could be put through the system to look for issues or problems. Mr. Chandorkar said that putting a hypothetical situation in front of the Council, using the Overlake regulations, would be a good presentation to the Council. The old Code has a large number of cross-references; the new Code is much simpler. Mr. Pantley says it will be difficult to show the difference between two real projects, as there have not been a lot of applicants building in that area. Mr. Chandorkar says using a hypothetical project might be a better idea, and might be more impressive to the Council. Mr. Pantley says using real projects could make more of an impact. Ms. Stewart and Mr. Nolen believe the June 22nd meeting is a bit premature for the "test driving" concept, in that the CRC will not have time to properly prepare.

Mr. Churchill suggested that the CRC ask the Council ask about the test drive, and ask the Council what would be most worthwhile to its members when presenting a test drive. Mr. Chandorkar noted that if the CRC were able to present something on June 22nd, it would help provide some direction on the Code early in the process. He also noted that delaying this presentation with the Council could delay the CRC's work on residential regulations. Mr. Churchill says the Council wants to help the CRC do its job, so Council members are interested in hearing what the CRC's concerns are.

Ms. Stewart says right behind the neighborhood regulations issue, in terms of importance, should be policy issues surrounding sustainability and the value of trees. She and other members of the CRC would like feedback on those two points. Mr. Nolen pointed out that the CRC should ask the Council for some flexibility around tree retention, for example, when dealing with energy conservation. Mr. Chandorkar said the Council would simply come back and say the City's Green Team is working on that issue. Ms. Stewart says the Council needs to know the CRC is working closely on that, beyond what the Green Team is working on. Mr. Churchill suggested that the CRC could talk to the Council about the tree retention issue, in that the Council will be facing that issue later on its agenda. Mr. Pantley says the new Code should have placeholders for sustainability, and the CRC should not miss that opportunity. Mr. Churchill confirmed with the CRC that neighborhood standards, test driving the Code, and sustainability issues are the main topics the CRC would like to discuss with the Council.

Mr. Pantley next provided the CRC with some pictures of design options that are not possible with the City's current Code. He will work with Dennis Lisk of City staff to provide a full report to the CRC on this.

ENVIRONMENTAL REGULATIONS TRANSMITTAL REPORT:

Mr. Fischer presented the CRC with a transmittal report reflecting the proposed changes at the CRC's April 19th meeting, and at several meetings before that. Mr. Pantley thanked Mr. Fischer for his work on this topic and asked a question about the noise wall standard. He asked if a solid wood fence, or masonry fence, 8' or less, landscaped in front, back, or both, would be allowed as a frontline, outright permitted fence. Mr. Fischer believed that a fence less than 8' high would be permitted. Mr. Pantley added the possibility that a fence 6' high could be put up on a 4' berm. The CRC has built some flexibility into those

fence heights, and Mr. Nolen said that the intent of the fence should do the job of noise reduction. Thus, the fence on top of a berm could be higher for the purpose of noise reduction, with a technical review.

Mr. Youngblood found the Code unclear on this point, as did Mr. Pantley. Ms. Stewart said the Code should point out that the aggregate height of the berm and fence should be added together. Mr. Fischer noted that the only noise reduction option that has a height limitation is the noise wall. Berms that are 10' high are allowed under the Code, but are cost-prohibitive, reduce lot size, and are rare. Mr. Fischer pointed out where *noise wall* was defined in the Code; berms are not included in that definition. Mr. Chandorkar suggested noting that berms are not part of a noise wall in the definition of noise wall. Mr. Fischer countered that the noise wall definition was clear, and did not feel the need to add more language. He noted he was willing to make a change, however, and asked the CRC for direction about a *noise wall system*, a combination of berm and wall, which is a phrase several members have used.

Mr. Churchill suggested adding a sentence that would note that the 8' threshold would apply only to the height of the noise wall itself. Mr. Nolen suggested separating the terms of berms and fences in the Code to make that section clearer; other CRC members agreed. Mr. Pantley suggested adding this language to Section 070, which deals with arterials, in order to keep the standards the same between residential and public areas. Mr. Nolen agreed the Code should be consistent, but noted there are some differences in the approach to arterials. Mr. Churchill suggested that Mr. Fischer could research this issue before it is presented to the Council and that the CRC to take action on the transmittal report. Mr. Pantley would like to make sure the standards for these walls are the same in public and private areas, unless staff has a reason for the standards to be different. The other members of the CRC agreed with that sentiment, but Mr. Nolen noted there may be some good reasons for the differences in the standards. Mr. Fischer pointed out the issue of height in both sections of Code could be handled in the definition without having to adjust the Code sections themselves.

MOTION by Mr. Pantley to move the transmittal report forward, with the understanding that the definition of noise wall height would be amended to provide clarity for Code users; MOTION seconded by Mr. Chandorkar. Motion passes unanimously.

OVERLAKE REGULATIONS DISCUSSION AND PUBLIC HEARING:

Ms. Jonas spoke to the CRC about Overlake's three main areas:

- 1. The residential area, the zoning for which the CRC is considering as part of the residential regulations package.
- 2. The employment area, known as the Overlake Business and Advanced Technology zone, or OBAT.
- 3. Overlake Village, which will be a mixed-use urban village.

Ms. Jonas provided a new sub-area map of Overlake Village to the CRC, showing five sub-areas. There are several code deficiencies in this section, including multiple footnotes, definitions, and cross-references. Staff has proposed the following changes:

- 1. Separating OBAT and Overlake Village to avoid confusion.
- 2. Organizing OBAT in a similar way to other commercial zones in the Code.
- 3. Organizing Overlake Village in a similar way to Downtown Redmond.
- 4. Eliminating footnotes, easing the use for the reader or applicant.
- 5. Removing duplicate regulations and using consistent land use names.

Mr. Nolen opened the public hearing on this issue at 7:01 p.m. Two people signed up to testify. The first to address the CRC was Todd Woosley, representing PS Business Parks in the Overlake Business Center, which is subject to this zoning. He supports the changes in the permitted use section in the rewrite. The new classification system is not that significant a departure from the Code business owners are used to, in his opinion. He wants to make sure the City communicates with businesses and merchants that this Code is not a big departure from what the Code has said in the past. He congratulated the CRC for its work on the rewrite. He suggested a hypothetical test case, as the CRC had discussed before, could include two projects in the Overlake area. The Group Health property would be one idea. PS Business Parks is considering a master plan and could possibly be used as a test case as well. Mr. Woosley believes there are some policy changes on the horizon that could change the Code, however. He pointed out that transit lines, for example, could require taller buildings in some areas.

Mr. Chandorkar asked about the Group Health project, and its zoning. Ms. Jonas says it is Zone 4 in Overlake Village, but it is now easier to explain compared to the previous Code. Ms. Stewart asked if Mr. Woosley was willing to come back at a later time to test the process with the City, as he suggested. He said he was happy to work with the City. Mr. Chandorkar asked if the Overlake neighborhood plan, approved in 2007, was countered in any way by the rewrite presented at this meeting. Mr. Woosley did not believe so, and noted that he trusted staff's work on this issue.

Donald Marcy next spoke to the CRC on behalf of Microsoft. He wanted to make sure the CRC knew Microsoft wanted to be involved in the rewrite process. Mr. Marcy also noted Microsoft was anticipating growth in the near future as the economy continued to rebound. The company plans to come to the City in 2012 to increase floor area ratio and height limits in the OBAT zone, the center of the Microsoft campus. The company is supportive of additional infrastructure, and will help with funding as needed, in the City's growth process. Mr. Marcy noted that Microsoft is also supportive of bringing Sound Transit's Link light rail project into its campus and into downtown Redmond. Mr. Nolen thanked Mr. Marcy for his comments. Mr. Nolen said he would like to close the oral testimony after the next meeting on this issue. Ms. Stewart seconded that idea, and the rest of the CRC agreed. That next meeting will be June 14th.

Mr. Chandorkar asked if the development agreement for Microsoft superseded the neighborhood regulations they were held to. Ms. Jonas noted that the company was vested to certain regulations; there are three development agreements between the City and Microsoft at this time.

Staff asked the CRC about the purpose statement and the maximum development yield; the CRC had no questions on those and suggested no changes. Mr. Churchill asked about regulations common to all uses, which is also similar to other parts of the Code. Mr. Nolen confirmed that there would be a limitation for applicants regarding the number of stories allowed, but the floor area ratio (FAR) limitation could be exceeded on small lots if landscaping and other requirements were met. Ms. Jonas pointed out this situation was a rarity in Overlake. This is more a reflection of the situation in Downtown Redmond. Ms. Stewart would like to add an illustration to locate the zone in the Code, which was the case in several other zones. Ms. Jonas pointed out that OBAT is its own chapter, and would probably not require such an illustration. The CRC agreed with that assessment.

Mr. Churchill pointed out the special front and street setbacks in the Code. Some members of the CRC would like to add color to this map; Mr. Churchill noted that applicants are not always able to view color copies of the Code. Mr. Chandorkar suggested removing some street names in the mapped areas in the illustration, such that they would be less cluttered. Mr. Churchill agreed.

Mr. Churchill next brought up landscaping in buffer areas and minimum buffer width for some of the supplemental buffers. Mr. Nolen noted the Code specifies *cast iron* tree grates. He suggested making a change, as building materials change over time, to something that simply meets ADA requirements. Mr. Nolen also noted that the CRC has wrestled with the native plants issue, and the landscaping buffer issues in this section of rewritten Code did not reflect that. He wants to make sure that point is highlighted in the Code so that if there is a change with the tree issue, the buffer issue can be resolved quickly. Mr. Nolen asked, more generally, why a buffer moves with a new right of way when it encounters a road or other hard surface. He pointed out the City would not be increasing the potential for development beyond that buffer by encroaching on the uses across the street from it. Mr. Nolen asked, in that case, why the buffer would have to be widened. Staff agreed to look into that issue.

Mr. Pantley asked about existing *mature trees* within buffers in this section, which is not a defined term. Staff will look into that term in the revision. *Significant* may be a better term. Mr. Churchill next dealt with street cross-sections, and letting applicants know where the curb would be, and where that would require a building to be. Ms. Jonas says this is consistent with other sections of the Code. Mr. Nolen found a problem with cross-section designations and zone notations on the map. Mr. Churchill agreed to make some changes to improve the visual clarity of that map. Ms. Stewart also suggested adding some visual clarity simply with the printing quality.

The CRC reviewed the allowed uses table, which is similar to what the Commission has reviewed before in other zones. The general sales or service category has several special regulations. Mr. Pantley confirmed with the staff that mixed-use residential, multi-family housing was allowed in the OBAT area. However, he saw a conflict with the allowance for a dormitory. Ms. Jonas says because the City permits educational facilities, a special regulation deals with dorms. Mr. Pantley asked about single-resident occupancies (SRO), and how they were noted in the Code. Ms. Jonas said she would look into that. Mr.

Pantley suggested these SROs were becoming more common in areas like Seattle. Ms. Jonas clarified that these units were different than hotels, which are not allowed in OBAT. Mr. Nolen asked if a structure like a Ronald McDonald House would be allowed in this area; Ms. Jonas says that likely would be permitted, as an accessory use for a hospital, if that structure were located on the same campus. She will look into that issue.

Mr. Pantley would like to see parking requirements adjusted for the possibility of light rail coming to Overlake. Ms. Jonas says the Overlake Parking Management Plan identified certain triggers that would prompt the City to make certain changes, and there is one specifically dealing with high-capacity transit. The triggers will be included in the City's Comprehensive Plan update. Mr. Pantley asked if the triggers should be reflected in the Code. Ms. Jonas says those triggers will stay in the Comprehensive Plan to direct staff to make Code amendments as necessary. Ms. Jonas says those triggers are not regulatory, and do not belong in the Code. The City's policy on light rail and parking strategies has been drafted, but not reviewed. Ms. Jonas will show the Overlake Parking Management Plan summary to the CRC at an upcoming meeting. Bus rapid transit, as well as light rail, is one of those triggers.

Mr. Chandorkar next asked about mixed-use residential zones in the Overlake area, where the maximum height is five stories. He asked if there was an allowance for six stories; Ms. Jonas says that is a possibility, and there is a footnote in the existing code that deals with that. Four different types of businesses have been excluded in the general sales and service part of this Code chapter. The only businesses allowed are convenience-type stores. Ms. Jonas says that was clarified to keep out those general sales stores, which are generally larger. She noted that the Commons building on the Microsoft property does not have a space restriction, because it is a private, not public building. Mr. Nolen asked about charging stations for cars. Mr. Churchill says that issue is still open.

Ms. Stewart asked if a Zipcar service would be permitted in the Overlake area. Mr. Churchill said the CRC has previously discussed that Zipcars are simply treated like cars in a parking lot. It will be at the discretion of the property owner for the amount of spaces provided for Zipcars or other cars. Mr. Nolen suggested that Ms. Stewart was not suggesting a rental or sales area for Zipcars, but was asking about company-owned vehicles that might be rented to employees. Mr. Pantley says the City should be encouraging making space for Zipcars, and car sharing businesses, whenever possible. Ms. Jonas says staff will look again at the *car sales* definition and try to incorporate that into this section of Code. Mr. Nolen says this is more a car rental option, and he would like to see more flexibility on this point. Bike sharing could be an option, too, but that is not currently permitted. Mr. Churchill confirmed the direction for staff, that the CRC did not want car sharing or bike sharing precluded by the Code.

Ms. Jonas next pointed out some definitions or additional standards in the section, including the Bellevue Redmond Overlake Transportation Study (BROTS). BROTS, an agreement between Bellevue and Redmond, places a cap on commercial development in the Overlake area of 15.4 million square feet, which would expire in 2012. There are provisions for building height, as well, where the Overlake zone borders residential

zones. Mr. Chandorkar asked, in a previous section, why non-profit organizations were not permitted in OBAT. Ms. Jonas said she would have to look into that. She believes part of that might include wanting the general public to visit Overlake Village, and to keep away from specific business park areas to reduce traffic impacts. Mr. Chandorkar noted that a non-profit is not necessarily a public outreach center, and it does not seem proper to keep those types of businesses out. Mr. Churchill noted he would look into this matter.

Ms. Jonas next dealt with parking and residential usable open space. The open space is the same as is found in Overlake Village. Mr. Pantley asked why a deck or patio would be given only a 50% credit, as it gets more use than most areas of a structure. Ms. Jonas says it is the City's desire to allow for common open spaces. That does not mean units cannot have decks, simply that more public space should be provided. Mr. Pantley says developments of the future could have rooftop gardens, which would be limited by this rewrite. He would like to focus on the function of that open space rather than limiting the use of decks and roofs, to encourage innovative design.

Mr. Nolen says the rooftop deck in this rewrite does not distinguish between impervious surface and green space. He asked if the Code might encourage more rooftop garden projects by allowing more credit incentive for projects of that nature. Mr. Chandorkar says encouraging true ground-level open space is the point of the Code. Mr. Pantley says some of those roofs are at ground level with the way some roads are constructed. Mr. Churchill will review that issue, as well.

Capacity phasing was the last issue the CRC tackled, which allows the FAR in OBAT to increase with some triggers related to transportation, parks, and stormwater. Those triggers, and the incremental incentives that go with them, are noted in the rewrite. Ms. Stewart asked if Sound Transit was going to align its LINK light rail with the SR 520 alignment in Overlake Village. Ms. Jonas says that was indeed the current plan.

STAFF REPORTS AND SCHEDULING:

The CRC will have a holiday on the next week for Memorial Day. The Commission members will next meet on June 7^{th} . Mr. Nolen will miss that meeting, and Ms. Stewart will chair that meeting. That meeting will involve a public hearing and the final issue identification for Downtown regulations.

ADJOURNMENT:

Chairman Nolen Stewart adjourned the meeting at approximately 8:10 p.m.

Minutes Approved On:	Code Rewrite Commission Chair