AM No. 13-052 (C8)

TO: City Council

FROM: John Marchione, Mayor

DATE: March 19, 2013

SUBJECT: ORDINANCE: OVERLAKE SEPA PLANNED ACTION UPDATE

I. RECOMMENDATION

Adopt an ordinance amending Redmond Zoning Code (RZC) 21.70, Overlake SEPA Planned Action, in order to incorporate all relevant environmental documents published since the last update to the planned action.

II. DEPARTMENT CONTACTS

Rob Odle, Director, Planning and Community Development, 425-556-2417
Colleen Kelly, Assistant Director, Community Planning, 425-556-2423
Lori Peckol, AICP, Policy Planning Manager, 425-556-2411
Jeff Churchill, AICP, Senior Planner, 425-556-2492

III. DESCRIPTION/BACKGROUND

Following staff, Planning Commission, and City Council review, a proposal to amend RZC 21.70, Overlake SEPA Planned Action, is now before the City Council for final action.

The City of Redmond established the Overlake State Environmental Policy Act (SEPA) Planned Action in 1999 in conjunction with the Overlake Neighborhood Plan and Bellevue-Redmond Overlake Transportation Study Update (Ord. 2025). It was last amended in 2009 (Ord. 2493) as a follow-up action to a significant update to the Overlake Neighborhood Plan. This recommended update would add environmental documents completed since that update to the catalog of environmental documents that form the basis of the planned action.

Planning Commission Review

The Planning Commission studied the proposed amendment during January 2013. On January 23, 2013, Commissioners voted four to one to adopt the proposal. Two people testified at a public hearing that began on January 16, 2013. Both were concerned that development projects that have been proposed as part of the planned action are not in keeping with City policies on tree retention.

City Council Review
Staff briefed the City Council on this matter at the Planning and Public Works Committee meeting on February 12, 2013, and again at the regular business meeting on February 19, 2013.

IV. IMPACT

A. Fiscal. None

B. Service Delivery. Keeping the Overlake SEPA Planned Action current allows the City to efficiently review proposed development projects that are consistent with the Overlake Neighborhood Plan and whose environmental impacts and mitigation measures have already been identified.

V. ALTERNATIVES

A. Adopt the Planning Commission's recommendation as described in Attachment A. Staff recommends this option. Updating the Overlake SEPA Planned Action is in keeping with the goals of the planned action as established in 1999 as part of Ordinance 2025.

B. Reject the Planning Commission's recommendation. Staff does not recommend this option because it would impede the City's ability to efficiently implement the Overlake SEPA Planned Action.

VI. TIME CONSTRAINTS

None.

VII. LIST OF ATTACHMENTS

Attachment A: Ordinance Amending the Redmond Zoning Code
Exhibit 1: Recommended Amendments to the Redmond Zoning Code

/s/ 3/5/2013
Robert G. Odle, Director, Planning and Community Development Date

Approved for Council Agenda: /s/ 3/11/2013
John Marchione, Mayor Date

ATTACHMENT A

CODE ORDINANCE

CITY OF REDMOND
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING PORTIONS OF REDMOND ZONING CODE (RZC) 21.70.110, OVERLAKE SEPA PLANNED ACTION, IN ORDER TO INCORPORATE ALL RELEVANT ENVIRONMENTAL DOCUMENTS, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE (FILE NO. L120495)

WHEREAS, the Growth Management Act requires that development regulations shall be subject to continuing evaluation and review; and

WHEREAS, the City Council established the Overlake State Environmental Policy Act (SEPA) Planned Action on June 1, 1999 (Ord. 2025); and

WHEREAS, the City Council updated the Overlake SEPA Planned Action on October 20, 2009 (Ord. 2493); and

WHEREAS, additional environmental review documents relevant to the implementation of the Overlake Neighborhood Plan have been published since the last update of the Overlake SEPA Planned Action; and,

WHEREAS, state agencies received 60-day notice of the proposed amendments to the Redmond Zoning code on December 14, 2012; and

WHEREAS, a State Environmental Policy Act Addendum was published on December 21, 2012; and

WHEREAS, the Planning Commission held study sessions on January 16 and January 23, 2013, and a public hearing on January 16, 2013, to receive public comment regarding the proposed amendments; and

WHEREAS, the Planning Commission voted 4-1 on January 23, 2013, to recommend approval of the amendments, as shown in Exhibit 1; and

WHEREAS, the City Council reviewed the Planning Commission's recommendation at its February 19, 2013, and March 19, 2013, regular meetings; and

WHEREAS, the City of Redmond desires to amend portions of the Redmond Zoning Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City Code.

Section 2. Findings and Conclusions. The City Council hereby adopts the findings and conclusions contained in the Planning Commission Report dated February 13, 2013, including all related attachments and exhibits to that report, City file No. L120495.

Section 3. Amendments to the Redmond Zoning Code. Portions of RZC Chapter 21.70, Overlake SEPA Planned Action, are amended

as shown in Exhibit 1 incorporated herein by this reference as if set forth in full.

Section 4. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance.

Section 5. Effective Date. This ordinance shall take effect five (5) days after passage and publication of an approved summary consisting of the title, or as otherwise provided by law.

ADOPTED by the Redmond City Council this 19th day of March, 2013.

CITY OF REDMOND

_____
JOHN MARCHIONE, MAYOR

ATTEST:

_____ (SEAL)
MICHELLE M. MCGEHEE, MMC, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

_____
JAMES HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
SIGNED BY THE MAYOR:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.

Exhibit 1: Recommended Amendments to the Redmond Zoning Code

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.

b. The 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~~.~~:

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;

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 21, 2012.

~~b.~~c. The project is a subsequent or implementing project for the proposals analyzed 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.~~

~~c.~~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.