



Planning Commission Report

To: City Council

From: Planning Commission

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Date: November 10, 2021

File Numbers: LAND-2021-00451, SEPA-2021-00452

Planning Commission Recommendation: Approval

Title: Phase 1 of Amendments to the Redmond Zoning Code as a Periodic Rewrite of Redmond's Development Regulations

Recommended Action: Adopt recommended amendments to the Redmond Zoning Code as shown in Exhibit A.

Summary: The Planning Commission's recommendation involves amendments to the zoning code as a periodic rewrite including changes to format and organization, residential use typology, accessory dwelling units, nonresidential allowed uses, definitions, code maintenance, and to Administrative Design Flexibility, Floor Area Ratio, Temporary Use Permits, parking

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requirements for nonconforming sites, and incentives in the Town Center zoning district. The Phase I amendments are foundational in nature and have been addressed to ensure consistency with the City's Comprehensive Plan policies. The proposal also includes:

- Minor annual amendments correcting code issues;
- Updates that amend and refine code for concurrence with recent federal and state legislation; and
- Updates to the Overlake neighborhood and Marymoor Village regulations for contextual relevance and to reflect the City's vision, goals, and priorities in preparation for subsequent neighborhood planning efforts.

Reasons the Proposal Should be Adopted:

This recommendation provides timely, foundational improvements to the Redmond Zoning Code and prepares the City's development regulations for significant, substantive updates resulting from Redmond 2050 (the periodic update to the Redmond Comprehensive Plan), state and federal legislative updates, and subsequent updates to functional plans, standards, and specifications.

The City's development regulations were last rewritten in 2011. That rewrite reorganized and updated the former Redmond Community Development Guide to establish the Redmond Zoning Code. Since 2011, the City Council has approved more than 40 updates to this "living document", including site- and topic-specific amendments covering topics such as: temporary uses; low impact development; the Marymoor Subarea Plan; and periodic clean up series in 2013, 2015, 2018, 2019, and 2020. In addition, the Technical Committee approved seven updates to RZC Appendices under authority granted in RZC 21.02.050, Appendices. Recognizing these changes over time, this recommendation begins to address and standardize the code in response to fragmentation, voice, functionality, and universal accessibility.

Recommended Findings of Fact

1. Public Hearing and Notice

a. Public Hearing Date

The City of Redmond Planning Commission held a public hearing on the proposed amendments on September 8 and 22, 2021. Verbal and written testimony was received during the public hearing. The Planning Commission requested staff's response to the issues raised and, for each, a summary of

resolution within the Commission's issues matrix (Attachment B). The hearing was closed on September 22, 2021.

b. Notice

The public hearing notice was published in the Seattle Times and posted at City Hall in accordance with RZC 21.76.080 Review Procedures - Notices. Notice was also provided by including the hearing schedule in Planning Commission agendas and extended agendas, distributed by email to various members of the public and various agencies including:

- Business and property owners;
- Development teams;
- Members of the Redmond Partnership Network;
- Faith-based representatives;
- A Regional Coalition for Housing (ARCH);
- Master Builders of King and Snohomish Counties;
- Lake Washington School District; and
- One Redmond.

Additionally, a hearing notification was posted on the City's web site, provided via mail and email to Parties of Record (RZC 21.78 Party of Record), and included in email communications to project stakeholders.

Recommended Conclusions

1. Key Issues Discussed by the Planning Commission

The Planning Commission held a briefing on July 14, 2021 and study sessions on August 25, September 8 and 22, October 27, and November 10, 2021 to deliberate the Technical Committee's August 4, 2021 recommended amendments. Minutes of the Planning Commission meeting are shown in Exhibits C and D. Key issues discussed by the Planning Commission were as follows:

Parking Standards

The Technical Committee recommended amendments to the following code portions involving parking regulations:

- 21.40.010 Vehicle Parking for clarifications regarding:
 - Continued allowance of nonconforming parking in the event of a change of use or minor improvements; and
 - Parking at developments, sites, and structures where a portion of the site and/or structure has been obtained under threat of condemnation.
- 21.40.010 Vehicle Parking for concurrence with state legislation (Substitute House Bill 2343) that reduced minimum required parking for multifamily homes near frequent transit including for:
 - Low-Cost Affordable Housing Units;
 - Housing for the Elderly and Adult Family Homes; and
 - Multifamily Structures.
- 21.10.050 Town Center (TWNC) Zone - Exceptional Amenities for Additional Height (a new section) regarding:
 - Consistency with Comprehensive Plan;
 - Addressing Long-Term Recovery Plan from COVID-19 Pandemic; and
 - Incorporating housing priorities in alignment with the Housing Action Plan.
- 21.12.100 OV (Overlake) Building Height regarding
 - Height tradeoffs for required parking in portions of the neighborhood involving shallow water tables

Commissioners asked several questions regarding amendments to parking standards and related topics. The following summarizes these questions and responses from staff:

- What is the cumulative result of changes to the parking requirements in the Downtown? How do changes, such as to required off-street parking, relate to availability of on-street parking. And, what is the definition of “minimum parking” as referred to in the zoning code? Is the definition of “minimum parking” recommended for amendment, such as in its application to parking ratios or the measurement of peak usage?
 - Staff referenced the Downtown Parking Management Strategic Plan: Implementation Plan, approved by the City Council (September 15, 2020). The Implementation Plan identifies steps including evaluation and identification of parking measures that will help the City analyze parking supply, demand, and trends such as the cumulative aspects requested by the Commission.
 - Peak usage reflects unique mixes of land uses occurring within single structures.
- Does the Technical Committee’s recommendations for amendment include parking provisions for accessory dwelling units.
 - Staff clarified that the recommended amendment is limited to relocating the code provisions that the Commission recommended, and the City

Council adopted during the 2020 Annual Code Cleanup. A new section: RZC 21.40.010.D Vehicle Parking - Required Off-Street Parking - Parking Near Frequent Transit would include this provision, previously set forth, as well as new provisions resulting from Substitute House Bill 2343, described above.

- How would the parking reductions apply in the event of a future changes to transit routes and/or services?
 - Staff described that while Substitute House Bill 2343 was silent regarding changes to transit routes and/or services, the recommended code provisions would apply to locations primarily along principal arterials and urban centers where transit services are anticipated to continue in relation to current and projected housing concentrations.
- Will EV Charging stations continue to be installed when parking is allowed within the structure at or above the ground floor?
 - Staff confirmed that the recommended amendments would not change or impact the provision of EV Charging stations.
- What is future proofing of parking?
 - Staff described that future proofing of parking is an engineering and design approach that supports future transition of internal, above-grade parking to dwellings and/or employment space.
- Can the parking standards prescribe a variety of parking stalls by size to support larger personal vehicles?
 - Staff confirmed that the current zoning code includes standards for parking stall sizing and that no amendments to the standard were recommended.

Commissioners supported staff's responses and noted their interest in additional briefings regarding parking policies, regulations, and programs such as the Downtown Parking Management Strategic Plan: Implementation Plan. The Commission closed the respective issues with no additional discussion. The related amendments are recommended as originally submitted by the Technical Committee in the August 4, 2021 report (Exhibit F).

Affordable and Local Commercial and LEED - Incentive Tier in the Overlake and Marymoor Village Zoning Districts

The Technical Committee recommended amendments to incentive provisions for development in the Overlake Village and Marymoor Design District zones:

- 21.12.170 Overlake Incentives; and
- 21.13.220 Marymoor Design District (MDD) Incentives.

The amendments reflect the implementation of incentives by new development and realignment of the incentive structures to reflect the City's vision and neighborhood priorities.

Planning Commissioners expressed interest in moving affordable and local commercial incentives to the first tiers for the zoning districts. Commissioners raised concerns regarding losses of small businesses and the affordability levels and/or relocation costs for businesses to continue operations as new development occurs. The Commission emphasized ensuring opportunities for local commercial to locate in new mixed-use development.

Staff recommended maintaining the Technical Committee's recommendation regarding local and affordable commercial incentives. Staff noted that the first tier of structures represents programmatic priorities in alignment with the City's vision. These priorities related to the built form, construction materials, and subsequent operation of the development. Affordable and local commercial has been provided thus far by developers via development agreements. Codifying this incentive as a second-tier item allows for a pilot approach that can inform future updates such as the Overlake Neighborhood Plan Update and Redmond 2050. These comprehensive planning efforts include discussions with property owners, developers, and the community through which in-depth consideration of the City's vision, priorities, policies, and resulting regulations will occur.

Commissioners also held robust discussion regarding Leadership in Energy and Environmental Design (LEED) incentive. Commissioner Varadharajan suggested a broader structure that includes other industry standards such as the Living Building Challenge and Architectural 2030 Zero Code. She noted that these address operational offsets of new development as well as the embodied carbon of construction material. For this purpose, she asked staff to identify additional rating and certification systems in the incentive provisions and to provide an inclusive definition for an overarching rating and certification system.

Commissioners identified the following priorities for the incentive provisions:

- Broadening the vision for green building requirements;
- Providing a clear vision and definition;
- Avoiding association with a certification brand in order to remain neutral;
- Ensuring closure of inadvertent loopholes such as by including an evaluation mechanism; and

- Coordinating with Redmond’s Environmental Sustainability Action Plan.

Commissioner Varadharajan coordinated with staff to refine the Technical Committee’s recommended amendments to the Overlake Village and Marymoor Design District incentive provisions. Refinements stress that a decarbonization incentive is a first step on the journey to decarbonize Redmond and include a broad vision statement, a definition of Green Building Rating and Certification Systems, removal of LEED Silver as an incentive technique, and two green building options from which applicants may select to implement either a brief, decarbonization checklist or a locally-oriented expansion of LEED Platinum. Commissioners also requested that Redmond 2050 extend the concept of decarbonization further by recommending additional measures in policies and regulations.

Commissioners supported these refinements, developed in coordination with Commissioner Varadharajan to include a request for staff to coordinate with the City’s legal counsel on the following:

- Include language in the amendments, prior to City Council’s action, regarding vesting of new development applications and future long-term regulations for decarbonization; and
- Work with the City Attorney to review potential vesting options within a timeframe of six months in advance of City Council’s action on the future long-term regulations.

The related amendments (Exhibit A) are recommended for refinement to the Technical Committee in the August 4, 2021 report.

Additional Discussion

Planning Commissioners raised additional questions during review of the Technical Committee’s August 4, 2021 recommendation. The following provides a summary of the questions and the Commission’s final issues matrix (Exhibit B) provides a detailed description of each.

- **Format and Organization** : Commissioner Varadharajan asked whether staff referred to the Flesch-Kincaid tools regarding improvements to the zoning code’s readability. She encouraged staff to implement the tool during internal review and when developing future amendments.
- **Residential Use Typology** : Commissioner Rajpathak asked if the recommended amendments regarding a residential typology also included amendments relating to site design and typography. He was satisfied with the references staff provided to existing standards for residential development. Commissioner Varadharajan also asked if the recommended typology also applied to densities regulated across the City’s neighborhood. She supported staff’s description of the typological structure: low, medium, and high

densities with identification of potential residential development per zoning district, as currently regulated by the code.

- **Nonresidential Allowed Uses** : Commissioner Rajpathak asked about the relationship between the allowed land uses per the zoning code's provisions and homeowners' association covenants conditions and restrictions (CC&Rs). He acknowledged staff's distinction between the site-specific, private rules of the CC&Rs in comparison to zone-based allowances provided in the development regulations. He also asked whether the Technical Committee's recommendations included modifications to setbacks for accessory dwelling units, noting that smaller parcels limit opportunities for constructing detached accessory dwelling units. He agreed with staff's description of the recommended changes and that additional study of accessory dwelling units would be provided via the Housing Action Plan and during Redmond 2050.
- **Accessory Dwelling Units** : Chair Nichols asked whether occupancy restrictions apply to other housing types in addition to accessory dwelling units. She expressed her interest in the removal of occupancy requirements for accessory dwelling units unless the unit is being offered or used for short-term rental. She supported staff's clarification that the zoning code's requirement for occupancy applies only to accessory dwelling units and based on the Technical Committee's recommendation, would only apply thereafter to accessory dwelling units classified as short-term rentals.
- **Strategic Revisions** : Commissioner Varadharajan requested a crosswalk comparison of current code provisions to the recommended amendments for the Town Center (TWNC) zoning district's incentive provisions. She noted her interest in the relationship between the amendments and future amendments to Comprehensive Plan policy DT-31 and supported staff's representation of the information as provided in the Commission's final issues matrix, item E-2 Town Center Zoning District Incentive Provisions.
- **Strategic Revisions** : Chair Nichols and Commissioner Shefrin requested clarifying information regarding the recommended amendments to Administrative Design Flexibility. They asked about changes to the authority of the Redmond Design Review Board and whether design review included lighting for private development. They acknowledged staff's description of the Technical Committee's recommendation providing clarity and predictability to the Design Review Board's authority while no addition or restriction of the Board's authority would occur. The Commissioners also supported staff's listing of the code portions through which review of private development's lighting designs take place.
- **Overlake (OV) and Marymoor Village (MDD) Bridge Amendments** : Commissioner Shefrin asked whether development in the Overlake zoning districts is anticipated to maximize its horizontal and vertical footprint, and how that would relate to light access and airspace in the vicinity. She supported staff's response that the Technical Committee's recommendation and the master planning process for sites of three or more acres include

requirement of a shadow study. The study must identify impacts to open spaces, public areas, and neighboring developments.

- **Overlake (OV) and Marymoor Village (MDD) Bridge Amendments** : Chair Nichols and Commissioner Varadharajan requested additional information including the timeline for and the relationship between the Technical Committee’s recommended code amendments and upcoming neighborhood planning efforts in Overlake and Marymoor Village. They acknowledged staff’s explanation of the relationships between policy and regulatory amendments involving significant collaboration and communication among staff teams. Staff also clarified that the City Council’s action on the amendments is anticipated during March of 2022 with an effective date 11 days thereafter.
- **Public Comment** : Three individuals provided comments (Exhibit E) during the Planning Commission’s public hearing. The Commission requested that staff include public comments in the Planning Commission’s final issues matrix and to work with the commenters to resolve issues raised. Commissioners agreed with the resolutions as describe in the staff response/recommendation for each item:
 - Rezone R-1 Zoning Districts: no changes were recommended;
 - Special Regulations for Nonresidential Use Classes in Overlake: clarifications were recommended to the relevant code sections and related definitions;
 - Accessory Dwelling Unit Occupancy and Parking: no changes were recommended;
 - Town Center Zoning District Incentive Provisions: refinements to the Technical Committee’s recommendation were included; and
 - Floor Area Ratio Simplification: a modification to the calculation method was recommended.

2. Recommended Conclusions of the Technical Committee

The recommended conclusions in the Technical Committee Report (Exhibit F) should be adopted as conclusions.

3. Planning Commission Recommendation

The Planning Commission voted <in favor of/against> the Phase 1 of Amendments to the Redmond Zoning Code as a Periodic Rewrite of Redmond’s Development Regulations, with <#> Commissioners voting in favor and <#> Commissioners opposed at the Commission’s November 10, 2021 meeting.

List of Attachments

Exhibit A: Recommended Amendments to the Redmond Zoning Code

Exhibit B: Planning Commission Final Issues Matrix

Exhibit C: Planning Commission Meeting Minutes, September 8, 2021

Exhibit D: Planning Commission Meeting Minutes, September 22, 2021

Exhibit E: Public Comments

Exhibit F: Technical Committee Report with Exhibits

Carol V. Helland, Director of Planning and
Community Development

Date

Sherri Nichols, Planning Commission Chairperson

Date

Approved for Council Agenda _____

Angela Birney, Mayor

Date