TECHNICAL COMMITTEE REPORT

To: Planning Commission

From: Technical Committee

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Project File Number: LAND-2019-00591

Project Name: Redmond Zoning Code – Periodic Cleanup (Phase II)

Related File Numbers: SEPA-2019-00609

Applicant: City of Redmond

Applicant’s Representative: Kimberly Dietz, Senior Planner
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Reason for Proposal Adoption: The proposed amendments are recommended by the Technical Committee to provide a periodic cleanup to portions of the Redmond Zoning Code (RZC). The amendments provide for clarity and conciseness, ensure accuracy between code sections and references; and
account for new conditions including previously adopted amendments to functional plans, technical manuals, and state and federal regulations.

The recommended minor corrections have been determined to be exempt from SEPA review per WAC 197-11-800.19(B) as follows:

(19) Procedural actions. The proposal, amendment or adoption of legislation, rules, regulations, resolutions or ordinances, or of any plan or program shall be exempt if they are:
(a) ...
(b) Text amendments resulting in no substantive changes respecting use or modification of the environment.
(c) ...

I. APPLICANT PROPOSAL

A. APPLICANT

City of Redmond

B. BACKGROUND AND REASON FOR PROPOSAL

This is the second phase of a periodic cleanup to the City’s zoning code. The first phase, adopted by the City Council in April 2019 (Ords. 2958, 2959, 2960, 2960, eff. April 27, 2019), included 29 minor corrections such as typographical errors and inadvertent omissions. City Council’s prior action to adopt a code cleanup was in 2015 (Ord. 2803, eff. Oct 17, 2015).

As a normal course of business, City staff record code errors, discrepancies, and ambiguities as they are discovered. The staff then propose amendments to the zoning code to address these issues. This process also includes identifying potential code updates due to changed conditions, for conformance with new state or federal regulation, and for alignment with emerging technologies or practices.

Staff also confirmed that the proposed amendments are constrained as follows and therefore, minor in substance:
- Clearly maintains the intent, purpose, and direction of current regulation.
- Scope and scale is limited to a small, isolated portion of the RZC.
- Relies solely on existing code for clear and concise direction.
II. RECOMMENDATION

The Technical Committee recommends approval of the proposed amendments to the Redmond Zoning Code.

III. PRIMARY ISSUES CONSIDERED

The primary issues considered for this package were clarity, accuracy and updates based on changed conditions. The Existing Conditions section below provides general descriptions and representative examples of the corrections, organized by type.

The authoring staff of the individual amendments developed a corresponding rationale and analyzed potential community benefits and fiscal impacts. This information is provided in Attachment A.

IV. SUPPORTING ANALYSIS

A. EXISTING CONDITIONS

1. Correction for Clarity and Conciseness

Several amendments improve the clarity of code in sections where the existing code is somewhat vague, define terminology in association with federal and state regulations, or reduce confusion where the code inaccurately describes a condition. The overarching goal of amendments in this category includes providing enhancements for customer services, standard implementation of the code and for predictability:

- RZC Article 1 (multiple sections) – Rapid Charging Station Restrictions
- RZC 21.10.150 Pedestrian System – Downtown Street Cross Sections
- RZC 21.17.010 Adequate Public Facilities and Services Required
- RZC 21.20.030 Affordable Housing – General Requirements and Incentives
- RZC 21.74.020 Land Division Standards – Short Subdivisions
- RZC 21.74.030 Decision Criteria and Procedures – Two Step Short Plat Approval Process
- RZC 21.74.030 Decision Criteria and Procedures – Tree Preservation Plan – Plat Recording
- RZC 21.76.080 Notices – Tree Preservation Plan – Notice of Application
This representative example recommends a clarification to an exemption for accessory dwelling units (ADU) whereby new as well as remodels to ADUs would be exempt from conditions requiring development of public improvements:

RZC 21.17.010.F Adequate Streets, Sidewalks, and Trails. Except as provided in RZC 21.17.010.B.3, it shall be a condition of approval for development permits that public improvements, including paving, curbs, sidewalks, storm drainage, street lights, and underground utilities (except as provided for in RZC 21.17.020), conforming to the standards adopted by the Technical Committee shall be installed by the applicant prior to final approval or occupancy as follows. Construction of a new or remodeling of an existing accessory dwelling unit shall be exempt from this section.

This subsection shall apply to:
1. New commercial, industrial or residential construction (multifamily and new single-family on infill lot, except for accessory dwelling units)
2. New subdivisions
3. Dedication of private streets
4. Remodeling or additions to existing commercial, industrial, or multifamily residential buildings or conversions to these uses that increases gross floor area by 20 percent or greater, or any alterations or repairs which exceed 100 percent of the value of the previously existing structure.
5. Remodeling or additions to existing single-family residential buildings that increases the gross floor area by 100 percent or more, or any alterations or repairs which exceed 100 percent of the value of the previously existing structure. The decision maker may waive this requirement if any of the conditions set forth in subsection 21.17.010.B.3 are present.

2. Correction for Accuracy of Cross-References

The following recommendations correct cross-references to other sections of the RZC, ensuring accurate navigation for users of the code:

- RZC 21.08.370 Retirement Residences
- RZC 21.08.380 Special Requirements – Residential Land Adjacent to BP, MP, and I Zones
- RZC 21.12.150 OV Street Cross Sections
- RZC 21.12.200 OBAT Regulations Common to All Uses
• RZC 21.74.020 Land Division Standards
• RZC 21.74.030.M Decision Criteria and Procedures – Boundary Line Adjustments
• RZC 21.76.070 Land Use Actions and Decision Criteria
• RZC Article VII 21.78 Definitions – Shared Street

This representative example recommends amending a cross-reference to ensure that the appropriate land division process is cited and to avoid unintended confusion on behalf of customers and staff:

M. Boundary Line Adjustments.
1. Scope. This section sets forth the approval of boundary line adjustments, as defined in RCW 58.17.040(6). Division of land using the binding site plan process boundary line adjustment process is exempt from complying with subdivision regulations.

3. Addressing New Conditions

Amendments listed below ensure code conformance with updated laws, other statutes such as those adopted by the State, and the City’s functional plans:

• RZC 21.12 Overlake Regulations – Transitional Uses in OV1, OV2, OV3, and OV5
• RZC 21.20 Affordable Housing – sections 030.B and 050.B.4
• RZC 21.38.020 Garbage and Recycling Enclosures

This example amendment reflects a previous action by the City Council, establishing the regulations and procedures of the Multifamily Housing Property Tax Exemption. A placeholder was originally adopted into the Zoning Code as an opportunity for the City Council to recommend alternate solutions. With the Council’s action (Ord. 2892(AM)), the placeholder was no longer needed. This removal thus clarifies remaining occurrences of this placeholder and prevents confusion on behalf of staff and customers.

RZC 21.20.030.B. Certain provisions in this section such as affordability levels and bonuses may not apply or may be superseded as otherwise specified in RZC 21.20, Affordable Housing or RMC Chapter 3.38 Multifamily Housing Property Tax Exemption to the extent the same is adopted by the City Council.

RZC 21.20.050.B.4. In making a decision on alternative compliance, the Administrator will consider the value of any City incentives.
available to the project, such as property tax exemptions established in RMC Chapter 3.38 to the extent the same is adopted by the City Council.

B. COMPLIANCE WITH CRITERIA FOR ZONING CODE TEXT AMENDMENT

Redmond Zoning Code RZC 21.76.070.AE Zoning Code Amendment - Text directs the City to take consideration into account as part of decisions on proposed amendments to the text, maps, charts of the RZC, exclusive of the Zoning Map, and to ensure that the amendments are consistent with the goals and policies of the Comprehensive Plan.

The following is an analysis of how this proposal complies with the amendment criteria — ensuring that text amendments to the Redmond Zoning Code conform with the Comprehensive Plan:

Comprehensive Plan policy PI-11, reflecting the Growth Management Act, describes that development regulations, functional plans, budgets, and other implementing measures and actions are consistent with and reinforce the Comprehensive Plan. Furthermore, policy PI-12 addresses resolution of conflicts that arise when applying Comprehensive Plan policies or implementing measures in a manner that supports the goals for Redmond in the Comprehensive Plan and considers the City’s intent in establishing a policy or regulation.

The proposal is limited to minor corrections within the RZC addressing clarity, accuracy, and establishing conformance with updated laws, codes, and functional plans. The amendments maintain existing purpose, intent, and scope of current policies and codes, and therefore continue to ensure consistency with the Comprehensive Plan, having been previously established during respective policy and code development and respective updates.

V. AUTHORITY AND ENVIRONMENTAL, PUBLIC AND AGENCY REVIEW

A. AMENDMENT PROCESS

RZC 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) to 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, and amendments to the RZC must be approved by ordinance.

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)
The City of Redmond, as the lead agency for this proposal, determined on July 10, 2019 that the proposal is categorically exempt from the SEPA threshold determination and EIS requirements pursuant to WAC 197-11-800.19(b).

D. 60-DAY STATE AGENCY REVIEW
State agencies were sent 60-day notice of the proposed amendments on June 25, 2019.

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 August 28, 2019. The hearing notice is attached as Exhibit C.

During development of the recommended amendments, notice regarding the proposal was provided through the following City of Redmond webpages:
- Zoning Code;
- Development; and
- Public Hearing Notices.

Notice was also provided by mail and email to the parties of record regarding the 2015 Comprehensive Plan and Zoning Code Miscellaneous Amendments (Ord. 2803, eff. Oct. 17, 2015) and the 2018 Redmond Zoning – Periodic Cleanup (Minor Amendments) (Ords. 2958, 2959, 2960, 2960, eff. April 27, 2019).

F. APPEALS
RZC 21.76.070.AE identifies Zoning Code Amendments as a Type VI permit. Final action is taken 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 Redmond Zoning Code Periodic Cleanup – Phase II

Exhibit B: Categorical Exemption from SEPA Determination

Exhibit C: Public Hearing Notice for September 11, 2019 Hearing

Conclusion in Support of Recommendation: 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) rules.

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