

Planning Commission  
City of Redmond, WA  
15670 NE 85<sup>th</sup> St.  
Redmond, WA 98052

Re: 2015 Redmond Comprehensive Plan and Zoning Code Miscellaneous Amendments

TO THE COMMISSIONERS:

I own two parcels of property located at 9849 Redmond-Woodinville Rd. NE (Tax Parcels 3526059123 and 0225059135), that are impacted by the proposed changes (please see attached email).

In regards Parcel #3526059123, Staff has already recommended that the zoning be changed from R-1 to R-4 in order to conform with parcel and Comprehensive Plan land use designation boundaries.

After reviewing a notice provided to me by staff, I had a meeting with Planning staff to discuss an another mis-match. As a result, staff is making an additional recommendation that affects Parcel #0225059135.

I want to express my support for both of the proposed changes.

Best regards,



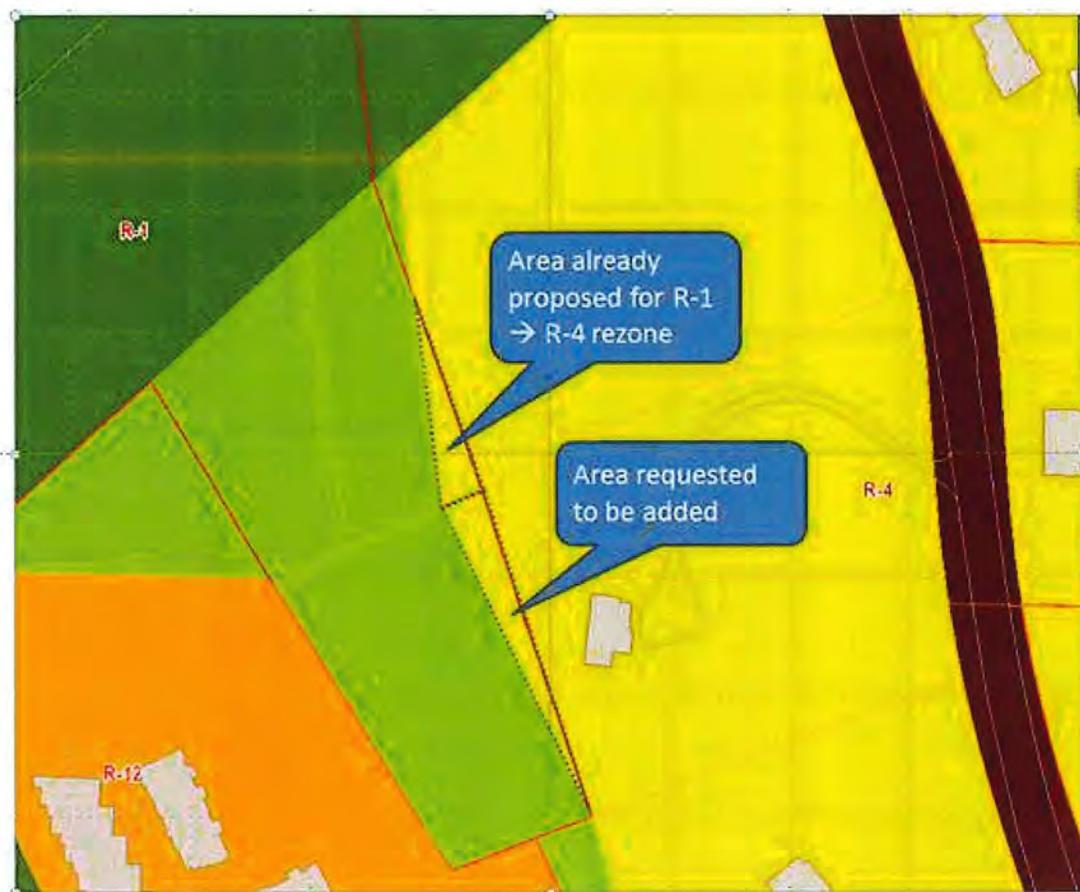
Rory Veal  
9859 Red-Wood Rd NE  
Redmond, WA 98052

## Rory Veal

**From:** Cathy Beam [CBEAM@REDMOND.GOV]  
**Sent:** Monday, June 08, 2015 4:45 PM  
**To:** Rory Veal (rveal@frontiernet.net)  
**Cc:** Jeff Churchill; Lori Peckol  
**Subject:** FW: Minor Zoning Map amendment

Hi Rory,

Jeff was able to connect with Lori Peckol regarding your questions raised when we met last week. Staff has proposed rezoning a small piece of your property from R-1 to R-4 to align with parcel and Comprehensive Plan land use designation boundaries. You had pointed out that the property directly south also contains a mismatch of property line and zoning boundaries and you had requested a small part of this property also be rezoned from R-1 to R-4. Staff is in support of this request.



You had also asked about considering re-designating a portion of the southerly property from Single-Family Constrained to Single-Family Urban. We had mentioned that the docket deadline has passed but that we would inquire about whether this request could be added to the 2015-16 docket. Since the deadline has passed, we will not be adding this into the docket. If you wish to have further discussion about this decision, feel free to contact Lori Peckol directly who is copied on this message.

# WILLIAMSON LAW OFFICE

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COLUMBIA CENTER TOWER  
701 5<sup>th</sup> Avenue - Suite 5500  
P.O. Box 99821  
Seattle, Washington 98139  
Office: (206) 292-0411 / Fax: 206.292.0313  
williamsonb@msn.com – www.land-useattorney.com

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August 5, 2015

Redmond City Planning Commission  
15670 NE 85th Street  
PO Box 97010  
Redmond, WA 98073-9710

Re: KCCLE's Opposition to Removal of Affordable Waiver Provisions (Ord. 2733/Ord. 2385) -  
August 5, 2015 Planning Commission Meeting

Dear Redmond City Planning Commission Members:

Koll Commerce Limited Edition is an applicant for submission of a Master Plan and Development Agreement for an approximate office park site comprising 9.2 acres and 19 platted lots. KCCLE has engaged City Staff in this process under RZC Chapters 21.20 and 21.76 for over three years. During this process, KCCLE has relied upon the incentive provisions of RZC 21.20.030H.1.b set forth below to attract developer buyers for Phase I of the Proposal and meet the demand for market rate multi-family dwelling units in Overlake Village:

"H. Urban Centers Requirements

I. Overlake.

a. In portions of Overlake where density limits are expressed as a Floor Area Ratio, the bonus above the maximum residential FAR expressed in RZC 21.12, Overlake Regulations, is two times the equivalent floor area for each affordable unit provided. The bonus residential floor area may be used to increase building height by up to one story above the base standards shown in RZC 21.12, Overlake Regulations. The bonuses granted under this provision are in addition to any bonuses granted for senior housing under RZC 21.20.070, Affordable Senior Housing.

b. Affordable Housing requirements are optional for the first 100 housing units approved to be developed in the Overlake Village zones and that otherwise would be required to be affordable units per this section. Each proposed development site may qualify for waiver

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KCCLE Opposition to Repeal of Overlake Village Incentives Letter Planning Commission Review of 2015  
Redmond Comprehensive Plan & Zoning Code Changes -  
August 5, 2015

of no more than 25 units of affordable housing. For purposes of this subsection, development site is measured for the project as a whole, including the total area proposed for development or included as part of a master plan.” (Emphasis added).

This legislative policy was originally adopted under Ordinance 2385 has been in effect since its adoption in 2011. This policy was reaffirmed and continued by the City Council in the adoption of Ordinance 2733 on March 18, 2014. It has now been in place for over four (4) continuous calendar years. During this period, one development in Overlake Village (Esterra Park) has utilized this policy. It is now enjoying the benefits of this intended incentive for developing market rate multi-family housing in the redevelopment of the former Group Health site based upon a Master Plan and Development Agreement approved by the City Council.

The basis for changing this legislative incentive is based upon a single staff report at Pages 5 and 6 to the Commission. The extent of technical assessment for removal of this incentive is limited to the following two paragraphs:

**9. Update affordable housing bonus provisions and remove phase-in requirement for Overlake Urban Center**

Existing condition. Staff proposes updates to two sections of RZC 21.20, Affordable Housing. The first update relates to rezones. Comprehensive Plan policy HO-38 directs the City to consider requiring the provision of affordable housing in conjunction with rezones that increase residential capacity. However, no companion zoning regulations exist. The second update involves affordable housing requirements in Overlake. RZC 21.20, Affordable Housing, provides for a phase-in of affordable housing requirements for the Overlake Urban Center. This phase-in provision was adopted in 2007 and allows the waiver of the requirement for up to 100 affordable dwellings, with each site qualifying for a waiver of no more than 25 affordable homes. The waiver was established at a time when Overlake was a new area for multi-family development and was for the goal of encouraging catalyst investments. The City used a similar approach in the Downtown starting in the 1990s.

Proposal. Staff proposes to incorporate the provisions of policy HO-38 into the Zoning Code so that there is a clear mechanism for carrying out that policy. Staff also proposes to eliminate the phase-in provision for affordable housing in the Overlake Urban Center. The reasons for eliminating the phase-in provision include that the market has shown that Overlake is an attractive location for investment, requiring affordable housing is not deterring redevelopment in Overlake, developers have become familiar with Redmond’s affordable housing requirements

No studies have been conducted by City Staff to support such a change of policy and its impact to pending Master Plan and Development Agreement applications pending with the City for Overlake

Village. In an all-day meeting held with City Technical Staff on June 10, 2015 on KCCLE's Master Plan and Development Agreement, when the impacts of removal of this policy could have been discussed and assessed by KCCLE, it was not even mentioned or disclosed to KCCLE representatives. The only basis supporting such a dramatic change in policy is Staff's Technical Report. Until such studies are undertaken by Staff and meetings held with the development community, the Commission's consideration of repealing this Council policy that has been in place for over four years is simply premature. The Commission should not forward any recommendation on to the Council.

If the Commission is seriously moving forward without such a study, at the very least it should exempt KCCLE's Master Plan and Development Agreement proposal where KCCLE has relied on this policy in the design of its phased development. This is especially the case for the planned Phase I mixed-use quadrant where market rate multi-family housing is such an important initial anchor component in introducing the public to the benefits of multi-family housing with mixed uses (commercial or medical office with a hotel/convention site) as Redmond builds out its transportation and urban pathway corridors. It would be extremely unfair and discriminatory under these circumstances to allow one Overlake Village Master Plan development to receive and use such an incentive to build market rate multi-family housing units; and, then take it away from KCCLE where KCCLE has invested so heavily in weighting its project toward multi-family housing with over 885 units proposed for all three phases of the site. This simply makes no economic sense given that no studies or meetings with the development community have preceded this policy change.

### Conclusion

For these reasons, the Commission should study this issue further and not take action to forward this Staff proposal to the Council for removal of the incentive. If the Commission takes action, it should exempt KCCLE's Master Plan and Development Agreement from such a repeal.

Sincerely,



Bill H. Williamson

cc via email only: Doug Wright, KCCLE Board President; Melody Westerdal, KCCLE Project Manager

KCCLE-Planning Commission Letter (waiver of Aff.Housing)-070815.doc

**8. Update adequate streets, sidewalks, and trails provisions**

Existing condition. RZC 21.17.010 identifies requirements to ensure adequate public facilities and services during the land development process. This section lists under what types of activity/development permits these improvements are required. This list includes: new commercial, industrial or residential construction; subdivisions; dedication of private streets; remodeling and additions to commercial, industrial, and multifamily residential buildings meeting certain criteria; and remodeling and additions to single family residences under certain circumstances. This section also identifies that improvements beyond the property frontage may be included within 350 feet.

Proposal. Staff’s proposal clarifies the list of activities/development permits to include multi-family and new single family on infill lots, adds “new” in front of subdivision, and eliminates some criteria for when remodeling and additions to single family residences would be required to make improvements, instead relying on existing nexus and proportionality provisions. This amendment also modifies the distance beyond the property frontage from 350 feet to one-tenth of a mile (528 feet) when improvements beyond the property frontage may be required. This is to provide consistency with the Transportation Master Plan.

Alternatives. None considered as staff would like to ensure consistency between the Zoning Code and the Transportation Master Plan.

**9. Update affordable housing bonus provisions and remove phase-in requirement for Overlake Urban Center**

Existing condition. Staff proposes updates to two sections of RZC 21.20, Affordable Housing. The first update relates to rezones. Comprehensive Plan policy HO-38 directs the City to consider requiring the provision of affordable housing in conjunction with rezones that increase residential capacity. However, no companion zoning regulations exist. The second update involves affordable housing requirements in Overlake. RZC 21.20, Affordable Housing, provides for a phase-in of affordable housing requirements for the Overlake Urban Center. This phase-in provision was adopted in 2007 and allows the waiver of the requirement for up to 100 affordable dwellings, with each site qualifying for a waiver of no more than 25 affordable homes. The waiver was established at a time when Overlake was a new area for multi-family development and was for the goal of encouraging catalyst investments. The City used a similar approach in the Downtown starting in the 1990s.

Proposal. Staff proposes to incorporate the provisions of policy HO-38 into the Zoning Code so that there is a clear mechanism for carrying out that policy. Staff also proposes to eliminate the phase-in provision for affordable housing in the Overlake Urban Center. The reasons for eliminating the phase-in provision include that the market has shown that Overlake is an attractive location for investment, requiring affordable housing is not deterring redevelopment in Overlake, developers have become familiar with Redmond’s affordable housing requirements

in the last 20 years since it was established, and the need for affordable housing remains great in Redmond and the Eastside.

Alternatives. The City could continue to rely solely on policy HO-38 in order to require affordability with residential rezones. The City could maintain the phase-in provision for Overlake, which would mean that 75 homes that would be affordable under this proposal would instead be market-rate homes; 25 of the 100 exemptions are being used in the Esterra Park development, which was the catalyst investment.

#### **10. Clarify outdoor storage provisions in residential zones**

Existing condition. It is not clear how broadly regulations for storage, shipping or moving containers in residential zones apply. The regulations are intended to apply to residential uses, but that is not clearly stated, and many non-residential uses are permitted in residential zones, such as schools, parks and religious facilities.

Proposal. Staff proposes to add an “applicability” paragraph that states that the regulations apply to residential uses, and that storage, shipping or moving container standards for non-residential uses are reviewed through the temporary use permit process.

Alternatives. The City could choose to regulate all uses in residential zones using these regulations, which would be a change in practice.

#### **11. Correct recreational marijuana buffer provisions related to child care centers**

Existing condition. Redmond’s recreational marijuana regulations omit child care centers as uses that require a 1,000-foot buffer. This is an error because State regulations require that 1,000-foot buffers be established around child care centers.

Proposal. Staff proposes to add child care centers to the list of uses that require a 1,000-foot buffer.

Alternatives. None since state regulations require that 1,000-foot buffers exist around child care centers.

#### **12. Create over-the-counter temporary use permits**

Existing condition. Redmond requires temporary use permits for short-term and long-term temporary uses. The code does not address recurring seasonal uses except for some limited circumstances like Christmas tree lots. That means that, generally, recurring seasonal uses such as a farmers market are required to obtain a short-term temporary use permit each year and undergo a full review each year.

Proposal. Staff proposes to allow recurring seasonal temporary uses to undergo a full review once and then an expedited review in subsequent years provided there are no substantial changes to the application. These renewals would be processed over the counter, saving both staff and the applicant time. A fee would need to be established by the Council for this type of renewal to also save money.



## TECHNICAL COMMITTEE REPORT

**To:** Planning Commission

**From:** Technical Committee

**Staff Contacts:** Cathy Beam, AICP, Principal Planner, 425-556-2429  
Jeff Churchill, AICP, Senior Planner, 425-556-2492

**Date:** May 29, 2015

**File Numbers:** LAND-2015-00838; SEPA-2015-00839

**Project Name:** 2015 Redmond Comprehensive Plan and Zoning Code Miscellaneous Amendments

**Reasons the Proposal should be Adopted:** The proposed amendments should be adopted because they improve clarity throughout the code and are consistent with the Redmond Comprehensive Plan.

### I. APPLICANT PROPOSAL

#### A. APPLICANT

City of Redmond

#### B. BACKGROUND AND REASON FOR PROPOSAL

The City of Redmond comprehensively updated its development regulations in April 2011 with the adoption of the Redmond Zoning Code. Since that time staff has logged code issues such as errors, discrepancies and ambiguities as well as other potential code updates due to changed conditions and from time to time brought amendment packages to the Planning Commission and City Council for review and decision. The last set of miscellaneous amendments was adopted in October 2013 (Ord. 2709).

This package comprises four categories of amendments:

1. An update to Comprehensive Plan policy PI-16 to implement City Council direction.

## Ordinance No. 2385, Exhibit 1

### RCDG 20C.45 Overlake

#### 20C.45.10 Purpose

Redmond's Comprehensive Plan contains the vision and policies for Overlake. These policies are intended to focus multi-family, office and retail development within the Overlake Urban Center; maintain and enhance Overlake's regional employment role; protect and enhance residential neighborhoods; improve mobility options; balance growth with the provision of needed facilities and services; and protect and enhance the environmental quality of the area.

The regulations set out in this chapter and related sections of the RCDG are intended to:

1. Implement the Overlake goals and policies as described in the Comprehensive Plan.
2. Guide the location, intensity, design and phasing of development.
3. Allow for creativity and flexibility in carrying out the vision and policies for Overlake.
4. Encourage private and public investment, appeal to new and existing residents, and attract visitors.
5. Promote attractive streetscapes and urban green spaces.
6. Guide development and investments to support an increasing share of travel by walking, bicycling and use of transit.

#### 20C.45.20 Overlake Districts

The Overlake neighborhood includes four districts, the intents of which are set forth below. See map entitled Overlake Districts.

**Overlake Village (OV) Design District:** This district provides for a vibrant pedestrian-oriented area with opportunities to live, work, shop and recreate. It is intended to evolve to a true urban residential/mixed use neighborhood in which significant multi-family living opportunities are integrated with a variety of businesses, including retail, professional office, services, and entertainment uses, that primarily serve the general public. The map entitled Overlake Village indicates the preferred land uses by area within this district: Mixed Use (residential and commercial) Emphasizing Residential; Mixed Use Maintaining Commercial; and Mixed Use Maintaining Regional Retail. The arterial streets are intended for pedestrian friendly and activating commercial uses along the ground floor while local streets will allow residential uses at street level.

The boundaries for the three performance areas within the Overlake Village Design District are delineated on the City's zoning map. Area 1 is northwest of NE 24<sup>th</sup> Street and 152<sup>nd</sup> Avenue NE. Area 2 is southwest of NE 24<sup>th</sup> Street and 152<sup>nd</sup> Avenue NE. The remainder of the district is Performance Area 3. Unless otherwise stated, all provisions of the RCDG relating to the Overlake Village Design District are intended to apply to all three performance areas.

**Overlake Design District (ODD):** This district provides for redevelopment of a unique 28-acre, sloped site located at the core of the Overlake Urban Center. This site is intended to provide a compact, mixed-use development with substantial residential development, as well as employment, retail and services, which are integrated with a major urban neighborhood public park that provides a central gathering place through plazas and green spaces. With its central

## Ordinance No. 2385, Exhibit 1

- (4) Housing Construction Timing. Affordable home construction shall be concurrent with construction of market rate dwelling units unless the requirements of this section are met through RCDG 20D.30.10-030, Alternative Compliance Methods.
- (5) Duration. An agreement in a form approved by the City must be recorded with the King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing for the life of the development. This agreement shall be a covenant running with the land, binding on the assigns, heirs, and successors of the applicant. Prior to the issuance of any building permit, the owner shall sign any necessary agreements with the City to implement these requirements. The City may agree, at its sole discretion, to subordinate any affordable housing regulatory agreement for the purpose of enabling the owner to obtain financing for development of the property, consistent with any applicable provision of the Community Development Guide in effect at the time of the issuance of the development permit(s).

*(6) through (8) No change to existing code*

New subsection:

→ (9). Supplemental Requirements: Overlake. Inclusionary requirements are optional for the first 100 housing units approved to be developed in the Overlake Village Sub-Area and which otherwise would be required to be affordable units per this subsection. Each proposed development site may qualify for waiver of no more than 25 units of affordable housing. For purposes of this subsection, development site is measured for the project as a whole, including the total area proposed for development or included as part of a master plan.

*Remainder of 20D.30 Affordable Housing – No change to existing code.*

# Overlake Village Sub-Area Map

