



## Planning Commission Report

**To:** City Council

**From:** Planning Commission

**Staff Contacts:** Rob Odle, Planning Director, 425-556-2417  
Lori Peckol, AICP, Policy Planning Manager, 425-556-2411  
Sarah Stiteler, Senior Planner, 425-556-2469

**Date:** March 23, 2016

**File Numbers:** LAND-2015-02261, SEPA-2015-02323

**Title:** Amendment to Comprehensive Plan and Zoning Code Regarding Non-Residential Uses in Residential Zones and to Extend the Overlake Business and Advanced Technology (OBAT) Height Limit Overlay

**Planning  
Commission  
Recommendation:** Denial

**Recommended  
Action:** Deny the applicant's proposed amendments to the Redmond Comprehensive Plan and Zoning Code and deny the Technical Committee's alternative recommendation.

**Summary:** The applicant proposed to amend Comprehensive Plan Land Use Element policy LU-30 and Overlake Neighborhood policy OV-77 to add language requiring that all non-residential uses in Residential zones obtain a Conditional Use Permit (CUP), and to extend the existing OBAT height limit overlay 300' into adjacent Residential zones. Alternatively, the Technical Committee recommended an amendment to the Zoning Code that a neighborhood meeting be required for three non-residential uses in Residential zones that are

likely to cause people to gather: 1) Community indoor recreation, 2) Parks, open space, trails and gardens, and 3) Religious institutions with fewer than 250 seats.

**Reasons the Proposal should be Denied:**

The applicant's recommended amendments to the Redmond Comprehensive Plan should be denied for the reasons stated in the Technical Committee Report and because:

- No significant issues have been identified regarding the current permitting process or operation of non-residential uses within Residential zones and there is sufficient authority to address potential impacts both during the review process as well as after the use is in place through code enforcement;
- The applicant's proposed amendments would result in additional time and expense for permitting non-residential projects under a Type IV (CUP) instead of the existing Type I or Type II process; and,
- The proposed extension of the OBAT height limit overlay is inconsistent with the purpose of this overlay and could prevent the location of some non-residential uses in Residential zones that the Redmond Zoning Code currently allows.

In addition, the Technical Committee's recommended amendments to the Redmond Zoning Code to require a neighborhood meeting for three non-residential land uses when locating in Residential zones should be denied because:

- No significant issues have been identified regarding the current permitting process or operation of non-residential uses in Residential zones and potential issues can be addressed through permitting as well as through code enforcement.
- Two of the three uses proposed to have a required neighborhood meeting (Community indoor recreation and Parks, open space, trails and gardens) already incorporate public review and comment into their review processes.

## **Recommended Findings of Fact**

### **1. *Public Hearing and Notice***

#### **a. *Public Hearing Date***

The Planning Commission held a public hearing on February 10, 2016.

**b. Notice**

The public hearing was published in the Seattle Times. Public notices were posted in City Hall and at the Redmond Library. Notice was also provided by including the hearing in Planning Commission agendas and extended agendas that are distributed to various members of the public and various agencies, and posted on the City's web site.

**2. Public Comments**

Three people testified at the public hearing. Comments are summarized below. The meeting minutes for the February 10, 2016, Planning Commission meeting including public testimony are shown in Attachment E, and written comments are shown in Attachment F.

Susan Wilkins:

Additional Cost and Permit Review

The proposed amendment would increase the cost for permitting and add additional review that is unnecessary, as Conditional Use Permits require a hearing before a Hearing Examiner. It would put an undue burden on non-residential uses that are currently allowed in Residential zones such as schools or some temporary uses. Further, the proposal to require neighborhood meetings for non-residential uses would affect the City's ability to develop and maintain parks and trails and interfere with the right to practice religion and assemble.

Technical Committee Recommendation:

The Technical Committee's recommendation should not be considered as an alternative to the applicant's proposal, but should be considered as a separate amendment proposal with separate SEPA review because it is substantially different from the original amendment.

Ali Haveliwala:

The applicant's proposed amendments arise out of his opposition to the Anjuman-e-Burhani project proposed for 15252 NE 51<sup>st</sup> Street. The amendments will create barriers to the development of non-residential uses in Residential zones, including churches and places for religious worship.

Eugene Zakhareyev on behalf of Friends of Overlake:

The proposed amendments will contribute to a more rigorous land use development process in the City of Redmond and the Overlake neighborhood and will better protect residents in existing residential neighborhoods while allowing a variety of non-residential uses therein.

## Conclusions

### 1. *Key Issues Discussed by the Planning Commission*

The Planning Commission considered the amendments proposed by the applicant and the alternative recommended by the Technical Committee. Key issues discussed by the Planning Commission are summarized in the Issues Matrix (Attachment D) and below.

Commissioners discussed the current status of non-Residential uses in Residential zones and if there had been negative impacts from these land uses. The Commission asked how staff had dealt with any previous issues such as overflow parking in adjacent neighborhoods. Further, if a religious institution grew to be larger than the 250 seat capacity for which it was permitted, how does the City address this? Staff responded that overflow parking issues have been addressed through signage, code enforcement, and in one case, issuing parking tickets. Also, when a 250 seat capacity religious institution is permitted through administrative review, maintaining the 250 seat size is a condition of approval; if growth occurs, the City will revoke the permit allowing the use and require that a Conditional Use Permit is obtained. The Commission was satisfied that this issue had been adequately addressed.

The Planning Commission asked how the three uses recommended by the Technical Committee to require neighborhood meetings incorporate public review and comments. Community indoor recreation and Parks, open space, trails and gardens are allowed in Residential zones if they are public uses. They would undergo a public review process and often, neighborhood meetings for the location of, or major remodeling of these uses. The Commission was satisfied that this issue has been adequately addressed.

### 2. *Recommended Conclusions of the Technical Committee*

The analysis and recommended conclusions contained in the Technical Committee Report (Attachment G) regarding the proposed amendments are adopted in support of the Planning Commission's recommendation.

### 3. *Planning Commission Recommendation*

The Planning Commission voted 7-0 at its February 17, 2016 meeting to recommend denial of the Amendments as shown in Attachments A and B. In summary, the Planning Commissioners stated that no significant issues associated with the permitting or operation of nonresidential uses in residential zones have been identified and that the applicant's proposed amendments and the Technical Committee's alternative recommendation represent a means to solve a problem that they do not believe exists.

**List of Attachments**

**Attachment A:** Applicant’s Recommended Amendments to Comprehensive Plan Policies LU-30 and OV-77

**Attachment B:** Technical Committee’s Recommended Amendments to Redmond Zoning Code

**Attachment C:** OBAT Height Limits – Map 12.7

**Attachment D:** Issues Matrix

**Attachment E:** Planning Commission Meeting Minutes for February 10, 2016

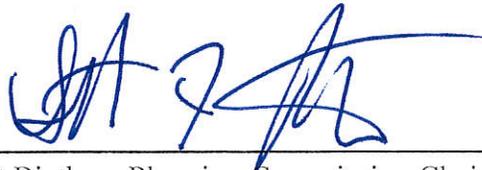
**Attachment F:** Written Testimony

**Attachment G: Technical Committee Report with Exhibits**

- Exhibit A: Technical Committee Recommended Amendments to the Redmond Zoning Code and examples
- Exhibit B: OBAT Height Limits – Map 12.7
- Exhibit C: SEPA Threshold Determination
- Exhibit D: Applicant’s requested amendments

  
\_\_\_\_\_  
Robert G. Odle, Planning Director

3/18/16  
Date

  
\_\_\_\_\_  
Scott Biethan, Planning Commission Chairperson

3-23-16  
Date

Approved for Council Agenda   
\_\_\_\_\_  
John Marchione, Mayor

3-28-16  
Date



# ATTACHMENT A

[www.redmond.gov/LandUseForms](http://www.redmond.gov/LandUseForms)

## Comprehensive Plan Amendment



### (2014 2015) AMENDMENT PACKAGE

Office Use Only

DATE: \_\_\_\_\_

ACCEPTED BY: \_\_\_\_\_

LAND: \_\_\_\_\_

PAYMENT METHOD: **NO FEE**

**This application is for requesting an amendment to Redmond's Comprehensive Plan and associated Zoning Code provisions as part of the 2014-2015 Comprehensive Plan amendment process.**

#### BACKGROUND

Changes to the Comprehensive Plan, and some Zoning Code regulations such as property-specific zoning designations, are allowable once per year under state law. As the first step in this process, the City invites interested parties to identify proposed changes. Afterward, the Redmond Planning Commission and then City Council review and confirm the list of amendments to be considered over the course of the year, including privately-initiated amendments. The purpose of establishing this list (known as the annual *Comprehensive Plan Docket*) is to coordinate proposed changes and to help the community track progress.

#### APPLICATION PROCESS AND DEADLINE

Any individual, organization, business, or other group may propose an amendment. For site-specific proposals, a minimum of 75% of property owners must confirm agreement by signing this document. Proposals to amend the Comprehensive Plan and associated Zoning Code provisions must be received in person by **5 pm on Thursday, May 29, 2014**. Proposals received after the deadline will be considered as part of subsequent annual docketing processes. There is no fee for Comprehensive Plan or Zoning Code amendments requested during this process, nor are fees required for associated State Environmental Policy Act (SEPA) review. See page 3 for submittal instructions.

#### STAFF CONSULT AND APPLICATION DEADLINES

Consultation with Long Range Planning staff is required prior to submitting an application. Contact Pete Sullivan, Senior Planner, to coordinate: [ppsullivan@redmond.gov](mailto:ppsullivan@redmond.gov)

Purpose of staff consult is to:

- review the proposal
- answer questions;
- preliminarily identify consistency issues; and
- ensure application completeness.

The 2014-15 Comprehensive Plan Amendment process includes two deadlines as described below:

**Round 1: May 29, 2014**

An application must be received by 5PM on this date for consideration in 2014-15 Comprehensive Plan Amendment docket.

**Round 2: June 6, 2014**

If Round 1 submittal is determined incomplete it will be returned. Applicants must provide complete applications by this date to be recommended for inclusion in 2014-15 Comprehensive Plan Amendment docket.

**Ready to arrange a pre consult meeting? Contact Pete Sullivan, Senior Planner | [ppsullivan@redmond.gov](mailto:ppsullivan@redmond.gov)**



[www.redmond.gov/LandUseForms](http://www.redmond.gov/LandUseForms)

# Comprehensive Plan Amendment



## COMPREHENSIVE PLAN APPLICATION

**NOTICE:** Materials delivered by courier or by mail **will not be accepted.**

Amendment Name: Require Conditional Use Permit for non-residential uses applications in residential neighborhoods

Site Address( if applicable): \_\_\_\_\_

Parcel Number(s)(if applicable) \_\_\_\_\_

Acres: \_\_\_\_\_ (if applicable)      Zoning designation: \_\_\_\_\_ (if applicable)

### CONTACT INFORMATION

Applicant: Friends of Overlake neighborhood group

Company Name: (if applicable) \_\_\_\_\_

Mailing Address: 5126 154th Ave NE

City: Redmond      State: WA      Zip: 98052

Phone: 408-421-2126      Fax: \_\_\_\_\_      Email: moston051@gmail.com

### AUTHORIZED AGENT

*The undersigned hereby certifies that all information submitted with this application is complete and correct to the best of my knowledge.*

Print Name: Eugene Zakhareyev

Date: 5/29/2014

Signature: Eugene Zakhareyev

Digitally signed by Eugene Zakhareyev  
DN: cn=Eugene Zakhareyev, o=, ou=, email=moston051@gmail.com, c=US  
Date: 2014.05.29 23:48:28 -0700

### ELECTRONIC SUBMITTAL STANDARDS

After staff pre-consult, application materials must be completed electronically, and submitted as follows:

- A. PDF File format File Naming Standards:  
Application forms should be submitted as PDF documents. Email attachments should be clearly named so they correspond to the forms identified on Page 3.
- B. Send PDFs as email attachments:  
Include "Comprehensive Plan Amendment Application" in the subject line and send to [ppsullivan@redmond.gov](mailto:ppsullivan@redmond.gov)

- C. Application should be packaged as 4 PDFs  
The Comprehensive Plan Amendment application has four components as described on Page 3. Each component should be submitted a stand-alone PDF. Additional responses to applications questions, or other materials such as maps, calculations, or reports should be embedded in the PDF for which they support.

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## DESCRIPTION OF PROPOSED AMENDMENT

If this proposal is for a **text amendment**, provide the specific language for the proposed amendment in the space below or attach to this form. Reference the Comprehensive Plan pages or sections to be amended. Comprehensive Plan can be accessed at [www.redmond.gov/complan](http://www.redmond.gov/complan)

~~Amend section LU-30 to include "To maintain the character of the residential areas and impose conditions for future compatibility, require Conditional Use Permit for all allowed nonresidential uses in Residential zones".~~

Answer questions below if proposal is for a **property specific amendment**. Also complete questions on Page 5 if proposing to change the **Land Use Map (Map LU 1)**:

What is the current Comprehensive Plan land use designation and zoning?

What is your desired Comprehensive Plan land use designation and zoning?

Describe what type of development is envisioned for the area propose for the amendment . A conceptual drawing of the proposed development may be required.

What land uses are located on and adjacent to the area proposed for amendment?

## SUBMITTAL REQUIREMENTS

The application package includes four forms as described below. Also see E-submittal standards, Page 2.

1. Complete & signed copy of **this form**. E-sign is ok.
    - If site specific amendment, include **Signature Document with** signatures of at least 75% of the property owners within the affected geographic area.
    - If site specific or area-wide map amendment, include a **map with the following information**:
      - Parcels and streets in affected area
      - Parcel numbers and street address (es) in affected area.
      - Scale between 1-inch equals 100' and 1 inch equals 800 feet.
  2. Complete and signed **General Application form**. Direct link to electronic form [here](#) (opens a PDF document)
  3. State Environmental Policy Act (SEPA) **Application and Checklist** Direct link to electronic form [here](#) (opens a PDF document)
  4. SEPA Critical Areas Fee **Worksheet** (No fees collected; but worksheet still required) Direct link to electronic form [here](#) (opens a PDF document)
- Items 2-3 above can also be accessed at [www.redmond.gov/landuseforms](http://www.redmond.gov/landuseforms)

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## COMPREHENSIVE PLAN AMENDMENTS QUESTIONS

Questions 1 through 8 apply to **all proposed amendments**. Please answer the questions on this page, or attach additional pages as needed, embedding them in the same PDF as this application (see submittal standards on Page 2).

1. What is your proposed amendment intended to accomplish?

~~Allowed nonresidential uses in Residential zones may greatly affect the character of the neighborhood, but Conditional Use Permit is not required for all uses. The change will impose conditions on new developments so that the compatibility with residential uses can be enforced, as well will ensure greater residents' participation in the land use application approval process.~~

2. How will your proposal support the goals contained in Redmond's Comprehensive Plan? Goals are shown on page 6.

~~The proposal will provide for better planning for Redmond's sustainable future while keeping and enhancing the quality of life in the city residential neighborhoods.~~

3. How will your proposal support other applicable policies and provisions from Redmond's Comprehensive Plan? Plan can be accessed at [www.redmond.gov/compplan](http://www.redmond.gov/compplan) or click [here](#)

~~The amendment will clarify the purposes of the comprehensive plan and will serve to enhance the unique character of the residential neighborhoods of the city of Redmond.~~

4. What impacts might your proposal have on the natural environment, such as critical areas or other natural areas?

~~The proposal will not have effect on the natural environment.~~

5. What economic impacts might your proposal have, such as impacts for businesses, residents, property owners, or Redmond City Government?

~~The amendment will better protect the interests of the residents in Residential zones, as well as allow the city to better enforce the zoning requirements.~~

6. How will your proposal address the long-term interests and needs of the community as a whole?

~~The proposal will serve best interests of the community by making sure new developments do not compromise established residential neighborhood quality of life.~~

7. Are you aware of any public support for your proposed amendment?

~~The proposal is supported by Friends of Overlake, neighborhood group of over 50 residents of Overlake neighborhood~~

8. If your proposal has been considered within the last four years, what circumstances have changed to make the proposed amendment appropriate?

~~To the best of our knowledge, there was no such proposal in the last four years.~~

## LAND USE MAP QUESTIONS

Questions 9-14 apply only to changes to the Land Use Plan Map or land use designation. In addressing these additional questions, describe both positive and negative impacts and any measure you would take to mitigate negative impacts.

9. Describe the suitability of the area for the proposed designation, considering the adjacent land uses and the surrounding development pattern, and the zoning standards under the potential zoning classification.

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10. What is the potential for the uses allowed under the proposed designation to be incompatible with uses or property in the immediate vicinity of the subject property? How would adverse impacts be mitigated?

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11. Describe the extent to which the proposal supports: a) Redmond's preferred land use pattern as described in the Comprehensive Plan Land Use Element, and b) the community character object contained in Redmond's Comprehensive Plan. *See the Community Character or Land Use Element of the Comprehensive Plan or the elements specific to neighborhoods.*

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12. Describe any probable adverse environmental impacts that might result from the proposed change in land use designation. How would any adverse impacts be mitigated?

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13. Describe the extent in which adequate public facilities and services are likely to be available to serve the development allowed under the proposed land use designation.

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14. If a change in allowed uses is proposed, discuss the need for the land use which would be allowed and whether the change would result in loss of capacity to accommodate other needed uses. Consider especially, whether the proposed change complies with the City policy HO-17, which would prohibit any rezoning that reduces capacity for residential development without first approving another rezoning that at least replaces the lot capacity elsewhere in the City.

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## GOALS FOR REDMOND

- To conserve agricultural lands and rural areas, to protect and enhance the quality of the natural environment, and to sustain Redmond's natural resources as the City continues to accommodate growth and development.
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- To provide opportunities to live a healthy lifestyle, enjoy a variety of community gathering places and celebrate diverse cultural opportunities.
- To provide convenient, safe and environmentally friendly transportation connections within Redmond and between Redmond and other communities for people and goods.
- To cultivate a well-connected community, working together and with others in the region to implement a common vision for Redmond's sustainable future.



www.redmond.gov/LandUseForms

# Comprehensive Plan Amendment



## (2014 2015) AMENDMENT PACKAGE

Office Use Only

DATE: \_\_\_\_\_

ACCEPTED BY: \_\_\_\_\_

LAND: \_\_\_\_\_

PAYMENT METHOD: **NO FEE**

This application is for requesting an amendment to Redmond's Comprehensive Plan and associated Zoning Code provisions as part of the 2014-2015 Comprehensive Plan amendment process.

### BACKGROUND

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# Comprehensive Plan Amendment



## COMPREHENSIVE PLAN APPLICATION

**NOTICE:** Materials delivered by courier or by mail **will not be accepted.**

Amendment Name: Extend OBAT overlays into residential areas

Site Address (if applicable): \_\_\_\_\_

Parcel Number(s) (if applicable): \_\_\_\_\_

Acres: \_\_\_\_\_ (if applicable)      Zoning designation: \_\_\_\_\_ (if applicable)

### CONTACT INFORMATION

Applicant: Friends of Overlake neighborhood group

Company Name: (if applicable) \_\_\_\_\_

Mailing Address: 5126 154th Ave NE

City: Redmond      State: WA      Zip: 98052

Phone: 408-421-2126      Fax: \_\_\_\_\_      Email: moston051@gmail.com

### AUTHORIZED AGENT

*The undersigned hereby certifies that all information submitted with this application is complete and correct to the best of my knowledge.*

Print Name: Eugene Zakhareyev

Date: 5/29/2014

Signature: Eugene Zakhareyev

Digitally signed by Eugene Zakhareyev  
DN: cn=Eugene Zakhareyev, o=ou, email=moston051@gmail.com, c=US  
Date: 2014.05.29 23:47:48 -0700

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## DESCRIPTION OF PROPOSED AMENDMENT

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~~Amend section OV-77 to include "Extend any overlays defined for OBAT in Redmond zoning code into nearby Residential zones".~~

Answer questions below if proposal is for a **property specific amendment**. Also complete questions on Page 5 if proposing to change the **Land Use Map (Map LU 1)**:

What is the current Comprehensive Plan land use designation and zoning?

What is your desired Comprehensive Plan land use designation and zoning?

Describe what type of development is envisioned for the area propose for the amendment . A conceptual drawing of the proposed development may be required.

What land uses are located on and adjacent to the area proposed for amendment?

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## COMPREHENSIVE PLAN AMENDMENTS QUESTIONS

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1. What is your proposed amendment intended to accomplish?

~~The purpose of the overlays on edges of OBAT area (as defined in RCZ 21.12.210) is to promote compatibility on the edges of zones that allow more intense uses than abutting zones and to minimize adverse impacts such as glare. The overlay should be extended into Residential zones same 300 feet as on edge of OBAT area.~~

2. How will your proposal support the goals contained in Redmond's Comprehensive Plan? Goals are shown on page 6.

~~The proposal will provide for better planning for Redmond's sustainable future while keeping and enhancing the quality of life in the city residential neighborhoods.~~

3. How will your proposal support other applicable policies and provisions from Redmond's Comprehensive Plan? Plan can be accessed at [www.redmond.gov/compplan](http://www.redmond.gov/compplan) or click [here](#)

~~The amendment will clarify the purposes of the comprehensive plan and will serve to enhance the unique character of the residential neighborhoods at the edges of OBAT area.~~

4. What impacts might your proposal have on the natural environment, such as critical areas or other natural areas?

~~The proposal will not have effect on the natural environment.~~

5. What economic impacts might your proposal have, such as impacts for businesses, residents, property owners, or Redmond City Government?

~~The amendment will better protect the interests of the residents in Residential zones.~~

6. How will your proposal address the long-term interests and needs of the community as a whole?

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10. What is the potential for the uses allowed under the proposed designation to be incompatible with uses or property in the immediate vicinity of the subject property? How would adverse impacts be mitigated?

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11. Describe the extent to which the proposal supports: a) Redmond's preferred land use pattern as described in the Comprehensive Plan Land Use Element, and b) the community character object contained in Redmond's Comprehensive Plan. See the Community Character or Land Use Element of the Comprehensive Plan or the elements specific to neighborhoods.

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12. Describe any probable advance environmental impacts that might result from the proposed change in land use designation. How would any adverse impacts be mitigated?

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13. Describe the extent in which adequate public facilities and services are likely to be available to serve the development allowed under the proposed land use designation.

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14. If a change in allowed uses is proposed, discuss the need for the land use which would be allowed and whether the change would result in loss of capacity to accommodate other needed uses. Consider especially, whether the proposed change complies with the City policy HO-17, which would prohibit any rezone that reduces capacity for residential development without first approving another rezone that at least replaces the lot capacity elsewhere in the City.

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## GOALS FOR REDMOND

- To conserve agricultural lands and rural areas, to protect and enhance the quality of the natural environment, and to sustain Redmond's natural resources as the City continues to accommodate growth and development.
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- To emphasize choices and equitable access in housing, transportation, stores and services.
- To support vibrant concentrations of retail, office, service, residential and recreational activity in Downtown and Overlake.
- To maintain a strong and diverse economy and to provide a business climate that retains and attracts locally owned companies, as well as internationally recognized corporations.
- To provide opportunities to live a healthy lifestyle, enjoy a variety of community gathering places and celebrate diverse cultural opportunities.
- To provide convenient, safe and environmentally friendly transportation connections within Redmond and between Redmond and other communities for people and goods.
- To cultivate a well-connected community, working together and with others in the region to implement a common vision for Redmond's sustainable future.

# ATTACHMENT B

Technical Committee's recommended amendment to the Redmond Zoning Code includes:

- A. Add the following text to three uses in the Allowed Uses and Special Regulations portion of the Table for each Residential zone:

In the Special Regulations notes on the right side of the page add: (See Example 1)

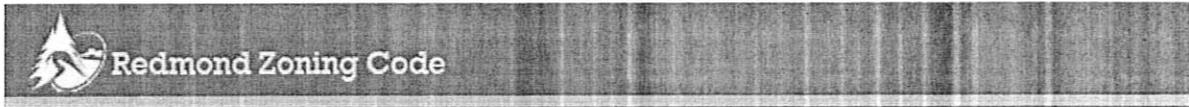
**"A neighborhood meeting is required for a new use or a substantial improvement to an existing use that would increase the capacity for people to gather."**

**Include in each of the following Residential zones:**

- RZC 21.08.030 R-1 Single-Family Constrained Residential
- RZC 21.08.040 R-2 Single-Family Constrained Residential
- RZC 21.08.050 R-3 Single-Family Constrained Residential
- RZC 21.08.060 R-4 Single-Family Urban Residential
- RZC 21.08.070 RIN (Residential Innovative) Single-Family Urban Residential
- RZC 21.08.080 R-5 Single Family Urban Residential
- RZC 21.08.090 R-6 Single-Family Urban Residential
- RZC 21.08.100 R-8 Single-Family Urban Residential
- RZC 21.08.110 R-12 Multifamily Urban Residential
- RZC 21.08.120 R-18 Multifamily Urban Residential
- RZC 21.08.130 R-20 Multifamily Urban Residential
- RZC 21.08.140 R-30 Multifamily Urban Residential

- B. Add the following text to Table 21.76.050A Permit Types to include the following language in the Type II column in the "Input Sought" box:

**"Neighborhood meeting only required for short plats meeting certain criteria or as otherwise required within the RZC."**



Transportation, Communication, Information, and Utilities			
12	Road, Ground, Passenger and Transit Transportation	N/A	Regional light rail transit system only. No vehicle storage.
13	Local utilities	Adequate to accommodate peak use.	
14	Regional utilities		A Conditional Use Permit is required.
15	Heliport	N/A	A Conditional Use Permit is required. Does not include medical airlift. Permitted only abutting Lake Sammamish.
16	Float plane facility		<p>A. A Conditional Use Permit is required. Permitted only abutting Lake Sammamish.</p> <p>B. Piers, docks, and floats associated with the operation of float planes shall meet, as a minimum, the location criteria contained in RZC 21.68.070, In-Water Structures. Piers and docks are also subject to standards for residential piers and docks contained in RZC 21.68.070.E, <i>Piers, Docks, and Floats</i>. (SMP)</p> <p>C. Only one float plane per lot is permitted. (SMP)</p> <p>D. Float planes shall observe speed regulations for watercraft and vessels contained in RMC 14.16.030, Speed Regulations, except that these speeds may be exceeded for a short duration of time during landing and takeoff of planes. (SMP)</p> <p>E. Float plane facilities or operation of float planes is prohibited on the Sammamish River, Bear Creek and Evans Creek. (SMP)</p> <p>F. Float plane facilities and operation shall comply with FAA standards, including standards for fueling, oil spill cleanup, firefighting equipment, and vehicle and pedestrian separation. (SMP)</p>
17	Antenna support structures		<p>A. A Conditional Use Permit is required. See RZC 21.76.070.K, <i>Conditional Use Permit</i>.</p> <p>B. See RZC 21.56, <i>Wireless Communication Facilities</i>, for specific regulations that may apply.</p>
18	Large satellite dish / amateur radio tower		See RZC 21.56, <i>Wireless Communication Facilities</i> , for specific regulations that may apply.
19	Antenna array and base station	N/A	A Conditional Use Permit may be required; see RZC 21.56, <i>Wireless Communication Facilities</i> , for specific development requirements.
Arts, Entertainment, and Recreation			
20	Community indoor recreation	Adequate to accommodate peak use.	Includes noncommercial indoor recreation uses, such as community clubhouses, indoor swimming pools, and other similar facilities. <u>A neighborhood meeting is required for a new use or a substantial improvement to an existing use that would increase the capacity for people to gather.</u>
21	Parks, open space, trails and gardens	1,000 sq ft gfa (0, adequate to accommodate peak use.)	Permitted if public or noncommercial. A Conditional Use Permit is required for commercial facilities. <u>A neighborhood meeting is required for a new use or a substantial improvement to an existing use that would increase the capacity for people to gather.</u>
22	Athletic, sports, and play fields	Adequate to accommodate peak use.	A Conditional Use Permit is required.
23	Golf course		
24	Marine recreation		
25	Commercial swimming pool		
Education, Public Administration, Health Care, and Other Institutions			
26	Day care center	Employee (1.0)	A Conditional Use Permit is required. Day care uses are only permitted in a building or building complex used for other uses, such as a school, church, meeting hall, or some other building used for more than one purpose. See RZC 21.08.310, <i>Day Care Centers</i> , for specific regulations which may apply.
27	Family day care provider	Vehicle used by the	Family day care providers are permitted as home businesses.



# Redmond Zoning Code

		business (1.0).	See RZC 21.08.340, <i>Home Business</i> , for specific regulations which may apply.
28	Public safety	Adequate to accommodate peak use	A Conditional Use Permit is required.
29	Grade schools (K-12)		
30	Religious Institution	1,000 sq ft gfa for assembly (1.0) or 5 fixed seats (1.0); 3 seats (1.0).	A. Permitted use if less than 250 seats. A Conditional Use Permit is required for religious institutions with between 250 and 750 seats. See RZC 21.08.280, <i>Churches, Temples, Synagogues and Other Places of Worship</i> , for specific regulations which may apply. B. A Traffic Mitigation Plan is required. See RZC 21.08.280.C.5. C. <u>A neighborhood meeting is required for a new use or a substantial improvement to an existing use that would increase the capacity for people to gather.</u>
Agriculture			
31	Crop production	N/A	A Conditional Use Permit is required.
32	Equestrian facility		
Other			
33	Home Business	Vehicle used by the business (1.0).	See RZC 21.08.340, <i>Home Business</i> , for specific regulations which may apply.
34	Roadside produce stand	N/A	
35	Pier, dock, float		See RZC 21.68.070, <i>In-Water Structures</i> , for special height, setback and area requirements. (SMP)
36	Water-oriented accessory structure		See RZC 21.68.070.G, <i>Water-Oriented Accessory Structures</i> , for special height, setback and area requirements. (SMP)

(Ord. 2652; Ord. 2709; Ord. 2803)

Effective on: 10/17/2015

**Table 21.76.050A  
Permit Types**

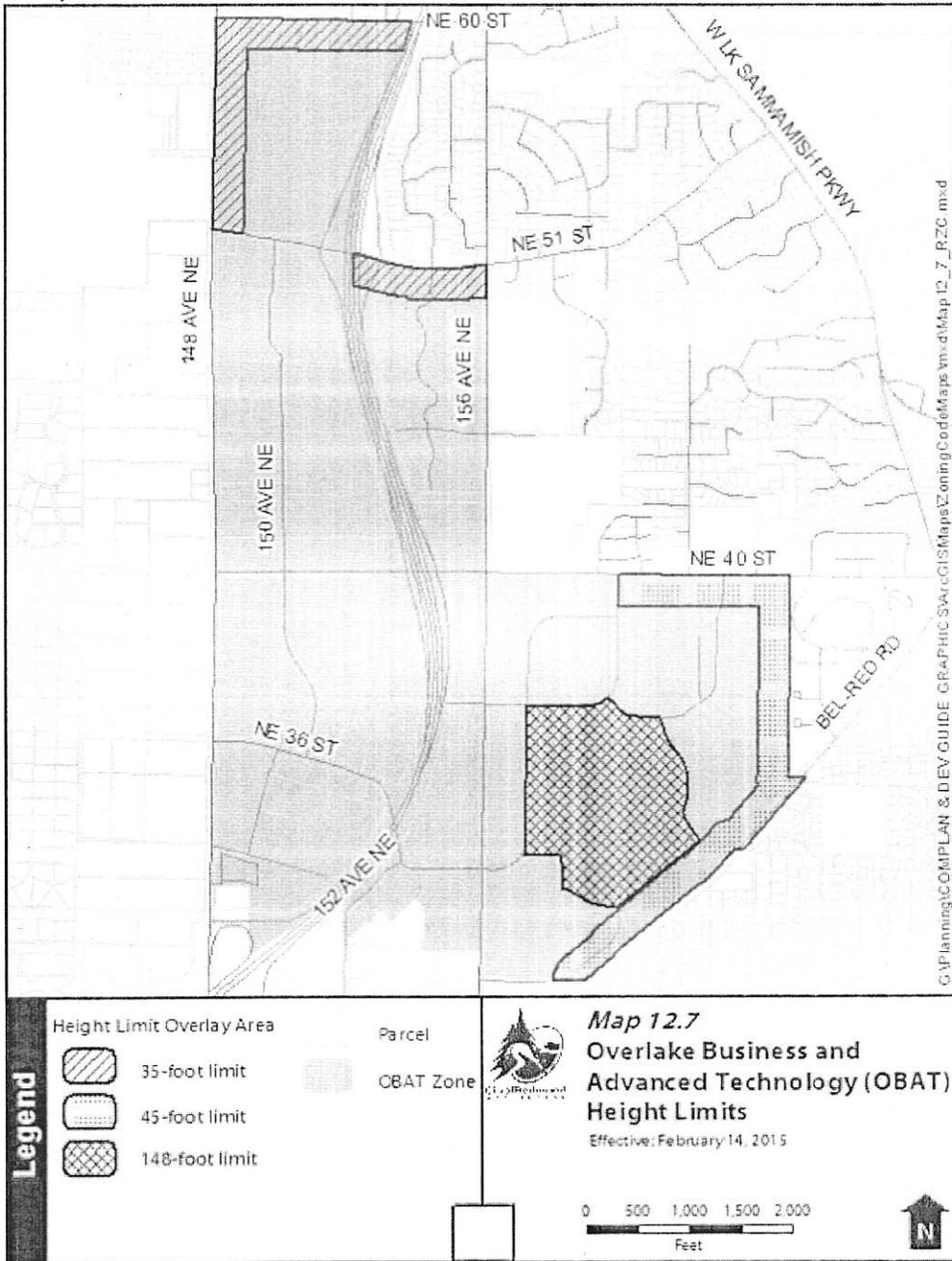
	Permit Type					
	Type I Administrative	Type II Administrative	Type III Quasi-Judicial	Type IV Quasi-Judicial	Type V Quasi-Judicial	Type VI Legislative
Level of Impact and Level of Discretion Exercised by decision maker	Least level of impact or change to policy/regulation. Least level of discretion.					Potential for greatest level of impact due to changes in regulation or policy. Greatest level of discretion.
Input Sought	Minimal-generally no public notice required. No public hearing.	Notice of Application provided. No public hearing. Neighborhood meeting only required for short plats meeting certain criteria.*	Notice of Application provided. Neighborhood meeting may be required. Public hearing is required.	Notice of Application provided. Neighborhood meeting may be required. Public hearing is required.	Notice of Application provided. Neighborhood meeting may be required. Public hearing is required.	Notice of Public Hearing provided.
Public Hearing prior to Decision?	No	No	Yes. Hearing Examiner (or Landmarks Commission) <sup>2</sup>	Yes. Hearing Examiner	Yes. City Council	Yes. Planning Commission
Decision Maker	Appropriate Department	Technical Committee	Hearing Examiner (or Landmarks Commission) <sup>2</sup>	City Council	City Council	City Council
Administrative Appeal Body	Hearing Examiner (Hearing Examiner decision on appeal may be appealed to City Council)	Hearing Examiner (Hearing Examiner decision on appeal may be appealed to City Council)	City Council <sup>1</sup>	None (decision appealable to Superior Court)	None (decision appealable to Superior Court)	None (decision appealable to Superior Court)

**TABLE NOTES:**

1. Shoreline Substantial Development Permits, Shoreline Variances, and Shoreline Conditional Use Permits are appealable directly to the State Shorelines Hearings Board.
2. Landmarks Commission makes decisions for Certificate of Appropriateness Level III permits.

\* or as otherwise required within the RZC

# ATTACHMENT C



# ATTACHMENT D

Planning Commission Issues Matrix, FINAL, March 23, 2016  
 Comprehensive Plan and Zoning Code Amendment Regarding Non-Residential Uses in Residential Zones  
 And to Extend the Overlake Business and Advanced Technology Zone (OBAT) (LAND-2015-02261)

Issue/Commissioner	Discussion Notes	Issue Status
<p>1. Please address issues Ms. Wilkins identified in her written and oral testimony            (O'Hara)</p>	<p><b>Staff Comment/Recommendation:</b>  <u>2/11/16:</u> Staff is consulting with the City Attorney regarding the questions raised by Ms. Wilkins on 1) Type VI process issues and 2) whether the Technical Committee's recommendation to require a neighborhood meeting for three identified land uses including religious institutions that are under 250 seat capacity may infringe on rights of persons to practice religion and assemble.</p> <p><u>2/17/16:</u> The City Attorney advised that the Technical Committee recommendation is an appropriate modification to the applicant's requested amendments. Further, that a requirement for a neighborhood meeting would not infringe on rights of persons to practice religion and assemble.</p> <p><b>Public Comment:</b>            Ms. Wilkins submitted written testimony dated 2/10/16 and also testified at the public hearing. In her comments, she noted that the Technical Committee report recommends denial of the applicant's two proposed Comprehensive Plan amendments but also recommends that the Redmond Zoning Code (RZC) be amended to require a neighborhood meeting for three non-residential uses in Residential zoned areas including 1) Community indoor recreation; 2) Parks, open space, trails and gardens; and, 3) Religious institutions with fewer than 250 seats. Ms. Wilkins stated that RZC 21.76.060 (F) states that when the Technical Committee makes a recommendation on a Type VI review, they can recommend that the amendment be approved, approved with conditions, or denied; and that if the amendments are being denied, then there can be no further conditions or recommendations. Ms. Wilkins contends that the recommendation for neighborhood meetings should be processed as a separate Type VI permit because it is substantially different from the original amendments.</p> <p>In addition, Ms. Wilkins questioned if the requirement for a neighborhood meetings as it applies to religious institutions would be in compliance with the law.</p> <p><b>PC Comments:</b>  <u>2/17/16:</u> The Planning Commission was satisfied with the staff response.</p>	<p>Opened 2/10/16</p> <p>Closed 2/17/16</p>

Planning Commission Issues Matrix, FINAL, March 23, 2016  
 Comprehensive Plan and Zoning Code Amendment Regarding Non-Residential Uses in Residential Zones  
 And to Extend the Overlake Business and Advanced Technology Zone (OBAT) (LAND-2015-02261)

<p>2. Would the proposed amendments potentially have any effect on the Anjuman e Burhani (AEB) mosque project?  (Haverkamp)</p>	<p><b><u>Staff Comment/Recommendation:</u></b>                  2/17/16: The proposed amendments <i>could</i> affect the project (LAND-2013-00171) as it has not applied for a building permit and become vested. There have been no formal approvals in any form granted for the project at this time.</p> <p><b><u>Public Comment:</u></b>                  2/10/16: Mr. Zakhareyev testified that he did not believe the proposed amendments would affect the AEB mosque project now in review.</p> <p><b><u>PC Comments:</u></b>                  2/17/16: The Planning Commission was satisfied with the staff response.</p>	<p>Opened 2/10/16                  Closed 2/17/16</p>
<p>3. Do we have issues now with existing non-residential uses in residential zones?  (Nichols)</p>	<p><b><u>Staff Comment/Recommendation:</u></b>                  2/10/16 and 2/17/16: Staff has consulted with Parks Department and Code Enforcement staff regarding experiences with certain non-residential uses within residential zones and the extent that impacts such as additional traffic, overflow parking and lighting have been issues and how these were addressed. For parks located within Residential zones, the City has worked with residents to mitigate issues that were raised in neighborhood meetings such as lighting and overflow parking. In one instance, No Parking signs were installed to discourage on-street parking and lighting was designed to provide safety while minimizing spillage into nearby residences. For religious institutions, parking overflow has been addressed by shared parking agreements with other facilities and the religious institution holding additional services or assembly at non-peak times. The City has issued parking tickets when excessive parking has not abated. The City has sufficient code authority to condition issues (for example, through a Transportation Management Plan) as well as to enforce conditions for these kinds of impacts.</p> <p><b><u>Public Comment:</u></b>                  2/10/16: Mr. Zakhareyev provided testimony stating his concerns regarding impacts from non-residential uses in Residential zones.</p> <p><b><u>PC Comments:</u></b>                  2/17/16: The Planning Commission was satisfied with the staff response.</p>	<p>Opened 2/10/16                  Closed 2/17/16</p>

Planning Commission Issues Matrix, FINAL, March 23, 2016  
 Comprehensive Plan and Zoning Code Amendment Regarding Non-Residential Uses in Residential Zones  
 And to Extend the Overlake Business and Advanced Technology Zone (OBAT) (LAND-2015-02261)

<p>4. Please provide more information about the ways in which the City solicits additional public input on our public projects  (Miller)</p>	<p><b><u>Staff Comment/Recommendation:</u></b>                  2/10/16: Public input to inform the design of new community indoor facilities and new parks, open space, trails and gardens will likely be provided through a park master plan process. If there is a change or addition to an existing park, it may warrant a master plan, but if the change is not large, a neighborhood meeting is typically held.</p> <p><b><u>Public Comment:</u></b>                  2/10/16: None.</p> <p><b><u>PC Comments:</u></b>                  2/17/16: The Planning Commission was satisfied with the staff response.</p>	<p>Opened 2/10/16                  Closed 2/17/16</p>
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# ATTACHMENT E

## CITY OF REDMOND PLANNING COMMISSION MINUTES

February 10, 2016

**COMMISSIONERS PRESENT:** Chairman O'Hara, Vice Chairman Biethan;  
Commissioners Captain, Haverkamp, Nichols and  
Miller

**STAFF PRESENT:** Jason Rogers, Senior Planner; Sarah Stiteler, Senior  
Planner, Redmond Planning Department

**EXCUSED ABSENCE:** None

**RECORDING SECRETARY:** Lady of Letters, Inc.

**CALL TO ORDER:**  
The meeting was called to order at 7:00 p.m. by Chairman O'Hara.

**APPROVAL OF THE AGENDA:** No changes

**ITEMS FROM THE AUDIENCE:** None

**Public Hearing and Study Session, Amendments to Comprehensive Plan and Zoning Code Regarding Non-Residential Uses in Residential Zones and to Extend the Overlake Business and Advanced Technology (OBAT) Height Limit Overlay**, presented by Sarah Stiteler, Redmond Planning Department

Ms. Stiteler provided an introductory presentation. The purpose this evening was to introduce the proposed amendments, to hear public testimony, to review alternatives as well as the Technical Committee recommendation, and to identify issues for the Issues Matrix.

Correspondence had been received from Mr. Zakharyev representing Friends of Overlake, Susan Wilkins, and Bradford Doll of Tupper Mac Wells, PLLC. The applicant, Friends of Overlake, had requested two amendments, the first being that all non-residential uses in residential zones should require a Conditional Use Permit (CUP), and the second being that Height Limit Overlay areas in the OBAT zone should be extended by 300 feet into adjacent residential zones.

A CUP, a type 4 process, includes a public hearing in front of the Hearing Examiner, a recommendation and a City Council decision and is considered a quasi-judicial decision. At this time there are many non-residential uses that require a CUP in residential zones such as schools, daycare centers and religious institutions that have a seating capacity of between 250 and 750 seats. The implications in regard to the proposal would be extensive review over an extended period of time and additional permit costs. Special Review Criteria are used for the CUP process uses such as monopolies and religious facilities and other identified uses in the zoning code.

Commissioner Miller asked for an explanation as to why a quasi-judicial process would be different for this group versus the vast majority of what is normally reviewed by the Planning Commission, as procedural implications may be useful information to the public. Ms. Stiteler explained that the quasi-judicial decision is discretionary with strict rules around review. The appearance of fairness must be adhered to and the decision is ultimately made by the City Council.

Ms. Stiteler reviewed Type 2 and Type 4 processes. Type 2 procedures are an administrative review and decision by the Technical Committee and include notice of application mailed to properties and individuals within 500 feet of a proposed change and a review of Redmond Zoning Code review criteria. Any appeal goes to the Hearing Examiner. Type 4 procedures include the same notice of application but there is a public hearing with the Hearing Examiner, as well as written comment allowed. In many cases there will be the same review criteria as the CUP process if there are Special Regulations for a particular land use, a quasi-judicial review and City Council decision. Any appeal goes to the Superior Court.

Examples of non-residential uses which do not require a CUP but require either a Type 1 or Type 2 review process are Bed and Breakfast Inns which are two rooms or smaller, seasonal retail, encampments, family daycares, home businesses, community indoor recreation, parks, open space trails and gardens.

The opportunity for public comment, cost and time involved in obtaining a permit, and differences between an administrative and discretionary decision were examined by staff. Using a Type 3 process was also examined, which at this time covers preliminary plats, historic landmark designations and shoreline variances. Taking no action was considered as well.

Commissioner Miller asked for clarification around community indoor recreation and Ms. Stiteler answered that this was public and not private.

The Technical Committee recommended a neighborhood meeting for community indoor recreation, parks, open space trails and gardens, and religious facilities with less than 250 seat capacity, essentially where the public would be likely to gather. The rationale was to continue to allow non-residential uses in residential areas through the administrative process with an opportunity for public input through written comments but to also include a requirement for a neighborhood meeting. The services in question are important for residents to have access to and those uses contribute to the fabric of a community.

The purpose of the OBAT Height Limit Overlay is to limit heights of commercial and office structures within defined areas providing transition to adjacent residential areas and therefore limiting noise, light and glare impact. This second proposal from the applicant was to extend the OBAT Height Limit Overlay. There are currently some exceptions to height limits in residential zones such as religious institutions up to 50 feet high inclusive of any religious symbols, monopoles, radio towers and mechanical, HVAC and fire station equipment.

Commissioner Miller asked if the additional five foot setback applied to towers that are support for symbols, or if the setback applied only to the occupiable building. Ms. Stiteler believed the setback measurement is for the building.

The Technical Committee recommendation was to not extend the OBAT Height Limit Overlay and to make no change to Policy 77, the rationale being this would not be consistent with the purpose of the overlay. There are already some exceptions to the height of non-residential uses allowed with review and special requirements in place. The public hearing was at this meeting, a tentatively scheduled additional Study Session next week, and a tentative plan to present the Commission's recommendation to City Council in April.

Commissioner Nichols asked what issues around people gathering had not already been addressed in the Code review. Ms. Stiteler replied that the opportunity for a public meeting was to hear the nature of the proposal from the applicant, the opportunity to air comments and concerns, and to dialog with the developer. Commissioner Nichols asked about public comment within the Type 2 Process and Ms. Stiteler replied that there may be public comment in some circumstances but in general, Type 2 uses do not require a neighborhood meeting. She confirmed that written comments would also be allowed.

Commissioner Captain asked about religious facilities under 250 seats and what would occur upon expansion due to future success. Ms. Stiteler replied that a CUP would be required. Commissioner Miller stated that the number of seats are determined by occupancy guidelines which are based on the square footage of the room, and a building would need to be reconfigured or expanded to change the number of seats. An increase would result in physical changes and would not simply be attendance based.

Commissioner Captain asked if there had been any other exemptions granted to religious institutions on height limits, and Ms. Stiteler was not aware of any. Commissioner Miller wondered that if the Technical Committee recommendation was not accepted, if potential development rights that current property owners previously had would be taken away by having to obtain a CUP. Ms. Stiteler replied that the issue would become more process intense.

Chairman O'Hara opened the Public Hearing.

**Public Hearing:**

Ms. Susan Wilkins, 18024 NE 99<sup>th</sup> Court, Redmond, distributed two sets of papers to the Commission and asked the Commission to find Redmond Zoning Code 21.76.060, Process Steps and Decision Makers. Ms. Wilkins read the Code verbiage and asked that the recommendation for neighborhood meetings be processed separately as a Type 6 permit through SEPA and review as this should be a separate amendment. Requiring neighborhood meetings for non-residential uses would significantly affect the ability to develop and maintain park trails, particularly in the newly acquired Keller Farm and Hartman Park. Another concern was that requiring neighborhood meetings for religious institutions might interfere with the right to practice a religion and to assemble. Redmond Zoning Code 21.76.070 J2B3 requires that the Comprehensive Plan amendments be consistent with existing local, state and federal laws. Ms.

Wilkins questions whether the neighborhood meeting as it applied to religious institutions would be in compliance with the law.

Chairman O'Hara asked Ms. Stiteler to add this item to the Issues Matrix.

Mr. Ali Hardliwala, 15252 NE 51<sup>st</sup> Street, Redmond, has been a resident, business owner and employee of Microsoft in Redmond over a 13 year period and represents the Anjuman-e-Burhani organization which serves a small sect of the Islamic community with approximately 150 professional people associated with Redmond businesses. Services are currently provided through a rented office space in Kirkland, Washington. The community that has been in the area for four decades contributed life savings and retirement funds in 2010 in order to purchase the property at 15252 NE 51<sup>st</sup> Street for use as a local place of worship to preserve culture, traditions, language and to fulfill spiritual needs for generations to come. The site had been previously neglected and substantial funds have been spent towards cleaning the site as a service to the community as well as toward building the property. The community has met with neighbors by going door to door, through an Open House and voluntarily participated in neighborhood meetings at tremendous monetary and time costs. The legal counsel for the community has submitted written comments in regard to this issue, and the Anjuman-e-Burhani community concurred with the comments as well as the Technical Committee recommendation. The community believes that the amendment was targeted at the proposal to build a mosque. If adopted, Redmond would be less welcoming, more process oriented, less diverse, more divisive and less predictable. Additional parties were expected to oppose the community building as the use becomes more widely known. Mr. Hardliwala urged the Commission to reject the applicant's proposed amendments.

Mr. Eugene Zakhareyev, 5126 154<sup>th</sup> Avenue NE, Redmond, is a part of the neighborhood shared by the property mentioned by the previous speaker. The group shares information and discusses issues within the neighborhood. The original amendments were proposed by the neighborhood around how Zoning Codes could be changed to better address the existing residential neighborhood and to make the building project more transparent. The neighborhood meeting requirement was a change to the original amendment and was without merit as this did not follow the spirit of the original amendments. All residents can currently submit written public comments within the Type 2 process and this would not change. A neighborhood meeting would not produce any actionable result. A meeting would not improve the process or transparency, or involve residents more. A CUP was proposed because the process has a well-defined flow of information, and the decision is left to the Redmond legislative body and not to a closed administrative forum. A community recreational facility with occupancy of 250 may present significant impacts in parking and traffic through the neighborhood. Many users would not be immediately local. The proposed amendment was not intended to prevent use but to establish specific rules. The second amendment regarding extending the OBAT height limit overlay removes an inconsistency in the way that the overlay is defined.

The neighborhood desired to create clarity around where responsibility should lie as the process at this time is left to an administrative decision. Elected officials are held to a different standard as representatives than City employees are. If accepted, the amendment would not affect any

project currently in the application stage and therefore would not be discriminatory toward the mosque project.

**Study Session:**

Chairman O'Hara closed the Public Hearing and began the Study Session, and clarified that the Planning Commission makes recommendations to the City Council and the City Council makes the decisions.

Commissioner Miller appreciated the clarity of testimony and asked if the amendment was initiated in reaction to the proposal to build a mosque. Mr. Zakhareyev stated that it was inspiration but not reaction.

Commissioner Haverkamp asked if it was true that the current project would not be impacted by the amendment as it is in the application process. Ms. Stiteler replied that an answer would be brought back. Chairman O'Hara asked for this to be added to the Issues Matrix.

Commissioner Captain asked for clarification around transportation issues in relation to the proximity of SR 520 on-ramps and off-ramps. Ms. Stiteler replied that project specific questions were not a part of the amendment. Vice Chairman Biethan praised the staff report and said that the Technical Committee report did a very good job analyzing the issues, and that this is a global issue. Property owners understand that development can occur under a certain process, and to retroactively change this is troubling.

Commissioner Nichols asked the Commission to address if problems had arisen in communities where churches and indoor recreation areas were allowed. She asked if this could be added to the Issue Matrix.

Commissioner Miller concurred with Vice Chairman Biethan in regard to making changes to the development process. An issue for the Issues Matrix was if areas regarding public use needed to be in Code as this is already addressed, and if not, if religious use would be the topic of the Code. More clarification on alternative ways the City could require public input on City projects such as parks and indoor recreation facilities, and what the result would be if the City chose to implement other procedures should also be included on the Issue Matrix.

Chairman O'Hara closed the Study Session and the amendment will be discussed further tentatively at the next meeting scheduled for February 17.

**Study Session, Comprehensive Plan and Zoning Code Amendments for Retail Marijuana, presented by Jason Rogers, Senior Planner**

Mr. Rogers stated that 24 items were currently in the Issues Matrix, some for Commission discussion and some for clarification and confirmation. Further information has been requested and will be forthcoming on others. The Commissioners received an updated Issues Matrix with added responses to the six newest issues and this would be posted online as soon as possible.

Commissioner Miller asked for confirmation that further study would be provided at the next meeting and Mr. Rogers answered yes.

Chairman O'Hara proposed that particular items in the Issues Matrix be reviewed first rather than moving through the Issues Matrix in numerical order. Item number 17 asked if we as a City believe there is a need to change zoning to increase opportunities for retail marijuana stores to locate in Redmond; if so, why, and if no, why not. Commissioner Miller stated that the issue was in response to an amendment submitted by a member of the public and not that the City believes there is a need. The issue did not initiate internally but appeared to be developing independent of the vague language in the amendment application. Mr. Rogers characterized the initial proposal as very generalized to allow retail marijuana stores, and there were many possible amendments the Commission could recommend. At the time of application, state law did not allow for any buffer reductions. Commissioner Miller asked if the amendment was only an attempt to receive Commission consideration and Mr. Rogers replied yes.

Vice Chairman Biethan asked if one question is, is there was a need to change the zoning to increase the availability of retail marijuana stores and Mr. Rogers replied yes that is a question. Another question would be if there was a reason to decrease the availability of retail marijuana stores. Public comment had been overwhelming and Vice Chairman Biethan would take the large response with that opinion into consideration. Commissioner Nichols was impressed with the amount of public comment, but stated that while 2,000 comments were received, 13,000 voted in 2012 in favor of legalized marijuana and in Redmond, 60%. If the City voted in favor of legalized marijuana, the message should not be to legalize it but not here. Vice Chairman Biethan replied that reasons for legalizing marijuana may have been around issues such as lighter sentencing, and that wording of the ballot did not specifying implementation of retail stores in a hometown.

Commissioner Captain stated that opportunities for stores were non-existent due to current buffer zones in relation to the geographic area and therefore a business segment was being excluded.

Commissioner Haverkamp asked if the 1000 foot buffer zones were expressed within I-502, and Mr. Rogers replied that the buffers were written into the text of I-502 but were not a part of the ballot title. Buffer size was subsequently changed with new state law in 2015. Commissioner Miller stated that the rationale for expanding the number of licenses was to make up for the loss in the medicinal market. The topic before the Commission was a proposal to allow, and not eliminate, and the issues should be addressed in that order.

Chairman O'Hara asked about a bullet point that there were currently no suitable retail sites today. A map presented of potential recreational marijuana sites with 1000 foot buffers showed one site on Redmond Way. Mr. Rogers clarified that trails in the City were considered to be parks based on State rules at the time. Since that time, the State Liquor and Cannabis Board had made a clarification to the definition of a park which specifically excludes trails. The maps were made on the basis of current definition but the interpretation of the ordinance was that there were no sites. Chairman O'Hara asked what property was present now at the Redmond Way site. Mr. Rogers replied that the property was the Pancake House, a developed and occupied site. Chairman O'Hara wondered if hypothetically the Commission and Council chose to do nothing,

the site could still become a retail marijuana site. Chairman O'Hara asked to leave Item number 17 open.

Chairman O'Hara asked to proceed to Item number three, why different parts of a manufacturing zone were treated differently. Commissioner Miller clarified the question to be what made a particular part of a manufacturing zone more suitable than another, requiring an overlay at the Willows location. Testimony was received by property owners around not being treated equally. Chairman O'Hara asked if the staff response was adequate and Commissioner Miller replied no, that what was needed were the specific reasons for stating that this use was inappropriate in a specific location. In the case of retail space Downtown, there were very general statements in policy around vibrancy and quality of experience, but the only specific around the Manufacturing Park zone was in regard to traffic. Commissioner Miller asked how the policies affect the Manufacturing Park zone and not other locations if the goal was to disperse retail locations far and wide, and stated that the nexus, or relevance of the policy to the action taken to regulate the activity, was confusing. The policies being cited by staff had been very vague. Chairman O'Hara stated that until buffers would be shrunk, sites would not be available. Commissioner Miller asked again why the proposed overlay and not others would be considered and that the question had been proposed by the property owners.

Vice Chairman Biethan stated that the differences were the characteristics of the various Manufacturing Parks such as access and size of parcels, and asked Commissioner Miller if what was needed was a more detailed analysis. Commissioner Miller hoped to know specifically why the proposed overlay was chosen, and specifically how different access and size of parcels affected the choice. Vice Chairman Biethan asked if more detail around each item was needed and Commissioner Miller replied yes, that would be the only way to answer the question raised by the public. Commissioner Captain agreed as the answer must be clear to the Commission in order to explain reasoning. Commissioner Haverkamp expressed that more detail would be necessary to protect the City from potential lawsuits.

Mr. Rogers did not have the level of detailed information to present at this meeting, but reported that first, placing 1,000 foot buffers around the various uses through the City removed a large portion of southeast Redmond from consideration. Second, smaller parcels or sites existed in the Sammamish Valley portion of the Manufacturing Park zone.

Commissioner Miller asked how many different buffer zone categories there were and Mr. Rogers reported that there were two, one that is 1,000 feet with no exceptions and one that can be reduced at City discretion. Commissioner Miller stated that this was a key distinction for planners. Mr. Rogers continued that reducing buffers would be an additional change to the existing ordinance. Access and traffic during peak travel times were considerations in drawing the map.

Chairman O'Hara proceeded to issue number four regarding the number of parcels in the Manufacturing Park zone. The overlay showed 57 parcels that were potentially sites for retail marijuana; when looking only at the 1000 foot buffers, another 18 potential sites were on Willows Road as well as another 24 properties in Southeast Redmond. Chairman O'Hara believed that issue number four was answered and could be closed.

Chairman O'Hara moved forward to issue number six, trip generation. Based on statistics from Colorado per 1,000 square feet of building area, daily retail marijuana store traffic had typically been 400 trips, in comparison to a pharmacy with a drive through with 90 and a specialty retail store with 44. During evening peak hours, retail marijuana stores were 63 trips, 11 trips for a pharmacy and 5 trips for specialty retail. Mr. Rogers reported that the Institute of Transportation Engineers (ITE) did not generate the statistics and that the statistics had been compiled with a small number of sites over a short period of time. As a result, these preliminary numbers may or may not be indicative. Chairman O'Hara asked if there was anecdotal information from surrounding cities regarding trip generation, and Mr. Rogers replied that The Higher Leaf in Kirkland experienced peak times on Friday afternoons and the 50 to 60 space parking lot, with no other tenants in the building, was full at that time with high turnover. The Issaquah site has 21 parking spaces and additional street parking, and spillover had occurred during peak times although the business had not indicated what times those were. Typically, peak times are after neighboring businesses have closed so street parking was not an issue.

Commissioner Miller asked what the size of a retail marijuana store would typically be. Commissioner Nichols asked if there was another similar business such as fast food or a convenience store to compare to. Commissioner Miller stated that in the interest of fairness, businesses with other uses driving high traffic would be retail coffee establishments with a drive through and seating capacity, fast food establishments with a drive through and banks with a drive through. Depending on the size of the facility but without any connection to what is sold, the issue may not have as much to do with the subject of marijuana but simply the manner in which the transaction occurs. Many businesses in Redmond easily meet the same thresholds and this was accommodated through Code and review. Those types of uses with examples should be reviewed with more detail as well as rates of trip turnover versus the amount of time spent at the business, in example an hour at a restaurant versus 10 minutes at a bank. Chairman O'Hara stated that other existing businesses in Redmond should be identified to best approximate the traffic expected at a retail marijuana store and Mr. Rogers agreed.

Chairman O'Hara continued with issue number seven, separation between retail marijuana stores. Chairman O'Hara was pleased with the staff response to the issue. Commissioner Miller was in alignment with the majority of testimony received, concerned about the establishment of green light districts, and stated that separation was a good idea as Seattle and Bellevue had determined. However, separation undermined the staff proposal for an overlay, as the overlay constrained the amount of space available. Chairman O'Hara asked if issue number seven should be closed, and Commissioner Miller replied yes.

Chairman O'Hara moved to issue number five, if the size of retail marijuana stores should be restricted. An answer was not in the current staff recommendations. Staff could recommend a maximum size if the Commission was interested in that direction.

Chairman O'Hara moved to issue number 22, which was one of several that were follow up to Councilmember Myers letter in the Redmond Reporter. Mr. Rogers stated the issue was new to the Matrix, and Commissioner Miller stated an opportunity to read the issue first was needed.

Chairman O'Hara continued to Issue number 14 which asked if allowing retail marijuana manufacturing and use in the Manufacturing Park zone would potentially require the City to allow other retail uses as well and staff response was no. Vice Chairman Biethan asked if it were appropriate to allow this type of retail use in the Manufacturing Park zone for the reasons given during public testimony. Commissioner Haverkamp asked if lighting, parking and sidewalks were what was questioned, and Commissioner Nichols asked that if retail marijuana stores were deemed inappropriate downtown, would they not be inappropriate in the Manufacturing Park Zone as well. Commissioner Miller stated that during public testimony from a property owner perspective, there was a sense that retail marijuana would be inappropriate in a manufacturing park because a non-manufacturing use would have impact on other non-manufacturing uses, for example, to arena sports, and precedence would also feed the discussion. Chairman O'Hara asked Mr. Rogers to add the point to the Issue Matrix.

Chairman O'Hara continued with issue number 15, public notice. Commissioner Miller asked if the notice was legal and Mr. Rogers replied yes. Commissioner Miller asked to close the issue as the question was not around the quality of outreach but around whether the notice was legal.

Chairman O'Hara listed issue number 16, the anonymous online survey. Commissioner Nichols replied that despite the proportion of participants, the survey was not a representative sample. Chairman O'Hara stated that the idea was a data point worthy of consideration. Commissioner Miller noted that the Survey Monkey was now not referred to as a survey in the materials at this meeting, and that if a return rate was not available, this was not a survey but a questionnaire, a public input device only. All input was being read and processed but was statistically invalid and not representative of the entire community. A Survey Monkey type of survey should only be initiated with clear constraints and conditions on how the survey responses would be used. Chairman O'Hara agreed and closed Issue number 16. Mr. Rogers confirmed that the issue would be closed, and Chairman O'Hara asked that in the future the survey be referred to as a questionnaire. Vice Chairman Biethan agreed with Commissioner Miller that the method was not statistically or mathematically accurate, but stated that the responses were information to be considered. Commissioner Miller clarified that information provided individually had been read and accepted, but the initial characterization of the accumulated data as representatively valid was not correct. Vice Chairman Biethan agreed. Commissioner Miller stated that a statistically valid survey would be expensive with consultants involved, but that the retail marijuana store issue would have justified the expense.

Chairman O'Hara moved to issue number 8, data around security incidents. Police Departments for other area cities had replied that there had been no abnormal incidents. Commissioner Nichols reported that the primarily cash only business of banks currently exist in Redmond. Chairman O'Hara asked to close the issue. Commissioner Miller asked Mr. Rogers to confirm that other jurisdictions had been examined and there was nothing to report, and Mr. Rogers replied correct.

Chairman O'Hara continued to issue number nine, Code requirements for bars and liquor stores with a review of where the businesses were allowed today. Commissioners Haverkamp and Captain were satisfied with staff responses. Commissioner Miller asked Mr. Rogers about Land Use Code versus Code enforcement, and asked if having second hand smoke outside a business

was enough to ban retail marijuana if it was also enough to ban a bar or liquor store. The smoke was coming from private property and was legal. The line between land use and law enforcement was not clear. Chairman O'Hara asked if the issue should be left open and Commissioner Miller replied yes. Vice Chairman Biethan asked for clarification and Commissioner Miller restated the issue for the record, Commissioner Miller asked if there is a difference in land use code enforcement between bars and these types of establishments in relation to external impacts, or if this would be a law enforcement issue not governed by Land Use. Chairman O'Hara replied that the issue was law enforcement as Land Use did not cover this. Commissioner Miller accepted the point and Chairman O'Hara closed the issue.

Chairman O'Hara asked that issue number 10 be passed over at this time to allow proper review by the Commission.

Chairman O'Hara moved on to Issue number 11, potential impacts of retail marijuana stores in the Urban Centers that should be minimized in order to maintain vibrancy. Commissioner Miller asked if the intent of the first bullet sentence was to lead to increased public use of marijuana on sidewalks, in parks and other public places. Mr. Rogers replied yes. Commissioner Miller stated that a comfortable atmosphere and vibrancy were general characteristics, and was concerned that the policies were vague to the point that activities some do not like versus activities considered freedom of speech by others could be confused. If the same approach were taken on other issues, rights would be violated and the issue may be something the City Council and not the Commission should address. This issue and the issue regarding manufacturing parks were the same. The policies did not indicate if there was an impact that could be quantified and qualified short of traffic, which does not relate specifically to marijuana but rather to how a particular product was marketed and sold. Opinions in Redmond were plentiful but the surrounding cities around Redmond were reporting that the impacts did not exist.

Vice Chairman Biethan stated that the issue should be closed as the Commission was advisory only. Clarification as to why there would be a negative impact to Overlake and Downtown was needed and Vice Chairman Biethan agreed with staff recommendations, but acknowledged that a disagreement with Commissioner Miller may exist. The City Council was the body to give the final answer and not the Commission. Commissioner Miller understood the desire to control use Downtown, but this is based on an opinion and not based on fact. Assumption was not a firm basis to confront future challenges. Commissioner Nichols asked if there was anecdotal information regarding public vapor smoking in front of the downtown vapor store. Commissioner Miller related the belief that public vapor smoking affected the vibrancy and comfort of Downtown. Commissioner Captain agreed and gave an example of people smoking in a public parking garage. Vice Chairman Biethan stated that what was compelling for one person may be different for another. Commissioner Miller replied that the Attorney General report stated that the application of police power required proportional and representative connection between Policy and action. Commissioner Haverkamp stated confusion around why potential impacts not desired in urban centers would be appropriate anywhere else. Chairman Mr. Rogers directed attention to the last bullet of item number 11, that there is specific policy regarding adverse impacts and why there was a difference between rejection in urban centers and acceptance in a manufacturing park. Commissioner Miller stated that public testimony around undesirable uses appearing in a neighborhood was correct.

Vice Chairman Biethan stated that issues number 18 forward were not necessarily required on the Issues Matrix needing the approval of Vice Chairman Biethan to close, referring to an upcoming absence. Chairman O'Hara asked if issue number 11 could be closed, and Commissioner Miller replied yes.

Chairman O'Hara closed issue number 13, grandfather status of a business, as the status was for any use.

Chairman O'Hara closed issue number 12, housekeeping amendments supporting staff recommendations.

Chairman O'Hara moved to issues number one and two. Number one was answered by Mr. Rogers earlier and was closed. Number two required more information.

Chairman O'Hara closed the study session for the meeting tonight. Mr. Rogers asked about the open written portion of the public hearing. Chairman O'Hara requested that the opportunity for public comment to be kept open to end of business Tuesday, February 16, 2016. Commissioner Miller requested written public comment be left open until Friday, February 19, 2016 in order to receive all material before the next meeting. Vice Chairman Biethan suggested that written public comment be left open until one day after the last Study Session held, giving someone present for the study session the opportunity to comment following.

Chairman O'Hara agreed with Vice Chairman Biethan. There would be at least one more Study Session on Wednesday, February 17, 2016 and the earliest close of public testimony would be end of day, Thursday, February 18, 2016. Another Study Session may be called for at the Wednesday, February 17, 2016 meeting but the variable was not known at this time. The Commission agreed. Chairman O'Hara encouraged those who would not be present for the Study Sessions to send emails and that they would all be read and considered.

**REPORTS/SCHEDULING/TOPICS FOR NEXT MEETING(S):**

Ms. Stiteler announced the Planning Commission Short Course on March 2, 2016 in Bellevue with registration by February 24, 2016.

The written testimony would remain open until at least the next study session.

**ADJOURNMENT:**

MOTION by Commissioner Miller to adjourn, MOTION seconded by Chairman O'Hara. The meeting adjourned at approximately 9:35 p.m.

Minutes Approved On:

Planning Commission Chair

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