



TECHNICAL COMMITTEE REPORT

To: Planning Commission

From: Technical Committee

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Date: June 17, 2016

Project File Number: LAND-2016-01105

Project Name: Mobile Services Zoning Code Amendment

Related File Numbers: SEPA-2016-01107

Applicant: Bae Enterprises

Applicant's Contact: Daniel Bae

Reasons the Proposal should be Adopted: The Technical Committee's recommendation should be adopted because it allows for the operation of mobile services in a manner that:

- Protects public health, safety and welfare;
- Prioritizes scarce public resources for their intended uses;
- Mitigates impacts on neighbors;
- Is in line with the anticipated impacts of such uses;
- Aligns temporary use regulations with business operation patterns; and,
- Is consistent with the Redmond Comprehensive Plan.

I. APPLICANT PROPOSAL

The applicant seeks to operate a mobile hair salon in Redmond. Currently the Redmond Zoning Code (RZC) allows vending carts and kiosks, which are the most similar land uses to the proposed land use. However, vending carts and kiosks are limited to 6 feet x 10 feet in size; the applicant's proposed trailer is 8 feet x 28 feet and so could not be categorized as a vending cart or kiosk.

A mobile hair salon could be considered a “mobile service,” and mobile services are allowed in Redmond as temporary uses. However, temporary use permit requirements are not designed to allow for a mobile service that operates continuously but at different sites that are not known in advance.

II. RECOMMENDATION

The Technical Committee recommends amending RZC 21.46, Temporary Uses, to create a temporary use permit exemption for mobile services that meet the following criteria:

- Are located outside the public right-of-way and not located on on-street parking;
- Are located at a site for no more than seven total days over a period of three months;
- Are not located in required drive aisles or any area that would impede emergency or ADA access; and
- Are not located on vacant property.

The Technical Committee’s recommendation is shown in Exhibit A.

III. BACKGROUND, FACTORS CONSIDERED, AND ALTERNATIVES

A. BACKGROUND

The RZC regulates both permanent uses and temporary uses. Each zone contains a list of allowed permanent uses. These are the uses that are customary for such zones and typically operate on a continuous basis. The RZC also contains provisions for temporary uses, which are uses that are not otherwise allowed, but are safe and compatible with the general vicinity and adjacent uses (RZC 21.46.010). Examples of temporary uses include school portables, recreational vehicles, garage sales, carnivals, and – relevant to this proposed amendment – mobile services.

Mobile services include but are not limited to mobile veterinary clinics, blood donation centers, and in the applicant’s case, hair salons. The RZC currently requires a temporary use permit for any mobile service, a requirement that the Technical Committee recommends modifying as described later in this report. Food trucks, called motorized catering in the RZC, are exempt from the requirement of obtaining a temporary use permit.

B. FACTORS CONSIDERED

The primary factors considered in reaching this recommendation were:

- Protecting public health, safety and welfare
- Prioritizing scarce public resources for their intended uses
- Mitigating impacts on neighbors
- Developing regulatory approach in line with anticipated impact
- Aligning temporary use regulations with business operation patterns

Protecting public health, safety and welfare. The applicant’s business model involves parking on private property. The recommended amendments protect drive aisles, sidewalks, walkways and emergency access areas for their intended use.

Prioritizing scarce public resources for their intended uses. Absent any operating criteria, mobile services could conduct business from on-street parking spaces where such spaces are designed and needed for retail customers. The Technical Committee concluded that such use would be in conflict with on-street parking management goals.

Mitigating impacts on neighbors. Temporary uses are generally allowed when they are “compatible with the general vicinity and adjacent uses” (RZC 21.46.010). The Technical Committee believed it was both fair and prudent to require time and location limits in light of the recommendation that certain mobile services not be required to obtain a temporary use permit. Redmond’s experience with food trucks is that there have been very few complaints. While mobile services are similar to food trucks, they differ in two ways: 1) the potential range of uses is much broader, and 2) their business hours are less “peaky,” meaning they could attract customers for several consecutive hours.

Developing regulatory approach in line with anticipated impact. Existing regulations only allow mobile services as temporary uses. As is discussed in more detail below, such a use that intends to operate in Redmond for more than six months would require City Council approval. Food trucks, which are the use most similar to mobile services in terms of impact and operations, do not require any zoning approval at all. (They are required to have a business license and meet health and safety codes.) The Technical Committee is recommending an approach that it believes is more in line with the potential impacts of mobile services – an approach that is more similar to the approach to food trucks since they are similar uses.

Aligning temporary use regulations with business operation patterns. Regardless of the applicant’s proposal, the Technical Committee believes it is important to align temporary use permit requirements for mobile services with the way that such uses actually operate. Temporary use regulations are designed for uses that exist at a certain location for a short period of time. Mobile services are, for the most part, mobile. It is not practical to mandate pre-approval for all operating days, provide written authorization from property owners, and demonstrate how such uses will abide by site planning restrictions at all sites at which the use will operate. Moreover, the City has not been issuing temporary use permits for mobile services and so the code is in conflict with current practice. Most of the time it is appropriate to align operations with the code, but in this case the Technical Committee believes the code should change to reflect how businesses operate.

C. ALTERNATIVES

The Technical Committee considered several alternatives described below.

No RZC changes. In this alternative a mobile hair salon could only be allowed as a temporary use provided the applicant met all of the temporary use permit requirements.

The principal drawback to this alternative is that temporary use permit requirements are not designed with the proposed use in mind. For example, an applicant must designate and receive approval for all operating days and show written authorization of the property owner for the proposed use. Both conditions are impractical for mobile uses. Moreover, short-term temporary use permits expire after six months without the possibility for extension. That means that any mobile service business wishing to operate as a temporary use would need a long-term temporary use permit, which requires City Council approval. This process seems burdensome compared to the proposed use.

No RZC changes and enforce existing temporary use regulations. As noted above, the RZC allows mobile services as temporary uses. However, the City is not consistently enforcing the requirement to obtain a temporary use permit for mobile services. For example, several health-related services such as blood donation centers operate out of motor vehicles in Redmond (and elsewhere). These trucks typically park in a parking lot for a few hours offering services to employees of nearby businesses. In the last six years the City has not issued a temporary use permit for any of these uses. If the City were to enforce existing regulations, the same drawbacks identified above would apply: that temporary use permit requirements are not a good fit for mobile services, and that the permit process seems disproportionate to the kinds of mobile services that operate in Redmond.

Change maximum dimension for vending cart or kiosk (applicant's proposal). The Technical Committee believes that the applicant's use is qualitatively different than what qualifies as a vending cart or kiosk and amending the maximum size of either would confuse the purpose of such uses. A typical vending cart business would be someone selling hot dogs or ice cream from a push cart. A typical kiosk would be a news or coffee stand. The applicant proposes a vehicle that is more than four times the area of the largest allowable vending cart or kiosk.

Regulate mobile services the same as food trucks. Food trucks, called "motorized catering" in the RZC, are exempt from obtaining a temporary use permit provided they move at least every three hours. These regulations took effect in 2011 and have succeeded in allowing food trucks while limiting their impacts on neighbors. The Technical Committee is recommending a similar, though not identical, approach for mobile services. One reason for a modified approach is concern about on-street parking. In Redmond's busiest mixed-use areas on-street parking is intended for retail customers and is managed to that end. Allowing large motor vehicles to occupy scarce on-street customer parking would be in conflict with Redmond's on-street parking management goals. A second concern is that several mobile service vehicles could convene and open for business on vacant land to attract the general public. While this should not necessarily be prohibited, the Technical Committee recommends continuing to require a temporary use permit for that kind of land use.

Regulate mobile services similar to food trucks. In this alternative some mobile services, including the kind that the applicant proposes to operate, would be exempt from temporary use requirements. To address concerns about impacts to neighbors and

public safety the Technical Committee recommends exempting mobile services from temporary use requirements if they meet the following criteria:

- Are located outside the public right-of-way and not located on on-street parking;
- Are located at a site for no more than seven total days over a period of three months;
- Are not located in required drive aisles or any area that would impede emergency or ADA access; and
- Are not located on vacant property.

The first criterion addresses the concern that mobile services could occupy scarce on-street parking intended for retail customers. The second and fourth mitigate potential concerns from neighbors by limiting how long a mobile services can occupy any one location and by continuing to require a temporary use permit for mobile services that intend to conduct their business on vacant land. The third protects public safety. The Technical Committee recommends this approach because it responds to the potential impacts of mobile services with a regulatory burden that the Committee believes is proportionate. The approach can be modified in the future if experience demonstrates a need to refine it.

IV. ADDITIONAL SUPPORTING ANALYSIS

A. COMPLIANCE WITH CRITERIA FOR CODE AMENDMENTS

Redmond Comprehensive Plan Policies PI-16 direct the City to take several considerations, as applicable, into account as part of decisions on proposed amendments to the Comprehensive Plan. Items 1 through 6 apply to all proposed amendments. The following is an analysis of how this proposal complies with the requirements for amendments.

1. Consistency with Growth Management Act (GMA), State of Washington Department of Commerce Procedural Criteria, VISION 2040 or its successor, and the King County Countywide Planning Policies.

The proposal is consistent with the economic development and permit processing goals of the GMA by streamlining the process for allowing a non-traditional business model. The proposal meets procedural criteria found in WAC 365-196 for adopting development regulations by providing for public input and providing certain notices to the State of Washington. The proposal is consistent with Department of Commerce procedural criteria concerning public participation: a public hearing will be held on this proposal.

The proposal is consistent with VISION 2040 goals calling for focusing development in urban areas and supporting a prospering and sustainable economy by streamlining regulations for mobile services. The proposal is consistent with King County Countywide Planning Policies such as EC-5 that call for transparency, efficiency and predictability in local regulations and policies.

2. Consistency with the Redmond Comprehensive Plan.

The proposal is consistent with the following Comprehensive Plan policies:

LU-5: Provide an appropriate level of flexibility through development regulations to promote efficient use of buildable land. Balance this flexibility with other community goals and the need for predictability in decision making. Achieve this through measures such as clustering that preserve open space and administrative variances for minor variations.

The proposal allows mobile services to using existing developed land to operate mobile businesses. This promotes the efficient use of land. The proposal streamlines the approval process for non-traditional service uses in a way that does not conflict with other community goals.

PI-19: Prepare and maintain development regulations that implement Redmond's Comprehensive Plan and include all significant development requirements. Ensure that the development regulations are clearly written, avoid duplicative or inconsistent requirements, and can be efficiently and effectively carried out.

The proposal amends temporary use regulations that are not well-suited to mobile services and replaces them with requirements that can be efficiently and effectively implemented.

3. Potential general impacts to the natural environment, such as impacts to critical areas and other natural resources, including whether development will be directed away from environmentally critical areas and other natural resources.

The proposal is unlikely to have an impact to the natural environment or cause development patterns to change with respect to critical areas and other natural resources.

4. Potential general impacts to the capacity of public facilities and services. For land use related amendments, whether public facilities and services can be provided cost-effectively and adequately at the proposed density/intensity.

The proposal is unlikely to impact the capacity of public facilities and services.

5. Potential general economic impacts, such as impacts for business, residents, property owners, or City Government.

The proposal would positively impact mobile service businesses wishing to operate in Redmond by providing a streamlined way to operate consistent with zoning code regulations. The proposal is unlikely to economically impact residents. The proposal is unlikely to have any significant impacts to property owners. The proposal may modestly increase business license revenue and tax revenue to city government.

- 6. For issues that have been considered within the last four annual updates, whether there has been a change in circumstances that makes the proposed amendment appropriate or whether the amendment is needed to remedy a mistake.**

This issue has not been considered in the last four annual updates.

V. AUTHORITY AND ENVIRONMENTAL, PUBLIC AND AGENCY REVIEW

A. Amendment Process

Redmond Zoning Code (RZC) 21.76 requires that amendments to the Zoning Code and Comprehensive Plan be reviewed under the Type VI process. Under this process, the Planning Commission conducts a study session(s), an open record hearing(s) on the proposed amendment, and makes a recommendation to the City Council. The City Council is the decision-making body for this process.

B. Subject Matter Jurisdiction

The Redmond Planning Commission and the Redmond City Council have subject matter jurisdiction to hear and decide whether to adopt the proposed amendment.

C. Washington State Environmental Policy Act (SEPA)

A SEPA checklist was prepared and a Determination of Non-Significance is expected to be issued for this non-project action on June 22, 2016 (see Exhibit C).

D. 60-Day State Agency Review

State agencies were sent 60-day notice of this proposed amendment on June 17, 2016.

E. Public Involvement

The public has opportunities to comment on the proposed amendment through the Planning Commission review process and public hearing which will be held on July 13, 2016. Public notice of the hearing was published in the Seattle Times on June 22, 2016 (see Exhibit B). Notice of the Planning Commission hearing was posted in City Hall and the Redmond Library. Notice of the hearing is given on the Planning Commission agendas and extended agendas.

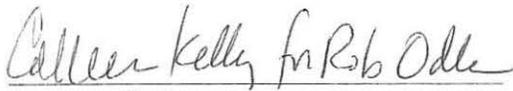
F. Appeals

RZC 21.76 identifies Zoning Code and Comprehensive Plan Amendments as a Type VI permit. Final action is by the City Council. The action of the City Council on a Type VI proposal may be appealed by filing a petition with the Growth Management Hearing Board pursuant to the requirements of the Board.

VI. LIST OF EXHIBITS

- Exhibit A: Recommended Zoning Code Amendments
- Exhibit B: Public Hearing Notice
- Exhibit C: SEPA Threshold Determination

Conclusion in Support of Recommendation: The Technical Committee has found the proposal to be in compliance with the Redmond Zoning Code, Redmond Comprehensive Plan, Redmond Municipal Code, and State Environmental Policy Act (SEPA).



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