

## Memorandum

**To:** Planning Commission

**From:** Sarah Stiteler, AICP, Senior Planner, 556-2469, [sstiteler@redmond.gov](mailto:ssiteler@redmond.gov)

**Date:** August 20, 2014

**Subject:** **Bear Creek Design District 1 – Proposed Zoning Code Amendment**

The Technical Committee is recommending an amendment to the Redmond Zoning Code for the Bear Creek Design District1, located near the intersection of Avondale Road and 180<sup>th</sup> Avenue NE. The purpose of the proposed amendment is to remove the requirement for the master plan which was part of the 2007 rezone of the parcel and to allow non-age restricted multifamily residential development.

This proposal would amend the BCDD zoning regulations to accommodate all-ages multi-family development in the BCDD1 zone at the same density as the existing regulations allow. Staff proposes this and other changes to the BCDD zoning regulations to better implement the intent of the zone.

The Planning Commission held its first study session on the proposed amendments on August 6, 2014 and identified issues which have been summarized in the Issues Matrix. The public hearing on the proposed amendments is Wednesday, August 20, 2014.

### **PREPARATION FOR THE AUGUST 20<sup>th</sup> PUBLIC HEARING AND STUDY SESSION**

The issues matrix begun at the August 6, 2014 meeting and any written testimony received to date are enclosed in this week's packet. For the August 20, 2014 meeting, staff asks that the Commission review the enclosed issues matrix and written testimony and continue to identify issues for discussion and questions. Please notify me if any issues are missing or misstated.

### **REVIEW SCHEDULE**

A third study session is scheduled for August 27, 2014 if needed. Approval of the Planning Commission's report is scheduled for September 10, 2014. Please contact Sarah Stiteler with questions or concerns.

### **ENCLOSURES**

Issues Matrix  
Wilkins Testimony (2)

## BEAR CREEK DESIGN DISTRICT 1 PROPOSED AMENDMENTS TO THE ZONING CODE

August 20, 2014

Issue / Commissioner	Discussion Notes	Issue status
<p>1. What is the current and previous allowed density on site?</p> <p style="padding-left: 20px;"><i>(Murray)</i></p>	<p><u>Staff Comment/Recommendation:</u> In 2007, the City’s Technical Committee recommended the adoption of the Bear Creek Design District zoning category to replace existing zoning consisting of RA-5 (semi-rural, 1 unit per 5 acres), R-6 (Single-Family Urban, 6 units per acre) and some BP (Business Park) zoning. Under the <u>Existing Conditions</u> section of the 2007 Technical Committee Report, it states,</p> <p>The RA-5 designation covers about 118.0 acres of the site, the R-6 designation 2.7 acres, and the BP designation 4.0 acres. The underlying zone designations would permit a total of 40 residential lots. The current Bear Creek Neighborhood regulations contain bonus provisions that allow for development of 210 residential units on 35 acres in the northwest portion of the site, plus five more units on the site not currently owned by the Kellers.</p> <p>The Technical Committee Report recommended the following:</p> <ul style="list-style-type: none"> <li>• Land-use designation change from Semi-Rural, Single-Family Urban, and Business Park to Design District</li> <li>• Zone change from RA-5, R-6, and BP to Bear Creek Design District (BCDD)</li> <li>• Adoption of the proposed Bear Creek Design District regulations</li> </ul> <p>The Bear Creek Design District regulations adopted by Ordinance 2370 (11/5/07) indicate that the primary allowed use for BCDD1 is for “retirement residences together with indoor storage and offices associated with such uses”, also “Employee Housing”. The zoning regulations further identify the maximum Floor Area Ratio (FAR) as 0.8, along with other zoning requirements. The current proposed amendments to the Bear Creek Design District do not propose to change the FAR of 0.8, but would allow non-age specific multifamily residences in addition to existing allowed uses.</p> <p><u>Public Comment:</u> 8/6/14</p> <p>Ms. Susan Wilkins spoke under Items From the Audience regarding her concerns about the</p>	<p><u>Opened</u> 8/6/14</p>

Issue / Commissioner	Discussion Notes	Issue status
	<p>potential for additional dwelling units that could result if non-age specific multifamily residences are allowed. She stated that the Technical Committee Report for the Aegis proposal in 2007 identified how the maximum density of 215 dwelling units for the Bear Creek Design District was calculated and that the current proposal could exceed that. She reiterated her concern for environmental impacts to the wetland area with increased residential density.</p> <p><u>PC Comments:</u> 8/6/14: Commissioner Murray requested that staff address Ms. Wilkins' issues in the Issues Table for further consideration by the Planning Commission</p>	
<p>2. Should the Planning Commission confirm that current uses allowing 0.8 FAR are appropriate for the BCDD1? (Sanders)</p>	<p><u>Staff Comment/Recommendation:</u> The purpose of this recommended amendment is to remove the age restriction that was placed on this zoning designation when it was created in 2007. The FAR of 0.8 was established in the density/site requirements in 2007. The Planning Commission report of October 3, 2007 identifies the action that was proposed for the creation of the Bear Creek Design District:</p> <p>This proposal would:</p> <ol style="list-style-type: none"> <li>1. Change the land-use designation for a 126-acre site commonly known as the Keller Farm from Semi-Rural, Single-Family Urban, and Business Park to Design District.</li> <li>2. Change the zone of the site from RA-5, R-6, and BP to Bear Creek Design District (BCDD)</li> <li>3. Replace zoning regulations for the area.</li> </ol> <p>The Planning Commission recommended approval as described in the 10/3/07 report for reasons including:</p> <ol style="list-style-type: none"> <li>1) It permanently protects a highly significant contiguous stream/wetland ecosystem and provides for its enhancement;</li> <li>2) It provides for public access to natural areas in Redmond, closing gaps in the City's trail system, balanced with the goal of maximizing the ecological value of the Keller Farm;</li> <li>3) It clusters development on less than nine acres of a 126-acre site, whereas current regulations would permit development of up to 35 acres of the site.</li> </ol>	<p><u>Opened</u> 8/6/14</p>

Issue / Commissioner	Discussion Notes	Issue status
	<p>The recommended amendment would maintain existing regulations that require easements to allow the City to connect to City trails and requirements for protection of the groundwater, such as “Permanent intrusion of parking garages, basements or similar structures into the groundwater is prohibited.” The opportunity for senior housing was also cited in the 2007 Planning Commission report. The City continues to be challenged with the demand for housing; the proposed amendment would create housing consistent with the community’s vision to increase the supply of housing and to do so in an area that has been identified for several years as appropriate for multifamily residential use. This location is near to the Downtown and other employment, has access to an arterial and is suitable for this density. Having multi-family residential use at this location is consistent with policies in the Land Use Element and with the Bear Creek Neighborhood Plan.</p> <p><u>Public Comment:</u></p> <p><u>PC Comments:</u> 8/6/14: Commissioner Sanders asked if the Planning Commission should consider the appropriateness of the existing zoning and if the Bear Creek Design District 1 is a good location for retirement residence and/or multifamily land use. She noted other lower density residential uses nearby and asked the Commission to confirm that the existing zoning was the place to begin consideration of the proposed amendments.</p>	
<p>3. Are there alternatives to using a Development Agreement to create publically accessible community meeting space?</p>	<p><u>Staff Comment/Recommendation:</u> Staff has explored a variety of methods to ensure the creation of, and continued viability of publically accessible community meeting space within a future development. The City Attorney has advised that the use of a development agreement between a developer and the City would clearly identify roles, responsibilities and maintenance and liability issues for the duration of such a use in a legally appropriate manner. A development agreement requires City Council approval and would be approved at the same time as the proposed Zoning Code amendment. Once approved, the development agreement runs with the land, and is required regardless of subsequent changes in ownership of the property.</p> <p><u>Public Comment:</u></p>	<p><u>Opened</u> 8/6/14</p>

<b>Issue / Commissioner</b>	<b>Discussion Notes</b>	<b>Issue status</b>
<i>(Sanders)</i>	<u>PC Comments:</u> 8/6/14: Commissioner Sanders requested more information about alternatives for the creation of community meeting space and how it would be managed with a development agreement.	

**From:** Susan Wilkins [susanwi\_1234@yahoo.com]

**Sent:** Wednesday, August 13, 2014 2:28 PM

**To:** Cathy Beam

**Subject:** Comments on DNS for BCDD 1 Zoning Code Amendment / SEPA-2014-01091

Comments on Determination of Non-significance (DNS) for BCDD 1 Zoning Code Amendment  
SEPA-2014-01091

The primary motivation for creating the Bear Creek Design District in 2007 was to preserve open space at the Keller Farm because it provided significant environmental value to the City and its residents.

In exchange for clustering development on the northwest corner of the property, the remaining farm acreage was to be preserved as open space and as a mitigation bank. As part of the plan, Perrigo Creek, a Class II stream that runs through the northwest corner of the property in Performance Area 1 was to be daylighted and rerouted. The larger 115-acre preserved area (Performance Area 2) was to provide protection for salmon habitat along Bear and Evans Creeks. It would also provide protection for the city's aquifer and wells 1,2 and 5. Most important, it would ensure adequate flood storage for the entire city.

The BCCD Technical Report from 2007 stated that density from the entire farm would be concentrated on the 8.8 acres in the northwest corner for a 210-unit retirement community with 307,000 square feet of floor area. The primary intent of creating the design district was to preserve environmental quality for the City, not to add housing. The additional housing was a beneficial by-product, but not an objective.

The original plan (see Exhibit B) did not create adequate room for Perrigo Creek. As a Class II stream, it would require a 100 foot inner buffer and a 50 foot outer buffer. This was never provided in the original retirement community plan. Exhibit B also shows recreational facilities on the eastern edge inside the 100-year flood zone. In 2007, Water Tenders opposed that facility because it would infringe on the flood zone.

Since 2007 when the original Bear Creek Design District was created, a significant number of projects have created additional flood storage challenges for the City including the widening of SR520, the rebuilding of the Union Hill bridge over Evans Creek, the widening of 196th Avenue NE on the east side of the valley next to Keller Farm, construction of the Perrigo Heights housing development that significantly increased the flow of Perrigo Creek, and currently, the Willowmoor Floodplain redesign that will significantly increase discharge from Lake Sammamish along the Sammamish River. All of these projects have altered the flood storage potential for the city. The Keller Farm has been a critical flood storage area that has saved the downtown area from catastrophic flooding. This rezoning doesn't consider how the rezone and planned construction will impact future flood storage in the Keller Farm and flooding in the entire city.

The new rezoning plan proposed for the site will allow up to 450 dwelling units with 307,000 of floor space (the same amount of floor space as in the original plan.) The increased density and non-retirement community demographics would significantly change the environmental stress on the Bear Creek Design District. It would increase demand for on-site parking, outdoor storage, all-age recreation and even outdoor activities such as gardening. Since the intent of the Bear Creek Design District was for environmental enhancement, it seems that the rezone has failed to adequately consider the negative aspects of the rezone and instead prioritizes added housing over environmental impact.

Please include these comments about the project.

Sincerely,  
Susan Wilkins  
18024 NE 99th Ct  
Redmond, WA

Susan Wilkins comments – 8/13/14 (2<sup>nd</sup>)

Dear Sarah and Cathy,

First let me clarify that I should have written 347 instead of 450 as the projected number of dwelling units.

Also, we need to use the same terminology. You both refer to BCDD-1, as if the Bear Creek Design District has a BCDD-1 that only refers to the 8.8 acres on the northwest corner of the 124-acre Keller Farm. The way I understand it based my recollections from 2007 and on reading Ordinance 2370 is that Bear Creek Design District (BCDD) refers to the entire district that has two areas: Performance Area 1 is the 8.8 acres on the northwest corner where the retirement center was to be built, and Performance Area 2 that was the remaining 114.73 acres.

This rezone is supposed to apply to only Performance Area 1; however, PA-1 is not a design district. The entire 124-acre BCDD is the design district and a change to the northeast corner is a change to the entire district. I know that the City in the past has made changes to design districts. For example, I recall that the Gateway Design District had its parking regulations changed to address a specific parcel/business request. The parking rezone only affected the specific parcel, but the rezone applied to the entire design district. In the same way, although you only want the rezone to apply to Performance Area 1 (or BCDD-1 as you refer to it) the rezone is for the entire district.

The Bear Creek Design District's purpose is for **conservation and flood control** and if you're going to revisit ordinance 2370 and repeal it, then it seems that you repeal all parts. This isn't what you want to do, but it seems like the logical progression of reasoning.

If we're going to revisit the Bear Creek Design District in order to consider rezoning the development of the section on the northwest corner (PA-1 or BCDD-1), then we should review how Performance Area 2 is doing too. It's been 7 years since this design district was created and the mitigation bank has not been established nor has the property been replatted to conform to the two performance areas. But lots of other changes have occurred around Redmond that should require the review of the property to see if the City's flood control needs have changed.

The Keller Farm is absolutely essential to ensure that the City has adequate flood storage capacity. It would be wise to revisit the entire BCDD and determine if the boundaries should be enlarged to include portions of undeveloped land to the east that are currently privately owned or owned by the City of Redmond.

-Susan Wilkins

On Wednesday, August 13, 2014 3:43 PM, Sarah Stiteler <[SSTITELER@REDMOND.GOV](mailto:SSTITELER@REDMOND.GOV)> wrote:

Cathy and Susan,

Thank you for these comments which I will send to the Planning Commission as written testimony prior to the public hearing on 8/20/14.

Susan Wilkins comments – 8/13/14 (2<sup>nd</sup>)

For clarification, the SEPA checklist indicates the potential for 347 units, not 450 units as indicated below. The estimated number was derived by identifying possible average residential unit size in a future development and dividing the total buildable area by the unit size (average).

Sincerely,  
Sarah

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