

**REDMOND PLANNING COMMISSION
MINUTES**

January 19, 2011

COMMISSIONERS PRESENT: Chairman Hinman, Commissioners O'Hara, Julinsey, Gregory, Miller and Flynn

COMMISSIONERS EXCUSED: Commissioner Biethan

STAFF PRESENT: Pete Sullivan, Gary Lee and Kim Dietz, Redmond Planning Department

RECORDING SECRETARY: Kathryn Kerby, Lady of Letters, Inc.

CALL TO ORDER

The meeting was called to order at 7:00 p.m. by Chairman Hinman in the Council Chambers at City Hall.

APPROVAL OF THE AGENDA:

No changes to the agenda.

ITEMS FROM THE AUDIENCE:

There were no questions or comments from the audience.

PUBLIC HEARING AND STUDY SESSION, Redmond Village Square Comprehensive Plan and Zoning Map Amendment, presented by Gary Lee, Redmond City Planner.

Chairman Hinman opened the public hearing, and invited Mr. Lee to begin with an overview of the amendments and where they are in the approval process. Mr. Lee reminded the Commission that this began as a private application to extend the Anderson Park (AP) zone eastward over the subject parcel. That change would allow the parcel to redevelop with mixed-use, office and residential, five- or six-story buildings, instead of the current limit of two-story general commercial uses. A SEPA DNS was issued in October 2010 with no comments. The appeal period expired in November 2010 with no appeals. The Technical Committee has further recommended that the AP zoning extension continue beyond the parcel, ending at 170th Avenue N.E. for what they felt was a more logical boundary. The AP zoning does not allow single-story or drive-through uses but rather encourages multi-story mixed uses. The Technical Committee made a similar recommendation in 2009, but that recommendation included an expansion across Redmond Way. The Planning Commission did not agree with that earlier recommendation, due to fears that the AP zoning on both sides of Redmond Way would diminish the City's desired gateway effect in that corridor.

Since then, the City has completed the DEWCS study to change traffic patterns in that same area. Given those changes, the applicant hoped the Planning Commission would reconsider their petition. The Technical Committee found that the applicant's petition was consistent with the City's revised plans for this area, and has recommended adoption of the updated zoning change.

Chairman Hinman asked if any members of the audience wanted to speak.

Mr. Will Nelson of 10015 NE 12th Street, Bellevue, Washington, described how the parcel's development began with a VNR food store in 1964, which then expanded during the 1970's and 1980's to become the present multi-tenant parcel. His desire is to take that property to its highest and best use. The current zoning does not allow much flexibility beyond what they already have. This zoning change would not only give the parcel owners that flexibility, but also help the City move towards the preferred development vision.

Chairman Hinman asked if anyone had questions for Mr. Nelson. There were none.

Mr. Walter Scott of 400 112th Avenue, #230, Bellevue, Washington, wanted to add some context to Mr. Nelson's comments. They are very conscious of their tenants' needs, and most of those tenants earn their entire earnings from the businesses on that parcel. The owners have no immediate desire to redevelop the parcel. Any redevelopment plans would have to be preceded by long-term lease arrangements. Since several of their tenants and their anchor tenant are national chains, those lease agreements are negotiated well in advance. Mr. Scott wanted to make sure that even if the zoning change was approved, they had no immediate redevelopment plans.

Chairman Hinman asked if anyone had questions for Mr. Scott. Commissioner Julinsey asked him to define *long-term lease*. Mr. Scott replied that most national chains renew their leases for five or ten year terms, minimum. When higher density zoning is granted, any development would have to include structured leases to all expire at the same time before work could begin. Commissioner Flynn asked Mr. Scott how they would handle the timing for the City's planned street realignment. Mr. Lee replied there was no timing on that yet, and most likely it would be keyed to any concurrent development of that parcel. Commissioner Flynn asked how the placement impacted the parcel owner's development plans. Mr. Scott replied they have not gotten that far in their planning.

Chairman Hinman asked if there were any other questions for Mr. Scott or Mr. Nelson. There were none. He then closed the oral portion of the public hearing and opened the study session. Commissioner Miller began the session by asking Mr. Lee whether the realignment of Avondale would occur separately from the new street development for Redmond Town Center. Mr. Lee replied that he did not have a specific answer for that, since those projects are so far out in the future. Commissioner Miller asked whether the Dairy Queen property would be impacted since it also fell within the rezone area and would become a non-conforming use. Specifically, he asked what might trigger redevelopment of that parcel. Mr. Lee explained that drive-through use would still be allowed as a non-conforming use even if the parcel was re-tenanted or sold. The only thing that would change the use is if that use was abandoned for a year or more.

[audio signal loss occurred from approximately 17:00 to 17:45. Chairman Hinman asked speaker to repeat what was said during that interval]

Mr. Lee repeated that the other thing which would trigger an abandonment of the non-conditional land use would be demolition of the actual building.

Chairman Hinman said one issue from the Issues Matrix had come back with additional information that needed discussion. Prior to that discussion, he asked if any Commissioners had any other questions related to this application. Commissioner Flynn asked Mr. Lee if he could describe the village mixed-use master plan concept. Mr. Lee replied that it was something of a bonus program. The base height currently allowed is two stories. A parcel's owner could go to four stories if the parcel were at least two acres, and

redeveloped according to the village concept. The concept should include internal streets, mixed use and urban office, and residential use. The subject parcel is large enough for that type of redevelopment but other parcels within the proposed zoning change are not.

Chairman Hinman asked if staff had received any written comments on this amendment. Mr. Lee said they had received no written comments. Chairman Hinman then opened the issues matrix, and Issue #1 regarding building heights. Mr. Lee had provided a color-coded graphic showing building heights by district, including potential TDR's for the Downtown area. The map showed how the City has tried to create a step-down in building heights moving from center of Downtown towards edges. Mr. Lee added that he had another map showing the same color coding, but marked to show the recommended zoning revision. Also, Mr. Lee forgot to mention last time that on the map showing the revised pedestrian sidewalk patterns, the zoning change would not change the City's pedestrian plans. Buildings would have to be 20 feet back from the curbs in that area, rather than 14 feet for areas west of the rezone. This would provide the transition between the zones.

Chairman Hinman asked if any Commissioners had any additional questions about building height impacts. There were no further questions. Chairman Hinman asked if anyone had questions about traffic circulation and pedestrian movement components of the future realignment, as detailed in the DEWCS plan. Mr. Lee added that inquiries about this topic may have simply been requests for information, rather than being an issue of concern. Commissioner Miller asked if any elements of DEWCS were being programmed. Mr. Lee said that 161st is slated to start soon, but nothing else is programmed yet. There were no additional questions. Chairman Hinman asked if the Commissioners felt they were in a position to act on this recommendation or if additional information was needed. Vice-Chair Gregory said he felt they had sufficient information to act on the recommendation. He did feel that the rezone would result in some loss of the gateway effect, and the pressure would mount to eventually include that other side of the corridor in allowing greater building heights. However, he felt they had adequately discussed the issue and could proceed to the vote. There were no other comments. Commissioner Miller motioned that the Commission adopt the recommendation. Vice-Chair Gregory seconded. The motion passed unanimously. Mr. Lee said he would prepare the transmittal report and bring it back for the Commission's review during the February 9th meeting. Chairman Hinman closed out the written portion of the testimony and closed the public hearing.

STUDY SESSION, Neighborhood Commercial Development Guide Amendment - Policy and Regulatory Updates, presented by Kim Dietz, Redmond City Planner.

Chairman Hinman invited Ms. Dietz to describe the changes made since their last meeting. Ms. Dietz introduced those changes:

- 1) On page 1, changes were made to the language regarding Issue #2.
 - a. Commissioner Miller had previously expressed a desire not merely for triggers and limits for Neighborhood Commercial land use, but also incentives and encouragement for that zoning.
 - b. The revised language attempted to capture both the positive incentives and negative limits for the various NC parcel sizes.
 - c. Staff attempted to list key elements for the NC land use.
 - d. Staff wanted to call out the different stakeholders who would be able to voice concerns or encouragement for NC land use. The group included not only citizens and businesses but also entities such as the Neighborhood Network.

Chairman Hinman asked why the revised language spoke in relativistic instead of absolute terms. He specifically noticed that no mention had been made of the so-called NC-.5 category. Ms. Dietz replied that staff wanted the text to remain neutral so that any new development would not be artificially limited by, or created by, the language itself. She added that planners have opened up the Neighborhood Network to all neighborhoods with a neighborhood plan. Staff hoped and expected to hear a wide variety of comments from that network over time. The staff hoped the Network would be able to comment on the concept of NC land use rather than the existing language directing the conversation.

Chairman Hinman asked whether any Commissioners had comments. Vice-Chair Gregory appreciated how the new language described the City's desire for small-scale gathering places, and how those places needed to be walkable and bikeable. He also wanted to recognize the staff efforts to remain neutral on the LU-39.5 language. He appreciated the effort that took and remains open to what the neighborhoods want. Vice-Chair Gregory felt the revised language was an improvement. Commissioner Julinsey also thought the language had improved and she looked forward to getting feedback from the Network.

Commissioner Miller also agreed that the language had improved. He still felt that NC-.5 needed to be specifically addressed. He appreciated the desire to be neutral, but he felt it was an odd disconnect to say on the one hand that they would not mention that NC-.5 specifically, then on the other hand say it would be discussed later. Commissioner Miller would prefer that they say something to the effect that NC-.5 was one concept they wanted to look at. It would be only one amongst many potential specific ideas, but at least list it as an existing concept. Currently, he believed staff still felt that NC-.5 was already covered under the existing language for NC-1. While that is functionally true, NC-1 does not address the unique needs and opportunities of a very small commercial enterprise. The businesses that would meet NC-.5 criteria must also meet NC-1 criteria even if that larger scale criterion is inappropriate for their micro-business nature. Similar sized communities, who have successful functional micro-businesses, do not require those businesses to meet larger business criteria such as parking.

Of particular concern to Commissioner Miller, was the continued linkage to the concept of non-competition with the Downtown and Overlake urban commercial areas. One of the principle justifications for this land use is to improve walkability for residents. For those residents who live a half mile from either Overlake or Downtown, the existing language does not do them any favors because they would not be able to enjoy a micro business within walking range of their homes, thanks to the non-competition clause. It would indeed encourage additional short car trips to Downtown or urban areas. It is not their intent to force car trips downtown, but that would be the result. Even a quarter of a mile is too far when considering Redmond topography and wide, fast arterials. In summary, Commissioner Miller believed the NC-.5 would capture many of the City's walkability goals, but not with the current language. The City of Portland has very clear language to encourage NC-.5. He felt Redmond could emulate much of Portland's example. Any future discussion based solely on the existing language, may not include NC-.5 simply because folks may not know of that possibility. The Commission was so close to having a good set of language in place to create that opportunity, but they are not there quite yet.

Chairman Hinman asked what he would add to bring the language to where he wanted to see it. Commissioner Miller said specific language describing micro-commercial land use would be one of the steps. He did not want to lean heavily on Portland's code as the single best example, but they have successfully captured this element very eloquently. Chairman Hinman said he would check into options for how to represent this particular vision, while keeping the flexibility of the other proposed language. He would be happy to entertain suggestions for how to change the code to bring Commissioner Miller's hoped-for text into the language. Commissioner Flynn added that he generally supported most of what

Commissioner Miller said and he also wanted to see that NC-.5 language. He felt the NC-1 did not address the NC-.5 option clearly enough, and he wanted to give people clear guidance that NC-.5 was an option. Chairman Hinman said he hoped to decouple this from the language for NC-1 and NC-2, and perhaps refer to it as micro commercial rather than NC-.5. Commissioner Flynn said that decoupling might be a good idea. He was also concerned with keeping vehicle trips out of the Downtown and Overlake areas, if neighborhood micro-businesses would work instead.

Commissioner O'Hara asked whether perhaps another LU policy would be warranted. He also questioned whether they had time to hammer out the details, and whether this was the proper venue for that conversation. Commissioner Miller felt an additional LU policy might be appropriate. He felt they could contain this in relatively limited language. Something along the lines of, *The City of Redmond seeks to make possible the introduction of micro-commercial in neighborhoods, at a scale and design that is innately compatible with the residential neighborhoods.* The language could then adopt Portland's examples of how that relationship would take place. Chairman Hinman asked Ms. Dietz if that would need to be regulatory language or visionary policy. Ms. Dietz replied that she did not believe they were at a point where they could insert language for NC-.5. They have taken the existing language and modified it according to comments she has received from residents, businesses and commercial experts. Ms. Dietz did not find issue with the examples from Portland or Bend. However, she has not submitted those specific ideas to the public, nor gotten feedback from them wanting that specific idea, such that it could be included at this point. The NC-.5 is very different from what the City currently has, and Ms. Dietz would not have the requisite criteria and regulatory language to sync up with such a proposal. Given that, she proposed three options:

- 1) They proceed with the proposed amendment as they have it, as is.
- 2) They proceed with the proposed amendment as they have it, and add language to the Planning Commission Report about this desired additional land use.
- 3) Add a minority report.

Chairman Hinman asked Mr. Sullivan for his feedback. Mr. Sullivan said Ms. Dietz' three options were functionally their three options at the present time. Chairman Hinman summarized that the Commission seemed to agree on wanting the NC-.5 concept articulated in some fashion. However, if they were not in a position to add that concept given the lack of matching regulatory language and criteria, he at least wanted to find a way to present the idea to City Council. Chairman Hinman felt the best way to do that would be including it in the Planning Commission Report, but he also invited Commissioner Miller to provide a write up for inclusion. Commissioner Miller pointed out that all three options assumed the issue actually moved forward. Chairman Hinman clarified that if it was an inclusion on the Planning Commission, it would move forward as a discussion topic. If it was included as a minority report, it would move forward as a topic that had not been voted on and approved by the Commission as a whole. Commissioner O'Hara favored text included in the Planning Commission Transmittal Report, showing that the whole Commission was in favor of staff researching this NC-.5 concept. Commissioner Miller said he could not in good conscience support the NC-1 language with this exclusion, which actually has the opposite effect of what was stated in the preamble. Thus, his contributions would be provided as a Minority Report.

Chairman Hinman said that might actually be a better alternative because then Commissioner Miller would have the freedom to write the language to his satisfaction. Vice-Chair Gregory asked what would happen if the Commission decided not to recommend adoption of the amendment as it stood, and whether it would be passed on to the City Council even without that recommendation. Mr. Sullivan said he believed whatever recommendation the Commission made, and whatever documentation went with that recommendation, would be presented to City Council. Staff would also present the Technical

Committee's recommendation. Mr. Sullivan believed it was not uncommon for city councils in general to have divergent recommendations before them, at which point they would make their decision based on all the available information.

Vice-Chair Gregory asked whether the proposal would move on even if they failed to recommend it, or would it stay with the Commission until a majority voted in favor of recommendation. Mr. Sullivan encouraged the Commission to make a decision. Chairman Hinman said his sense of the Commission's intent was that a few of the Commissioners may want to collaborate on a minority report but that the majority of the Commission would approve a majority of the material. Ms. Dietz clarified that she was not certain that staff would proceed in the face of Commission division.

Vice-Chair Gregory said the Commission was apparently near a 50/50 decision on whether to proceed. He suggested that if the Commission did not pass the recommendation, then the proposal not go forward. In that case, the minority report would not be submitted since the proposal would not go forward. Vice-Chair Gregory did support Commissioners Miller and Flynn in the concerns that despite all the hard work the language still did not adequately address the micro-level of neighborhood commercial. Short of inserting another policy, he believed they would not adequately be able to tweak the existing language. He did understand that they were proposing a new NC designation beyond what staff had already envisioned. Vice-Chair Gregory encouraged all of this captured in the Planning Commission's Transmittal Report, regardless of how the vote went. If someone wanted to write a minority report, then submit that as well such that this new concept is adequately introduced. Either way, he felt the time had come to vote on the proposal.

Chairman Hinman agreed that the time had come to vote, but he pointed out that everyone seemed to agree on the need for a vision statement for NC-.5. The only thing holding everyone up was the regulatory foundation that would need to precede adoption of that vision. He asked Ms. Dietz if there were any way to include the vision statement, without necessarily nailing down the regulatory specifics. Vice-Chair Gregory said that merely including it as a visionary statement may not really resolve anything. Clearly, at least some of the Commission felt they had not really successfully come up with language that adequately addressed NC land use. They have heard reasons why that one aspect of micro-commercial land use may not be possible yet, given the lack of a regulatory foundation. Ultimately, this is up to City Council to either adopt it or not.

Vice Chair Gregory repeated that he felt that perspective could be adequately addressed in the Transmittal Report. However, he noted that at least some of the Commission seemed to feel they had not adequately met the test for a workable micro business policy. Merely rehashing the details at this point may be fruitless. He felt they had reached a point where it was time to either approve what they had, or vote against the package. Ultimately, it would be City Council's decision on whether to adopt the amendments.

Chairman Hinman asked the rest of the Commission for their thoughts. Commissioner O'Hara replied that apparently adding another LU policy was beyond the scope of what they could accomplish during the rest of the current meeting. So the Commission was left with the choice to either vote down the entire package, at which point staff could go back and do whatever additional work was required for the new LU policy statement about micro-businesses, or the Commission could approve the package as-is, with a minority report requesting that the additional work still be completed alongside whatever other items the staff and Commission have scheduled in the near future. Commissioner O'Hara did not know the details for how to implement either option.

Commissioner Julinsey felt that the most efficient way to proceed would be to send the package forward to City Council, with whatever documentation is necessary to provide a full description of the NC-.5 concept. Then City Council could decide how best to proceed. Commissioner Flynn asked if the proposed changes could be tabled, which would allow staff to complete the additional work; once that work was done, they could reconsider the package. Ms. Dietz replied that the Comprehensive Plan updates were taking up most of staff's time, and would continue to do so over the next several months. Staff would not have time to look at another project until 2012. That would be Ms. Dietz' first opportunity to really delve into this new aspect of NC land use and put together the materials needed for a new proposal. Commissioner Flynn asked whether the recent stakeholder meeting was to gather input from the public on this topic. Ms. Dietz clarified that the attendants at that meeting had already contributed to the original research, and the bulk of her preliminary work had already been completed. She had asked their help to fine-tune the NC-1 and NC-2 concepts.

Chairman Hinman recommended that the Commission move forward by writing their concerns about micro-commercial to be included in the Transmittal Report. That way, they could simultaneously move the package forward while still addressing these questions. He added that those Commissioners who voted against doing so could still also write a minority report. He felt that was probably their best compromise since the existing work calendar would not allow time for a thorough reconsideration of this idea for some time. Commissioner Flynn asked if there was a pressing need to have this proposal move forward immediately rather than allowing for the extra time and revisiting the idea in a year. Chairman Hinman clarified that they did not have much remaining time to debate this package, within the time originally allotted for the proposal's consideration. He asked if the schedule would allow for one more study session.

Ms. Dietz said they were scheduled to come back for report signatures during the next meeting. Beyond that, the Commission's schedule is full. Commissioner Flynn clarified that he was more interested to know if the City needed to get some form of NC land use into place immediately, as opposed to having the time to do research and regulatory language development over the next year. Ms. Dietz replied that one of the driving forces is the desire to have consistency throughout the Comprehensive Plan, and all the Comprehensive Plan elements currently being reviewed have that same priority. Staff has not yet seen a strong public demand for this type of land use. Staff wanted to lay the groundwork to have those options available if or when public demand increased again. Commissioner Miller pointed out that he believed the same could be said for NC-1 and NC-2. He understood the desire to take Comprehensive Plan elements and make them compatible. However, he felt that the lack of public discussion about the micro-business option was precisely because it had not yet been described as an option. Commissioner Miller agreed that the City had reason to move forward with NC-1 and NC-2. His main objection to the package as it stood was the half mile protection radius around Downtown and Overlake. He felt that exclusion zone ran contrary to the very purpose of the package. That inconsistency was the only reason he would vote against this. He liked everything else in the package except that one issue.

Ms. Dietz clarified that her statement about absence of active interest in NC land use was not specifically an absence of interest in micro-business. Rather, it was an absence of current interest in any form of NC land use.

Vice-Chair Gregory reminded the Commission that it was not their task to approve the amendment; that was up to City Council. Rather, they are a review entity, and they could only provide recommendations. As such, they could recommend adoption of the whole package, or they could make recommendations to the Council. However, their actions would not actually hold up the process. The process would move

forward with whatever recommendations they chose to give. Vice-Chair Gregory then motioned that the Planning Commission recommend adoption of the amendments to the Land Use Element of the Redmond Comprehensive Plan and Community Development Guide. Commissioner Julinsey seconded. Chairman Hinman asked if there was any further discussion. He reminded the Commission that regardless of how the vote went, they would still be able to provide a full discussion of these issues in the report going to City Council. They would have the chance to review that report next week before it goes to Council. Vice-Chair Gregory requested a roll call for the vote.

Commissioner Flynn:	nay
Commissioner Miller:	nay
Vice-Chair Gregory:	yea
Commissioner O’Hara:	yea
Commissioner Julinsey:	yea
Chairman Hinman:	yea

The motion passed 4:2. Chairman Hinman asked if there was anything the Commission could do to assist in the write up of the report. Ms. Dietz replied that the report was in review and she plans to present a draft by Friday. She encouraged the Commissioners to review the draft as quickly as possible and send her any comments as soon as they could. Ms. Dietz would like to address any remaining report changes at their upcoming Monday meeting so that the report could be ready for signature on January 26th. Chairman Hinman asked how a minority report would be included in that process. Ms. Dietz said such a report would be included as an attachment in the main packet. She would need that minority report as quickly as possible so that she could include it with the rest of the packet for the Commission’s review.

REPORTS

Mr. Sullivan reported that City Council’s most recent meeting included passage of the zoning code amendment to the Manufacturing Park (MP) uses chart regarding seating capacity for breweries and wineries, which the Commission had reviewed last fall. That amendment was passed at last night’s meeting, by a vote of 4:3. The amendment did away with the 100-person seating cap for the tasting rooms in such businesses. Various public safety criteria were unchanged by the amendment, and are still in force.

SCHEDULING/TOPICS FOR NEXT MEETING(S)

ADJOURN

Chairman Hinman adjourned the meeting at approximately 9:00 p.m.

Minutes Approved On: Planning Commission Chair