Planning Commission Report

To: City Council

From: Planning Commission

Staff Contacts: Rob Odle, Director of Planning and Community Development,

425-556-2447, rodle@redmond.gov

Judd Black, Development Review Manager, 425-556-2426,

jblack@redmond.gov

Lori Peckol, AICP, Policy Planning Manager, 425-556-2411,

lpeckol@redmond.gov

Lynda Hall, Senior Planner, 425-556-2438, lhall@redmond.gov

Jeff Churchill, AICP, Senior Planner, 425-556-2492,

jchurchill@redmond.gov

Date: March 14, 2012

File Number: L110456, L110457 SEPA

Title: Fall 2011 Zoning Code Amendments

Planning Commission

Recommendation: Approval of recommended amendments.

Recommended Adopt amendments to the Redmond Zoning Code for the purpose of

Action: improving clarity and predictability.

Summary: Staff and permit applicants have identified a number of clarifications

that should be made to the zoning code in order to ensure a clear and predictable set of development regulations. This set of amendments addresses definitions, review procedures, and a number of other

subjects, as shown in Exhibit A.

Background: As part of the 2009-2011 Code Rewrite effort, a Zoning Code

Evaluation Plan was adopted to monitor issues raised throughout implementation of the new code. As part of this plan, staff has diligently logged issues in the code raised by staff and permit applicants. Many of these were scrivener's errors that are routinely incorporated into the live code. Some of them are substantive (though not policy) issues requiring Planning Commission review and City Council action.

This package contains substantive amendments that are not policy issues. The amendments can be best characterized as addressing issues of clarity and predictability.

Reasons the Proposal should be Adopted:

The proposal is consistent with Comprehensive Plan policies directing the City to ensure that development regulations are consistent with the Comprehensive Plan, and that development regulations are clearly written, avoid duplicative or inconsistent requirements, and can be efficiently and effectively carried out.

Recommended Findings of Fact

1. Public Hearing and Notice

a. Public Hearing Date

The City of Redmond Planning Commission held a public hearing for this proposal on December 7, 2011.

b. Notice

The public hearing notice was published in the <u>Seattle Times</u>. Public notices were posted in City Hall and the Redmond Library. Notice was also provided to North Redmond Wedge stakeholders due to a proposed change that specifically affects zoning regulations in the North Redmond Wedge. Notice was also provided in Planning Commission agendas and extended agendas mailed to various members of the public and various agencies. Additionally, hearing notification was posted on the City's website and cable TV.

2. Public Comments

The Planning Commission received two pieces of written testimony (see Exhibit B). One was an email to staff asking for further information about proposed updates to green building standards in the North Redmond Wedge. A second email expressed support for the changes so long as they are not applied to properties already in development. These emails and staff's responses are in Exhibit B.

Recommended Conclusions

The Planning Commission's key discussion topics are described below.

1. Key Issues Discussed by the Planning Commission

Updating Green Building Incentives for Consistency

The Planning Commission supported updating green building incentives in the residential chapter of the code for consistency with the citywide Green Building and Green Infrastructure Incentive Program. In addition, the Planning Commission supported additional changes to make the incentive program more outcome-oriented and flexible for applicants. Applicants will have the option to demonstrate the ability to certify at a particular level (e.g., LEED Gold), rather than actually pursue certification. Applicants will also be able to choose green building programs other than those specifically listed in the code. These changes are consistent with the changes to the citywide Green Building and Green Infrastructure program adopted in December 2011.

❖ Party of Record Provisions/Right to Appeal

The Planning Commission supported the modifications proposed to provide consistency and clarity with respect to using the term "party of record" and using consistent language to describe which individuals have the right to request reconsideration, appeal a decision, or appeal the Hearing Examiner's decision on an appeal. The Commission had considerable conversation regarding the limitation to appeal decisions as a project moves through the process. In summary, any party of record may appeal an initial decision issued by the Technical Committee or Hearing Examiner. However, only those individuals who have appealed an initial decision may appeal the Hearing Examiner's appeal decision further to City Council. The Commission wanted to emphasize that if appeal rights are narrowed further in the process, then the City must make extra effort to provide various means of notification at the front end, and to ensure that individuals understand their rights of appeal throughout the process. It should be noted that the proposed amendments do not change current practice, but rather provide consistency in terminology throughout.

Additionally, the Planning Commission expressed the importance of allowing those with an ownership interest in the subject property/application to participate in appeal hearings and be considered a party of record. The proposed amendments reflect this change.

2. Recommended Conclusions of the Technical Committee.

The recommended conclusions in the Technical Committee Report dated November 21, 2011 should be adopted as conclusions.

3. Planning Commission Recommendation.

On December 7, 2011 the Planning Commission voted 6-0 to recommend approval of the Fall 2011 Zoning Code Amendments.

List of Exhibits

Exhibit A:	Recommended amendments to the Zoning Code		
Exhibit B:	Written testimony to Planning Commission		
Exhibit C:	Responses to November 30 Planning Commission Questions and Comments		
Exhibit D:	Technical Co	ommittee Report with Exhibits	
Robert G. Odle, Planning Director			Date
Thomas T. Hii	nman, Planning C	ommission Chairperson	Date
Approved for	Council Agenda	John Marchione, Mayor	Date