

**REDMOND CODE REWRITE COMMISSION  
MINUTES**

May 3, 2010

**COMMISSIONERS PRESENT:** Steve Nolen, Robert Fitzmaurice, Nancy McCormick, Vibhas Chandorkar

**COMMISSIONERS EXCUSED:** Robert Pantley, Thom Youngblood, Sue Stewart, Vice Chair

**STAFF PRESENT:** Jeff Churchill, Dennis Lisk

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

**CALL TO ORDER:**

The meeting was called to order at 6:00 p.m. by Chairman Nolen in City Council Conference Room at Redmond City Hall.

**APPROVAL OF THE AGENDA and MEETING MINUTES:**

No changes were proposed for the agenda.

**ITEMS FROM THE AUDIENCE:**

There were no members of the public in the audience.

**CODE REWRITE COMMISSION REPORTS:**

Mr. Nolen noted that he met with Mayor Marchione and Planning Director Rob Odle before tonight's meeting to speak about how the CRC is managing the code rewrite process and the schedule the CRC is trying to meet. The Mayor mentioned that with slow development right now, and not a lot of applications, it is an ideal time to get this type of project done. The push is to get this process done by the end of this year, from a City budget perspective. Mr. Nolen says while it would be possible the CRC might go a meeting or two over that limit, the idea really is to get this process done by the end of the year. Mr. Nolen told the Mayor that the CRC would do its best, but noted that the Commission has encountered some issues that have taken some extra time. The Mayor has watched some video of the meetings, and believes the CRC is not overdoing it when it comes to taking time with different topics, and he likes the way the CRC is dealing with potential policy issues. The Mayor wants to make sure the CRC keeps any important policy change questions and recommendations coming to the Council. Mr. Nolen believes the meeting went well, and he told the Mayor staff has been working well with the CRC.

Mr. Nolen says the Mayor would like the CRC to work using the parallel issues path for the next few weeks, but after that, it would be acceptable to run the issues sequentially. Mr. Nolen pointed out that staff scheduling and information processing are the main concerns with the sequential format. Mr. Churchill agreed, and added that some of the upcoming rewrites on the Downtown and Overlake areas might go more smoothly

because they are more similar to each other. Mr. Nolen said that cognitively, it is difficult for the CRC to jump from topic to topic. Generally, Mr. Nolen said the CRC is moving along a path that is acceptable to the Mayor. Ms. McCormick says the end of the year goal is a good one, but noted that the Council has had its share of difficulties meeting deadlines of that nature in the past. The CRC members were in agreement that the end of the year was a deadline they all wanted to meet.

### **RESIDENTIAL AND URBAN RECREATION REGULATIONS:**

There is a public hearing scheduled for this issue at 7 p.m.; no one was in the audience to speak. Mr. Lisk began with special residential regulations, and brought up the issue of the existence of special use permits used in residential zones, such as day care centers or pet kennels. Since the special use permit will be eliminated, a place must be found for special regulations relating to these operations. In the commercial zones, those special regulations were noted in the zone summaries. Mr. Nolen asked if those operations would be changing from special uses requiring exceptions into allowed uses within certain parameters. Mr. Churchill confirmed this, noting these were two ways of saying the same thing. Regardless, a permit of some sort would still be required, most likely a site plan entitlement permit.

Staff would like to put the special use standards in the special residential section of the residential chapter. There are no major changes in these standards, and staff says those could be incorporated into the special residential section with little difficulty. The CRC has not reviewed the special use standards in the residential zones. The Commission did review some special uses in the commercial zones, which are mostly the same in the residential zones. Mr. Fitzmaurice asked about daycare, and its requirement for a conditional use permit. He asked if the use of the word *special* would be needed, and if a reference to other parts of the Code would be required. Mr. Lisk is working on a reformatted zone summary to explain this situation in the Code, and the CRC would like to see that before discussing this matter further. Mr. Fitzmaurice says placing those special use standards in the special residential section sounded like a good idea.

Mr. Chandorkar confirmed that the special use standards would not be placed in the zone summary; Mr. Lisk says there may be a reference for the special standard for a particular use. There will be a section for churches, for example. Mr. Fitzmaurice wanted to determine the difference between conditional uses and special uses. Staff says the word *special* may need to be taken out of the Code, for clarity. Ms. McCormick confirmed with staff that public hearings may still need to be held for uses such as churches or daycares, which can have larger impacts on a neighborhood. Staff will continue working on this issue.

Mr. Lisk picked up from last week's discussion about landscaping and the points system. Those comments have been worked into the new issues matrix for the Commission this evening. Ms. McCormick asked about the requirement for 51% native plant use in a front yard, and if that applied to all residential homes, or just low-impact development. Staff says that is just applied to low-impact development. She added that a landscape plan should be approved by someone with a specified title; she is concerned about the use of

*certified professional* in the Code right now. The CRC discussed that leaving that term more open would allow for anyone, from a landscape architect or arborist, to do such a plan. Mr. Chandorkar asked if the native planting and the low-impact development did not implicitly indicate one person would be doing all of this work, not a developer, homeowner, and the other parties sometimes involved. Mr. Fitzmaurice agreed that these incentives applied to the master developer. There is very little incentive for someone like a homeowner to put a green roof on his or her home. Mr. Churchill says with multiple entities, in some cases, the developer will do the landscaping plan, which creates conditions that have to be followed by other entities, such as a builder or homeowner, for the building permit approval.

Mr. Fitzmaurice says getting the one point offered for drought-tolerant planting, there are many hoops that a developer has to go through for each lot of the development. The phrase *each lot of the development* has not been added and Ms. McCormick recommended that it should be put in. Mr. Nolen is concerned about how the building permit is followed after it is issued. Mr. Chandorkar says that would be a code enforcement issue; Mr. Churchill says there is not much contact from the City after a permit is issued.

Mr. Fitzmaurice noted there were eight incentives provided for in the subsection the CRC is reviewing. Seven of them are connected to the initial development. He is concerned about creating incentives for builders who would like to build on an already-developed lot. Mr. Churchill says priority building permit processing, and other incentives, have been built into the building process. Mr. Lisk says the City's Green Team, under Cathy Beam, has created a disincentive for developers who commit to following green practices but then do not follow through.

Mr. Chandorkar asked if developers had to commit to a green building program from the beginning, and Mr. Churchill confirmed that such developers would specify that, out of their own self-interest in keeping the project compliant with the Code. Mr. Fitzmaurice asked about getting points for minimum excavation levels for foundations. Mr. Churchill says a developer could get 10 points for the first 10 homes built in this way, then three more points for the rest of the homes in the development. The CRC noted that the extra effort for those additional homes beyond the 10 might not be worth the three points. Mr. Fitzmaurice says there might not be enough incentive to use even the 10 points, in regard to lot size restrictions. Staff also pointed out that these incentives were not transferable to another project. Mr. Fitzmaurice pointed out that this type of incentive would not help developments with fewer lots, which make up the majority of the developments in the City. He finds this Code complicated in requiring a percentage of homes to have green roofs, for example, or low-impact excavation.

Mr. Churchill says the City adopted this program a few years ago. It is similar to programs in other cities, with a point program built on the assumption that builders and developers want different things. Thus, a list of green features have been provided to offer a choice and flexibility in the incentive program, based on what developers want and what the City is encouraging. This program most closely resembles the City of

Sammamish, which hired a consultant to tell them the relative value of different incentives, which has helped the City of Redmond staff. Ms. McCormick would like clarity on what the 51% native planting figure means in the Code; the CRC agreed that this should probably read *51% of the planting in the front yard of each lot*. Mr. Nolen says the market for green homes has been growing. He would like the City to have a solid green program.

Mr. Fitzmaurice asked about the green roof program and the 10 points garnered for the first 10,000 square feet of roof, which appear to go into effect before the one point developers could gain off the chart for using green options. Mr. Churchill says he will fix that wording to make that point clearer. Ms. McCormick says each of the sections needs that extra attention. Mr. Churchill says there are only a few sections where these super-incentives applied. Mr. Nolen asked how a developer would get three points for minimum excavation; Mr. Churchill noted that there is different point levels for each group of homes built. Three points are available if all the homes in a development are built using minimum excavation. That can give a smaller development a greater advantage, in terms of points.

Mr. Chandorkar asked if a developer could use points elsewhere, if he or she was able to create a surplus of points on a certain projects. Mr. Churchill says developers do not normally try for a surplus, but Mr. Chandorkar would like to create that incentive. Mr. Fitzmaurice asked if those surplus points could be sold to another developer. Mr. Churchill is not sure how that would work; the City has not had a lot of experience with this situation. Regardless, Mr. Fitzmaurice noted there is a transferrable development rights program already in the City, and he would like to see a similar situation with the green program. Mr. Churchill said he would look into that, and clean up the tables and point system. The CRC agreed that this topic of points would be something the Council should look at in two or three years, as this situation changes.

The CRC next discussed innovative housing projects, and what that means. Mr. Churchill says staff believes innovation creates an incentive for a developer to show the City something the area has not seen before. The purpose statement does not provide specific examples. Mr. Churchill brought up the example of a narrow street type used in one North Redmond neighborhood with detached garages. Mr. Chandorkar mentioned a neighborhood that was planned to be wired for solar power. Ms. McCormick says the flexibility in the definition of innovation has to be there. Mr. Fitzmaurice noted that the density allowed for an innovative project is twice as much as what is normally allowed in that zone, which could create some neighborhood impacts in terms of crowding. The CRC discussed some proposed innovative projects around the City, and the concerns neighbors have raised about them.

In the section, Mr. Nolen asked about parking structures needing a 4/12 sloped roof, and was not clear how that was a matter of innovation. He is not seeing any note of rooflines in the City design standards, other than not repeating the same roofline. Mr. Churchill says the idea is that the parking structure should not look like a carport. Mr. Nolen says

that appears overly prescriptive in comparison with the housing design. Mr. Churchill says he will look into that.

MOTION by Ms. McCormick, and seconded by Mr. Chandorkar, to close the oral public hearing on this section, but to leave it open for written testimony. Motion passes unanimously.

Mr. Fitzmaurice suggested moving the roofline section from the Code requirements into a Code preference. Mr. Nolen says that would help put a parking structure in line with an innovative home design, for example, with a flatter roof. Ms. McCormick is still concerned about the number of units allowed in innovative developments, and the density that creates, potentially double what a normal residential zone would allow. Mr. Lisk noted that there are many ways for a developer to take advantage of other density bonuses. Builders could achieve that density with entirely green residential housing, which would not be a likely scenario due to cost. Developers have a “layer cake” of incentives, but the ability to have that double density cannot be combined with other density allowances. The CRC would like that point to be made clearer in the Code. Mr. Churchill says the layering concept is not clear in the Code; some of the benefits are additive, some are mutually exclusive. Mr. Nolen wants to make sure the green benefits are able to layer on top of any situation, in order to make that green effort a priority.

Mr. Chandorkar says green incentives should not be set apart, but part of any project development. Mr. Churchill’s point is that a developer can make an application under the innovative housing Code, and lay out ideas for solar power and green roofs, for example. That would yield a lot of incentives for the developer; however, if there are no green incentives included in the application, it would not necessarily be considered innovative, in staff’s opinion. Mr. Nolen asked if staff could back down on the incentives for this program, to allow green building to be layered in part, on top of what’s offered. Mr. Nolen says a developer should be able to obtain a smaller density bonus with innovations other than green building practices, which would further incentivize green building as a way to maximize those bonuses.

Mr. Churchill said the innovative program is an “anti-Code” of sorts, allowing developers to innovate. Introducing requirements like what Mr. Nolen is talking about goes against what this program is all about. Also, the program will sunset in 2013. Mr. Chandorkar argued that the City’s housing regulations do not gel as a unified whole. Mr. Churchill countered that the intent of this program is to offer a chance for builders to innovate, and offer some lessons to the City. Mr. Fitzmaurice says this Code on innovation appears to offer vague criteria that could create challenges for applicants. There is no metric as to why density bonuses are offered, and for what reasons. Mr. Churchill says this section of Code is trying to draw out projects that could only be created through this program, pushing for smaller unit sizes and more variety.

Mr. Nolen says this program would be very difficult for the City to deny and win if someone was really intent on challenging a City denial. Whatever panel looks into this is in a difficult situation. Mr. Fitzmaurice says the trend to build smaller houses pushes

builders to include high-end materials inside, to help developers reach a higher price point. He is concerned this Code will not obtain its intended results. Ms. McCormick asked the staff to strengthen the purpose statement with the idea of what an appeal would be based on. Mr. Nolen agreed that the purpose statement needed to be stronger, and urged the staff to make sure the bonus obtained would not be that large unless green benefits were delineated. He suggested offering 30% additional density for projects that do some innovative ideas, but a full 50% would be offered with green elements involved.

Mr. Chandorkar would like to recommend a limitation on site size to help encourage sensible building practices, but Mr. Churchill says that could present a challenge to applicants. Mr. Fitzmaurice added that the affordability section of this Code is the same as what is offered in other parts of the City, which does not really add to the concept of innovation. Staff will review these issues and return to the CRC once all of its members have returned at the next meeting. Ms. McCormick asked about a section mentioning public notices getting mailed within 21 days prior to a meeting. Staff will clarify that wording. Mr. Nolen advised staff to refer to a past meeting on administrative procedures for guidance on this issue. The CRC took a short break at this point.

The CRC moved on to a section dealing with mobile home parks, a section of Code that may be removed. *Manufactured housing* is the phrase that could replace *mobile home parks* in the Code. Mr. Fitzmaurice asked how this standard related to the state's law on subdivisions connected to mobile home parks. Staff will review that and get back to the CRC. Ms. McCormick says this is an important issue, in light of dealing with the Friendly Village neighborhood in the early 1990s, which did not want to be called a mobile home park. Mr. Churchill says mobile homes were built before a certain year; manufactured homes were built after that year and have certain measurements. Mr. Nolen is concerned about how the CRC can deal with this concept before that state law issue is dealt with. Mr. Fitzmaurice asked if manufactured housing was the right phrase to use.

Mr. Chandorkar asked why this section was needed at all. Mr. Fitzmaurice noted that this section deals with a manufactured housing *park*, specifically. He suggested the CRC should talk about the requirements for the parks and the land use density considerations for those spaces. Mr. Lisk asked if *manufactured housing park* would be the right phrase to use in the Code; Mr. Churchill says that name vs. *mobile home park* means something different in state law, and he wants to make sure the City is properly protected. Mr. Nolen reads the Code as saying mobile homes have to be in these parks, and manufactured homes can be in these parks, but are not required to be there. Staff agreed with that interpretation.

Ms. McCormick says the City will most likely not get another park like this, so they would be grandfathered in. She asked again why this section was needed. Mr. Churchill said he did not want to create a legal non-conforming use. Mr. Nolen asked if the Code could cover both mobile and manufactured home parks; Ms. McCormick says the City does not, truly, have any mobile homes anymore. Mr. Churchill noted that he would review this with the City Attorney, who has reviewed it before.

The CRC next reviewed the attached dwelling units section of Code in relation to multiplexes. The CRC noted it has already dealt with accessory dwelling units, which have the same acronym and can be very confusing. Ms. McCormick asked why the Code cannot use the phrase duplexes, triplexes, etc. Staff pointed out there is a new classification system that has become the standard. Mr. Chandorkar asked why the phrase *multiple dwelling units* could not be used. Mr. Churchill responded that multi-family means two or more, which could create confusion. Mr. Lisk says multi-family dwelling unit is another phrase used in the Code, which indicates two or more units in the same structure. The attached dwelling units designation covers two, three, or four, and only appears in single-family zones. Single family does not allow for stacked units, either. Attached dwelling units always share walls, but not floor and ceiling, and have individual ownership. Mr. Fitzmaurice says the purpose of the subsection is to enhance opportunities for ownership housing, and he would like the Code to note that. Other CRC members say that would be difficult to codify.

Mr. Fitzmaurice says in the purpose section, it appears the City is trying to set aside sensitive areas and protect from too much urban density. However, there is a bonus given to developers for more density in the R-4 zone. It appears Overlake and Education Hill has some neighborhood plans that encourage more density. Mr. Churchill says that language is in the Code currently, and was not changed. Mr. Fitzmaurice is asking what the Code is encouraging builders to do. He also asked why the Code advocates for a chimney form for multiple-family homes. Mr. Lisk says the idea is to make sure the design of the multi-plex matches a single-family home's character. Mr. Nolen says this encouragement for a chimney does not seem to be needed. Mr. Fitzmaurice also added that the section of Code that allows for builders to paint a box around a window, rather than putting on actual trim, encourages low-budget, poor design. There appears to be a conflict in the Code later, which does require trim. The CRC members were in general agreement that visible trim, not a painted box, should be a requirement.

The CRC moved on to Section 170, Residential Innovative Zone, and Mr. Chandorkar asked about the explanation of the zone noted in this section, and its relation to innovative projects. He asked if this should be moved out as a different zone type, and put in another section. Mr. Lisk admits there can be some confusion regarding this issue. He says this Code can be applied in other parts of the City, but practically, it only exists in Rose Hill. Mr. Nolen asked if this zone, R-IN for innovation, should go with the other zone summaries. Mr. Churchill says this was not included with the zone summaries because it has some quirks that do not fit well with the other zone summaries. Mr. Fitzmaurice asked if the Code could read that the cottage housing in the residential innovative zone shall comply with the requirements of Chapter 110, the cottage housing developments. Then, the Code could refer to the zone summary for the R-6 zone for explanation. The CRC pointed out to staff that a clear, single-family urban designation needs to be in the Code to truly allow it to apply citywide. Mr. Nolen asked if applying the R-IN zone involves a zone change for an applicant, and Mr. Churchill noted that in some cases, that would indeed happen.

Ms. McCormick and Mr. Nolen asked why, overall, the R-IN zone even existed. Mr. Churchill says this came from the Rose Hill neighborhood plan, allowing for big and small developments to co-exist. This R-IN zone is one tool to create development on some unincorporated land. Mr. Chandorkar says the R-IN, cottage, and the retirement home regulations could potentially be put in one residential zone chapter. Mr. Nolen agreed that the Code has grown as a hodgepodge with the programs Mr. Chandorkar was mentioning. Mr. Nolen is not sure if it is in the CRC's scope to bring those regulations under one zone. Mr. Lisk says he could ask other, more experienced staff members about Mr. Chandorkar's suggested. He admitted the different programs can appear haphazard with the different bonuses allowed, for example. Mr. Lisk says on the applicant side, the point is to know what is available to a citizen developer, which can be difficult. Mr. Nolen says an overarching, integrated approach to innovative housing needs to be applied to the overall Code, in order to streamline it. Ms. McCormick says the Rose Hill neighborhood has spoken out to keep the regulations currently in place. Mr. Lisk says there is support in the Comprehensive Plan for an R-IN zone. Ms. McCormick says the Comprehensive Plan is getting re-evaluated.

Mr. Chandorkar says not making a change in this section of Code would not be doing justice to it. Staff will consider these comments and return to the CRC with an update. Innovative housing, cottages, retirement residences, attached dwelling units, and green development could be pulled together as one designation. The guiding principle is that any zone that allows for bonuses or incentives for smart development would be included. Mr. Fitzmaurice asked about the transfer of development rights (TDR) section in this Code, and how that incentive could be layered with other bonuses. Mr. Churchill says this program does not allow for the receiving area, where the density is going, to be in a residential zone. Mr. Fitzmaurice says the TDR program needs a comprehensive overall, so that developers can have more incentive to save sensitive areas.

Mr. Nolen added that the purpose statement says the idea is to allow density from these areas re-transferred to other portions of the site. But further down in the Code, the receiving areas for the density transfer are specified to be outside the areas listed in the subsection of the Code. If the transfer is not in the R-1 zone, then it could be allowed in other, more dense zones like Downtown. Mr. Nolen asked if, in this situation where the sites were not contiguous, that the sites had to be owned by the same person, or could be available for sale. Mr. Churchill says there is no provision for that sale, but Mr. Nolen countered that there is no mention requiring the same ownership.

Mr. Fitzmaurice noted that this provision should be extended to more residential zones, not just R-1, as is currently the case. Mr. Nolen asked why the City would have to be involved in an exchange of dollars for a TDR transaction. Mr. Churchill says the City Attorney would have to approve of it, mainly to make sure the density is legitimate. Mr. Nolen would like to see the TDR concept improved, with respect for critical areas and density. Staff agreed to improve the language here. Mr. Fitzmaurice asked why TDR's could not be used for every development project. Mr. Chandorkar asked if that was a good idea, in light of trying to keep a consistent neighborhood character. Mr. Fitzmaurice

argued that multi-family housing can complicate that consistency, especially with zero-lot line provisions.

**STAFF REPORTS AND SCHEDULING:**

Mr. Churchill noted that staff will be meeting soon with the Planning and Public Works Committee. He will be at the City Council meeting on the night following this meeting to provide a staff report on administration and procedures and commercial and industrial zones. City Council will make a decision on those zones soon.

Next week, the CRC will work on some of the unfinished business from this meeting, and also deal with recreation issues. The hope is to get some issue resolution on the issue matrix, starting with the neighborhood regulations. Mr. Chandorkar asked if the CRC should meet a half hour earlier for the next meeting. The CRC determined that Mr. Youngblood has a schedule conflict that does not allow him to arrive early. The CRC will receive a package on the Overlake zone before the next week's meeting, too. The CRC will tackle the Overlake issue on May 24<sup>th</sup> in full, but staff would like to review it briefly at next week's meeting to prepare for the 24<sup>th</sup>. The CRC will focus specifically on the residential regulations at its May 10<sup>th</sup> meeting. Mr. Nolen noted that Mr. Youngblood has requested to stay with the CRC until this process is complete, which the CRC was pleased with.

**ADJOURNMENT:**

Mr. Nolen adjourned the meeting at approximately 8:38 p.m.

Minutes Approved On:

Code Rewrite Commission Chair

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