REDMOND CODE REWRITE COMMISSION MINUTES

June 21, 2010

COMMISSIONERS PRESENT: Chair Steve Nolen, Vice Chair Sue Stewart, Robert

Fitzmaurice, Nancy McCormick, Vibhas

Chandorkar, Robert Pantley

STAFF PRESENT:

Gary Lee, Judd Black, 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 the Council Chambers at City Hall.

APPROVAL OF THE AGENDA:

No changes were proposed for the agenda.

ITEMS FROM THE AUDIENCE:

There was one member of the public in the audience, who said she was at the meeting to observe the CRC at work. Chairman Nolen welcomed her.

APPROVAL OF MEETING SUMMARIES:

MOTION by Mr. Fitzmaurice, and seconded by Ms. McCormick, to approve the meeting summaries of June 7th and June 14th, 2010. MOTION passes unanimously.

CODE REWRITE COMMISSION REPORTS:

Mr. Nolen noted that he had a conversation with City Councilmember Allen about a joint meeting between the Council and the CRC on the day after this evening's meeting. Ms. Allen will chair the meeting from the Council's perspective, and Mr. Nolen will serve as a sub-chair to coordinate interaction between the Council and the CRC. The Council is looking forward to discussing topics of sustainability, neighborhood planning, and "test driving" the Code.

Regarding sustainability, Mr. Nolen asked the CRC who would be the best point person on that topic. Mr. Fitzmaurice recommended Mr. Pantley, who was not yet in attendance for this evening's meeting. Mr. Nolen agreed to that, and said he would talk with Mr. Pantley about his role in the meeting. Regarding neighborhood planning, Ms. McCormick volunteered herself to speak that issue and the design guidelines that go with it. Regarding "test driving" the new Code, the Council is not clear on what this means. Mr. Nolen believes this means taking several different kinds of projects and seeing how they would be processed with the old Code vs. the new Code. He will serve as the point person on this issue.

DOWNTOWN REGULATIONS:

There is a public hearing scheduled for this issue at 7 p.m. Planner Gary Lee spoke with the CRC about several issues, including the Commission's recommendation to closing the boundaries of each of the zoning districts on the zoning map. Staff will follow that recommendation, and the CRC deemed that issue closed. Mr. Lee next dealt with the pedestrian system map discussed at the last meeting, and how Mr. Fitzmaurice had asked for more clarification on this issue. Mr. Lee noted that setbacks along downtown streets are regulated by the downtown pedestrian system, which specifies street frontage standards from the street curb and the face of the buildings, depending on location. Mr. Fitzmaurice believed that addressed his concerns on this issue. Mr. Pantley joined the meeting at this point, at about 6:07.

The third item Mr. Lee discussed dealt with the prohibition of ground floor residential uses, and how they would conflict with other ground floor uses. Staff recommends striking that portion of text in the Code. Ms. McCormick says her concerns over this have been satisfied. She did bring up, under the "other standards" heading, regarding minimum and maximum building heights, that building height is limited to *three stories some* parcels fronting Leary Way. She recommended the revision three stories for some parcels to improve clarity. Mr. Lee agreed to that change. Mr. Chandorkar helped with another typographical error regarding front and side streets that Mr. Lee agreed to change, as well. The CRC agreed to close the third item regarding residential uses.

The fourth item from Mr. Lee dealt with the CRC's recommendation to add the zoning districts into the pedestrian system map as a point of reference. Staff says many of those zoning symbols fall on the roadways, and would recommend not putting those zoning districts on the pedestrian map as a matter of clarity. Mr. Chandorkar pointed out that having the zones in different colors could assist in this matter, and would not add any confusion. Mr. Lee countered that when maps were reprinted in black and white, that situation could be confusing. Mr. Pantley says he has struggled in the past to deal with this mapping problem, as an applicant. Ms. Stewart would like to see applicants have the ability to add and subtract layers, electronically, from their view of city planning maps. Staff says that should happen soon, online. CRC agreed to close this issue.

On the fifth item, parking for smaller residential units, Mr. Pantley had asked for a lower parking requirement for smaller residential units, because he believes parking standards create an incentive to build larger units. Mr. Lee says downtown, the requirement is one stall per unit, regardless of the number of bedrooms. He added that several studio apartment developments are in progress, and he does not believe that parking is an issue. Mr. Lee recommends leaving the parking requirement as is. Mr. Pantley says at some point, the City needs to encourage the use of public transit and less dependence on cars. He wants to encourage the building of smaller, more affordable units to create greater socioeconomic diversity downtown. The CRC discussed this topic, including how developers were allocating stalls, and how paid parking might be involved.

Mr. Lee says "unbundling" the parking stall from a condominium purchase, for example, is a good way to encourage more use of public transit. He agreed with Mr. Fitzmaurice

that the Code should include a prohibition on selling the "guest" parking spots, which would encourage more street parking. Mr. Pantley asked if more parking guidelines were needed in the Code to make a stronger connection to transit. Staff agreed to be flexible on the parking issue, but noted that the impact of transit, including light rail, is not fully known as of yet. Mr. Nolen reiterated the point that he wanted to make sure guest parking would not be sold off by developers. Mr. Pantley says he can accept the staff recommendation, but he will continue to bring up this issue. He brought up the cottage concept, meaning a 0.7 space parking requirement for a small unit and a 2.0 requirement for a larger unit.

Staff noted that the City is moving towards reducing the number of parking spaces in all neighborhoods, which could encourage smarter development. There is a fee-in-lieu ability for developers regarding parking spaces, but Mr. Lee says no one has used it. Mr. Lee says the idea of shared parking, or compatible parking, is an advanced issue for a downtown urban area that has not matured yet. In wrapping up this issue, Ms. McCormick agreed with Mr. Pantley's concerns. Mr. Nolen asked staff to ensure guest parking would not be sold off, which the CRC members supported. Staff agreed to make that change and closed this issue.

The sixth issue regards all the parking requirements for all uses, and staff noted this might be too big an issue for the CRC to tackle. Staff noted that this would end up going to the Planning Commission, which would involve a lot of scrutiny. Staff closed this issue.

The seventh issue regards parking requirements for restaurants that were 750 SF in area. Mr. Fitzmaurice recommended rounding up this number to 1000 SF, and include a requirement for one parking stall, instead of no parking stalls. Staff says the City is trying to incentivize pedestrians to walk to these areas, and create plazas to eat in. Staff is recommending increasing the land use size, but not including the parking stall. Mr. Fitzmaurice agreed to that change, but noted there could be a logistics challenge for restaurateurs trying to bring supplies to their restaurants. He says, in a more urban downtown, this could turn into a problem in the future. Ms. Stewart says this could block traffic, in many cases. Mr. Lee noted that this lack of requirement was an incentive to create more vibrancy and pedestrian activity downtown. Mr. Pantley says creating certain load and unload times could help. Mr. Nolen added that, in some cases, forcing the creation of a parking space could be difficult for a building owner. Ms. McCormick recommended adding a requirement for a loading zone outside restaurants. The CRC closed this issue, but staff agreed to revisit this issue with the Planning Commission.

The eighth issue covers general sales or service on the land use table. CRC members wanted this classification broken down into multiple categories. Staff is recommending against that breakdown, as doing so would create a much longer table with several new subcategories. Mr. Nolen says a "crosswalk" would be helpful for this section, providing a connection between the old Code and new Code. Staff agreed to look into creating that crosswalk.

DOWNTOWN REGULATIONS PUBLIC HEARING:

No members of the public were at the meeting to testify. MOTION by Ms. Stewart, and seconded by Ms. McCormick to close the oral public hearing on this issue, but leave the acceptance of written public testimony open. Motion passes unanimously.

DOWNTOWN REGULATIONS STUDY SESSION CONTINUED:

Item nine, as presented by Mr. Lee, regards incompatible uses in the residential zones. Mr. Pantley recommended adding some language that notes downtown is more noisy and active. Staff has added some language to that extent acknowledging the busy nature of downtown, and the noise that the public can expect there. Mr. Pantley recommended putting this provision in the Overlake neighborhood, as well. The CRC agreed with that recommendation, and Mr. Lee said he would follow up with Mr. Churchill on that point. Mr. Chandorkar and other members of the CRC found the language about noise downtown to be a little clumsy, but Mr. Pantley countered that this is the type of language found in some neighborhood agreements. Mr. Lee agreed to make a change with Mr. Chandorkar's suggestion, that Downtown is *such an area, by its very nature, that will be busier and noisier*. The CRC closed the bottom half of issue nine, then moved to the top half of this issue, regarding noise and uses.

Mr. Pantley would like this section a little tighter, in that a lot of action is ahead in terms of transit noise and fumes downtown. Mr. Chandorkar asked if *excessive noise* would be understood as going beyond normal noise thresholds. Mr. Fitzmaurice and Mr. Nolen asked this question, as well. Mr. Fitzmaurice brought up the example of someone manufacturing something downtown, and how that noise could conflict with residential areas. Ms. McCormick asked if a situation like southeast Redmond, where future developments have noise indications stamped on their plats, could apply to this situation. Mr. Lee also noted, in the Comprehensive Plan, that the City is described as having an 18-hour workday. Regarding excessive noise, Mr. Lee says the City Attorney believes that the noise has to be proven as materially detrimental, which is defendable. The CRC members accepted Mr. Lee's revisions to this section of Code, and closed this issue.

The 10th issue Mr. Lee brought to the CRC dealt with parking for nursing homes. The CRC asked staff to look at the visitor parking required for these uses. The Aegis is an issue on West Lake Sammamish; but that development was built before the current parking standards were put in place. There have been no other complaints at other nursing homes. Ms. McCormick was not sure how the City would even hear complaints about this parking situation. Mr. Fitzmaurice wanted to make sure the parking encompassed residents and visitors first, and then employees. He pointed out more facilities are dealing with more family members on a daily basis. Mr. Lee says he will review this issue when dealing with the parking section of the Code. Mr. Nolen noted, as well, that a one-size-fits-all policy would not necessarily work with these facilities. Staff agreed to consider these points, and closed issue 10.

Issue 11 is also a parking issue, regarding parking and traffic studies, and a Code administrator's responsibilities and flexibility. Staff believes a Code administrator has a lot of flexibility, but staff wants to make sure that the administrator has the ability to call

for a parking study if he or she deems it necessary. Parking studies can be simple, including tables showing quantities of parking stalls, visitors, and customers. The main point is to demonstrate the building has enough parking. Staff is recommending the language is clarified, but staff also wants to allow the administrator the ability to call for a parking study. Mr. Chandorkar clarified that there are special circumstances where parking places are needed, but asked if the language could indicate the study is not always required. Mr. Pantley noted that small businesses, with fewer than 25 employees, might have to ask for financial relief from a parking study requirement. Staff says there is nothing preventing those businesses asking for relief. The CRC closed this issue.

On issue 12, the CRC also briefly discussed the issue regarding water-enjoyment uses. The CRC agreed with Mr. Lee's explanation, and closed this issue as well. Mr. Lee left at this point to allow Mr. Lisk to present his issues on residential regulations, as noted on tonight's agenda. The CRC took a brief break at this point.

RESIDENTIAL REGULATIONS:

Mr. Lisk says the goal for this evening would be to resolve issues around the special residential section, in particular. He first dealt with the accessory dwelling unit (ADU), and the ability for both an ADU and a home, on the same lot, to have a home business. Staff has revised the Code allow for that. The CRC accepted that change and closed this issue.

Also with ADU's, the CRC has requested more definition as to what an ADU is, included in the Code. Staff is satisfied that ADU's are well defined in the definition chapter of the Code. Mr. Lisk read that definition to the CRC, which accepted the definition. This issue was closed.

The CRC also brought up the issue of total square footage for ADU's, and how that was measured. Mr. Lisk reviewed this, and concluded that the square footage was measured from paint to paint, meaning the inside surface of material walls. Mr. Lisk also reviewed if a driveway could serve as an off-street parking place for an ADU. According to staff research, that could serve as a parking place, so the Code has been revised to reflect that. Driveways has been added to the list of parking areas in the Code. The CRC also asked a question of total square footage, and how it was written. The phrase the lesser of has been removed. The Code would now read, the total square footage of a detached ADU shall not exceed 40% of the total square footage of the primary dwelling unit and the accessory dwelling unit combined, and in no case shall exceed 1,000 square feet. CRC members accepted this change, and Mr. Lisk closed the issue of ADU's.

Regarding green building and green infrastructure, the CRC had expressed concern that the 30% lot size reduction incentive might be too generous. There was a question as to how that lot size reduction would apply in different zones. Staff has concluded that the 30% incentive is appropriate and should be retained. It is very similar to the previous cluster development regulations, which the City has had for many years. Mr. Lisk believes this program has not been tried yet, and staff wants to give it a chance with

several projects before making major changes to it. This has been in the Code since late 2008, and no projects have yet been permitted under this section of Code.

Ms. McCormick asked what standards would be different between R4 and R5 zones, such that developers would want to use this lot size reduction incentive. Mr. Lisk says the advantage would be realized in that a developer would design a lot more like an R5 lot, instead of R4. There is a slight difference in the amount of impervious surface and lot size allowed for each zone that creates this advantage, as well. Mr. Pantley says if the City were more flexible with lot size, developers would create better designs. Mr. Nolen echoed that this could create more usable lots, as well. Mr. Black noted that R4 zones have an average lot size of 7,000 SF; R5 is 5,500, which is a significant difference. The lots can be skinnier in R4, as well.

Mr. Chandorkar asked what the incentive was for a developer to go green if his or her underlying density is R4. Mr. Black says the incentive allows the developer to be more creative with impervious surface for road widths, which can be cheaper, and a better option for storm water runoff. Land that would be constrained for runoff, or vehicles, would thus be freed up. Mr. Chandorkar pointed out, though, that beyond freeing those constraints, the City is not being proactive to motivate builders to build green. Mr. Pantley countered that the motivation is there, in that a builder can actually create a bigger buffer area by reducing lot size. He believes this could help reduce urban sprawl, with cookie-cutter homes built right next to their lot lines.

Mr. Fitzmaurice is still concerned that the City will simply get smaller lots and more cookie cutter homes. Mr. Nolen says that in his neighborhood, in another city, missed out on an opportunity to incorporate a natural area. Mr. Fitzmaurice wants to make sure this Code would not have an unintended consequence. Mr. Pantley says that would not be probable in this market, in that superior design is the only thing buyers are buying and that banks are supporting. Mr. Nolen asked if smaller and larger lots could be combined on a site, so as not to waste square footage. Mr. Black confirmed that was indeed possible, and reiterated that the intent of this Code is to create more open space and fewer cookie-cutter developments. Mr. Lisk added there is a density bonus involved in this program. The CRC felt this issue regarding green development was resolved at this point, and closed it.

Mr. Lisk next moved to accessory structures, and told the CRC staff has been working on formulas for total square footage, such that the Code is consistent in its language. In review, staff determined these are different structures, for different purposes. The square footage formulas reflect that, in staff's opinion. Therefore, no changes have been proposed, other than the measurement formula of ADU square footage proposed earlier. The formula for accessory buildings state that their total square footage may not exceed 60% of the ground floor square footage of the primary dwelling unit, excluding the garage. Mr. Nolen asked how this would not be favoring single-story homes, in terms of their ability to build accessory structures. Mr. Black admitted that Mr. Nolen was correct, and he was not sure how to correct that. An accessory building could get very big when a two-story building's full square footage was used.

Mr. Nolen countered that two-story homes, in trying to reduce the amount of impervious surface taken up, were punished unfairly. Mr. Black says this Code has been around for decades in several cities. He says that staff could review this issue, with the formula based on a footprint, rather than square footage. Mr. Nolen also asked why an accessory structure would be limited to 22' in height, if it were next to a taller home. Mr. Black says the idea is to make sure those structures remain as smaller, accessory buildings. Mr. Pantley says this Code encourages more building and more infringement on open space, which runs counter to the City's emphasis on green building. He is suggesting staff should consolidate accessory building use with ADU use. He also suggested going with 25' for height; the 22' height would encourage a high number of flat architectural roofs.

Mr. Chandorkar asked if the accessory unit was simply a shed or garage. Mr. Pantley noted that more of these buildings were used as home offices, which is why he is pushing to combine this use with the ADU use. Mr. Chandorkar asked how a tool shed would be classified in a person's backyard. Mr. Black noted there would be a 5' setback; but beyond that, a small shed would not require a permit. Mr. Fitzmaurice says he believes a shed without a foundation would not be considered a structure. Mr. Black said he would review that issue. Mr. Pantley says he wants to allow for better design to happen. Staff agreed to come back to the CRC with more revisions of the Code following this discussion. Mr. Nolen would like to see an incentive to consolidate accessory structures with ADU's. Mr. Pantley says the Code does not allow for that now; Mr. Black says he will review that and return to the CRC with more details.

Mr. Lisk also brought up a change to the accessory structures Code regarding structures other than garages being prohibited in the front yard setback. Staff says the Code should allow an exception for garages which, physically, cannot be located in a place other than the front yard setback. West Lake Sammamish Parkway has such a situation with several homes. Thus, the Code has been changed allowing for an exception, where the lot size or configuration does not support lessening the dominant appearance of a garage, such as where lot width measured at the front street is less than 50'. This Code has been vetted by the View Point/Idylwood neighborhood, and Mr. Lisk says there could be other neighborhoods where this applies, though not many.

Mr. Fitzmaurice would like to add the term *grade* or *safety issues* as one of the exceptions allowed. Mr. Black says he would support adding those terms. Mr. Chandorkar recommended removing the 50' measurement used in this revision to avoid confusion. Ms. Stewart says the narrow frontage considered in this case can be a major constraining factor. Mr. Black says 50' was used in accordance with the neighborhood plan that was vetted. Mr. Nolen was comfortable with that number if the safety and grade issues were handled by staff. Staff agreed to make those changes; the issue was closed.

Mr. Lisk moved on to bed and breakfast inns. Ms. McCormick is concerned because the home business regulations stipulate eight vehicle trips per day are allowed. With an inn that has eight rooms, she believes there could be an internal conflict. Staff has not reviewed that part of the issue, as of yet. Mr. Pantley and Mr. Nolen asked if, on a larger

lot, those trips would be noticed that much. However, Ms. McCormick pointed out this vehicle trip issue, if it were revised later in the Code, could create trouble in the future. Mr. Black says he will review this situation with the City's traffic department and return to the CRC with more details. Mr. Lisk noted that the CRC had brought up before that a 12-room allowance for inns could remain in the RA5 and R1, but these inns could be exempted from the vehicle trip cap.

Members of the CRC noted that north Redmond could soon see more inns, as a reaction to the Woodinville wine area. The CRC would like to keep the limit of eight rooms, and further discuss the limit on trips. Mr. Pantley says anything beyond eight rooms would probably be too big, and the other CRC members agreed. Staff is recommending a limit of eight rooms, and the Commission agreed. Mr. Nolen would also like to provide an exception to the vehicle trips for these B&B inns, only. The CRC accepted those changes and closed this issue. This issue will have to come up in reconciliation of the home business chapter, after the revision process.

Mr. Lisk next brought up cottage housing developments, and why the density bonus was 1.75 instead of 2.0, which most projects would round up to anyway. Mr. Lisk says the City researched this Code extensively a few years ago, and found 1.75 was a preferable number. Cities around the region with cottage housing regulations were studied, including the City of Shoreline. In most situations, the density allowed created an overcrowded feel. Mr. Nolen asked if that 2.49 number was rounded down to 2.0 in these situations, and Mr. Lisk said he did not know. Mr. Black noted that this was a per-unit number, and that the rounding up occurs only with the last unit. Mr. Pantley says 1.75 is more than what he has asked for in the past. He would like to see fewer units, but more of them allowed. Mr. Black says the projects he has seen with the lower density simply looked better than the higher number. There has only been one cottage development in Redmond, in the Rose Hill neighborhood.

Ms. McCormick says the goal of this Code was supposed to be affordability, and she has seen many of those cottages sell for well over the median home prices for the area. She asked how the Code could encourage that affordability element. Staff noted that the cottages are relatively affordable, and there is an affordability element to the Code already. Ms. Stewart argued that the cottage units are still not the "starter" homes they were intended to be. Mr. Pantley says reducing square footage could be a way to impact the price point, and get to the 800-900 square foot range. He added that there are some technical issues with design that unfortunately, in his opinion, have not led to more cottage projects developed in Redmond. Mr. Black asked if the 1.75 standard, as well as the height standard, were acceptable. Ms. Stewart would still like to encourage affordability, and Ms. McCormick asked if setting an 800-900 square foot limit would be a good idea. Staff agreed to discuss those possibilities and return to the CRC.

Mr. Lisk next spoke to the issue of changing the height standard for the cottage site development requirements. Staff believes the one cottage development now is working well, and the City would like to have similar standards in place to encourage high quality cottage projects in the future. Therefore, no changes to the height standard have been

proposed by staff. Ms. Stewart says the project can be completely scaled down, such that they blend in to the neighborhood, but do not appear miniature. Mr. Pantley says the 18' height limit keeps a lot of developers, like him, away from cottage projects. He asked staff to take one more look at this issue, and review which staff members have dealt with this height concern before. Mr. Fitzmaurice says he would like to reduce any hurdles for developers trying to create these cottages, which have been very successful. Mr. Black said he would review this and come back to the CRC with more details.

Lastly on cottages, Mr. Lisk spoke about ADU's within cottage developments. Staff would like to retain the current Code, which it believes strikes a good balance between what is allowed by right for a single family lot and how ADU's can be integrated. Mr. Pantley sees this as a non-issue; no one else on the CRC disagreed. The Commission closed the issue.

STAFF REPORTS AND SCHEDULING:

Mr. Lisk told the CRC that at their June 28th meeting, the members should be able to get through special residential regulations, some general residential regulations, and the Code sections dealing with urban recreation areas. Ms. McCormick will not be at the meeting next week, but wanted to be part of the discussion. She believes she will have some concerns over the changes in *should* and *shall* that she expects to see. Mr. Nolen says this amounts to making staff wait on these issues until July 12th. He understands her concerns. Mr. Pantley says in deference to her service to the City, he does not have a problem waiting, in principle. Ms. McCormick will try to review a draft list of these changes before the meeting next week.

Mr. Nolen says the meeting tomorrow night between the CRC and the City Council will deal with the neighborhood issue first, which will most likely be the deepest. He will tell Councilmember Allen about that, and asked Mr. Black to follow up with her, as well.

ADJOURNMENT:

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

Minutes Approved On:

7/12/10

ode Rewrite Commission Chair