



Planning Commission Report

To: City Council

From: Planning Commission

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Planning and Community Development

Date: April 22, 2020

Title: 2019-20 Comprehensive Plan Docket

Recommended Action: Adopt an ordinance establishing the scope of the proposed 2019-20 Comprehensive Plan amendment docket as shown in Attachment A.

Summary: Six new privately-initiated proposals requesting Comprehensive Plan amendments were submitted. The Commission recommends parts of three of the six proposals be given further consideration as docketed items.

Further, the Planning Commission recommends carrying forward six city-initiated proposals and two privately-initiated proposals. No new City-initiated proposals were submitted. The Planning Commission additionally recommends removing seven city-initiated proposals from the docket.

Reasons the recommendation should be adopted: All the proposals recommended for further consideration involve topics related to land use, infrastructure, economic development, public services, the environment, quality of life and as a whole, the package includes emerging policy issues and opportunities.

In addition, all recommended proposals meet the zoning criteria under Redmond Zoning Code (RZC) 21.76.070(J)(2)(b) sub-section iii for inclusion on the docket and thereby merit further analysis and recommendation as a docketed topic.

FACTS AND FINDINGS

1. Public Hearing and Notice

a. Public Hearing Dates

The Planning Commission opened the public hearing on March 11, 2020. Oral testimony closed on March 11, 2020. The public hearing remained open for written comments until March 25, 2020.

b. Notice

The public hearings notice was published in the *Seattle Times*. Public notices were posted in City Hall and all Applicants were informed of the hearing via email. Notice was also provided by announcing the hearing in the Planning Commission agendas and extended agendas, distributed to various members of the public and various agencies, as well as postings on the City's web site, and social media accounts.

2. Public Comment

The meeting minutes for the March 11, 2020, the public hearing date, is shown in Attachment C. Seven written comments were submitted into the public record and are shown in Attachment D. A summary of the oral testimony and written comments are described below under the Key Issues section.

3. Threshold Criteria

RZC 21.76.070(J)(2)(b) establishes threshold criteria for a proposed amendment to be given further consideration as a docketed item. Attachment B describes in detail the application of the RZC criteria to each proposed amendment, including the three privately-initiated proposals not recommended for further consideration, as well as the six city-initiated proposals not recommended to be carried forward.

The Planning Commission concurred with Technical Committee's recommendation:

- Carry forward six city-initiated proposals and two privately-initiated proposals.
- Remove seven city-initiated proposals from the docket.
- Give further consideration to partial requests from three privately-initiated proposals.
- The remaining three new privately-initiated proposals do not meet one or more of the following criteria: RZC 21.76.070(J)(2)(b)(i), (ii), (iv) and/or (vi) described below:

i. *Amending the Comprehensive Plan is the most appropriate mechanism available, as the desired outcome cannot be addressed as a regulatory, budgetary or programmatic measure.*

ii. *The proposed Comprehensive Plan amendment is best addressed as an individually docketed item, instead of evaluating as part of a periodic update to Redmond's Comprehensive Plan, neighborhood plan update, or other planning processes such as those led by neighboring jurisdictions, regional, or state agencies.*

iv. *The proposed Comprehensive Plan amendment is timely with respect to other City and community initiatives and planned public and private development activity.*

vi. *The proposed Comprehensive Plan amendment is consistent with overall vision, policies, and adopted functional plans.*

The table in Attachment A, Section E, as well as Attachment B identifies the proposals that fell into this group and the rationale for recommending their referral to an alternate mechanism or city process.

KEY ISSUES:

The Planning Commission held a first study session on March 4, 2020. Commissioners held a public hearing and considered many issues regarding the proposed amendments. Key issues presented at the public hearings and discussed by the Planning Commission are summarized below. Attachment E includes the Planning Commission's issues matrix.

D.1 Amend multiple policy and codes to expand retail marijuana uses consistent with buffers required by RZC. Expand Retail Marijuana uses to five additional land use designations and corresponding zoning districts.

Description: Ms. Carbon's proposal is to expand retail marijuana uses to five additional zoning districts consistent with buffers required by the Redmond Zoning Code. Specifically, the applicant requests retail marijuana use be permitted in: Neighborhood Commercial (NC-1); Neighborhood Commercial (NC-2); Street-facing locations in Business Park (BP); Manufacturing Park (MP) and Industry (I).

Public Testimony: Jenny Carbon and Shauna Mindt, co-owners of Always Greener Downtown in Redmond, provided public comment. They own one of three stores in Redmond and are

committed to cannabis retail and medical access. They described their unsuccessful attempts at finding an appropriate location to site a second license for marijuana retail. Their search for a Redmond location has been exacerbated by federal regulations that prohibit property owners from leasing to businesses that sell marijuana, including medical marijuana, if the property has a federally backed mortgage. Expanding retail marijuana to other zones would allow siting a new store outside of downtown where there are already two, and possibly a third marijuana retail store. Also, a store in one of the proposed zones would be closer to other parts of Redmond and surrounding areas, and provide convenience and better medical access to customers who would otherwise have to drive into downtown.

Commission Discussion: The Commission reviewed the RZC criteria as applied to the proposal and considered related public testimony and written comments. Commission deliberation centered around these points:

- Commissioners discussed Comprehensive Plan text and policies that guide the intent of and uses within the land use Designation Criteria for each of the five zones proposed by the Applicant. Response can be found under 1A in the Issues Matrix.
- Commissioners observed that Comprehensive Plan designation criteria regarding the proposed zones do not seem to be consistent with the uses that had been allowed in BP, MP and NC-2 zones.
- The Commissioners acknowledged that there seemed to be a degree of flexibility in interpreting and implementing the code as evidenced by (1) NC-2 uses overlapping with allowed uses in NC-1 and (2) the siting of a two business (PCC grocery store and Starbucks) that draw and serve customers from outside the “immediate neighborhood”, presenting an existing conflict with designation criteria for that land use designation. The Commission discussed whether that flexibility should be extended to allow retail marijuana use in NC zones.
- The Commissioners inquired as to the type of businesses currently in the NC-2 zoned property along with their operating business hours as one way to evaluate the compatibility of retail marijuana in the NC-2 zone. The response can be found under 1B in the Issues Matrix.

Commission Recommendation: The Commission concurred with the Technical Committee about how the RZC criteria were applied and recommended including three zones (BP, MP and I) of the five requested zones as part of the 2019-20 docket.

D2. Affordable Workforce Housing

Description:

The Applicant, Robert Pantley representing One Redmond, submitted a two-part proposal to amend (a) the Comprehensive Plan by adding a new housing policy and (b) the Redmond Zoning Code to encourage the private sector to create more affordable housing.

Commission Recommendation:

- (a) The Planning Commission concurs with the Technical Committee and **recommends** including Applicant's proposed housing policy, although modified as shown below, on the 2019-20 docket for further consideration.

HO-xx Craft regulations and procedures that encourage the private sector to create more affordable housing, acknowledging that housing affordability is a crisis, both in Redmond and the region and that the nonprofit sector cannot solve the great need alone.

- (b) The Planning Commission concurs with the Technical Committee that the second part of the Applicant's request does not meet the criteria under RZC 21.76.070(J)(2)(b) and therefore, **does not recommend** including this proposal on the 2019-20 docket for further consideration. Attachment B describes in detail the application of the RZC criteria.

The Commission agreed with the Technical Committee that the request be referred to an Alternate City Process since Redmond regulations and procedures that, encourage affordable housing development by the private sector will be considered under the *Housing Action Plan* currently underway.

D3. Affordable Commercial

Description: The Applicant, Robert Pantley, submitted a two-part proposal to (a) amend the Comprehensive Plan by adding a new economic vitality policy to support the retention of local businesses and (b) amend two definitions in the Redmond Zoning Code.

Commission Recommendations:

- (a) The Planning Commission concurs with the Technical Committee and **recommends** including Applicant's proposed economic vitality policy, although modified as shown below, on the 2019-20 docket for further consideration.

EV-xx Support the retention of local businesses by creating opportunities for more affordable commercial space, through: ~~The expansion of mezzanines to 50-100% of the floor area.~~

(b)The Planning Commission concurs with the Technical Committee that Applicant’s request to expand definitions of *mezzanine*, and *retail services* does not meet the criteria under RZC 21.76.070(J)(2)(b) and therefore, ***does not recommend*** including this proposal on the 2019-20 docket for further consideration. Attachment B describes in detail the application of the RZC criteria.

Further, the Commission agrees with the Technical Committee that this request be referred to Alternate City Process for consideration during the Temporary Construction Dewatering Project and the periodic Comprehensive Plan update where recommendations impacting building height are being developed.

D4. Milano Townhomes Comprehensive Plan text amendment and rezone.

Description: The Applicant, Hossein Khorram, developer of Milano Townhomes of Bear Creek seeks a land use designation change from Single Family Urban to Multi-family Urban land use and a rezone from R-6 to R-12 to develop a 20-unit townhome community at 10007 Avondale Rd. NE.

Single-Family Urban land use designation provides for low- to moderate-density residential neighborhoods on lands suitable for urban development. Allowed uses provide opportunities for a variety of primarily detached single-family housing types, sizes, densities and prices in a manner that is compatible with neighborhood character. This designation is implemented in Zones SF-4, SF-5, SF-6 and SF-8 allowing densities of four to eight dwelling units per gross acre. This designation is implemented in Zones SF-4, SF-5, SF-6 and SF-8 allowing densities of four to eight dwelling units per gross acre.

Multi-family Urban land use designation provides for high-density residential neighborhoods that are urban in character. Allowed uses provide opportunities for neighborhoods of multifamily residences, small lot single-family homes, and attached single-family (multiplex) homes on lands suitable for these intensities. This designation is implemented in Zones R-12, R-18, R-20 and R-30 allowing densities of twelve to thirty dwelling units per gross acre.

Under former ownership, the parcel was previously rezoned R-12 in 2005 as a condition for building a cottage development for the City’s Innovative Housing Program, however, this project was never developed and the zone remains R-6.

Public Testimony:

Mr. Khorram shared his disagreement with the Technical Committee Report that recommended his proposal not be included on the docket. He stated that when this same property was under a different owner, the property was on the docket for a rezone to R-12 which it received in 2005

for a specific housing program that Redmond had at the time. Mr. Khorram compared the similarities of that proposal and his own proposal to the property's existing adjacent multi-family zoned properties. He discussed his opinion that there is not much difference between R-6 and R-12, and the benefits of his project. In reference to policy LU-36, Mr. Khorram mentioned that at 1.5 miles from the Downtown Urban Center (UC), the property should be considered close to the UC.

In response to a question on the Issues Matrix, Mr. Khorram requested the Planning Commission consider a change to his application request from R-12 to R-20. The change would result in thirty-three units including four units of affordable housing which would represent the three required affordable units plus one additional unit that Mr. Khorram would voluntarily convert from the thirty market rate units.

Commission Discussion:

The Commission concurred with how the RZC criteria were applied to this proposal and asked clarifying questions about policy LU-36 which provides requires that Multifamily Land use designations meet three criteria including close proximity to an Urban Center. The Commission noted that the subject site is neither in nor near one of Redmond's urban centers; the distance between the site and the closest Downtown Urban Center boundary is 1.5 miles via Avondale Road.

Commissioners discussed the similarities and differences between Mr. Khorram's proposed Milano Townhomes at Bear Creek request and the Pier 67 LCC's docketed item (2018-2019 docket) which the Commission had not recommended for further consideration. The Commissioners expressed interest in receiving additional background information about the Pier 67 proposal. The response can be found under item 2A in the Issues Matrix.

In addition, Commission inquired whether there is a path forward to assist the Applicant's proposal in the event the proposal does not get docketed. Two options were discussed, and both included an evaluation of policy LU-36 under the current Housing Action Plan, and an estimated schedule for how this proposal could advance. The response is fully reflected under 2B in the Issues Matrix.

Commission Recommendation: The Commission concurs with the Technical Committee about how the RZC criteria were applied and recommended not including this proposal as part of the 2019-20 docket.

For the following three privately-initiated proposals:

- D5. Height Overlay: Amend Comprehensive Plan and Zoning Code; and
- D6. LEED Gold Requirement

The Planning Commission agrees with the Technical Committee to refer these three proposals to an alternate mechanism or city process because the docket is not the most appropriate mechanism to achieve the applicants' objectives. The table in Attachment A, Section E, as well as Attachment B identify the rationale for referring each proposal.

Docketed City-initiated Proposals Recommended for Removal: The Planning Commission concurs with the Technical Committee that based on further staff review, seven city-initiated proposals currently on the 2018-19 docket can be removed at the applicant's request. These proposals are listed as items C1 thru C7 on page 3 of Attachment A along with the rationale for removing them.

RECOMMENDATION AND ACTION:

The Commission concurs with the Technical Committee's analysis and recommended conclusions contained in the Technical Committee Report (Attachment F) regarding the proposed docket scope and are adopted without exception and in support of the Planning Commission's recommendation.

In summary, the Commission recommends that parts of three privately-initiated proposals be given further consideration. The remaining three proposals are found not to merit further analysis and recommendation as a topic on the 2019-20 Comprehensive Plan docket. The Commission also concurs with the Technical Committee's assessment to carry forward eight currently docketed proposals. The seven currently docketed city-initiated proposals recommended not to be carried forward and the reasons for doing so are listed in Attachment A.

Planning Commission Action

The Planning Commission voted 7-0 at its April 8, 2020, meeting to recommend 11 items, as shown in Attachment A, for inclusion in the 2019-20 Comprehensive Plan docket. Also, seven docketed items are recommended to be removed, and four new privately-initiated proposals not be included.

List of Attachments

- Attachment A: Planning Commission – descriptions of recommended docket items
- Attachment B: Redmond Zoning Code Criteria for Recommended Amendments for Inclusion on the Docket
- Attachment C: Planning Commission Meeting Minutes, March 11, 2020

Attachment D: Public Comments from:

- Ms. Jenny Carbon, Grass is Always Greener, LLC (2 letters)
- Ms. Shauna Mindt, Grass is Always Greener, LLC (2 letters)
- Mr. Hossein Khorram (3 letters)
- Courtney Flora, McCullough Hill Leary, PS (1 letter)

Attachment E: Planning Commission Final Issues Matrix

Attachment F: Technical Committee Report, followed by Exhibits

Exhibit A: Summaries of all proposed 2019-20 Comprehensive Plan Amendments

Exhibit B: RZC Criteria Applied to Candidate Docket Scope

Exhibit C: Privately-initiated Comprehensive Plan amendment applications

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Roy Captain, Planning Commission Chairperson Date

Approved for Council Agenda 
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Angela Birney, Mayor Date