

November 16, 2018

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

King County Courthouse
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**REPORT AND RECOMMENDATION TO THE
METROPOLITAN KING COUNTY COUNCIL**

SUBJECT: Department of Permitting and Environmental Review file no. **PMSC170004**
Proposed ordinance no.: **2018-0407**

REDMOND RIDGE

Urban Planned Development and Fully Contained Community Major Modification

Location: parcel nos. 7202370010, 7202370020, 7202320050, 7202320060,
7202320220

Applicant: Pacific Realty Associates LP
represented by **Benjamin Chessar**
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Portland, OR 97224
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King County: Department of Permitting and Environmental Review
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SUMMARY OF RECOMMENDATIONS:

Department’s Recommendation: Approve, subject to conditions
Examiner’s Recommendation: Approve, subject to amended conditions

EXAMINER PROCEEDINGS:

Hearing Opened: November 1, 2018
Hearing Closed: November 1, 2018

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available from the Hearing Examiner’s Office.

FINDINGS AND CONCLUSIONS:

Overview

1. This application involves Redmond Ridge (née Northridge), an urban planned development (UPD), fully-contained community (FCC). Originally created under L94UP001, it is subject to a 1997 development agreement (Agreement) that explicitly acknowledges that conditions may change over the development’s life and that modification requests may follow. For six parcels currently zoned as office park, Pacific Realty Associates (Applicant) seeks to (1) eliminate certain limitations on retail space, (2) allow freestanding signage within the entrance tracts, and (3) remove a plat condition that prohibits direct vehicular access to two of the relevant parcels. We recommend that Council approve these changes.

Analysis

2. Requests (1) and (2) are considered “major modifications,” reviewed via KCC 21A.39.020.B, which specifies that major modifications follow the hearing examiner review procedure of KCC 21A.42.100. The request for a major modification is handled like a new application for a urban planned development permit (a Type 4 land use decision) subject to the decision criteria in KCC 21A.44.070. Changing the (3) plat condition requires a plat alteration.
3. The business park has developed significantly more slowly than initially contemplated. The Applicant explained that finding traditional office space users is challenging. The Applicant essentially seeks to shift some of the approved business park space into retail space. DPER noted that it has been hearing from residents that they want more opportunities for local shopping, as do local employees, and that expected business park development has fallen hundreds of thousands of feet short of projections. DPER also noted that at the time Northridge was analyzed in the 1990s, the County was still primarily following an older, Euclidean zoning separation model. The County now places more emphasis on mixed use.
4. Retail use is currently allowed in these six adjacent parcels, but retail space is limited by (among other restrictions) condition (8) of the Retail/Commercial Land Uses chart in Attachment 4 of the Agreement, which states:

Except for Gasoline Service Stations, no more than 10% of the gross floor area of any building within the Business Park shall be used for retail land uses. Retail uses within the Business Park shall be limited to land uses which support the daily needs of business park tenants and employees, and shall be dispersed throughout the Business Park area to avoid concentration of retail land uses therein....

Except for Gasoline Service Stations (SIC #554), no building in the Business Park shall be constructed solely for retail land uses....

Requests to exceed the 10% limit on gross floor area for retail land uses shall be reviewed through the Major Modification process....

5. DPER and the Applicant present this part of the proposal as a waiver of the 10% restriction. However, as we read it, the proposal would essentially eliminate five current restrictions condition (8) places on the six lots¹ in question:
 - A. The bar to stand-alone retail structures within that business park.
 - B. The requirement to disperse retail structures throughout the business park.
 - C. The restriction that only 7 of the 21 retail land uses allowed in a retail/commercial zone are currently allowed on these six parcels.² The proposed change would incorporate the other 14 uses from the retail/commercial list.³ Although it would not add any uses not already allowed on retail/commercial parcels in the UPD, it would functionally increase the UPD area on which such retail uses could occur.
 - D. Retail uses within the business park are currently limited to land uses which support the daily needs of business park tenants and employees. Most of the 14 uses proposed to be allowed—such as sporting goods—would not seem to qualify as supporting the daily needs of business park tenants and employees (though they would presumably support the needs of *residential* owners).⁴
 - E. And finally, the 10% total retail-area-in-the-business-park limit addressed by the parties.
6. The Applicant presented a conceptual layout for adding 95,650 square feet of retail to the business park parcels. (For purposes of its analysis, DPER rounded up the figure to an even 100,000 square feet, in case an actual development proposal came in slightly higher.) If approved, adding this future retail area to already-constructed retail would bring the retail land uses above the square footage allowed UPD-wide, with a commensurate decrease in the allowable business park development square footage.
7. The biggest question this raises would be the added traffic impacts from the new mix. Our baseline for that measurement is the traffic impacts the previously-approved 1,200,000 square feet of business park development would generate (if built out). One then contrasts this with the traffic generation the new mix would generate (if built out). The Applicant provided a detailed traffic analysis explaining that, with business-park-

¹ Parcels BP-1a, BP-1b, BP-4, BP-5, BP-6, and TR-PP-01.

² The building park zone currently allows only the following retail: building/hardware/garden materials; grocery stores; agricultural product sales; new or reconditioned automobile supply stores; gasoline service stations; eating and drinking places; and used goods/antiques/secondhand shops.

³ The proposal would add: department/variety stores; apparel/accessory stores; furniture/home furnishings stores; drug stores; liquor stores; used goods/antiques/secondhand shops; sporting goods and related stores; book/stationery/video/art supply stores; jewelry stores; hobby/toy/game shops; photographic/electronic shops; fabric shops; florist shops; personal medical supply stores; and pet shops.

⁴ See immediately preceding footnote. DPER noted that the model of retail serving just office park tenants had not worked; it is hard to find a market, for example, for a deli focused on just serving business park tenants and not Redmond Ridge residents.

and-expanded-retail, development would be expected to generate the equivalent traffic of 854,149 square feet of business park. Thus the new mix would reduce expected traffic generation at the crucial PM peak hour by 30%, as opposed to the previously-approved plan.

8. The Applicant's assessment that the change is welcomed by residents is borne out by the Redmond Ridge Residential Owner's Association Board letter supporting a retail and service-oriented development concept and the Applicant modifying the current zoning to allow for more retail, provided all potential future uses are lawful and permitted under current zoning and UPD ordinances. Ex. 18. No one from the public participated in the hearing, and the SPEA Determination of Nonsignificance was not appealed.
9. The most pertinent comprehensive plan policy language comes from U-177, which notes that UPDs are "intended to serve as a model for achieving a mix of uses, appropriate development patterns, and high quality design, as well as providing for public benefits." The policy decision that these parcels were appropriate for UPD treatment was made in the 1990s. While we do not know now what specific designs (high-quality or otherwise) might someday be proposed, given neighborhood support for expanded retail and the anemic business park development, today's proposal appears geared to achieving a mix of uses, appropriate development, and public benefits.
10. Section 2.4.4 of the Agreement controls signage. Not surprisingly, the rules for signs advertising business park areas are more restrictive than the rules for signs advertising retail areas. Because the proposal would make these business park parcels more retail, the Applicant proposes (and DPER agrees) that it should be allowed a freestanding sign at the entrances, provided no trees in any buffer be removed to make room for the signs. Increased signage seems a logical corollary to the switch to more retail.
11. Most decisions we issue or recommendations we make to Council involve highly technical factual findings (sometimes based on our assessment of witness credibility) and intricate legal analyses. Conversely, today's case comes down to a fairly pure policy choice—does Council think this proposal is a good idea? The business park vision for Redmond Ridge set out in the 1990s is not panning out as intended. The Applicant wishes to switch gears and swap approved but undeveloped business park space for retail space opportunity. The residential owner's association supports expanded retail options. And the Applicant has demonstrated that the proposed business-park-with-expanded-retail plan, if built out, will generate less peak traffic than the previously-approved plan would, if that were built out. Still, the Council would seem to have significant latitude under KCC 21A.39 in deciding what it wants here.
12. If the Council approves the retail shift, one amendment (to the version the Applicant proposed and DPER endorsed) we recommend involves the current category for book/stationery/video/art supply stores. That category in retail/commercial zoned area is currently limited by provision (5) "Adult use facilities shall be prohibited." When this category was included on the proposed list for these six business park parcels, the prohibition on adult use facilities was—we assume inadvertently—left off. Given the policy decision has already been made that, for example, adult video stores are not appropriate in the commercial/retail zone in this UPD, and given the residential owner's

association’s support being limited to uses already allowed by this UPD, we see no justification for allowing them in the business park zone. We have changed the proposal to incorporate limitation (5).

13. The third proposed change is substantively pegged to the retail switch, but is procedurally different. The recorded plat currently bars direct vehicular access to two of the six parcels to Redmond Ridge Drive NE (Drive).⁵ The Applicant and DPER request that this bar be removed and be replaced with a condition that access can be permitted, so long as—whenever development is proposed—such access is found to improve circulation and public safety.
14. The King County Department of Transportation clarified at hearing that it could not now determine whether such a change would be beneficial—review of a specific proposal would require analyzing items like sight distances, PM peak traffic, and queuing—but it saw was no continuing need for a blanket bar on such access. The applicant’s traffic expert opined that while the prohibition makes sense for a business park, where one would expect a surge of traffic at the beginning and end of each business day, this is not true in a retail environment. In addition, he explained that the Drive was originally designed as a high speed corridor; however, the unanticipated (as of 1997) recent construction of the middle school just south along the Drive has changed this plan too.
15. We do not have qualms with the merits of removing the absolute prohibition to direct access to the Drive and leaving the decision up to specific project review. Procedurally, though, the proposal to modify the direct access prohibition came up *during* DPER review on the two items the Applicant did apply for—the expanded retail and enhanced signage. Ex. 2. It was not described in the SEPA checklist the Applicant filed out. Ex. 19.
16. There is an argument that the Applicant should start over with this item and file a formal plat alteration application on the direct access question. Yet that would be decided in a Type 4 process, the same process as today’s. And the real question—would direct access improve circulation and public safety or harm it—will remain fairly hypothetical until a detailed analysis and review of a specific proposal is performed. So it is not clear what a separate plat alteration process would gain. The requested plat alteration language was listed in the recommendation DPER sent to interested parties two weeks prior to hearing, we know (from viewing the site before the hearing) that the hearing notice itself was posted in day-glow orange, and meaningful SEPA review would here be most effective once the Applicant submits an actual proposal. Thus we think the requested plat alteration language is acceptable via today’s review, although we amend the proposal to clarify that SEPA review will be required.

⁵ Under “BUILDING PERMIT RELATED NOTES” on sheet 4 of 23, “5. DIRECT VEHICULAR ACCESS IS NOT PERMITTED TO REDMOND RIDGE DRIVE NE FROM PARCELS **BP-4**, BP-13 AND BP-19 AND TRACT **P-801** WHICH ABUT IT”) (underscore and bold).

RECOMMENDATION:

1. The Examiner recommends (1) allowing retail uses within the business park on Redmond Ridge parcels BP-1a, BP-1b, BP-4, BP-5, BP-6, and TR-PP-01, (2) modifying Section 2.4.4 of the Agreement (recording number 97022181008) pertaining to signs, and (3) removing the absolute prohibition on direct access to Redmond Ridge Drive NE that covers BP-4 and TR-PP-01, subject to the following conditions.

2. Section 1.2. of the Agreement is modified as follows:

Commercial Uses:

Retail ~~405,851~~ 205,851 square feet

Business Park ~~4,200,000~~ 1,000,000 square feet, excluding the square footages of the middle school on parcels BP-21, BP-22, BP-23, BP-25R, and BP-26R; and the Daycare II use on parcel BP-2

3. Section 2.4.4 of the Agreement is modified as follows:

Residential uses within Northridge shall comply with KCC 21A.20.080, residential zone signs. Signs for the retail uses shall comply with KCC 21A.20.095 for neighborhood business zone signs, and signs for business park uses shall comply with KCC 21A.20.100, community business and industrial zone signs; provided that, commercial signage along Novelty Hill Road within any required buffer shall not require the removal of existing trees located in the required buffer and shall be deemed off-premises and limited to one ~~46~~ 32 square foot ~~directional~~ freestanding sign located in entrance tracts ET-3 and ET-4 (Shown on Redmond Ridge Master Plat) each for the business park and one 48 square foot freestanding sign for the retail center in entrance tract ET-R (Shown on Redmond Ridge Retail Binding Site Plan). Signs within the community/utility development areas shall comply with KCC 21A.20.070, resource zone signs. The applicant shall comply with all other provisions of KCC 21A.20, Development Standards – Signs.

4. Plat Condition on Sheet 4 of 23 of the Plat of Redmond Ridge Division 8 (King County Recording # 20021001000271) may be modified as follows:

“BUILDING PERMIT RELATED NOTES:”...“5. DIRECT VEHICULAR ACCESS ~~IS NOT PERMITTED TO~~ REDMOND RIDGE DRIVE NE FROM PARCELS BP-4, BP-13 AND BP-19 AND TRACT P-801 WHICH ABUT IT: MAY BE PERMITTED AS PART OF DEVELOPMENT APPROVAL, BUT ONLY IF SUCH ACCESS IS REVIEWED AND APPROPRIATELY CONDITIONED PURSUANT TO SEPA AND ONLY AFTER THE KING COUNTY DEPARTMENT OF TRANSPORTATION FINDS SUCH ACCESS IMPROVES CIRCULATION AND PUBLIC SAFETY.”

5. ATTACHMENT 4, “PERMITTED USES – RETAIL LAND USES” of the Agreement is modified as follows:

		NORTHRIDGE UPD DEVELOPMENT AREAS					
	Retail Land Uses	Medium Density Residential 13-10	Med-High Density Residential 8-14	High Density Residential 12-24	Retail/ Commercial	Business Park (8)	Community/ Utility
SIC#	Specific Land Uses						
•	Building, hardware and garden materials				P	P	
•	Department and variety stores				P	<u>P(9)</u>	
54	Food stores	M(1)	M(1)	M(1)	P	P(2)	
•	Agricultural product sales	M(1)	M(1)	M(1)	P	P	
553	Auto supply stores				P(3)	P(3)	
554	Gasoline service stations				P	P	
56	Apparel and accessory stores				P	<u>P(9)</u>	
•	Furniture and home furnishings stores				P	<u>P(9)</u>	
58	Eating and drinking places	M(1)(4)	M(1)(4)	M(1)(4)	P	P	P(4)(7)
•	Drug store				P	<u>P(9)</u>	
592	Liquor stores				P	<u>P(9)</u>	
593	Used goods: antiques/secondhand shops				P	<u>P(9)</u>	
•	Sporting goods and related stores				P	<u>P(9)</u>	
•	Book, stationery, video & art supply stores	M(1)(5)(6)	M(1)(5)(6)	M(1)(5)(6)	P(5)	<u>P(5)(9)</u>	
•	Jewelry stores				P	<u>P(9)</u>	
•	Hobby, toy & game shops				P	<u>P(9)</u>	
•	Photographic and electronic shops				P	<u>P(9)</u>	
•	Fabric shops				P	<u>P(9)</u>	
•	Florist shops	M(1)	M(1)	M(1)	P	<u>P(9)</u>	
•	Personal medical supply stores				P	<u>P(9)</u>	
•	Pet shops				P	<u>P(9)</u>	

P = Permitted Use

M = Minor Modification pursuant to UPD Section 3.1

Development Conditions:

- (1) Shall be subject to the following requirements:
 - a. Shall not exceed 1,500 square feet of gross floor area;
 - b. The parking standards of 21A.18 are modified as follows: a minimum of two on-site or off-site parking spaces are required, and the location shall be determined through the Minor Modification review process;
 - c. Buildings shall be set back from the sidewalk a distance compatible with the building setbacks in the immediate area; and
 - d. Sign and landscape standards shall be determined through the Minor Modification review process.
- (2) Limited to SIC Industry No. 5411 – Grocery Stores.

- (3) Only the sale of new or reconditioned automobile supplies is permitted.
- (4) Excluding SIC Industry No. 5813 – Drinking Places.
- (5) Adult use facilities shall be prohibited.
- (6) Limited to SIC Industry No. 5942 – Book Stores
- (7) Only as accessory to the Community Center.
- (8) Except for Gasoline Service Stations, no more than 10% of the gross floor area of any building within the Business Park shall be used for retail land uses. Retail uses within the Business Park shall be limited to land uses which support the daily needs of business park tenants and employees, and shall be dispersed throughout the Business Park area to avoid concentration of retail land uses therein. Standards for avoiding concentration of retail uses shall be included in the Northridge Design Manual and reviewed and approved by County staff pursuant to Section 2.4.6 of this permit.

Except for Gasoline Service Stations (SIC #554), no building in the Business Park shall be constructed solely for retail land uses. Business park retail uses shall neither be allowed within 400 feet of nor to place any signage on Novelty Hill Road.

Requests to allow other retail land uses in the Business Park which are not permitted in the Northridge Land Use table shall be reviewed through the administrative Minor Modification process.

Requests to exceed the 10% limit on gross floor area for retail land uses shall be reviewed through the Major Modification process.

- (9) Limited to Redmond Ridge Business Park lots BP-1a, BP-1b, BP-4, BP-5, BP-6, and TR-PP-01.

DATED November 16, 2018.



David Spohr
Hearing Examiner

NOTICE OF RIGHT TO APPEAL

A person appeals an Examiner recommendation by following the steps described in KCC 20.22.230, including filing with the Clerk of the Council a sufficient appeal statement and a \$250 appeal fee (check payable to the King County FBOD), and providing copies of the appeal statement to the Examiner and to any named parties listed on the front page of the Examiner's recommendation. Please consult KCC 20.22.230 for exact requirements.

Prior to the close of business (4:30 p.m.) on **December 10, 2018**, an electronic copy of the appeal statement must be sent to Clerk.Council@kingcounty.gov and a paper copy of the appeal statement must be delivered to the Clerk of the Council's Office, Room 1200, King County Courthouse, 516 Third Avenue, Seattle, Washington 98104. Prior mailing is not sufficient if the Clerk does not actually receive the fee and the appeal statement within the applicable time period.

Unless the appeal requirements of KCC 20.22.230 are met, the Clerk of the Council will place on the agenda of the next available Council meeting a proposed ordinance implementing the Examiner's recommended action.

If the appeal requirements of KCC 20.22.230 are met, the Examiner will notify parties and interested persons and will provide information about “next steps.”

MINUTES OF THE NOVEMBER 1, 2018, HEARING ON URBAN PLANNED DEVELOPMENT AND FULLY CONTAINED COMMUNITY MAJOR MODIFICATION APPLICATION REDMOND RIDGE, DEPARTMENT OF PERMITTING AND ENVIRONMENTAL REVIEW FILE NO. PMSC170004, PROPOSED ORDINANCE NO. 2018-0407

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Kevin LeClair, Michael Chen, Benjamin Chessar, Kevin Jones, and Robert Eichelsdoerfer.

The following exhibits were offered and entered into the hearing record:

- Exhibit no. 1 Department of Permitting and Environmental Review file no. PMSC170004
- Exhibit no. 2 Request for modification, dated September 6, 2017
- Exhibit no. 3 Notice of application, mailed October 20, 2017
- Exhibit no. 4 State environmental Policy Act (SEPA) determination of non-significance, issued August 16, 2018
- Exhibit no. 5 Business park development status
- Exhibit no. 6 Business park built square footage tally
- Exhibit no. 7 Retail market place development snapshot
- Exhibit no. 8 Permit medication log sheet
- Exhibit no. 9 Density and dimensions worksheet
- Exhibit no. 10 Trip generation estimate memorandum by Transpo Group, dated August 11, 2017
- Exhibit no. 11 Business park proposed layout and renderings, dated July 24, 2017
- Exhibit no. 12 Northridge urban planned development and fully contained community agreement, dated January 27, 1997
- Exhibit no. 13 Redmond Ridge Division 8 plat map, dated September 17, 2002
- Exhibit no. 14 Retail binding site plan
- Exhibit no. 15 Master plat map, dated September 27, 1999
- Exhibit no. 16 Preliminary department report, transmitted to the Examiner on October 18, 2018
- Exhibit no. 17 Columbia Tech Center master plan, dated May 2014
- Exhibit no. 18 Redmond Ridge Residential Owner’s Association Board letter, dated July 1, 2017
- Exhibit no. 19 Applicant’s SEPA checklist, dated August 31, 2017

DS/ld

November 16, 2018

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CERTIFICATE OF SERVICE

SUBJECT: Department of Permitting and Environmental Review file no. **PMSC170004**
Proposed ordinance no.: **2018-0407**

REDMOND RIDGE

Urban Planned Development and Fully Contained Community Major Modification

I, Vonetta Mangaoang, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL** to those listed on the attached page as follows:

- EMAILED to all County staff listed as parties/interested persons and parties with e-mail addresses on record.
- caused to be placed with the United States Postal Service, with sufficient postage, as FIRST CLASS MAIL in an envelope addressed to the non-County employee parties/interested persons to addresses on record.

DATED November 16, 2018.

Vonetta Mangaoang

Vonetta Mangaoang
Senior Administrator

Archuleta, Wally

Department of Permitting and Environmental Review

Baerwalde, Matthew

Snoqualmie Tribe Enviro and Natural Resources Dept
Hardcopy

Carlson, Joanne

Department of Permitting and Environmental Review

Chen, Michael

Mackenzie
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Chessar, Benjamin

Pacific Realty Associates LP
Hardcopy

Eichelsdoerfer, Robert

Department of Transportation

Goll, Shirley

Department of Permitting and Environmental Review

Jones, Kevin

Transpo Group
Hardcopy

LeClair, Kevin

Department of Permitting and Environmental Review

Lowe, Richard

Department of Permitting and Environmental Review

Malarz, RaeJean

Hardcopy

Zimmerman, Beth

Hardcopy