

## SMC Retail Waivers Amendments: Staff Responses to October 21, 2024 Public Hearing Comments

#	Comment / Question	Explanation
1.	How will a rezone to retail effect current property taxes? Will taxes increase as a result of retail zoning, thus creating an undue hardship on current residents/property owners?	The Proposal does not modify the underlying zoning of the parcels. All parcels affected by the proposed ordinance are already zoned either BR-1 (“Business Retail 1”) or BR-2 (“Business Retail 2”). The King County Assessor determines the appropriate categorization for the purpose of property taxation based upon the actual use of the property; the City’s zoning designation is not used to determine property taxes.
2.	Will current residents/property owners be able to sell their homes as residential, or are they required to sell to a buyer who will put retail in said space?	All existing ground-floor residential uses are considered non-conforming uses under the current code; non-conforming uses such as these may continue to exist in perpetuity, including when a property containing a non-conforming use is bought or sold, subject to the provisions of SMC 17.55.040.
3.	How will a rezone affect the historic district overlay?	The Proposal does not modify the underlying zoning of the parcels. The proposal would expand the ground floor retail use requirements that already apply to parcels zoned BR-1, in the Historic District Overlay, to apply also to parcels in Downtown Snoqualmie zoned BR-2.
4.	Many of the lots in question are small and a retail building may require a tear down and rebuild. The ordinances in place are strict and require an adherence to the surrounding historic buildings.	No tear down/rebuild is mandated by the Proposal. Modifications to structures within the Historic District remain subject to review as described by SMC 17.35.
5.	Is this an attempt to dismantle the historic district?	No modifications to SMC Chapter 17.35, Historic District Overlay Zones and Landmarks, are proposed. The Planning Commission’s stated purpose of the Proposal is to bolster and emphasize Snoqualmie’s walkable retail districts, including the Downtown Historic District.
6.	The homes in question already have commercial/residential zoning in place. What is the reason for shifting to a more restrictive retail zoning?	The Proposal does not modify the underlying zoning of the parcels. The Proposal regulates the types and quantities of retail uses allowed within the Downtown Historic District Retail Overlay Zone; the underlying BR-1 and BR-2 zoning is not affected by the Proposal. The Planning Commission’s stated purpose for expanding the overlay zone is to encourage the occurrence of retail uses within Downtown Snoqualmie to increase walkability and preserve the feel of Snoqualmie’s Downtown. Retail use restrictions do not apply to non-conforming uses, subject to SMC 17.55.040.

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7.	Is this an attempt to dismantle residential downtown to create condo/retail buildings as in North Bend?	The Proposal does not affect requirements that apply to existing or potential future residential uses in Snoqualmie’s Downtown.
8.	This is spot zoning — which is illegal — and by designating these few homes as retail, you are violating property owner’s rights and jeopardizing said property owner’s health, safety, and welfare.	Spot zoning is generally characterized by parcel-specific rezoning that is incongruent with the pattern of overall land use in the vicinity, or is inconsistent with a City’s Comprehensive Plan. In this case, the Proposal is characterized by neither: the retail overlay zone would be extended from the current BR-1 area to also encompass adjacent BR-2 zoned parcels – both of which are existing retail zones, and all parcels affected by the Proposal are designated for retail use according to the Comprehensive Plan. Given the distribution of the affected area, this is considered an area-wide rezone.
9.	I do not support the proposal to remove the waiver process. This proposed change removes an important guardrail for property owners within the affected zone if they are not able to find tenants to utilize their property. The current language provides a very detailed, lengthy, and thoughtful process to apply for a waiver. Eliminating this waiver process would increase already high risks of commercial property ownership in an economic environment where commercial property has been underperforming other real estate activities. Additionally, this change provides no benefit to property owners, while simultaneously providing the director the ability to wash their hands of any responsibility to assist struggling property owners. Perhaps inadvertently, this change presents itself as a move by the city government to reduce their own workload at the expense of property owners.	Comment Noted. No clarification required.
10.	I do not support the proposal to increase the minimum percentage of storefronts to 90%. The definition of a retail use for the Downtown Historic District Retail Overlay Zone is very restrictive. The current 75% mix allows for some built in demand for owners who do have a retail use storefront. For example, "nonretail" businesses such as professional services businesses described in 17.37.020(D) provide co-located demand for the retail business within the Overlay Zone. These "nonretail" businesses provide a more stable and less seasonal customer base for retail business in the Overlay Zone, which leads to less turnover in retail	Comment Noted. No clarification required.

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	businesses over time. An increase to 90% would likely lead to more turnover in retail business as they compete for the limited supply of tourist and commuting foot traffic that flows through the downtown area.	
11.	I do not support the proposal to expand the Retail District Overlay zone in Downtown Snoqualmie, specifically when combined with the proposed change #3 and proposed change #4. Additionally, further clarification of the impact of section 17.37.030(C) needs to be addressed. The second story use of storefronts in parcels impacted by the proposed change has not been addressed in the public hearing notice letter. This omission should be rectified so that property owners can fully assess the impact of the proposed change. In the absence of any guidance provided by the public hearing notice letter, I believe that if new parcels are brought into the Retail District Overlay zone, their second story uses should be subject to the underlying zoning only and not be subjected to the special use regulations.	The amendments to SMC 17.37.30.C clarify that the ground-floor retail use requirement does not apply to second story uses within the retail overlay zone, or to ground-floor uses outside the retail overlay zone. In other words, second story uses are subject solely to the underlying zoning (BR-1 or BR-2) and are not subject to the retail use requirements of SMC 17.37.
12.	Tearing down houses and putting up 4-story condos is not in keeping with historic feel of the neighborhood.	The Proposal does not modify the development standards in the BR-1 and BR-2 zone. Demolition, remodeling, and new construction continue to be subject to the Historic District Design Guidelines and approvals process within the Downtown Snoqualmie Historic District.
13.	How will retail zoning affect property values in these areas?	Concerns noted, city staff cannot reliably forecast valuation impacts of retail use requirements.
14.	Can homes affected by the Proposal continue to be used as residences?	Non-conforming residential uses affected by the Proposal may continue as they exist in their current form, subject to the non-conforming use provisions of SMC 17.55.040.
15.	Can I use the property for both retail and residential purposes?	Properties affected by the Proposal may be used for residential and retail purposes; however, pursuant to the existing BR-1 and BR-2 use regulations and development standards, new residential, retail, or other uses are subject to the provisions of SMC 17.55 and SMC 17.37. The continuation of non-conforming uses or structures is subject to SMC 17.55.040.

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16.	Will the Proposal limit the ability to rent out an ADU as an office or other use?	As is the case with all parcels in the City, allowed uses are subject to the zoning and use standards found in SMC 17.55. The Proposal does not modify these underlying zoning requirements, but would require that ground-floor tenant spaces facing the street contain qualifying retail uses.
17.	Non-conforming residential uses being added will skew the 90% retail ratio and make it impossible to achieve, preventing future non-retail uses from locating as part of the 10% allowance.	Non-conforming uses, supportive housing uses as defined by the SMC, and City-owned buildings are not included in the calculation of the 90% minimum retail use requirement.
18.	Non-conforming residential uses face issues expanding the footprint of their house. If a house falls out of residential use for 2 years, it loses its non-conforming status.	The Proposal does not affect non-conforming use regulations within the City. Additionally, the Proposal will not create any additional non-conforming uses. Non-conforming uses continue to be regulated by SMC 17.55.040.
19.	New retail uses may overwhelm infrastructure and cause new traffic.	No new retail zoning is proposed. The Proposal affects properties that are already zoned for retail and commercial uses within the BR-1 and BR-2 zones.
20.	There is no need for additional retail space in the Downtown, retail is a difficult landscape and the Proposal could cause storefront vacancies.	Comment noted. No clarification required.
21.	Stakeholder meetings included only merchants, and did not notice residential and commercial property owners.	<p>Stakeholder outreach was conducted in the following manners:</p> <ul style="list-style-type: none"> <li>• 05/02/2024: In-person, at Downtown Merchants Meeting.</li> <li>• 05/08/2024: In-person, Snoqualmie Ridge Merchants Meeting</li> <li>• 06/17/2024: Mailing notice to all property owners for parcels in BR-1 zone, as listed by the King County Assessor.</li> <li>• 06/25/2024, at 10:00 AM and 4:00 PM: Two online information sessions noticed to all property owners on 06/17 for parcels in BR-1 zone, as listed by King County Assessor.</li> <li>• 10/11/2024: Mailing notice of public hearing to all property owners for parcels in the BR-2 zone, as listed by the King County Assessor, online at the City’s website, and posting in the Seattle Times.</li> <li>• 10/21/2024: Planning Commission Public Hearing</li> </ul>