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Redmond West
DGA 91-004/DGA 91-005

ORDINANCE NO. 1736

ORIGINAL

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING THE LAND USE PLAN MAP TO CHANGE THE DESIGNATION OF CERTAIN PROPERTY LOCATED IN THE OVERLAKE AREA FROM PARKS & RECREATION, URBAN RESIDENCE, AND MULTIPLE RESIDENCE TO BUSINESS PARK; AMENDING THE CITY ZONING MAP TO REZONE SEVEN ACRES COMMONLY KNOWN AS THE REDMOND WEST PROPERTY FROM R-5 TO BP; AND AMENDING THE NORTH OVERLAKE STREET PLAN TO AMEND THE ACCESS REQUIREMENTS OF SAID PLAN, ALL AS PART OF DGA91-004 AND DGA91-005.

WHEREAS, on July 16, 1991, the owners of 37 acres located immediately east of 148th Avenue N.E. and south of the Bridle Crest Equestrian Trail (commonly known as the "Redmond West" property) filed an application known as DGA91-004, seeking a Land Use Map change from Parks & Recreation, Urban Residence, and Multiple Residence to Business Park, a rezone of 7 of the 37 acres from R-5 to BP, pre-annexation zoning of the remaining 30 acres to BP, and amendment of the access requirements of the North Overlake Street Plan, and

WHEREAS, on October 16, 1991, the City filed a companion Development Guide and Zoning Map amendment request for the remaining 27 acres of unincorporated land south of the Redmond West property between Redmond and Bellevue (the "Nintendo" property), and

WHEREAS, after completion of environmental review, which included the preparation of two addenda to a prior environmental

impact statement for the same area, the Planning Commission held a public hearing on May 19 and 26, 1993 to consider the proposed amendments, and

WHEREAS, the Planning Commission reached a decision on the proposed amendments on May 26, 1993 and a motion for reconsideration of the decision was defeated on June 30, 1993, and

WHEREAS, the Planning Commission adopted Findings and Conclusions in support of the amendments at its July 14, 1993 meeting and forwarded the same to the City Council, and

WHEREAS, after reviewing the recommendation of the Planning Commission, the City Council determined to approve the Land Use Plan Map amendments, the rezone of the seven acres of the Redmond West property, and the North Overlake Street Plan amendments, leaving the pre-annexation zoning aside until completion of the two public hearings before the City Council required by RCW 35A.14.340, now, therefore,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Findings and Conclusions. In support of the actions taken by this ordinance, the City Council hereby adopts the Findings and Conclusions of the Planning Commission, provided, that Findings 41 and 42, and Conclusions 19 and 20, are hereby amended to read as follows:

FINDINGS

41. At the hearing before the Planning Commission, the positions of the parties on the transit center dedication were as follows:

A. The City staff's position was that the transit center is necessary to meet the requirements of Section 20B.60.020(15) of the Development Guide, which relates and encourages the efficient provision of public transportation systems. The staff also pointed out that the Overlake Transportation Plan and Regional Transit Project System Plan both call for transit stations in this area. Finally, the staff asserted that the transit land dedication is a necessary component of the trip generation reduction assumptions which allow staff to support Trammell Crow and Microsoft's proposed Traffic Demand Management Program (TDMP).

B. The position of Trammell Crow and Microsoft was that the transit center is not required to be on this particular site by the Community Development Guide and the other plans and that dedication is not causally connected to the impacts of this proposed land use action.

42. The overall volume of traffic added to the Overlake area by development of this site, and the potential pm peak hour trips that will occur should the Redmond West TDMP not be fully achieved, contribute to the need for public transit as a means of reducing overall trips and traffic congestion in Overlake. Subsequent to the Planning Commission hearing and during deliberations by the City Council, the Redmond West applicants and the City staff all agreed and jointly recommended that these impacts could best be mitigated by the applicants contributing a fair pro rata share toward transit and mobility related improvements. The proposed pro rata share is \$1.00 per square foot of anticipated floor area on the Redmond West property, for a total of \$685,000.00.

CONCLUSIONS

19. Dedication of the entirety of land needed for a transit center in this area by a single developer is not warranted, as increased transit access is a burden that

should be shared by all those creating traffic impacts through development. A proportionate share of transit and mobility related improvement costs is an appropriate way to mitigate traffic impacts of particular developments.

20. The proposed proportionate share of \$1.00 per square foot of floor area is reasonable in light of the relationship between floor area and vehicle trips. Coupled with the transportation demand management programs that will be required for development of the properties in this area under the City's commute trip reduction ordinance and the existing environmental documents, the proportionate share proposed is adequate to mitigate transit needs that will be created by the proposed actions.

Section 2. Land Use Plan Map Amended. The Land Use Plan Map adopted by subsection 20B.90.040(05) of the Redmond Municipal Code and Community Development Guide is hereby amended to change the area depicted on the map attached hereto as Exhibit A and incorporated herein by this reference as if set forth in full, from Parks & Recreation, Urban Residence and Multiple Residence to Business Park.

Section 3. Zoning Map Amended. The City's official zoning map, adopted by subsection 20C.10.030(10) of the Redmond Municipal Code and Community Development Guide is hereby amended to change the zoning designation of seven acres of the Redmond West Property, currently located in the City of Redmond and legally described on Exhibit B attached hereto and incorporated herein by this reference as if fully set forth, from R-5 (Suburban Residence District) to BP (Business Park).

Section 4. North Overlake Street Plan Amended. The North Overlake Street Plan, adopted as part of Section 20B.60.050(30) of the Redmond Municipal Code and Community Development Guide, is hereby amended to restrict access to N.E. 60th Street in the vicinity of 154th Avenue N.E. to emergency access only, to combine the two access points for the Redmond West property on 148th Avenue N.E. located at N.E. 55th Street and N.E. 57th Street into one full vehicle access in the vicinity of N.E. 56th Street, and to allow a maximum of two additional limited access (right in/right out) points onto 148th Avenue N.E. from the 64 acre site: one between N.E. 56th Street and N.E. 60th Street and the other between N.E. 56th Street and N.E. 51st Street.

Section 5. Conditions of Approval. The conditions of approval recommended by the Planning Commission for the Redmond West property are hereby adopted as modified and set forth on Exhibit C attached hereto and incorporated herein by this reference as if fully set forth. The Redmond West applicants shall execute the necessary covenants, conditions and restrictions, and the necessary voluntary mitigation agreements, to ensure that all conditions are complied with and are binding upon all subsequent owners of the Redmond West property. All such covenants, conditions, restrictions, and agreements shall be in a form approved by the City Attorney. Comparable conditions shall be reviewed for application to the remainder of the 64 acre site as part of any annexation or development of that property.

Section 6. Duties of Planning Staff. The Planning Department staff shall make the necessary amendments to the Land Use Plan Map, Zoning Map and North Overlake Street Plan to carry out the provisions of this ordinance.

Section 7. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance, being the exercise of a power specifically delegated to the legislative body, is not subject to referendum and shall take effect five (5) days after publication of an approved summary thereof consisting of the title.

CITY OF REDMOND


MAYOR ROSEMARIE IVES

8/17/13

WARREN ADAMS
MAYOR PRO TEM

ATTEST/AUTHENTICATED:


CITY CLERK, DORIS SCHAIBLE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: 

FILED WITH THE CITY CLERK: 08/12/93
PASSED BY THE CITY COUNCIL: 08/17/93
SIGNED BY THE MAYOR: 08/17/93
PUBLISHED: 08/22/93
EFFECTIVE DATE: 08/27/93
ORDINANCE NO. 1736

EXHIBIT A

REDMOND WEST: ADOPTED LAND USE PLAN DESIGNATION

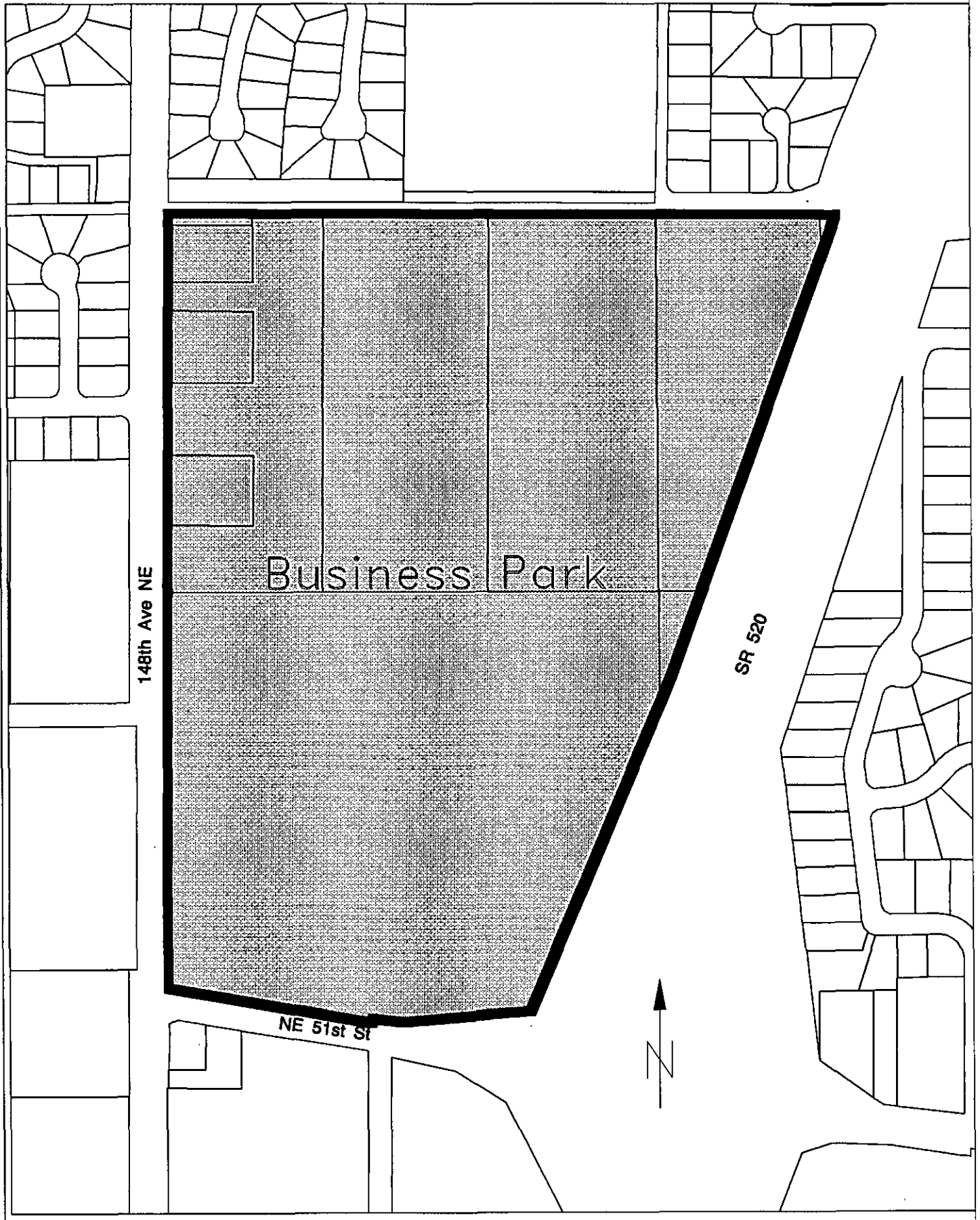


EXHIBIT B

ZONING MAP AMENDMENT LEGAL DESCRIPTION

Those portions of Lots 4 and 9 of East Side Gardens according to the plat thereof recorded in Volume 12 of Plats, page 68 in King County, Washington, lying northwesterly of the northwest margin of SR520 as established by deed recorded under King County recording number 7109080132 and as condemned under King County Superior Court Cause Number 750408;

EXCEPT the North 10 feet of said Lot 4, as conveyed to King County for Northeast 60th Street (formerly Lena A. Hammond Road) by deed recorded under King County Recording Number 1599338.

EXHIBIT C

REDMOND WEST CONDITIONS OF APPROVAL

1. The Redmond West applicant shall adopt and record the Covenants, Conditions and Restrictions (titled "Goal Statements") for the Redmond West Property upon approval of the Development Guide Amendment and annexation of the property to the City as identified in Appendix A of the August 1992 Addendum.
2. An 11 acre buffer between the proposed multi-family uses and existing residential uses was adopted as a use separator in previous development proposals for the Redmond West Property. Included in the Redmond West Property is an average 200 foot buffer but not less than 150 feet along 148th Avenue N.E. and a 50 to 75 foot buffer adjacent to the 60 to 90 foot wide Bridle Crest Equestrian Trail. In addition to providing this buffer, the Redmond West applicant shall pay its fair pro-rata share of \$350,000 at the time of building permit issuance for use in financially assisting the City of Redmond in future Phase I development of the Overlake Park to be located at the intersection of N.E. 40th Street and 162nd Avenue N.E.
3. Phasing of development shall not be required. The Redmond West Property may be developed with a maximum of 685,000 square feet of building area with 3 parking stalls per 1,000 square feet. Up to 1.2 million square feet can be developed across the entire 64 acre site.
4. The Redmond West applicant shall fund its fair pro-rata share contribution for short-term TIP improvements identified by the City of Redmond. For long term impacts, the Redmond West applicant shall fund its fair pro-rata share contribution for long-term BROTS improvements identified by the City of Redmond. Upon adoption of an updated long-range facility plan for the Overlake area (the "Plan"), the fair pro-rata share contribution for short- and long-term impacts shall be adjusted for new projects using the newly adopted physical improvement list (the "List"); credit shall be given for projects identified pursuant to condition #6A.

In conjunction with the first site plan approval for the Redmond West site, the Redmond West applicant's traffic engineer shall calculate fair pro-rata share contributions, meeting the approval of the City, to the short-term and long-term improvements for the maximum development potential of 685,000 square feet and their proportionate share of p.m. peak hour trips assuming the ITE General Office Category, Land Use Code 710 (i.e., $685,000/1,200,000 \times 1160$ p.m. peak hour

trips). As each building receives site plan approval, the Redmond West applicant shall fund the proportionate share of the total fair pro-rata share contributions for the Redmond West site. This proportionate share shall be based on the percentage of total square footage that the building permit represents.

Commitments for payment shall be made in a form approved by the City Attorney at site plan approval. Actual payments to projects shall occur at the time of project construction and based upon impacts created by the trips associated with the buildings being permitted. The Redmond West applicant shall post security to guarantee implementation of the improvements.

The above fair pro-rata share contributions shall be adjusted by the City of Redmond if, after a five-year period from the certificate of occupancy of total build-out for the Redmond West site, the Redmond West applicant is able to prove a reduced trip generation rate below their proportionate share of the 1,160 p.m. peak hour trips. Credit shall be granted for any reduction up to their proportionate share of 882 p.m. peak hour trips. There will be no credit given for reductions in trips below the applicant's proportionate share of 882 p.m. peak hour trips.

5. The Redmond West applicant shall work with the City of Redmond to determine the exact location of the main site access in the vicinity of N.E. 56th Street and 148th Avenue N.E. and complete a signal progression analysis, to be approved by the City of Redmond at site plan approval. In addition, the Redmond West applicant shall be responsible for paying for the installation of a signal at this location and for any costs associated with moving, as identified in the signal progression analysis, the current pedestrian/equestrian crossing signal on 148th Avenue north of the Redmond West property.
6. In addition to the fair pro-rata share contributions identified in conditions #4 and #10, the Redmond West applicant shall fund mechanisms to mitigate impacts above the multifamily land use level associated with adding its share of a maximum of 1160 p.m. peak hour trips to the existing Overlake area street network. The Redmond West applicant shall issue to the City a written commitment in a form approved by the City Attorney agreeing to implement the mechanisms noted below.
 - A. Prior to site plan approval, the Redmond West applicant shall agree to pay \$3.00 per square foot beyond the fair pro-rata share contributions identified in condition #4. This dollar per square foot has been calculated using an amount equal to the costs of the physical improvements to the seven intersections (five in Redmond; two in Bellevue) identified in the May, 1993 DGA Addendum, page 22, scenario CIP-BP (882). The total

cost for these improvements were then divided by 685,000 square feet. The Redmond West applicant shall agree to pay these dollars into a City of Redmond fund (the "Fund") at the time of site plan approval for each building an amount equal to \$3.00 per square foot, as noted above. Upon adoption of the Plan, the City of Redmond, at its discretion, may direct the Fund to implement mitigation measures consistent with the List, described in condition #4 above, in lieu of the street and intersection improvements identified in the May, 1993 DGA Addendum.

The dollars to the Fund shall be payable upon demand by the City of Redmond at time of issuance of building permit. The Fund shall be used to pay for street and intersection improvements which mitigate the traffic impacts of the Redmond West Business Park and the Nintendo property covering the entire 64 acres. The City of Redmond may, at its discretion, allocate funds to the City of Bellevue for mitigation of these traffic impacts on Bellevue streets and intersections. This assignment of funds will be consistent with the actual amount of traffic impacting Bellevue facilities as agreed to by the Cities of Redmond and Bellevue.

Some of the improvements identified in the May, 1993 DGA Addendum referenced above are not currently on an adopted facility plan. The City of Redmond will insure that if the funds under condition #6A from the applicant have fully or partially funded any of the improvements identified on the List described in condition #4, the applicant will be credited with its fair pro-rata share to that particular improvement.

These improvements mitigate the traffic generated by business park development on the entire 64 acre site. The City will 1) consider latecomer's agreements for future area developments which are determined to impact such intersections and 2) the City will consider conditioning DGA 91-005 to require repayment to the Redmond West applicant by the owner of that property (at such time as it develops) of the fair pro-rata share of the Fund payment attributable to the DGA 91-005 property as a means of reimbursing the Redmond West applicant for any contributions beyond its fair pro-rata share. The Redmond West applicant has acknowledged that it is taking the risk that some of the additional capacity added to the Overlake network by the Fund undertaken prior to adoption of the Plan will not receive credit.

- B. The Redmond West applicant shall pay an additional \$1.00 per square foot beyond that noted above in condition #6A up to \$685,000 to fund transit and mobility related improvements in the Overlake area. These monies represent Redmond West's proportionate share to a long-term endowment fund which the City of Redmond will establish to provide mobility and transit improvements within Overlake. These monies shall be paid directly to the City of Redmond which may, at its discretion, transfer these funds to an appropriate second party to implement specific mobility and transit programs. Applicant contributions pursuant to this condition shall be credited towards its obligation to contribute to any similar programs identified in the Plan.
7. Within the 64 acre site, Redmond West shall fund its fair share of the internal site roads which shall be private. In order to promote mobility, the southern half of the annexation area may connect its internal road with the Redmond West internal road, provided there is a mutual private access agreement among the parties.
8. Mitigation conditions comparable to those noted in this Exhibit shall be reviewed when the balance of the 64 acre site submits for annexation and development.
9. A north-south public pedestrian corridor in addition to the sidewalk along 148th Avenue NE, shall be maintained through the entire 64-acre site as a condition of this agreement.
10. The Redmond West applicant shall fund, in addition to any funds allocated to the City of Bellevue by the City of Redmond under condition #6A, traffic mitigation to the City of Bellevue as follows:
- A. A fair pro-rata share of the costs of transportation improvement projects contained in the Bellevue CIP that will be impacted by 10 or more p.m. peak hour trips by this project.
- B. A fair pro-rata share of the costs of the transportation improvement projects contained in the Bellevue Transportation Facilities Plan and improvements within the City of Bellevue identified in the current BROTS plan that will be impacted by 10 or more p.m. peak hour trips by this project.
- C. As with condition #4 above, upon adoption by the City of Bellevue of the Plan, the amount of the fair pro-rata share contributions for short-term and long-term impacts shall be adjusted for new projects using the List.

11. All subsequent development shall fund ongoing costs of a neighborhood parking control program designed to limit parking impacts on adjoining neighborhoods. Implementation costs shall be borne by the property owners based upon the proportion of development on their property. A traffic consultant will need to design the program based on guidance from the City of Redmond. This may require meetings with neighborhood representatives to craft an acceptable program. This program will go into effect only if required by community feedback to the City of Redmond.

12. The Redmond West applicant shall pay the City of Redmond as early as the first site plan approval an amount to be determined by the City of Redmond up to \$210,000 to fund a study to develop the Plan referred to in conditions #4, #6A and #10C, if the study is approved by Redmond City Council. A credit shall be given to each of the long-term fair pro-rata share contributions to the City of Redmond (\$125,000) and the City of Bellevue (\$85,000) under conditions #4 and #10B respectively; for a total of up to \$210,000.

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