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Redmond West Pre-Annexation  
Zoning, DGA91-004/DGA91-005

BY THE DIVISION OF  
RECORDS & COMMUNITY  
DEVELOPMENT

ORDINANCE NO. 1743

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, ESTABLISHING PRE-ANNEXATION ZONING OF BUSINESS PARK (BP) FOR 57 ACRES OF PROPERTY LOCATED IN THE OVERLAKE AREA AND COMMONLY KNOWN AS THE REDMOND WEST AND NINTENDO PROPERTIES, DGA 91-004 AND DGA 91-005.

WHEREAS, on July 16, 1991, the owners of 37 acres located immediately east of 148th Avenue Northeast and south of the Bridle Crest Equestrian Trail (commonly known as "Redmond West") filed an application known as DGA 91-004, seeking a land use map change, a rezone of seven of the 37 acres, pre-annexation zoning of the remaining 30 acres, 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, the Planning Commission held a public hearing on May 19 and 26, 1993 to consider the proposed amendments, and after a motion for reconsideration of the decision was defeated, the Planning Commission approved the amendments at its July 14, 1993 meeting and forwarded the same to the City Council, and

WHEREAS, the City Council approved the Land Use Plan Map

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RECORDED AT REQUEST OF CITY CLERK

amendments, the rezone of seven acres, and 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, and

WHEREAS, the City Council held public hearings on September 8, 1993 and October 19, 1993 in order to consider the pre-annexation zoning, and at the conclusion of the hearing on October 19, determined to approve the pre-annexation zoning for the entire 57 acres of unincorporated territory, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings and Conclusions. In support of the pre-annexation zoning imposed by this ordinance, the City Council hereby adopts the Findings and Conclusions of the Planning Commission, as modified by the City Council in Ordinance 1736 of the City.

Section 2. Pre-Annexation Zoning Established. Pursuant to RCW 35A.14.330 and .340, a pre-annexation zoning designation of Business Park (BP) is hereby established for that certain property legally described on Exhibit A attached hereto and incorporated herein by this reference as if set forth in full. Upon annexation of any portion of said property to the City, the City's Official Zoning Map shall be amended to classify such property as "Business Park (BP)", and the zoning map shall contain a notation that there are conditions attached to the property that must be satisfied when development occurs. All development on the property commonly known

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as the Redmond West property and legally described on Exhibit B attached hereto and incorporated herein by this reference as if set forth in full, shall be subject to the conditions set forth on Exhibit C attached hereto and incorporated herein by this reference as if set forth in full. The Redmond West applicant 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 upon annexation to the City. 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 Nintendo Property as part of any annexation or development of that property.

Section 3. Duties of Planning Staff. The Planning Department staff shall make the necessary amendments to the Official Zoning Map of the City to carry out the provisions of this ordinance.

Section 4. 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 5. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5)

days after passage and publication of an approved summary thereof consisting of the title.

CITY OF REDMOND



MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:

*Doris Schaible*  
CITY CLERK, DORIS SCHAIBLE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

By: *[Signature]*

FILED WITH THE CITY CLERK: October 12, 1993  
PASSED BY THE CITY COUNCIL: October 19, 1993  
SIGNED BY THE MAYOR: October 19, 1993  
PUBLISHED: October 24, 1993  
EFFECTIVE DATE: October 29, 1993  
ORDINANCE NO. 1743

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I, Sandra L. Marion, Deputy City Clerk of the City of Redmond, Washington, do hereby certify that this copy of Ordinance No. 1743, is a true and correct copy of the original ordinance passed on the 19th day of October, 1993 as said ordinance appears in the records of the City of Redmond.

Dated this 2nd day of November, 1993.

*Sandra L. Marion*  
SANDRA L. MARION  
DEPUTY CITY CLERK

Recorded at Request of:  
City Clerk  
City of Redmond  
15070 NE 85th St.  
Redmond, WA 98052

EXHIBIT A

MORRELLI(REDMOND WEST)/NINTENDO  
ANNEXATION LEGAL DESCRIPTION

LOTS 1, 2, 3, 10, 11 AND 12, EAST SIDE GARDENS, ACCORDING TO THE  
PLAT THEREOF RECORDED IN VOLUME 12 OF PLATS, PAGE 68,  
RECORDS OF KING COUNTY, WASHINGTON;;  
EXCEPT THE NORTH NORTH 10 FEET OF SAID LOTS 1, 2 AND 3 AS  
CONVEYED TO KING COUNTY FOR NORTHEAST 60TH STREET BY  
INSTRUMENTS RECORDED UNDER RECORDING NO'S. 1547709, 1548097  
AND 1550845;  
EXCEPT THE WEST 30 FEET OF SAID LOTS 1 AND 12 CONDEMNED FOR  
148TH AVENUE N.E. BY KING COUNTY SUPERIOR COURT CAUSE NO.  
759796;  
EXCEPT THAT PORTION OF LOTS 11 AND 12 AS CONVEYED TO KING  
COUNTY FOR TOSH ROAD (N.E. 51ST STREET) BY INSTRUMENTS  
RECORDED UNDER RECORDING NO'S. 2711790, 2711791 AND 2711792;  
AND EXCEPT THAT PORTIONS OF LOTS 10 AND 11 LYING SOUTHERLY  
AND SOUTHEASTERLY OF THE NORTHERLY AND NORTHWESTERLY  
MARGIN OF SR520.

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EXHIBIT B

8651 20 130  
91-077-02

Morelli/Trammell Crow  
Metes and Bounds Annexation  
Legal Description

Sept. 20, 1993  
Revised Sept. 27, 1993

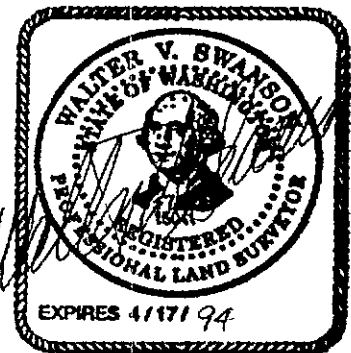
That portion of Lots 1, 2 and 3, East Side Gardens, according to the plat thereof recorded in Volume 12 of Plats, Page 68, records of King County, Washington and as modified by Affidavit recorded under King County Recording No. 991453 described as follows:

Beginning at an existing concrete monument in case at the northwest corner of Section 14, Township 25 North, Range 5 East, W.M., in King County, Washington, thence S01°17'03"W along the west line of said Section 14 a distance of 1086.27 feet; thence N89°15'52"E 50.03 feet to an intersection of the east margin of 148th Ave. N.E. as condemned by the City of Redmond, under King County Superior Court Cause No. 759796, with the south line said Lot 1, said plat of East Side Gardens based on said Affidavit recorded under King County Recording No. 991453, and as shown on the Record of Survey recorded in Volume 49 of Surveys, Page 81, recorded under King County Recording No. 8604109004 and the TRUE POINT OF BEGINNING of this description: thence N89°15'52"E 1263.54 feet to the southeast corner of said Lot 3, said East Side Gardens, based on said Affidavit and shown on said Record of Survey; thence N01°25'31"E along the common lot line between said Lots 3 and 4 a distance of 1012.45 feet to southerly margin of N.E. 60th Street as conveyed to King County for road by instruments recorded under Recording Numbers 1547709, 1548097 and 1550845; thence N88°49'25"W along said southerly margin 1265.24 feet the east margin of 148th Ave. N.E. as condemned by the City of Redmond, under King County Superior Court Cause No. 759796; thence S01°17'03"W along said east margin 1054.60 feet to the TRUE POINT OF BEGINNING.

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WRITTEN: WVS  
CHECKED: GBO

TRIAD ASSOCIATES  
11415 N.E. 128th STREET  
KIRKLAND, WA 98034



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## 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 x 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

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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.

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- 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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