

00020.150.216
:jeh
07/16/98

ORIGINAL

ORDINANCE NO. 1992

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, ADOPTING COMPREHENSIVE PLAN AMENDMENTS FOR TOWN CENTER, DGA 97-002, AS PART OF THE 1997 ANNUAL COMPREHENSIVE PLAN UPDATE, AMENDING SUBSECTION 20B.85.130(75)(b) AND ADDING A NEW SUBSECTION 20B.85.130(75)(j) TO THE REDMOND COMPREHENSIVE PLAN AND REDMOND MUNICIPAL CODE IN ORDER TO AUTHORIZE AN INCREASE IN GROSS LEASABLE AREA ON THE TOWN CENTER PROPERTY UNDER CERTAIN CONDITIONS, AMENDING FOOTNOTE 8 TO THE TABLE SET FORTH IN SECTION 20C.40A.305 OF THE REDMOND MUNICIPAL CODE AND COMMUNITY DEVELOPMENT GUIDE IN ORDER TO INCREASE THE HEIGHT LIMIT FOR MIXED RETAIL/RESIDENTIAL USES IN THE MIXED USE CENTER HEIGHT OVERLAY AREA, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 1847 of the City of Redmond, passed by the City Council on July 18, 1995, adopted a Comprehensive Plan to comply with the mandates of the Growth Management Act, Chapter 36.70A RCW, and

WHEREAS, the Growth Management Act requires that comprehensive plans and development regulations shall be subject to continuing evaluation and review, and

WHEREAS, the Growth Management Act further provides that comprehensive plans shall not be amended more than once a year, with certain exceptions, and that all comprehensive plan amendments shall be considered concurrently so that the cumulative effect of the various proposals can be ascertained, and

WHEREAS, pursuant to appropriate mailed, published, and televised notice, the City of Redmond Planning Commission held public hearings on a number of proposed comprehensive plan amendments and amendments to development regulations on November 21, 1997, January 21, 1998, and February 18, 1998, and

WHEREAS, after considering all public testimony and comments received by it, together with other data and analysis set forth in its reports, the Planning Commission voted on March 25, 1998 to forward the amendments package to the City Council with a recommendation of approval for the majority of the amendments and with no recommendation on a portion of the *amendments related to gross leasable area on the property commonly known as Town Center*, and

WHEREAS, the City Council considered the Planning Commission's recommendation and all of the evidence presented to the Planning Commission during the public review at several public meetings, and

WHEREAS, pursuant to appropriate mailed, published, and televised notice, the City Council held a public hearing on the proposed amendments and development regulations in order to consider alternatives related to the Town Center proposal, and

WHEREAS, on June 16, 1998, after the public hearing was completed, the City Council approved all comprehensive plan and development regulation amendments other than those relating to Town Center, and

WHEREAS, also on June 16, 1998, the City Council voted to deny the Town Center Amendment Request because the Council was concerned that the outright increase in gross leasable area requested in the amendment would intensify development and provide private

gain to the property owner without a corresponding public benefit or enhancement of mitigation, and

WHEREAS, on July 7, 1998, the City Council determined to reconsider its denial of the Town Center Amendment Request based upon the applicant's proposal to impose a conservation easement on an additional portion of the property commonly known as the Town Center West site and,

WHEREAS, the conservation easement will enhance the open space element of the overall Town Center Development and provide an adequate trade-off of increased mitigation and public benefit, and

WHEREAS, the City Council has determined that the revised Town Center Amendment Request described in this ordinance should be adopted and that it is consistent with the Growth Management Act, the Countywide Planning Policies, and the City's criteria for amending the Comprehensive Plan, NOW, THEREFORE,

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

Section 1. Findings, Conclusions, and Analysis. In support of the amendments to the Comprehensive Plan, Community Development Guide, and Redmond Municipal Code adopted by this ordinance, the City Council hereby adopts the Findings, Conclusions, and Analysis for DGA 97-002 contained in the Planning Commission Report to the City Council dated March 25, 1998. The City Council also adopts the Findings, Conclusions and Analysis contained in Exhibit A to this Ordinance entitled, "Supplemental Findings for the Redmond Town Center Amendment Request for Additional Gross Leasable Area and Administrative

Flexibility."

Section 2. Comprehensive Plan Amended. Subsection 20B.85.130(75)(b) of the Redmond Comprehensive Plan and Redmond Municipal Code is hereby amended, and a new Subsection 20B.85.130(75)(j) is hereby added, to read as follows:

- (b) This Design Area shall have a maximum commercial building area of not more than 1,375,000 square feet of Gross Leasable Area (GLA) including a mixture of retail and office uses. The GLA may be increased by up to 115,000 square feet to a maximum of 1,490,000 square feet upon fulfillment of the following conditions:
 - (1) The property owner shall provide and diligently pursue granting a Perpetual Conservation Easement (P.C.E.) to the City for additional buffer areas on the property owner's Leary Way site (RTC West) as follows:
 - (a) Include the existing 100 foot Leary Way setback in the P.C.E.
 - (b) Provide a 30 foot buffer on the westerly property line including existing required setbacks.
 - (c) Provide a 17 foot buffer on the north side of the existing 100 foot Leary Way buffer (total Leary Way buffer of 117 feet).
 - (d) Provide a 17 foot buffer, allowing for access drives and trails, along the westerly side of the 162nd Right-of-Way (R.O.W.) dedication.
 - (e) Provide a triangle in the northeasterly corner of the property created by the 162nd R.O.W. of approximately 5,000 square feet.
 - (f) Provide a triangle in the southwesterly corner of the property of approximately

2,700 square feet.

- (g) Provide a triangle in the northwesterly corner of the property of approximately 17,300 square feet.

The approximate location and configuration of the P.C.E is shown on the following plan, which was approved by the ordinance codified in this section. The P.C.E. shall be granted prior to the issuance of a certificate of occupancy for any building utilizing any portion of the additional 115,000 square feet of GLA authorized by this section.

- (2) The property owner shall dedicate the required R.O.W. for the 162nd alignment as part of future development of the Leary Way site (RTC West), allowing driveway access to Leary Way in this R.O.W. if construction of 162nd is delayed beyond development of the site or is not constructed. In the event that 162nd is not constructed, the balance of the 162nd R.O.W. not used for site access will be added to the P.C.E.

- (j) The Technical Committee may administratively allow up to a 5,000 square foot increase in the total square footage provided for in Subsection 20B.85.130(75)(b) above, upon a demonstration that there is adequate sewer and transportation capacity to accommodate the additional square footage.

Section 3. P.C.E. Plan. The plan attached to this ordinance as Exhibit B and incorporated herein by this reference as if fully set forth, is hereby adopted in order to depict the P.C.E. approved in the preceding section of this ordinance. The codifier is hereby directed to include the attached P.C.E. plan in the Comprehensive Plan along with the text set forth in the preceding section.

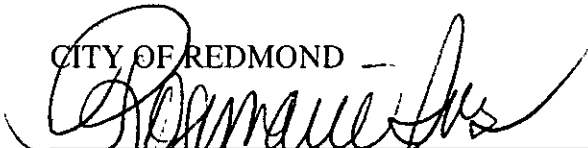
Section 4. Height Regulations. Footnote 8 to the Table set forth in Section

20C.40A.305 of the Redmond Municipal Code and Community Development Guide is hereby amended to read as follows:

8. Mixed Use Retail sub-area - three stories/60 feet; hotel - six stories/75 feet or 8 stories/100 feet with meeting, conference and banquet facilities. Office Park sub-area - five stories/75 feet. Bear Creek sub-area - three stories/60 feet. Residential in any area - 60 feet. The hotel shall be located in the northwestern portion of the Mixed Use Center Design Area.
- 8a. Mixed retail/residential use in Mixed Use Center Height Overlay area- 65 feet outright. The Technical Committee shall administratively allow the height in the overlay area to be increased to 75 feet if the building facade is recessed above the second floor and building modulation is provided to mitigate the bulk and mass from the additional height allowance. Footnote 9 does not apply in the height overlay area. The Mixed Use Center Height Overlay area is defined as Parcel 2C of the Redmond Town Center Binding Site Plan recorded as no. 9604090269.

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:

Bonnie Mattson
CITY CLERK, BONNIE MATTSON

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: 

FILED WITH THE CITY CLERK:	July 16, 1998
PASSED BY THE CITY COUNCIL:	July 21, 1998
SIGNED BY THE MAYOR:	July 21, 1998
PUBLISHED:	July 21, 1998
EFFECTIVE DATE:	July 30, 1998
ORDINANCE NO. _____	1992

SUMMARY OF ORDINANCE NO. 1992

CITY OF REDMOND, WASHINGTON

On July 21, 1998, the City Council of the City of Redmond passed Ordinance No. 1992 which provides as follows:

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, ADOPTING COMPREHENSIVE PLAN AMENDMENTS FOR TOWN CENTER, DGA 97-002, AS PART OF THE 1997 ANNUAL COMPREHENSIVE PLAN UPDATE, AMENDING SUBSECTION 20B.85.130(75)(b) AND ADDING A NEW SUBSECTION 20B.85.130(75)(j) TO THE REDMOND COMPREHENSIVE PLAN AND REDMOND MUNICIPAL CODE IN ORDER TO AUTHORIZE AN INCREASE IN GROSS LEASABLE AREA ON THE TOWN CENTER PROPERTY UNDER CERTAIN CONDITIONS, AMENDING FOOTNOTE 8 TO THE TABLE SET FORTH IN SECTION 20C.40A.305 OF THE REDMOND MUNICIPAL CODE AND COMMUNITY DEVELOPMENT GUIDE IN ORDER TO INCREASE THE HEIGHT LIMIT FOR MIXED RETAIL/RESIDENTIAL USES IN THE MIXED USE CENTER HEIGHT OVERLAY AREA, AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this ordinance will be mailed without charge to anyone who submits a written request to the City Clerk of the City of Redmond for a copy of the text.

APPROVED by the City Council at their meeting of July 21, 1998.

CITY CLERK, BONNIE MATTSON

EXHIBIT A

SUPPLEMENTAL FINDINGS FOR THE TOWN CENTER AMENDMENT REQUEST FOR ADDITIONAL GROSS LEASABLE AREA AND ADMINISTRATIVE FLEXIBILITY

FINDINGS

1. For most of the 1997 Comprehensive Plan Amendments, the City Council has adopted the Planning Commission's recommendation and adopts the Planning Commission's findings and conclusions.

2. Most deviations made by the Council from the Planning Commission's recommendation are minor and do not require additional findings and conclusions.

3. For the amendments increasing the amount of gross leasable floor area and allowing administrative modifications, the Council adopts the supplemental findings and conclusions contained in this Exhibit.

4. On the Town Center Amendment Request, DGA 97-002, staff recommended that the allowable gross leasable area (GLA) for the Redmond Town Center Development be increased from 1,375,000 square feet to 1,490,000 square feet and that this increase be allowed only through a transfer of development rights (TDRs) from the Redmond Town Center (RTC) West site. The Planning Commission could not arrive at a recommendation because three members wanted to allow the increase outright and three members only supported the increase through TDRs.

5. Staff also recommended that the Technical Committee be authorized to administratively approve an increase of 2.5% in the GLA, subject to SEPA and Technical Review. The Planning Commission recommended that this change be denied because the Planning Commission felt that any change to the amount of development allowed on the Town Center site should be approved only after a public hearing.

6. The City Council initially voted to deny the request for a 115,000 square foot increase in the allowable GLA for the Town Center Development because the developer's desire for increased development intensity was not balanced with a corresponding increase in mitigation and public benefit.

7. With the granting of a perpetual conservation easement on additional portions of the RTC West site, as proposed and agreed to by the property owner, any impact from the additional 115,000 square feet of gross leasable area is offset by the buffer enhancement on the RTC West site. The perpetual conservation easement serves a portion of the same purpose of the TDRs originally proposed by staff; the increased intensity of development on the Town Center property will be partially offset by a reduced potential intensity on the perimeter of the RTC West site and a concentration of the potential development of that site in its interior. The perpetual conservation easement also provides a public benefit in preserving more open space and enhancing wildlife habitat on the RTC West site.

8. Traffic and other impacts from the increase in GLA have been adequately addressed. Public facilities and services are adequate to serve the increased GLA.

9. Prior to issuance of building permits, the requested administrative increase of 5,000 square feet will require technical analysis and environmental review in order to ensure that there is adequate sewer and traffic capacity.

10. This is the first annual update in which questions of increasing the allowable gross leasable area of the Redmond Town Center Development have been considered since adoption of Redmond's Growth Management Comprehensive Plan in 1995. This is only the second annual update.

11. Any conclusions or part of a conclusion that should be a finding of fact is hereby adopted as a finding of fact.

CONCLUSIONS

1. The amendments comply with the Comprehensive Plan amendment criteria for the reasons set forth below.

(a) Consistency with the Growth Management Act, Procedural Criteria, and the Countywide Planning Policies.

The Growth Management Act urban growth goal provides that urban growth should be encouraged in urban areas where adequate public facilities are available. The Redmond Town Center site is in the urban growth area and adequate public facilities are available to serve development on the site. The amendments comply with the environmental protection goal because no development will occur closer to Bear Creek than the Bear Creek Parkway and no adverse environmental impacts have been identified.

The amendment is consistent with the Countywide Planning Policies for Urban Centers which encourage the concentration of commercial development and housing, with a wide range of other land uses such as retail, recreation, public facilities, parks and open space. By allowing the additional development, more development will be encouraged within an urban center. By providing for the public conservation easement, the commercial development will be integrated with more open space.

(b) Consistency with the Comprehensive Plan Policies and the Designation Criteria.

Comprehensive Plan Policies CP-11 through CP-40 provide guidelines for encouraging the concentration of employment and commercial growth within the City's designated urban center. The amendments will allow for a further

concentration of development within the City's designated Urban Center. The proposed conservation easement will fulfill CP-13's mandate for the City to encourage office and retail developments that increase public enjoyment of rivers and other natural features.

(c) The capability of the land including the prevalence of sensitive areas.

The applicant, the staff, the Planning Commission, and the City Council all agree that the site has the capability to accommodate the proposed increase in GLA. The issue is how to do it. This criterion is met. There will be no further construction outside the currently approved buildable area envelope that will adversely impact sensitive areas.

(d) Consistency with the preferred growth and development pattern in the Land Use Chapter of the Comprehensive Plan.

The amendments would focus employment and retail development in the City Center or downtown. This is consistent with the preferred growth and development pattern in that the pattern calls for such uses to be focussed and encouraged in the City Center.

(e) The capacity of public facilities and services and whether public facilities and services can be provided cost effectively at the intensity allowed by the designation.

Through technical studies and environmental review, the applicant has demonstrated that there are adequate public facilities and services to accommodate the proposed increase to 1,490,000 square feet of GLA on the Town Center property. The 5,000 square foot increase that could be allowed administratively is minor, is intended only to allow for reasonable buildings, and can occur under the amendments only if facilities and services are demonstrated to be available.

Staff's position was that without using TDRs to allow the increase in growth, development downtown may exceed the adopted level of service standard for the area. This assumes, however, that the Redmond Town Center West site will develop to its full potential, an assumption that is speculative given the presence of Great Blue Herons on the site. As long as the Great Blue Herons continue to use the site, development cannot occur. In addition, traffic impacts have been shown to be mitigated.

The amendments meet this criterion.

(f) Whether the allowed uses are compatible with nearby uses.

Since there is no land use change proposed by these amendments, this determination has already been made in conjunction with the adoption of the 1995 Comprehensive Plan. The uses will be compatible.

(g) If the purpose of the amendment is to change the allowed uses in an area, the need for the uses that would be allowed by the Comprehensive Plan change and whether the change would result in the loss of the capacity to accommodate other needed land uses, especially whether the proposed change complies with the policy of no-net loss of housing capacity.

There is no change in land use proposed by these amendments.

(h) For issues which have been considered within the last four annual updates or comprehensive land use plan map amendments, whether there has been a change in circumstances that makes the proposed plan designation or policy change appropriate or whether the amendment is needed to remedy a mistake.

The question of increasing the allowable GLA for the Redmond Town Center site has not been considered in earlier annual updates. This criterion is inapplicable.

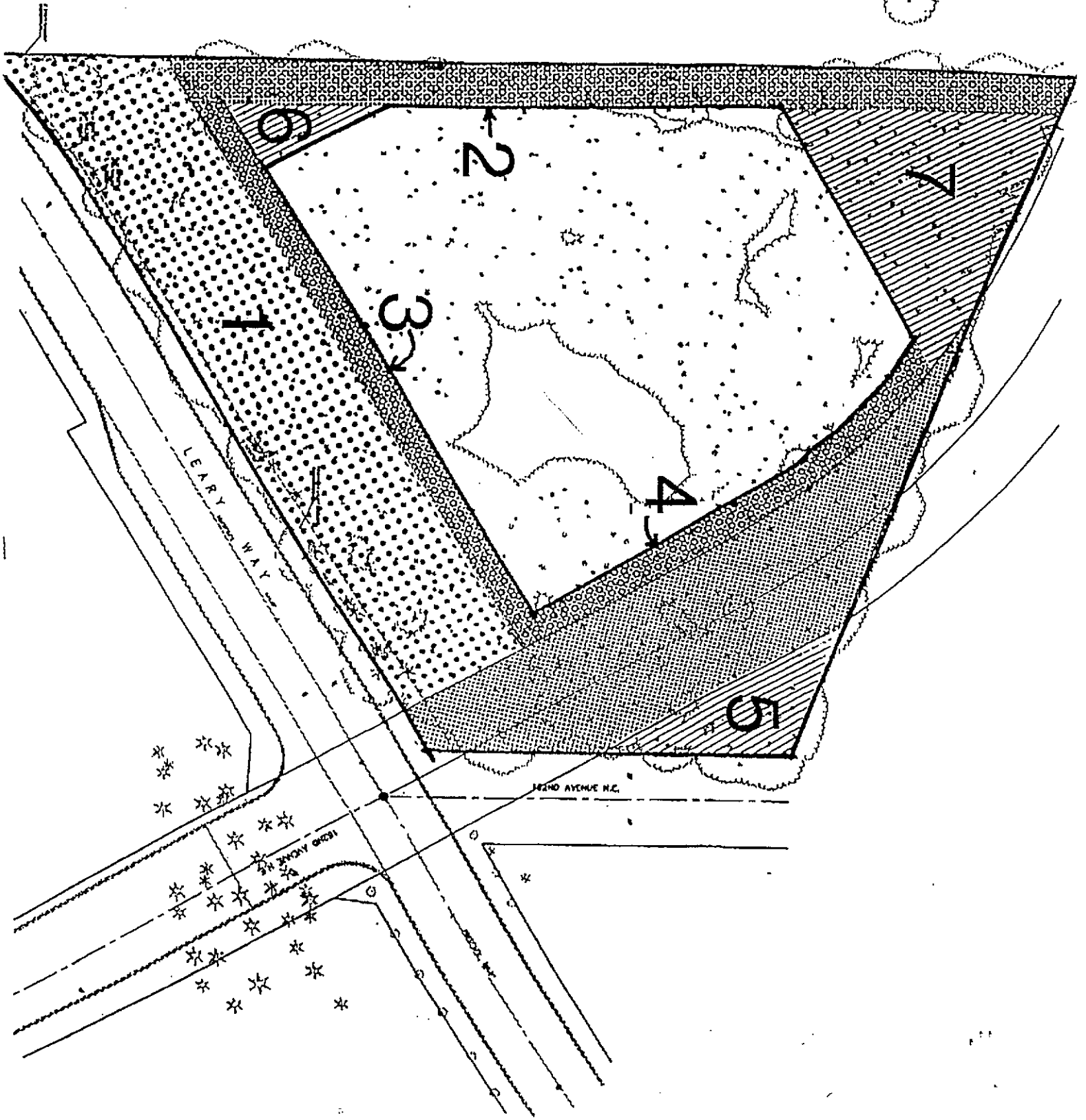
2. The amendment which would allow staff to administratively grant an increase of 5,000 square feet of GLA is approved in order to allow for minor flexibility and to ensure economically viable and marketable buildings. The allowable increase represents a very small percentage of the overall site development. Before the Technical Committee can approve this increase, it must conduct a technical analysis of whether adequate water, sewer, and transportation facilities are available. An increase of only 5,000 square feet on such a large site is not a significant policy issue which requires a public hearing. The public has been given the opportunity to comment on potential administrative flexibility and the staff, Planning Commission, and City Council have considered any such comments in deliberation on these amendments. No further comment is required to be solicited at the time the Technical Committee evaluates any such proposals, except such as may be required by the Notice of Application and permit review process established by the city to comply with the Regulatory Reform Act, Chapter 36.70B RCW. The Technical Committee will address the technical issues and no further public input is required given the small nature of the increase.

3. Any finding of fact or part of a finding of fact that should be a conclusion is hereby adopted as a conclusion.

N:\ordinance\Exhibit A to tc ordinance.doc

Ordinance No. 1992

EXHIBIT B



P.C.E PLAN