



## QUASI-JUDICIAL

### TECHNICAL COMMITTEE REPORT TO THE CITY COUNCIL

**Project Name:** Downtown Redmond Link Extension (DRLE) Development Agreement

**Location:** Generally parallel to SR 520 from NE 40<sup>th</sup> St to Marymoor Village, and then in the East Lake Sammamish Trail and Redmond Central Connector (RCC) Corridors, ending in the RCC Corridor at 164<sup>th</sup> Ave NE in Downtown

**Project Description:** 3.4-mile extension of light rail from Redmond Technology Station in Overlake to terminus station in Downtown Redmond. Includes SE Redmond and Downtown Redmond stations, 1,400-stall parking structure in SE Redmond, and associated site and right-of-way improvements.

**File Numbers:** LAND-2019-00101 – Development Agreement

**Applicant:** Sound Transit

**Applicant's Representative:** Justin Lacson  
Sound Transit  
401 S. Jackson St.  
Seattle, WA 98104

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**Planner:** Jeff Churchill, Transportation Strategic Advisor

**Decisions Included:** Development Agreement, Type V (RZC 21.76.070(L))

**Recommendation:** **Approval with conditions set forth in Development Agreement**

**Public Hearing Date:** May 7, 2019

**Conclusion in Support of Recommendation:** The Technical Committee has found the proposal to be in compliance with the Redmond Zoning Code (RZC), Redmond Comprehensive Plan, Redmond Municipal Code, and State Environmental Policy Act (SEPA).

ERIKA VANDENBRANDE,  
Director, Planning and Community  
Development Department

KRISTI WILSON,  
Interim Director  
Public Works Department

### **Project Review Authority and Procedures**

The City of Redmond **Technical Committee** comprises the Planning Director and the Director of Public Works, along with staff from different departments and disciplines who analyze project applications for compliance with City codes and regulations. Based on this analysis, **the Technical Committee** provides responses, conclusions, and recommendations (in the form of this report) to the **City Council**. The **City Council** will conduct a public hearing to review the **Technical Committee's** analysis and recommendations on the Development Agreement and receive public testimony regarding the proposal. Based upon the **Technical Committee's** recommendations and testimony received at the public hearing, the **Council** will make the final decision regarding the Development Agreement.

### **Key Dates**

Application/Completeness Date: February 6, 2019

Public Hearing Date: May 7, 2019

### **Report Attachments**

1. General Application Form & Project Contact Form
2. Vicinity Map
3. Notice of Application and Certification of Public Notice
4. DRLE Questionnaire Report
5. Public Comments
6. Draft Development Agreement
7. SEPA and NEPA Documents (web link)

### **Technical Committee Analysis**

#### **I. Proposal Summary**

The proposal is to enter into a development agreement (DA) with Sound Transit that will govern the 3.4-mile extension of Sound Transit Link light rail from the Redmond Technology Station at NE 40<sup>th</sup> St in the Overlake neighborhood, to a terminus station in Downtown Redmond. The project governed by the DA includes the SE Redmond and Downtown Redmond light rail stations, a 1,400-stall parking garage in SE Redmond, and associated site and right-of-way improvements. The DA was identified as necessary in the project Term Sheet and Project Administration Agreement to facilitate the timely preparation and review of permits, memorialize the project scope and governing development regulations, and memorialize benefits to the Redmond community. The City Council is being asked to consider the recommended DA in light of decision criteria listed in Sections V and VI of this report, and to make a decision on the recommended DA.

#### **II. Site Description and Context**

This DA is recommended to govern the Link light rail extension comprising a linear transportation project that traverses many zoning districts and contexts.

The alignment begins in Redmond's Overlake neighborhood and runs along the east side of SR 520. From NE 40<sup>th</sup> St to NE 51<sup>st</sup> St the alignment is adjacent to commercial property in the Overlake Business and Advanced Technology (OBAT) zone. North of NE 51<sup>st</sup> St, until the alignment approaches the West Lake Sammamish Parkway interchange, the alignment is adjacent to residential property in single-family residential zones.

Next, the alignment crosses West Lake Sammamish Parkway and the Sammamish River and runs between the south side of SR 520 and Marymoor Park. Much of this portion of the project is in unincorporated King County and thus outside the City's permitting jurisdiction. The alignment traverses then exits Marymoor Park and enters Marymoor Village in the Marymoor Design District 1 (MDD1) zone, where the Southeast Redmond Station and parking garage will be located. The existing land use context is largely manufacturing, storage, and related businesses. The Comprehensive Plan and Zoning Code envision this area transitioning over time to a walkable subarea that includes opportunities for living, employment, community gathering, education, and small-scale shopping.

The alignment then crosses through the SR 520-Redmond Way interchange, bridges over Bear Creek, and continues toward Downtown Redmond in the RCC Corridor. The context quickly transitions to commercial and mixed-use urban, with the elevated terminus station in Downtown Redmond in the RCC Corridor spanning 166<sup>th</sup> Ave NE.

The DA provides certainty the scope of the project and the development standards that will govern the project to Sound Transit, interested parties, and the City, facilitating its completion by 2024.

### **III. Public Notice and Comment**

Prior to approval of the DA, the City is required to provide a notice of application with comment period, and provide notice of a City Council public hearing. Requirements for public notice are contained in RZC 21.76.080.

Notice of Application: The Notice of Application for this proposal was published on February 19, 2019. The notice was posted at City Hall, the Redmond Regional Library, and three notice signs were posted along the alignment: at the RCC at 166<sup>th</sup>, RCC and Bear Creek Trail, and at NE 70<sup>th</sup> St at the northern terminus of the East Lake Sammamish Trail. Notice was also mailed to property owners and addresses within 500 feet of the alignment. See Attachment 3.

Public Input: During the public comment period for the Notice of Application, the City received three requests to be a party of record. In addition, the City conducted an online questionnaire completed by 312 people between February 20 and March 12, 2019. A summary of public input is provided as Attachment 4.

Notice of Public Hearing: The public hearing for the proposed DA is scheduled for May 7, 2019. Notice of the public hearing will be provided on April 16, 2019 in accordance with Redmond Zoning Code requirements.

#### **IV. State Environmental Policy Act**

Sound Transit is the lead agency for environmental review of this project. See Attachment 7 for links to environmental review documents.

#### **V. Compliance with Development Regulations**

##### **A. Criteria Applicable to All Land Use Permits (RZC 21.76.070.B.3)**

*(a) Consistency. Land use permits are reviewed by the City to determine consistency between the proposed project and the applicable regulations and Comprehensive Plan provisions.*

*i. A proposed project's consistency with the City's development regulations shall be determined by consideration of:*

*A. The type of land use;*

*B. The level of development, such as units per acre or other measures of density;*

*C. Availability of infrastructure, including public facilities and services needed to serve the development; and*

*D. The character of the development, such as development standards.*

*ii. Upon review of a land use permit and accompanying site plan, the decision maker shall determine whether building design and/or site design complies with the following provisions:*

*A. The Comprehensive Plan, RZC 21.02, Preface, RZC Article I, Zone-Based Regulations, RZC Article II, Citywide Regulations, and the Appendices that carry out these titles;*

*B. The provisions of RMC Title 15, Buildings and Construction, that affect building location and general site design;*

*C. The Washington State Environmental Policy Act (SEPA) if not otherwise satisfied;*

*D. RZC Article VI, Review Procedures, to the extent it provides the procedures to ensure compliance with the requirements in subsections B.3.a.ii.B and B.3.a.ii.C of this section.*

*E. Both within and outside Transition Overlays, decision makers authorized by the RZC to decide upon discretionary approvals may condition such approvals and development permits, including but not limited to site plan approvals, to minimize adverse impacts on other properties and uses, and to carry out the policies of the Comprehensive Plan.*

**Response:** The proposed light rail land use proposed in the DA is permitted in all applicable zones, and because of its nature is not typically measured in units per acre or other measures of density. The proposed light rail is a form of transportation infrastructure. Availability of other infrastructure such as streets, utilities and public safety services, have been evaluated through preliminary design and will be confirmed through permitting and final design. The project will be required to comply with development standards in place

at the time of execution of the DA, including those deviations from development standards required to facilitate the design, construction, or operation of the project as proposed in the recommended DA.

The Technical Committee finds that the recommended DA would facilitate the permitting, design, and construction of a light rail extension that complies with the Comprehensive Plan, Zoning Code, RMC Title 15, and the State Environmental Policy Act. Each subsequent land use permit required for the project would undergo a similar site-specific analysis.

*(b) Limitations on Review. During project review, the City shall not reexamine alternatives to or hear appeals on the items identified in subsection B.3.a.i of this section, except for issues of code interpretation.*

*(c) Burden and Nature of Proof. The burden of proof for demonstrating that the application is consistent with the applicable regulations is on the proponent. The project application must be supported by proof that it conforms to the applicable elements of the City's development regulations and the Comprehensive Plan, and that any significant adverse environmental impacts have been adequately addressed.*

**Response:** The recommended DA sets the overall scope of and development standards for the project. Subsequent land use permit reviews will be subject to site-specific analyses under these criteria.

**B. Development Agreement Decision Criteria (RZC 21.76.070.L.3)**

*(d) The agreement must be consistent with the applicable development regulations for the property*

**Response:** The DA directly references governing zoning regulations and any departures authorized through the agreement. This approach provides certainty to Sound Transit, interested parties, and the City.

*(e) All impacts of the development must be mitigated by the measures set forth in the agreement or the agreement must provide a mechanism for analyzing and mitigating such impacts as they occur;*

**Response:** All project impacts have been thoroughly analyzed and mitigation proposed through the NEPA and SEPA documents for the project. Sound Transit and the City have agreed to mitigation measures as contained in NEPA/SEPA documents as stated in the DRLE Project Administration Agreement. Final design of mitigation consistent with NEPA/SEPA documents will occur through City permit reviews.

*(f) The agreement must reserve the City's authority to impose new or different regulations to the extent required by a serious threat to public health and safety;*

**Response:** The development agreement does not vest to any elements that would prevent the City from addressing serious threats to public health and safety.

*(g) The duration of the agreement must be reasonable in light of the anticipated build-out period for the proposed development and the needs of the City; and*

**Response:** The agreement would expire December 31, 2026. The project is expected to be complete in 2024.

*(h) The agreement must be in the public interest and provide a public benefit.*

**Response:** Section 6 of the DA outlines public benefits realized by completion of the project. These include:

- 1) Arterial and local street improvements to improve station access and neighborhood circulation;
- 2) Bus-rail integration facilities at both stations with a focus on convenient transfers and comfortable waiting areas;
- 3) Non-motorized access improvements at and near both stations;
- 4) An architectural “ending” to the tail tracks west of the Downtown Redmond station, together with buildings under the tail tracks for use by City staff or vendors; and,
- 5) Reconstruction of the Redmond Central Connector consistent with the 2011 RCC Master Plan.

The applicant seeks to vest to development regulations in place at the time the DA is executed to create the certainty and predictability necessary as consideration for these public benefits.

### **C. Development Agreements – Approving Deviations (RZC 21.76.070.L.4)**

*(a) Approving Deviations. The City Council may approve deviations from development standards through a development agreement when the agreement concerns the design, construction, or operation of high-capacity transit facilities constructed by or for a regional transit authority established by Chapter 81.112 RCW, except for surface parking lots outside of the high-capacity transit right-of-way and identified station sites. In approving such deviations, the City Council must find that the deviations facilitate the design, construction, or operation of high-capacity transit facilities in Redmond, and that the development agreement meets the provisions of subsection (3)(b) through (3)(e) of this section.*

**Response:** This DA concerns the design, construction, or operation of high-capacity transit facilities constructed by or for a regional transit authority established by Chapter 81.112 RCW. This DA does not contain deviations for surface parking lots outside the high-

capacity transit right-of-way and identified station sites. The deviations contained in sections 4.4 and 4.5 concern setbacks, required parking ratios, minimum residential components, minimum floor area ratio, minimum residential usable open space, maximum height of structures, upper-story setbacks, tree removal permit exemptions, and procedural modifications related to alteration of a geologic hazard, site plan entitlement, and administrative modification permits. These deviations will facilitate the design, construction, or operation of high-capacity transit facilities in Redmond and provide the certainty and predictability necessary to deliver Link light rail to Southeast Redmond and Downtown Redmond by 2024.

## **VI. Compliance with Comprehensive Plan**

The Comprehensive Plan contains certain policies applicable to all areas within the city, as well as policies specifically applicable to the project. The policies applicable to this project are listed below. Policies that do not apply to this proposal are not included in this report.

### **Comprehensive Plan**

#### **Framework Policies**

*FW-10 Achieve reductions and mitigate impacts community-wide from greenhouse gas emissions and criteria air pollutants. Additionally, promote efficient energy performance and use of energy sources that move beyond fossil fuels.*

**Response:** The extension of light rail to Downtown Redmond offers community members another transportation alternative that helps to reduce greenhouse gas emissions and criteria air pollutants.

*FW-33 Ensure that Redmond's community character is protected and enhanced by planning, constructing, operating and maintaining a transportation system that embodies the City's sustainability principles and achieves Redmond's preferred land use pattern and vision.*

**Response:** This project brings high-capacity transit to the Marymoor Village local center and Downtown Redmond urban center, supporting Redmond's land use vision.

*FW-34 Develop accessible, safe and efficient multimodal transportation connections for the movement of people, goods and services.*

**Response:** Light rail is a critical component of Redmond's multimodal transportation system, connecting Redmond to the region with frequent and reliable high-capacity transit.

*FW-35 Provide mobility choices by investing in transportation programs, projects and services that promote a "walkable community," a complete bicycling network and enhance the attractiveness of transit, ridesharing and use of alternate fuels that reduce greenhouse gas emissions.*

**Response:** This project will bring frequent and reliable high-capacity transit to Marymoor Village and Downtown Redmond, increasing the attractiveness of transit.

#### Urban Centers Policies

*DT-21 Increase mobility within the Downtown, promote environmental quality, and provide for convenient transit, pedestrian and bicycle routes to and from the Downtown by...supporting an extension of the regional light rail system into Downtown to provide frequent all-day transit service...*

**Response:** This project proposes to extend the regional light rail system into Downtown Redmond, providing frequent all-day light rail transit service.

#### Neighborhoods Policies

*N-SE-36 Support the extension of light rail to Southeast Redmond as shown in Map TR-1. Leverage the investment in light rail to create a walkable subarea with ample connections to Marymoor Park, local and regional transit, and the rest of the neighborhood.*

**Response:** This project proposes to extend light rail to Southeast Redmond in the alignment shown in Map TR-1. The project will support creation of a walkable subarea by incorporating bicycle and pedestrian facilities in NE 70<sup>th</sup> St, a non-motorized connection to Marymoor Park, and bus-rail integration facilities at the SE Redmond Station.

#### Transportation Policies

*TR-10 Complete planning for the extension of Sound Transit's East Link to Redmond Overlake, Southeast Redmond, and Downtown, within the alignment identified on Map TR-1. Work closely with Sound Transit and other agencies to ensure that the Southeast Redmond Station and Park and Ride is seamlessly integrated into the transit-oriented neighborhood*

**Response:** Planning for East Link is complete. This DA implements those plans by proposing the extension of light rail to Southeast Redmond and Downtown. This project proposes to extend light rail to Southeast Redmond in the alignment shown in Map TR-1. The project will support creation of a walkable subarea by incorporating bicycle and pedestrian facilities in NE 70<sup>th</sup> St, a non-motorized connection to Marymoor Park, and bus-rail transfer facilities at the SE Redmond Station.

## **VII. Recommendation**

Based on the review and analysis of the project and decision criteria applicable to All Land Use Permits and for Development Agreements, the Technical Committee finds that the Downtown Redmond Link Extension Development Agreement LAND-2019-00101 meets the approval criteria of RZC 21.76.070.B and RZC 21.76.070.L. Therefore, the Technical Committee recommends approval to the City Council.