



**MEMO TO:** Members of the City Council

**FROM:** Mayor John Marchione

**DATE:** May 28, 2019

**SUBJECT: ST3: Downtown Redmond Link Extension Development Agreement**

**I. RECOMMENDED ACTION**

Discuss items raised in testimony at the Downtown Redmond Link Extension (DRLE) Development Agreement public hearing held during the May 7, 2019, regular business meeting.

**II. DEPARTMENT CONTACTS**

Erika Vandenbrande, Planning and Community Development Director; 425-556-2457  
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**III. DESCRIPTION/BACKGROUND**

The topic of this study session relates to the Development Agreement (DA) recommended between the City and Sound Transit. This study session is intended to provide information in advance of the continued public hearing scheduled for June 4 and the Council action on the DA that is scheduled for June 18, 2019.

The DA is one of five current agreements that must be executed with Sound Transit to facilitate completion of the light rail extension to Downtown. The relationship of the DA to other required agreements is illustrated in Attachment A.

The DA focuses on the scope of the light rail project, and has four major components:

1. It vests Sound Transit to development regulations in place at the time the agreement is executed, providing certainty to Sound Transit and the design-builder;
2. It provides for deviations from development standards to facilitate an efficient permitting process and station design outcomes consistent with City interests;
3. It lists specific scope commitments that Sound Transit is making to benefit the Redmond community; and

4. It lists City of Redmond “betterments,” which are improvements that the City will fund, and Sound Transit will build in order to complete critical work in advance of light rail opening.

City and Sound Transit staff have reached substantial agreement on DA terms, and the Technical Committee has recommended approval of the agreement. The recommended DA was provided to Council in the April 16 Committee of the Whole packet. Staff has also posted the recommended agreement online at [www.redmond.gov/LightRail](http://www.redmond.gov/LightRail).

Prior to adoption of a DA, state law requires the City Council to hold a public hearing. The Council opened the required public hearing during the regular business meeting held on May 7. Following receipt of testimony, the Council continued the public hearing to the June 4, 2019, regular business meeting. Five people testified on May 7:

1. An attorney representing Car Wash Enterprises, which owns the Brown Bear Car Wash at Redmond Way and NE 70<sup>th</sup> St;
2. An attorney and two family members representing the owners of the Creekside Crossing and Town Center Open Space properties south of Redmond Way and west of Bear Creek; and
3. The Sound Transit Project Director representing the agency as a proponent of the DA.

Testimony and Council questions and information requests focused on:

- Public outreach;
- Scope of construction activities; and
- Construction related impacts and mitigation.

The balance of this memo and attachments respond to Council questions and information requests.

### **1. Public Outreach**

The Council asked for clarification about public outreach associated with the Downtown Redmond Link Extension (DRLE). Public outreach occurs as a component of permitting, property acquisition and ongoing project outreach. Each of these outreach elements are described in greater detail below.

***Permit Notices:*** Construction of the DRLE requires City approval of a range of permits. These include *discretionary approvals* such as shoreline permits and the development agreement. There are also *technical permits* that govern activities such as clearing and grading and construction of station elements. Sound Transit applies for these permits, and the City is required to review and render a decision on the permit applications. For the *discretionary approvals*, the City is required to provide notice to owners of property located within 500 feet of the proposed limits of the project. Notices are also posted on the City website, at City Hall, and at the Redmond Library. Signs are required on properties where physical development is proposed.

There have been three code-required City notices concerning the DRLE this year:

1. Notice of Application for the development agreement, sent to owners and site addresses within 500 feet of the entire project alignment and signs installed on site (February 19).
2. Notice of Application for the shoreline substantial development permit application, sent to owners and site addresses within 500 feet of the project's work in the shoreline and signs installed on site (March 7).
3. Notice of public hearing for the development agreement, sent to the same 500-foot radius and all parties of record as of the notice date, and posted on site (April 16).

Given their location, the owners of the Creekside Crossing and Town Center Open Space who testified at the public hearing were on all three mailing lists. However, their testimony indicated that they did not know permits would be required on property they owned to facilitate construction of the DRLE and associated Bear Creek restoration. The Creekside Crossing and Town Center Open Space owners were understandably surprised when they received notice that an application had been submitted by Sound Transit for work proposed on their property. Sound Transit has since withdrawn the Shoreline Substantial Development Permit application and is working with the property owners to obtain the permissions necessary to resubmit to the City at a later date.

***Property Rights and Property Acquisition Outreach:*** Sound Transit's typical acquisition process follows Federal Transit Administration (FTA) guidelines, and communication points with property owners are shown in the table below. Sound Transit uses this process for all acquisitions, and Sound Transit's process is required to conform to the Uniform Relocation Act.

**Table 1 – Property Acquisition Timeline**

Phase	Timeline	Communication
ROW Certified by Board	Prior to Board meeting	Owner notified via certified letter and with phone call
Appraisal	1 - 3 months	Owner is contacted to request and schedule appraisal site review. Owner may accompany appraiser.
Appraisal Review	1 - 3 months	If owner has their own appraisal, the appraisers may coordinate details and assumptions.
Offer & Negotiations ♦	2 - 6 months	Ongoing and frequent (typically)

♦Additional 1 year of legal proceedings if agreement is not reached. During this time there is on-going and frequent communications with the property owner.

For the Bear Creek area, Attachment B shows existing easements that benefit the City on the Creekside Crossing and Town Center Open Space properties. Attachment C shows the easements and rights Sound Transit will obtain for construction of the new East Lake Sammamish Trail Bridge and light rail bridge over Bear Creek, removal of the existing timber trestle bridge over Bear Creek, the widening of the existing Bear Creek channel, and the restoration and wetland mitigation on the site.

***Ongoing project outreach:*** Along with legally required notifications, both the City and Sound Transit maintain regular communication about the project at community meetings, online and in print. Additional detail on these efforts can be found in Council Issues Matrix (Attachment F). Most recently, Sound Transit held a neighborhood meeting at Ben Rush Elementary School on May 16. Residents within a quarter mile of the alignment between NE 51<sup>st</sup> Street and West Lake Sammamish Parkway were mailed notice. Approximately 35 people attended the community meeting and construction impacts and mitigation along SR 520 were the main topics of conversation. The issues of greatest concern were related to tree removal and whether increased noise or light (from offices across SR 520) could be anticipated because of the vegetation removal.

## **2. Scope of Construction Activities at the Bear Creek Crossing**

Extending light rail to Downtown Redmond requires construction in the alignment selected by the Sound Transit Board approved by the Federal Highway Administration and Federal Transit Administration in 2011 and supported by the City. At the Bear Creek crossing, Sound Transit will construct a light rail bridge, a trail bridge, and implement a restoration and mitigation plan for Bear Creek and its associated floodplain and wetlands. Attachment D shows the DRLE alignment generally, and Attachment E shows the rail and trail alignment near Bear Creek.

## **3. Construction-Related Benefits, Impacts and Mitigation**

Extending light rail to Downtown Redmond is a cornerstone of Redmond's vision for a community connected to the region with a sustainable, multimodal transportation system. In addition to bringing light rail to SE Redmond and Downtown Redmond, the DRLE project connects the Redmond Central Connector Trail with the East Lake Sammamish Trail by providing a grade-separated corridor through the SR 520-Redmond Way interchange. The project also improves habitat and flood protection within and around Bear Creek near the guideway and trail bridge structures. These improvements include: removal of the existing timber trestle bridge that currently restricts flow in Bear Creek, expansion of the channel and the addition of a back-channel to improve riparian habitat, increase of the floodplain storage area, and other habitat improvements.

### ***Construction Impacts***

Impacts to Bear Creek and surrounding open space generally fall into one of three categories:

1. Impacts due to the alignment of the physical rail and trail infrastructure and the operating envelope required to safely operate and maintain it;
2. Impacts from the mitigation and restoration work itself required as a condition of constructing the rail and trail over Bear Creek; and
3. Impacts from construction access used to build the infrastructure.

Impacts from physical infrastructure exist in a relatively narrow band following the light rail and trail. This band accounts for the infrastructure itself and a small area around the rail that must be cleared to allow for inspection and maintenance during operation, and to prevent tree branches from falling on the rail. The rail and trail locations are shown in

Attachment E, while Attachment F adds the area where mitigation and restoration work will occur. Attachment G shows the tree removal required due to the alignment of the rail and trail and Bear Creek mitigation and restoration area. A total of 144 trees are shown as removed on Attachment G.

Building the rail and trail infrastructure requires site access and the use of heavy construction equipment. Access for and use of construction equipment to build the rail and trail bridges could result in additional tree removal that the City will regulate according to shoreline and other applicable City regulations, as further described in the next paragraph. As a point of clarification, Sound Transit will not use this area as a project construction staging ground. The construction near Bear Creek is limited to two construction windows (likely in 2021 and 2022), and will be regulated through a City shoreline permit, in addition to related federal and state environmental permits. Rather, the project's primary staging area will be near the SE Redmond Station and Garage, which will serve as a centralized site required for job trailers and materials handling (see Attachment H). The Redmond Central Connector (RCC) and East Lake Sammamish Trail corridors will be used for constructing the elevated structures in Downtown, with the contractor required to provide trail detours. The City granted Sound Transit an easement for this purpose in the RCC Corridor in 2012.

All the work near Bear Creek described above is subject to review as part of the City's shoreline and clearing and grading permits. The City will require Sound Transit to demonstrate appropriate mitigation sequencing during the permit review process. This means that the first preference is for impacts to be avoided entirely. Impacts that cannot be avoided must be minimized to the greatest extent possible and mitigated on-site. Those impacts that cannot be mitigated on-site must be mitigated off-site. The 144 trees removed to accommodate the rail, trail, and Bear Creek restoration, in addition to any required to be removed for construction access, must be replanted according to the ratios in the Redmond Zoning Code (RZC). Significant trees removed in the shoreline jurisdiction have a replacement ratio range from 2:1 to 6:1 depending on tree size. Significant trees outside the shoreline jurisdiction have a typical replacement ratio of 1:1.

#### *Construction Mitigation*

Bear Creek is one of the most important habitats for salmon in the Sammamish River basin, and although there will be temporary construction impacts, the restoration will result in significant long-term benefits for the stream and adjacent floodplain and wetlands. To minimize and offset impacts to Bear Creek, Sound Transit will conduct stream restoration work within the Bear Creek corridor upstream and downstream of the project alignment. The stream restoration work includes:

- Removing a pre-existing restriction of Bear Creek flows;
- Enhancing channel habitat and restoring stream banks;
- Controlling invasive species and restoring and enhancing existing riparian vegetation; and
- Removing floodplain fill, i.e., improving flood storage capacity.

Overall approximately 500 linear feet of Bear Creek will be restored or enhanced (see Attachment I). The Design Builder is encouraged to reuse previously removed trees for on-site habitat features. In addition, Sound Transit plans to purchase wetland mitigation credits at the Keller Farm site further upstream along Bear Creek in Redmond for any restoration that cannot be accommodated on-site.

#### **IV. PREVIOUS DISCUSSIONS HELD**

November 13, 2018: Council Committee briefing

January 8, 2019: Council study session

April 16, 2019: Council Committee briefing

May 7, 2019: Council public hearing

#### **V. IMPACT**

##### **A. Service/Delivery:**

Approval of the recommended Development Agreement, at the June 18, 2019, regular business meeting, will facilitate completion of the Downtown Redmond Link Extension and related City betterments by 2024.

##### **B. Fiscal Note:**

The recommended Development Agreement calls for the City to contribute \$40,000 to the East Lake Sammamish Trail North Extension project. This contribution is included in the 2019-20 biennial budget. The agreement also identifies recommended betterments and jointly-funded projects that would be further detailed in a future Construction Services Agreement. The City's funding commitment in the future Construction Services Agreement will require City Council approval.

#### **VI. ALTERNATIVES TO STAFF RECOMMENDATION**

Staff recommends that the Council discuss items raised in testimony at the Downtown Redmond Link Extension (DRLE) Development Agreement public hearing held during the May 7 regular business meeting. Alternatively, the Council could postpone the study session and provide staff with alternative direction.

#### **VII. TIME CONSTRAINTS**

Sound Transit will rely on the Development Agreement to confirm project scope and applicable regulations. The Development Agreement must be completed prior to Sound Transit Board approving the design-build contract. Sound Transit plans to take the design-build contract to the Sound Transit Board in July.

## **VIII. LIST OF ATTACHMENTS**

Attachment A: ST3 Agreements Graphic

Attachment B: Creekside Crossing and Town Center Open Space Existing Easements to City

Attachment C: Creekside Crossing and Town Center Open Space Light Rail Project Easements

Attachment D: DRLE Project Alignment

Attachment E: DRLE Alignment near Bear Creek

Attachment F: DRLE Alignment near Bear Creek showing Bear Creek Mitigation Area

Attachment G: DRLE Alignment near Bear Creek showing Tree Impacts

Attachment H: DRLE Project Staging Areas

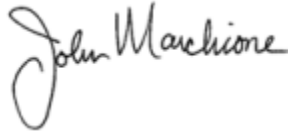
Attachment I: Preliminary Planting and Restoration Plan

Attachment J: Council Issues Matrix for May 28



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**Erika Vandenbrande, Director of Planning and Community Development**



Approved for Agenda \_\_\_\_\_  
**John Marchione, Mayor**