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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4223

AN ORDINANCE regarding the application of Overlake Hospital Medical Center for a conditional use permit to construct a four-level parking garage; denying the appeal of the Departments of Design and Development and Public Works from the recommendation of the Hearing Examiner; adopting the recommendation of the Hearing Examiner, with additional conditions; and approving the application.

WHEREAS, Overlake Hospital Medical Center filed an application for approval of a conditional use to construct a four-level parking garage at 1100 - 116th Avenue NE to provide parking for the various users of its medical campus; and

WHEREAS, on September 20, 1990 the matter was heard at a public hearing before the Hearing Examiner; and

WHEREAS, on October 31, 1990, the Hearing Examiner entered his findings, conclusions and recommendation, in which he recommended that the application be approved subject to conditions; and

WHEREAS, on November 20, 1990, the Departments of Design and Development and Public Works filed an appeal of the recommendation of the Hearing Examiner based on his failure to include certain conditions relating to transportation management; and

WHEREAS, on January 14, 1991, the City Council conducted a limited public hearing on the appeal; and

WHEREAS, the City Council now desires to enter findings, conclusions and a decision on the appeal; and

WHEREAS, the City has complied with the State Environmental Policy Act and the City Environmental Procedures Code; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The City Council adopts the "Findings, Conclusions and Recommendation of the Hearing Examiner Pro Tempore for the City of Bellevue, in the Matter of the Application of Overlake Hospital Medical Center for Approval of a Conditional Use, File No. CUDN 89-9177".

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Section 2. The City Council hereby adopts the following additional findings of fact:

A. Bellevue Comprehensive Plan 21.M.105.A provides that it is the objective of the City:

To manage employee parking so as to encourage the use of alternate modes of transportation, and to improve parking accessibility for short-term parking users and retail customers."

B. Bellevue Comprehensive Plan 21.M.110.A provides that it is the objective to the City to reduce overall traffic congestion and parking demand through increasing the ridesharing (carpooling and vanpooling) share of total non-CBD community (work) trips to 20 percent by 1995.

C. Bellevue Comprehensive Plan 21.M.115.A provides that it is the objective of the City to increase the transit share of total non-CBD commuting (work) trips to 5 percent by 1995.

D. Bellevue Comprehensive Plan 21.M.110, Discussion, provides:

"The City's role in implementing the ridesharing program is to assist developers and employers in carrying out their programs. The City needs to monitor the progress and results of the private sector ridesharing programs."

Section 3. The City Council makes the following additional conclusions:

A. In order to assure that the system efficiency goals of Bellevue Comprehensive Plan 21.M.105, .110 and .115, relating to parking management, ridesharing, and transit are met, it is necessary to establish a specific goal as a part of the applicant's transportation management program.

B. In order to assure that the transportation management program is meeting established goals, it is necessary for the Council to review the transportation management plan after it has been in operation, and to review the study required by condition 12.c of the Hearing Examiner, and impose additional conditions if necessary.

Section 4. The City Council imposes the following additional conditions:

A. The goal of the Transportation Management Plan required hereunder shall be to reduce the hospital's single occupancy vehicle rate for the target employee population to 75 percent and to increase the mode split to 25 percent.

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B. The study required under section 12.c of the Hearing Examiner's Recommendation should be submitted to the City within one year of the effective date of this ordinance, at which time the Department of Design and Development will submit the study and a staff report thereon to the Council for review.

C. One year after issuance of a certificate of occupancy the City Council shall review the performance of the TMP, required by Hearing Examiner condition 12, along with the study required under Hearing Examiner Condition 12.c. Following such review, if the Council determines that imposition of additional conditions relating to transportation management may be required, a limited public hearing shall be held before the Hearing Examiner, provided no hearing is required if the applicant agrees to any such additional conditions. Testimony and argument shall be limited to matters related to transportation management. At the conclusion of the hearing, the Hearing Examiner may recommend to the Council such additional conditions related to transportation management as he determines to be appropriate. The Council shall review the recommendation, and may then impose such conditions as it deems appropriate.

Section 5. The City Council hereby determines, in accordance with Land Use Code 20.30B.140, that, as conditioned herein:

A. The conditional use is harmonious and appropriate in design, character and appearance with the existing or intended character and quality of development in the immediate vicinity of the subject property and with the physical characteristics of the subject property.

B. The conditional use will be served by adequate public facilities, including streets, fire protection, water, storm water control and sanitary sewer.

C. The conditional use will not be materially detrimental to uses of property in the immediate vicinity of the subject property.

D. The conditional use has merit and value for the community as a whole.

E. The conditional use is in accordance with the Comprehensive Plan.

F. The conditional use complies with the Land Use Code requirements of the underlying use district.

G. The conditional use complies with all other applicable criteria and standards of the Bellevue City Code.

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Section 6. With regard to the appeal, the Council determines:

A. Except insofar as it has demonstrated the need for the additional conditions imposed herein by the Council, the appellants have not carried the burden of proof and have not produced evidence sufficient to support the conclusion that the appeal should be granted.

B. The City Council finds that the recommendation of the Hearing Examiner is supported by the preponderance of the evidence, except that certain additional conditions should be imposed as set forth above.

Section 7. The appeal is denied, provided certain additional conditions are imposed as set forth above.

Section 8. The City Council hereby approves the conditional use permit application, with conditions, of Overlake Hospital Medical Center, for a four-level parking garage to be located at 1100 - 116th Avenue NE, and more particularly described as:

That portion of the Southwest quarter of Section 28, Township 25 North, Range 5 East, W.M. King County, Washington, described as follows:

Commencing at the Southwest corner of said section, thence North  $0^{\circ}57'40''$  West along the West line of said section, 1,266.51 feet, thence North  $88^{\circ}38'49''$  East, parallel with the South line of said section, 30.00 feet to the East margin of 116th Avenue Northeast and the true point of beginning.

Thence continuing North  $88^{\circ}38'49''$  East 512.76 feet to intersect the arc of a curve at a point from which the center lies north  $60^{\circ}35'55''$  West and 1,422.69 feet distant, said curve being 10 feet northwesterly of and concentric with the centerline of right of way deeded to Northern Pacific and Puget Sound Shore Railway Company by deed recorded under Recording Number 68622, thence northerly along said concentric curve to the left through a central angle of  $04^{\circ}10'11''$  an arc distance of 103.45 feet, thence South  $88^{\circ}38'49''$  West 561.78 feet to the East margin of 116th Avenue Northeast, thence South  $0^{\circ}57'40''$  East along said street margin 90.79 feet to the true point of beginning.

Parcel B:

That portion of the Southwest quarter of Section 28, Township 25 North, Range 5 East, W.M., in King County, Washington, described as follows:

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Commencing at the Southwest corner of said section, thence North  $0^{\circ}57'40''$  West along the West line of said section, 1,357.30 feet.

Thence North  $88^{\circ}38'49''$  East parallel with the South line of said section, 600.51 feet to the West margin of the Northern Pacific Railway Company, Seattle Belt Line right of way and the true point of beginning.

Thence South  $13^{\circ}26'19''$  West along said West margin of right of way 58.41 feet, thence South  $88^{\circ}38'49''$  West 23.67 feet to intersect the arc of a curve at a point from which the center lies North  $62^{\circ}11'45''$  West and 1,422.69 feet distant said curve being 10 feet northerly of and concentric with the centerline of the right of way deeded to the Northern Pacific and Puget Sound Shore Railway Company, by deed recorded under Recording Number 68622. Thence northeasterly along said concentric curve to the left through a central angle of  $02^{\circ}34'21''$  an arc distance of 63.88 feet, thence north  $88^{\circ}38'49''$  East 8.73 feet to the true point of beginning.

Parcel C:

The West 325 feet of that portion of the Southwest quarter of Section 28, Township 25 North, Range 5 East, W.M. in King County, Washington, described as follows:

Commencing at the Southwest corner of said section, thence North  $0^{\circ}57'40''$  West along the West line of said Section 1,266.51 feet thence North  $88^{\circ}38'49''$  East, parallel with the South line of said section, 30.00 feet to the East margin of 116th Avenue Northeast and the true point of beginning.

Thence continuing North  $88^{\circ}38'49''$  East 512.76 feet to intersect the arc of a curve at a point from which the center lies north  $60^{\circ}35'55''$  West and 1,422.69 distant, said curve being 10.00 feet Northwesterly of the concentric with the centerline of right of way deeded to the Northern Pacific and Puget Sound Shore Railway Company by deed recorded under Recording Number 68622, thence Southerly along said concentric curve to the right through a central angle of  $04^{\circ}59'16''$  an arc distance of 123.85 feet, thence South  $88^{\circ}38'49''$  West 445.61 feet to the East margin of 116th Avenue Northeast, thence North  $0^{\circ}57'40''$  West 103.58 feet to the true point of beginning.

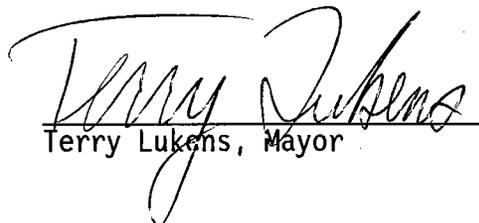
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Provided approval of this conditional use permit is conditioned on full compliance by the owner(s) of the property described herein, its assigns, grantees and successors in interest, with the terms and conditions of that certain concomitant agreement executed by Overlake Hospital Medical Center, which has been given Clerk's Receiving No. 16304, and which by this reference is fully incorporated herein.

Section 9. This ordinance shall take effect and be in force five days after its passage and legal publication.

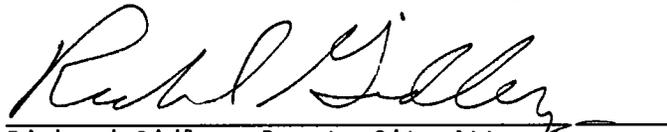
PASSED by the City Council this 25<sup>th</sup> day of February 1991, and signed in authentication of its passage this 25<sup>th</sup> day of February, 1991.

(SEAL)

  
Terry Lukens, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

  
Richard Gidley, Deputy City Attorney

Attest:

  
Marie K. O'Connell, City Clerk

Published March 4, 1991