

1849C
01/07/92

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4318

AN ORDINANCE regarding an appeal from the recommendation of the Hearing Examiner in the matter of the application of Hancock Insurance/Unigard Park Phase III for approval of a preliminary and final planned unit development, File No. PFPUD-91-235; entering Findings of Fact and Conclusions; denying the appeal and approving the application, with modifications.

WHEREAS, the applicant, John Hancock Mutual Life Insurance Company, applied for approval of a conditional use permit for the development of 127,926 gross square feet (GSF) of office space to be located in three 2-story office buildings constructed over one level of underground parking at the site of its existing office development on the east side of 156th Avenue NE between NE 24th Street and Northup Way; and

WHEREAS, the applicant also applied for approval of an application to void the existing Unigard PUD on the site; and

WHEREAS, the City of Bellevue Hearing Examiner conducted hearings on the applications on December 7, 1989; January 18, 1990; and January 25, 1990; and

WHEREAS, the Hearing Examiner entered his findings, conclusions and recommendation on March 7, 1990, in which he recommended that the application to vacate the PUD should be denied and its terms and conditions reaffirmed by the City Council, that a full environmental impact statement should be prepared to evaluate the proposed action and reasonable alternatives, and that the application for a conditional use should be remanded to the City staff for further evaluation; and

WHEREAS, following request for clarification from the applicant and the Design and Development Department, the Hearing Examiner issued his Amended Findings, Conclusions and Recommendation on April 3, 1990, in which he recommended that the conditional use application should be remanded to the Department of Design and Development for preparation of an environmental impact statement; and

WHEREAS, an appeal of the Findings, Conclusions and Recommendation of the Hearing Examiner was filed on behalf of Park Place, Foxborough and Inglenook residential neighborhoods on April 17, 1990 by Michael Schaefer, Gerald Boyer and Barbara Johnson; by the City of Bellevue, Department of Design and Development on April 19, 1990; and by the applicant on April 23, 1990; and

WHEREAS, the appeals were considered by the City Council at a limited public hearing on May 29, 1990 and at public meetings on June 11 and July 9, 1990; and

1849C
01/07/92

WHEREAS, at the meeting of July 9, 1990, the City Council voted to deny the application to vacate the Unigard PUD, reaffirm the terms and conditions of the original Unigard PUD, deny the proposed conditional use and remand the matter to the Hearing Examiner to allow the applicant to amend its application to request an amendment of the PUD to develop an alternative consistent with the original Unigard PUD approval; and

WHEREAS, the applicant submitted an amended application on January 7, 1991, for preliminary and final planned unit development approval for two office buildings forming an "L" shape, consisting of one building three stories in height, over two levels of parking, adjacent to 156th Avenue NE and a second four-story structure, also over two stories of parking; and

WHEREAS, on August 22, 1991, a public hearing on the amended application was heard before the Hearing Examiner pro tempore upon proper notice to all interested persons; and

WHEREAS, on September 24, 1991, the Hearing Examiner pro tempore issued "Findings Conclusions and Recommendations of the Hearing Examiner Pro Tempore for the City of Bellevue, in the Matter of the Application of Hancock Insurance/Unigard Park Phase III, for a Planned Unit Development, File No. PFPUD 91-235," in which he recommended Approval with conditions of the application; and

WHEREAS, on October 14, 1991, the applicant filed an appeal of the recommendation to the City Council; and

WHEREAS, on November 25, 1991, the City Council conducted a limited public hearing on the appeal, and determined the appeal should be denied; and

WHEREAS, the City Council concurs with the findings, conclusions and recommendations of the Hearing Examiner, except as hereinafter indicated, and has determined the application should be approved, with conditions; and

WHEREAS, the City has complied with the State Environmental Policy Act and the Bellevue 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 of fact and conclusions based thereon made and entered by the Hearing Examiner Pro Tempore in support of his recommendation to the City Council in this matter as set forth in "Findings, Conclusions and Recommendation of the Hearing Examiner Pro Tempore for the City of Bellevue, In the Matter of the Application of Hancock Insurance/Unigard Park III for Planned Unit Development, File No. PFPUD-91-235", except as modified by the additional findings and conclusions contained in Section 2 hereof.

1849C
01/07/92

Section 2. A. The City Council finds that there is no sufficient factual basis in the record to support imposition of Condition B-6 of the Hearing Examiner Pro Tempore, requiring the applicant to pay \$174,000 to the City of Redmond for mitigation of traffic impacts on Redmond L.I.D. Projects, and therefore concludes the condition should not be imposed.

B. The Council finds that Condition B-8 should be clarified to read as follows: "To mitigate potential future Redmond traffic impacts, the applicant shall execute an agreement with the City of Bellevue to pay a pro-rata share of the following Redmond BROTS projects. This agreement shall be executed prior to issuance of a building permit."

C. The Council finds that Condition A-12 should be limited to building and paved areas, and therefore concludes it should be amended to read as follows: "On-site soil should be used as fill under buildings and paved areas only under optimum moisture conditions as certified by geo-technical consultants".

d. The Council finds that reports on the monitoring of site earthwork, drainage control, foundation placement and retaining wall construction can be made on a regular (as opposed to daily) basis and therefore concludes Condition A-15 should be amended to read as follows: "Site earthwork, drainage control, foundation placement, and retaining wall construction should be monitored by a professional geo-technical engineer and reported to the Storm and Surface Water Utility on a regular basis."

Section 3. The City Council further concludes that the application, as conditioned, meets the decision criteria of Bellevue City Code 20.30D.150 and 20.30D.235.

Section 4. The City Council hereby determines that the appellant has failed to carry the burden of proof and produce evidence sufficient to support the conclusion that the appeal should be granted, except that the Council determines sufficient evidence has been produced to support the elimination or modification of certain conditions as provided above. The City Council also determines that the recommendation of the Hearing Examiner, as modified herein, is supported by the preponderance of the evidence. The appeal is therefore denied.

Section 5. The City Council hereby approves, with conditions, the Preliminary and Final Planned Unit Development of Hancock Insurance/Unigard Phase III, and more particularly described as:

PARCEL A:

The Northwest quarter of the Northeast quarter of Section 26, Township 25 North, Range 5 East, W.M., in King County, Washington;
EXCEPT the South 30 feet of the West 30 feet thereof conveyed to King County for road by deed recorded under King County Recording No. 1722787;
AND EXCEPT the West 30 feet thereof North of said South 30 feet thereof;

1849C
01/07/92

AND EXCEPT a portion of the West half of the West half thereof, both as conveyed to King County for 156th Avenue Northeast by deed recorded under King County Recording No. 5171896;
AND EXCEPT the North 30 feet thereof conveyed to King County for Northeast 24th Street by deed recorded under King County Recording No. 5252998;
AND ALSO EXCEPT that portion thereof as conveyed to the City of Bellevue for 156th Avenue Northeast by deed recorded under King County Recording No. 8211240192;

TOGETHER WITH all that portion of the East 120 feet of the Southwest quarter of the Northeast quarter of Section 26, Township 25 North, Range 5 East, W.M., in King County, Washington, lying Northerly of the Northeasterly margin of Northrup Way (Northrup Road Revision No. 1431) as condemned in King County Superior Court Cause No. 233307.

PARCEL B:

That portion of the West 587 feet of the Southwest quarter of the Northeast quarter of Section 26, Township 25 North, Range 5 East, W.M., in King County, Washington, lying Northerly of the Northeasterly margin of Northrup Way (Northrup Road Revision No. 1431) as condemned in King County Superior Court Cause No. 233307;
EXCEPT that portion thereof as conveyed to King County for 156th Avenue Northeast by deed recorded under King County Recording No. 5171895.

PARCEL C:

That portion of the West 595 feet of the East 715 feet of the Southwest quarter of the Northeast quarter of Section 26, Township 25 North, Range 5 East, W.M., in King County, Washington, lying Northerly of the Northeasterly margin of Northrup Way (Northrup Road Revision No. 1431) as condemned in King County Superior Court Cause No. 233307;
EXCEPT the North 18 feet thereof;

Provided that this approval of the preliminary and final development plans for the Planned Unit Development is conditioned on full compliance by the owner or owners of the property described herein, their heirs, assigns, grantees, and successors in interest, with the terms and conditions of the certain Concomitant Agreement executed by the Applicant has been given Clerk's Receiving No. 17273, and which by this reference is fully incorporated herein.

Provided further, that this approval of the preliminary and final development plans for the Planned Unit Development is conditioned on full compliance by the owner or owners of the property described herein, their heirs, assigns, grantees, and successors in interest with the plans and attachments, conditions, commitments, reports, and other documents relating to the preliminary and final development plans for the Planned Unit Development, given Clerks Receiving No. 17271, which are hereby approved and by this reference fully incorporated herein.

1849C
01/07/92

Section 6. This ordinance shall take effect and be in force five days after its passage and legal publication.

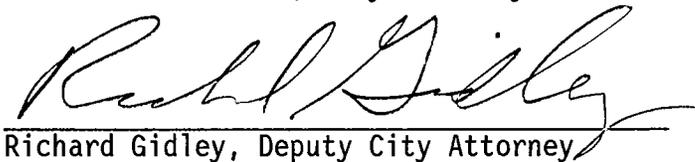
PASSED by the City Council this 13th day of January, 1992 and signed in authentication of its passage this 13th day of January, 1992.

(SEAL)

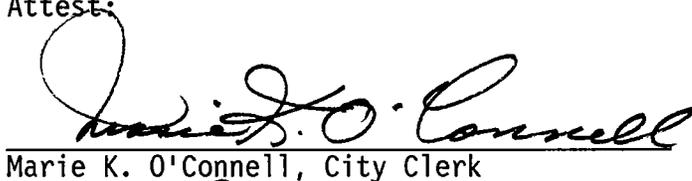

Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard L. Andrews, City Attorney

Attest:


Marie K. O'Connell, City Clerk

Published January 17, 1992