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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4377

AN ORDINANCE approving the conditional use permit application of King County (Eastgate Public Health Center) for a public health center to be located at 14350 S.E. Eastgate Way, with conditions.

WHEREAS, King County has applied to the City for a conditional use permit for a public health center to be located at 14350 S.E. Eastgate Way; and

WHEREAS, on April 23, 1992 a public hearing was held thereon by the Hearing Examiner Pro Tempore upon proper notice to all interested persons; and

WHEREAS, on May 15, 1992, the Hearing Examiner Pro Tempore recommended approval, with conditions, of said application and made and entered findings of fact and conclusions based thereon in support of his recommendation; and

WHEREAS, the City Council concurs in the findings of fact and conclusions of the Hearing Examiner Pro Tempore; and

WHEREAS, the City has complied with the requirements of 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 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 King County Eastgate Public Health Center for Approval of a Conditional Use, File Nos. CUDN 6802 and DRMAJ 91-7697."

Section 2. The City Council hereby approves the conditional use permit application, with conditions, of King County for a public health center to be located at 14350 S.E. Eastgate Way, and more particularly described as:

Lot 2, City of Bellevue Short Plat Number 80-12R, recorded under Recording Number 8106239009 and amended under Recording Number 8207260433, being a portion of the East 560 feet of that portion of the Northwest quarter of the

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Southeast quarter of Section 10, Township 24 North, Range 5 East, W.M., in King County, Washington, lying North of PSH No. 2;

TOGETHER WITH an easement for ingress, egress and utilities, over, under and across that portion of the Northwest quarter of the Southeast quarter of Section 10, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Commencing at the Northeast corner of said subdivision; thence North $88^{\circ}33'04''$ West along the North line thereof 12.00 feet; thence South $01^{\circ}22'58''$ West 172.00 feet; thence North $88^{\circ}37'02''$ West 40.00 feet to the true point of beginning; thence continuing North $88^{\circ}37'02''$ West 26.00 feet; thence South $01^{\circ}22'58''$ West 60.37 feet; thence South $43^{\circ}37'02''$ East 74.95 feet to the West line of the East 25.00 feet of said subdivision; thence North $01^{\circ}22'58''$ East along said West line 11.77 feet to a point which bears North $01^{\circ}22'58''$ East 423.99 feet from the North margin of the FLS line right of way (SR-90, Richards Road to Lake Sammamish) as deeded to the City of Bellevue by deed recorded under Recording Number 7908020742; thence South $88^{\circ}37'02''$ East 25.00 feet to the East line of said subdivision; thence North $43^{\circ}37'02''$ West 73.54 feet to a point which bears South $01^{\circ}22'58''$ West from true point of beginning; thence North $01^{\circ}22'58''$ East 49.60 feet to true point of beginning;

TOGETHER WITH an easement for ingress and egress over Tract A of said short plat.

PROVIDED that approval of the conditional use permit application is subject to the following conditions:

A. DESIGN REVIEW APPROVAL: Approval of the Design Review application (DRMAJ-91-7697) is conditioned upon approval of the Conditional Use application (CUDN 91-6802) by the City Council. (LUC Section 20.30F)

B. PROPOSED OFF-SITE IMPROVEMENTS: All Proposed off-site improvements (i.e. Metro Eastgate Park & Ride lot, driveway off-site to the east) shall require separate applications and approvals. Off-site improvements are not included in this project approval (DRMAJ-91-7697; CUDN-91-6802) (LUC Section 20.30B, 20.30F).

C. PRIOR TO CLEARING AND GRADING PERMIT APPROVAL: The following conditions (1 through 20) are imposed to ensure compliance with provisions of cited code or to mitigate adverse environmental impacts which are otherwise not addressed through applicable code provision. These conditions must be complied with prior to issuance of any clearing and grading permit for the proposal:

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1. Storm Water Detention Required: To mitigate impacts to the downstream conveyance system, an on-site storm water detention facility shall be provided. The detention structure can be either a pond or vault. The pond is required to be designed with 3:1 side slopes and a maximum depth of five feet unless otherwise approved by the Storm and Surface Water Utility (SSWU). All open detention facilities shall be fenced. The vault is required to be designed with a five to one, length to width ratio and a minimum of three feet of constant water storage. Maintenance access to the detention facility shall be provided as required by the SSWU. (BCC 23.76.030.D1, D2, and D3)
2. Water Quality Protection Measures: To mitigate water quality impacts from the development, water quality design shall be incorporated into the detention facility per Bellevue Development Standards and as approved by the SSWU. A wet pond or wet vault designed with constant water storage ("dead" storage) and with length to width ratios and residence times which satisfy City of Bellevue water quality policies is an acceptable water quality enhancement alternative. (Development Standards 4A.05.e; BCC 23.767.030.D.2)
3. Water Quality Protection Measures: To mitigate adverse impacts to downstream water quality and conveyance systems, all storm drain catch basins shall be fitted with Tee section floatable materials separators as approved by the SSWU. (BCC 23.76.030.D1)
4. On-Site Flooding Protection Measures: To mitigate potential on-site flooding problems, runoff from the north slope areas shall be collected and directed to the storm water detention facility in the southern portion of the site. (BCC 23.76.030)
5. Foundations/Groundwater Seepage: To minimize impacts to foundations caused by interruption of groundwater seepage flows as a result of construction, the proposed drainage system shall drain groundwater away from foundations. (BCC 32.76.030.D)
6. On-Site Geotechnical Engineer Monitoring Required: To mitigate potential adverse impacts to earth resources, including slope stability and erosion, and to ensure conformance with the recommendations in the geotechnical reports by Earth Consultants (dated 6/2/89) and Pacific Testing Laboratories (dated 9/19/91 and 1/7/92):
 - A) The geotechnical engineer shall review and evaluate site plans to determine if they incorporate site earthwork and drainage recommendations contained in the report and to identify critical stages in clearing, grading and

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construction process when evaluation and input by the geotechnical engineer will be required;

- B) The geotechnical engineer shall monitor and inspect site earthwork including structural fill placement, detention facility construction, drainage control, and retaining wall construction and other critical stages, and shall submit inspection reports as required by and to the SSWU; and
 - C) The geotechnical engineer shall submit a final report to the SSWU summarizing the results of the monitoring and inspection reports and identifying any measures necessary for long term maintenance of site improvements and stability. (BCC 22.02.005; Comp Plan Policies 21.D.200.C3, 21.D.200.D4)
7. Erosion Control Measures Required: The Grading, Temporary Erosion Control, and Storm Drainage Plans shall conform to the edition of the Development Standards current at time of submittal of revised plans for the clearing and grading permit. (BCC 23.76.030.B, C, D, E)
 8. Engineering and Construction Requirements: All engineering design elements and construction activities shall be subject to all City of Bellevue codes, policies, and Development Standards. (BCC 23.76.030B, C, D; Comp Plan Policies 21.D.100.D.3, 21.D.200.D.5)
 9. Prepared Subgrade: The plans submitted for clearing and grading permit approval shall portray this note: "A thin layer of pea gravel, crushed rock, asphalt, or an asphalt treated sub-base shall be placed over prepared subgrade as soon as possible." (Comp Plan Policy 21.D.200.C3, D4; BCC 23.76.030)
 10. On-Site Soils Used as Fill: The plans submitted for clearing and grading permit approval shall portray this note: "Site soils shall be used for fill only under optimum moisture conditions as certified by geotechnical consultants." (Comp Plan Policy 21.D.200.C3; BCC 22.02.005)
 11. Time Limitations for Clearing and Grading Activities: To mitigate siltation and erosion impacts, all clearing and grading activities shall be limited to dry weather, May 1 through October 31. Exceptions to the time schedule may be allowed on an as-needed basis. (BCC 23.76.046)
 12. Dust Suppressants Required: The plans submitted for clearing and grading permit approval shall portray this note: "Construction areas shall be watered to suppress dust entrainment. In order to reduce potential surface and ground water contamination, chemical dust suppressants shall not be used." (BCC 22.02.005)

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13. Tree Protection: The plans submitted for clearing and grading permit, temporary erosion and sedimentation control, and landscape plan approval shall portray the following notes:
- A) Clearing limits shall be established at or outside of drip lines and six foot high chain link fencing shall be installed at the clearing limits prior to initiation of clearing and grading.
 - B) No excavation or clearing shall be performed within drip lines except as specifically approved on plans. All such work shall be done by hand to avoid damage to roots and shall be done under the supervision of an arborist approved by the City. (LUC Section 20.20.520)
14. Hours of Construction: The plans submitted for clearing and grading permit and building permit approval shall portray the following notes:
- A) Contractors shall not operate or permit the operation of any diesel, pneumatic, or gasoline-powered equipment that is not equipped with a sound-reducing or noise-attenuating device.
 - B) Sounds created by construction equipment and emanating from construction sites are exempt from the provisions of the noise ordinance between the hours of 7:00 a.m. and 6:00 p.m. on weekdays (excluding weekends and federal holidays), except expanded hours may be authorized by the Director of Design and Development. Sound produced by construction at any other time is not exempt and is subject to the limitations of the Noise Ordinance BCC 9.18.030. (BCC 9.18.030)
15. Driveway Improvements: The plans submitted for clearing and grading permit approval shall include the following pavement markings, channelization, and traffic signs for the main driveway entrance:
- A) A "NO LEFT TURN" sign at the project exit into the Metro Park and Ride lot.
 - B) Signage along the entrance and exit driveways to route traffic to and from the health center site.
 - C) Pavement markings along the site driveway to identify internal traffic circulation patterns. (Comp. Plan Policy 21.M210.C.5; Development Standards 3A.06)

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16. Internal Site Improvements along the Site Driveway Entrance: The plans submitted for clearing and grading permit approval shall include the following internal site improvements along the site driveway entrance: five foot sidewalk on one side of the driveway with curb and gutter. Sidewalks shall not be constructed along the legal easement north of Tract A, since this would encourage off-site parking. (Comp Plan Policy 21.M215.C.2; Development Standards 3A.06)
17. Agreement With Lincoln Executive Center Property Owners: Prior to issuance of the clearing and grading permit, the applicant shall reach an agreement with the Lincoln Executive Center property owners concerning future use and maintenance of the roadway on Tract A. Such an agreement shall include: traffic operations (including an all-way stop at the entrance to the Public Health Center), the installation of no parking signs along the Tract A roadway, and other maintenance activities as relates to the Tract A roadway. (Comp Plan Policies 21.M.210.C.5, M.215.C.2; Development Standards 3A.06)
18. Driveway Design: Entry and exit to the Health Center property shall be designed per the City of Bellevue's Development Standard for commercial projects and indicated on the clearing and grading permit plans. Both driveway designs shall be approved by the City's Department of Public Works. Parking shall not be located any closer than 30 feet from the back edge of a driveway apron. (Development Standards 3C-17)
19. Right-of-Way Use Permit: Prior to issuance of a clearing and grading permit, the applicant shall secure a right-of-way use permit from the City of Bellevue, Department of Public Works, Transportation Division, which will include:
 - A) Designated truck hauling routes.
 - B) Truck loading and unloading activities.
 - C) Location of construction fences.
 - D) Hours of construction and hauling.
 - E) All other construction activities as they affect the public street system.

Construction hauling through the Metro Eastgate Park and Ride lot on weekdays shall be prohibited from 7:30 a.m. - 9:30 a.m. and 3:30 p.m. - 6:00 p.m. (BCC 14.30; Comp Plan Policy 21M.210.C.7)

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20. Field Locate Existing Utilities: Existing utilities shall be "field located" prior to issuance of a clearing and grading permit. (Comp Plan Policy 21.D.100.D.2)

D. PRIOR TO BUILDING PERMIT APPROVAL: The following conditions (1 through 6) are imposed to ensure compliance with provisions of cited code or to mitigate adverse environmental impacts which are otherwise not addressed through applicable code provision. These conditions must be complied with prior to issuance of any building permit for the proposal:

1. Irrigation: The applicant shall provide a plan for an underground water-conserving irrigation system for City review and approval. The applicant shall also provide a letter from the manufacturer which specifically states how the proposed system will conserve water. (LUC Section 20.30F)
2. Outdoor Lighting Sources: The plans submitted for building permit approval shall include a detail which documents that outdoor lighting sources do not exceed 20 feet in height and are shielded and directed downward away from adjoining properties. (LUC Section 20.25C.040.C.1)
3. Transportation Impact Fees: The applicant shall pay a transportation impact fee. This project is located in Impact Fee Area #10 which presently has a fee of \$2.10 per gross square foot. The impact fee for this proposal is estimated to be \$50,400. However, the applicant is required to pay the impact fee in effect at the time the building permit is issued. (Ordinance No. 4161)
4. Walkway Finish: To improve pedestrian safety, all walkways shall be of a different color, texture, and material than the vehicular driving surfaces. The plans submitted for building permit approval shall portray broom finish concrete for all walkways; walkways running through vehicular driving surfaces shall be further differentiated by installing prismatic reflective markers along outer walkway edges, spaced 18 inches on center. (Comp Plan Policies 21.Q-25, Q-63, Discussion Q-63, 64, 65, 21.M.215, C.1.A & B, 21.M.215.C.9; LUC Section 20.20.590.K.8.a, b, c, LUC Section 20.30F)
5. Exterior Materials: The applicant shall submit for review and approval samples of the proposed building exterior materials (including stucco, CMU, and roofing) and colors attached to an 8.5" x 14" illustration board. The proposed materials and colors shall include the manufacturer's name and product number. (LUC Section 20.25C)

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6. Fenced County Vehicle Storage Area: The applicant shall submit for review and approval the design/colors of the proposed fence for the County vehicle storage area. The design of the fence and gate shall be compatible with the design of the building. The fence shall not exceed six feet in height and shall be solid screening (i.e. solid wood). The color of the fence and gate shall be compatible with the building (i.e. gray). (LUC Section 20.25C)

E. PRIOR TO CERTIFICATE OF OCCUPANCY: The following conditions (1 through 9) are imposed to ensure compliance with provisions of cited code or to mitigate adverse environmental impacts which are otherwise not addressed through applicable code provision. These conditions must be complied with prior to issuance of any Certificate of Occupancy for any portion of the proposal:

1. Signs and Physical Barriers to Prevent Off-Site Parking: The applicant shall provide signs and physical barriers to prevent off-site parking. This shall include a physical barrier installed between the Eastgate Business Park and Eastgate Public Health Center and signs installed at the Metro Park & Ride and at the project's site entrance to discourage health center patrons from parking at the Eastgate Business Park or the Metro parking lots. (Comp Plan Policy 21M.105.C.1, 2)
2. Signs Within the 29-Stall Lot for Metro: In order to designate the 29 stalls for use only by the Metro Eastgate Park & Ride, appropriate signs shall be installed in this area which state: "For use by the Metro Eastgate Park & Ride only." (LUC Section 20.20.590)
3. Separate Sign Permit Requirements: Approval of separate sign permits are required which meet the locational and design requirements of LUC Section 20.25C.040.C. (LUC Section 20.25C.040.C)
4. Transportation Management Program: The applicant will be required to develop a Transportation Management Program (TMP) to reduce the number of single occupancy vehicles generated by the site (i.e. employees) and to enter into a legal agreement with the City of Bellevue to monitor the transportation program. This program shall include:
 - A) Commuter information center.
 - B) Distribution of transit and ride share information.
 - C) Subsidized Metro bus passes for full- and part-time employees.

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- D) Information about Metro's ride match service.
- E) Preferential parking for carpools and vanpools.
- F) Bicycle storage facilities.

(Comp Plan Policy 21.M.100; LUC Section 20.20.595)

- 5. Recorded Access Easement From Metro: Prior to occupancy of any portion of the building, the applicant shall provide a copy of the recorded access easement which provides ingress/egress to the King County Health Center over the Metro Eastgate Park & Ride property to S.E. Eastgate Way. (LUC Section 20.20.590)
- 6. Prior Approval for Use of 29 Metro Parking Stalls: Prior to occupancy of the 29 stalls for use by Metro, Metro shall receive approval of an administrative amendment to conditional use per Land Use Code Section 20.35.175 for use of the parking stalls as a park and ride within the OLB zoning district on the subject property. (LUC Section 20.10.440; Transportation & Utilities Chart)
- 7. 29 STALLS REVERT TO LANDSCAPING IF NOT USED BY METRO: If, in the future, Metro does not want use of the 29 stalls, that portion of the subject property shall revert to landscaping within a time limit as determined by the Director of Design and Development. (LUC Section 20.20.590 (TMP); Comp Plan Policy 21.M.100)
- 8. Signs Regarding the Fenced County Vehicle Storage Area: Signs shall be installed by the gate to the fenced County vehicle storage area which state: "Public parking available within this area during business hours. This gate to remain open during business hours." (LUC Section 20.20.590)

F. In order to facilitate timely permit issuance, any submittal required by the City of Bellevue as a condition of permit approval shall be submitted to the Design and Development Department, Permit Processing Division, a minimum of 30 days prior to the anticipated permit issuance date.

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Section 3. This ordinance shall be recorded with the King County Department of Records and Elections.

Section 4. This ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 22nd day of June, 1992, and signed in authentication of its passage this 22nd day of June, 1992.

(SEAL)



Cary Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard L. Andrews, Deputy City Attorney

Attest:


Marie K. O'Connell, City Clerk

Published June 25, 1992