

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4749

AN ORDINANCE approving the Shoreline Conditional Use Permit application of the City of Bellevue Parks and Community Development Departments for a shoreline conditional use permit for the Clyde Beach Park Renovation, Improvement and Expansion.

WHEREAS, the City of Bellevue Parks and Community Development Departments have applied to the City for a shoreline conditional use permit for Clyde Beach Renovation, Improvement and Expansion to be located at 2 - 92nd Avenue N.E.; and

WHEREAS, on December 8, 1994, a public hearing was held thereon by the Hearing Examiner pursuant to notice required by law; and

WHEREAS, on December 28, 1994, the Hearing Examiner recommended that the City's application be approved, with conditions, except that the issue of pedestrian safety be remanded to the City; and

WHEREAS, on January 10, 1995, the Examiner ordered reopening on the issue of pedestrian safety only; and

WHEREAS, a hearing concerning pedestrian safety issues was held on January 31, 1995; and

WHEREAS, on February 7, 1995, the Hearing Examiner recommended approval, with conditions, of said application and made and entered supplemental findings of fact and conclusions based thereon in support of the recommendation; and

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

WHEREAS, the City of Bellevue 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 made and entered by the Hearing Examiner in support of the recommendation to the City Council in this matter as set forth in "Findings, Conclusions and Recommendation of the Hearing Examiner for the City of Bellevue, In the Matter

of the Application of City of Bellevue Parks and Community Development Departments (Clyde Beach Park Renovation, Improvement and Expansion) for Approval of a Shoreline Conditional Use Permit, File No. CUSM 94-3264 and SSDOE 94-5126."; and, as set forth in "Supplemental Findings, Conclusions and Recommendation of the Hearing Examiner for the City of Bellevue, In the Matter of the Application of City of Bellevue Parks and Community Development Departments (Clyde Beach Park Renovation, Improvement and Expansion) for Approval of a shoreline Conditional Use Permit, File No. CUSM 94-3264 and SSDOE 94-5126."

Section 2. The City Council hereby approves the Shoreline Conditional Use Permit application, with conditions, of the City of Bellevue Parks and Community Development Departments for the Clyde Hill Beach Park Renovation, Improvement and Expansion to be located at 2 - 92nd Avenue N.E. on property more particularly described as:

That portion of Lot 1 and the Northwesterly 60 feet of Lot 2, Block 15, Lochleven, King County, Washington, according to the Plat thereof recorded in Volume 16 of Plats, Page 46, in King County Washington, which lies Southwesterly of the county road crossing said lots; together with second class shorelands in front thereof, as defined by decree entered November 21, 1921, in King County Superior Court Cause Number 151285:
Together with the Southeasterly half of vacated street adjoining the Northwesterly line of said portion of Lot 1;
Except Roads.

That portion of Block 26 of Lochleven, as per plat recorded in Volume 16 of Plats on Page 46, Records of King County; lying Southwesterly of Lake Washington Boulevard Northeast;
Together with the northwesterly 1/2 of vacated 94th Avenue Northeast adjoining;
Situate in the City of Bellevue, County of King, State of Washington.

Lot 12, and that portion of Lot 11, Block 27, in said Kenwood Park lying Southeasterly of the following described line:
Commencing at the intersection of the centerlines of Northeast Lake Washington Boulevard and 92nd Avenue Northeast; Thence South 00 Degrees 33'53" East along the center line of 92nd Avenue Northeast a distance of 148.34 Feet; Thence South 89 Degrees 26'07" West 30 Feet; Thence South 00 Degrees 33'53" East 222.69 Feet to the true point of beginning of the line

herein described; Thence South 32 Degrees 17'00" West 50 Feet to the Shoreline of Lake Washington and the terminus of said line; Together with Shorelands fronting on said premises.

Parcel A:

That portion of Hunter Street (now 92nd Avenue Northeast) as said Street is set forth on and dedicated in the Plat of Kenwood Park, recorded in Volume 8 of Plats, Page 26, and/or the Plat of Lochleven, recorded in Volume 16 of plats, page 46, in King County, Washington, which, upon vacation, would attach by operation of law to the following described property:

That portion of Block 26 of Lochleven, according to the Plat thereof recorded in Volume 16 of Plats, Page 46, in King County, Washington, lying Southwesterly of Southwesterly line of Lake Washington Boulevard Northeast;
Together with the Northwesterly half of vacated 94th Avenue Northeast adjoining.

Parcel B:

That portion of Hunter Street (now 92nd Avenue Northeast) as said street is set forth on and dedicated in the plat of Kenwood Park, recorded in Volume 8 of Plats, Page 26, and/or the Plat of Lochleven, recorded in Volume 16 of Plats, Page 46, in King County, Washington, which, upon vacation, would attach by operation of law to the following described property:

That portion of Lot 1 and the Northwesterly 60 Feet of Lot 2, Block 15, Lochleven, King County, Washington, according to the plat thereof recorded in Volume 16 of Plats, Page 46, in King County, Washington, which lies Southwesterly of the County Road Crossing said lots;

Together with Second Class Shorelands in front hereof, as defined by Decree entered November 21, 1921, in King County Superior Cause Number 151285;

Together with the Southeasterly half of vacated street adjoining the Northwesterly line of said portion of Lot 1;
Except roads.

Parcel C:

That portion of Hunter Street (now 92nd Avenue Northeast) as said street is set forth on and dedicated in the Plat of Kenwood Park, recorded in Volume 8 of Plats, Page 26, and/or the Plat of

Lochleven, recorded in Volume 16 of Plats, Page 46, in King County, Washington, which, upon vacation, would attach by operation of law to the following described property:
Lot 12, and that portion of Lot 11, Block 27, in said Kenwood Park lying Southeasterly of the following described line:
Commencing at the intersection of the centerlines of Northeast Lake Washington Boulevard and 92nd Avenue Northeast; Thence South 00 Degrees 33'53" East along the centerline of 92nd Avenue Northeast a distance of 148.34 Feet; Thence south 89 Degrees 26'07" West 30 Feet; Thence South 00 Degrees 33'53" East 222.69 Feet to the true point of beginning of the line herein described; Thence South 32 Degrees 17'00" west 50 Feet to the Shoreline of Lake Washington and the terminus of said line;
Together with shorelands fronting on said premises.

Parcel D:

That portion of Hunter Street (now 92nd Avenue Northeast) as said street is set forth on and dedicated in the Plat of Kenwood Park, recorded in Volume 8 of Plats, Page 26, and/or the Plat of Lochleven, recorded in Volume 16 of Plats, Page 46, in King County, Washington, which, upon vacation, would attach by operation of law to the following described property:

That portion of Blocks 7 and 27 and vacated Kenwood Boulevard of Kenwood Park addition, according to the plat thereof recorded in Volume 8 of Plats, Page 26, in King County, Washington, further described as follows:

Beginning at the intersection of the centerlines of Northeast Lake Washington Boulevard and 92nd Avenue Northeast; Thence South 00 Degrees 33'53" East along the centerline of 92nd Avenue Northeast a distance of 148.34 feet; Thence South 89 Degrees 26'07" West 30 Feet to the true point of beginning; Thence South 00 Degrees 33'53" East 222.69 Feet; Thence South 32 Degrees 17'00" West 50 Feet; Thence North 43 Degrees 36'25" West 138.88 Feet; Thence North 33 Degrees 31'22" East 129.92 Feet; Thence north 39 Degrees 26'07" East 30 Feet; Thence north 00 Degrees 33'53" West 55 Feet; Thence north 89 Degrees 26'07" East 20 Feet to the true point of beginning;

Together with shorelands fronting on said premises;

Except that portion described as follows;

Beginning at the intersection of the centerlines of Northeast Lake Washington Boulevard and 92nd Avenue Northeast, a distance of 148.34 Feet; Thence South 89 Degrees 26'07" West a distance of 30 Feet to the true point of beginning; Thence South 89 Degrees

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26'07" West a distance of 20 Feet; Thence along south 00 Degrees 33'53" East a distance of 28 Feet; Thence northeasterly a distance of 34 Feet to the true point of beginning;

Together with that portion described as follows:

Beginning at the intersection of the centerlines of Northeast Lake Washington Boulevard and 92nd Avenue Northeast; Thence South along the Centerline of 92nd Avenue Northeast a distance of 176.34 Feet; Thence South 89 Degrees 26'07" West a distance of 50 Feet to the true point of beginning; Thence South 00 Degrees 33'53" east 27.0 Feet; Thence South 89 Degrees 26'07" West 20.0 Feet; Thence Northeasterly 34.0 Feet, more or less, to the true point of beginning.

Parcel E:

That portion of Hunter Street (now 92nd Avenue Northeast) as said street is set forth on and dedicated in the Plat of Kenwood Park, recorded in Volume 8 of Plats, Page 26, and/or the Plat of Lochleven, recorded in Volume 16 of Plats, Page 46, in King County, Washington, which, upon vacation, would attach by operation of law to the following described property:

That portion of Blocks 7 and 27 and vacated Kenwood Boulevard of Kenwood Park Addition, according to the plat thereof recorded in Volume 8 of plats, Page 26, in King County, Washington, further described as follows:

Beginning at the intersection of the centerlines of Northeast Lake Washington Boulevard and 92nd Avenue Northeast: Thence South 00 Degrees 33'53" East along the centerline of 92nd Avenue Northeast a distance of 148.34 Feet; Thence South 89 Degrees 26'07" West 30 Feet to the Northeast corner of that tract conveyed to George D. Wieman, Et Ux. by deed recorded under recording number 6219891 and the true point of beginning; Thence South 89 Degrees 26'07" West 20 Feet; Thence North 64 Degrees 24'14" West 59.49 Feet; Thence South 38 Degrees 32'16" West 28.92 Feet; Thence North 64 Degrees 24'14" West 31.60 Feet to the West line of the East 120 Feet of Said Block 7; Thence South 00 Degrees 33'53" East 69.83 Feet; Thence South 32 Degrees 17'00" West 76.60 Feet to the Shore Line of Lake Washington; The last two described lines being those Westerly lines described in real estate contract to Kenneth R. Landis, Et Ux. recorded under Recording Number 6069158; Thence South 42 Degrees 46'14" East along said shore line 61.23 Feet; More or less to the Westerly line of said Wieman Tract above; Thence North 33 Degrees 31'32" East along said Wieman Tract above; Thence North 33 Degrees

31'32" East along said Wieman Tract 127.95 Feet to the Northwestern corner of said Wieman Tract; Thence north 89 Degrees 26'07" East along said Wieman Tract 10 Feet to the Southwest corner of that tract conveyed to George D. Wieman, Et Ux. by deed recorded under Recording Number 6418498 and corrected by deed recorded under recording Number 6424859; Thence North 35 Degrees 27'47" East along the northwesterly line of said tract and along the Southeasterly line of that tract conveyed to Kenneth R. Landis, Et Ux. by Deed recorded under Recording Number 6418499, 68.01 Feet to the true point of beginning; Together with the adjoining Lake Washington Shorelands.

Parcel F:

That portion of Hunter Street (now 92nd Avenue Northeast) as said street is set forth on and dedicated in the Plat of Kenwood Park, recorded in Volume 8 of Plats, Page 26, and/or the Plat of Lochleven, recorded in Volume 16 of Plats, Page 46, in King County, Washington, which, upon vacation, would attach by operation of law to the following described property:

That portion of Blocks 7 and vacated Kenwood Boulevard of Kenwood Park Addition, according to the plat thereof recorded in Volume 8 of plats, Page 26, in King County, Washington, further described as follows:

Beginning at the Northeast corner of said Block 7; Thence South 00 Degrees 33'53" East along the Westerly margin of 92nd Avenue Northeast 130 Feet to the northeast corner of the tract conveyed to George D. Wieman, Et Ux. by Deed recorded under Recording Number 6219891; Thence South 89 Degrees 26'07" West 20 Feet; Thence North 64 Degrees 24'14" West 59.49 Feet; Thence South 38 Degrees 32'16" West 28.92 Feet; Thence North 64 Degrees 24'14" West 31.60 Feet to the West line of the East 120 Feet of said Block 7; Thence North 00 Degrees 33'53" West 200.47 Feet to the Northerly line of said Block 7; Thence South 54 Degrees 15'09" East along the Southerly margin of Northeast Lake Washington Boulevard 148.92 Feet, more or less, to the point of beginning.

provided this approval is subject to the following conditions:

A. CLEARING, GRADING, TEMPORARY EROSION AND SEDIMENT CONTROL: The Clearing and Grading and Temporary Erosion Control Plans shall conform to the edition of the Development Standards current at the time

of application for the Clearing and Grading Permit. (Bellevue City Code ("BCC") 23.76.030)

B. WATER QUALITY: Construction debris dropped in the water during construction shall be promptly removed. (BCC 23.76)

C. WATER QUALITY: To mitigate adverse impacts to water quality and toxic effects to organisms, untreated piling is recommended. The use of wood treated with creosote or pentachlorophenol is not permitted. Additionally, topical application of any wood treatment chemicals is not allowed. Where treated wood is used, the wood shall be of the following type for all piling and other wood components of the pier. Wood commercially pressure-treated with copper naphthanate or copper-8-quinolinolate shall be specified. If such stock is not available, wood commercially pressure-treated with ammoniacal copper-zinc arsenate (AWPA standards for AZCA), or chromated copper arsenate (CCA) may be substituted. Comprehensive Plan (Comp. Plan") Policies EN-10, EN-11, EN-12, EN-16; BCC 23.76.03)

D. AIR QUALITY: Construction areas shall be swept or watered to suppress dust in order to minimize adverse air quality impacts due to dust during dry weather. In order to reduce potential surface water and ground water contamination, chemical dust suppressants shall not be used. (BCC 22.02.005)

E. TREE PROTECTION: Details for tree retention and protection during construction shall appear on the face of drawings submitted for Clearing and Grading approval in order to mitigate impacts to significant trees during project construction:

1. Clearing limits shall be established at or outside of measured driplines, and six-foot-high chainlink fencing shall be installed at the clearing limits prior to initiation of clearing and grading activities.
2. No clearing, grading, or excavation shall be performed within the measured driplines except as specifically approved on the plans.
3. The City arborist shall supervise the ongoing development activity in the vicinity of the significant trees and make recommendations to the City Parks and Community Services Department to ensure the survival of the trees.
4. All work within the measured driplines shall be done by hand using hand tools to avoid damage to roots and shall be done under the supervision of the City arborist.

5. Any tree roots damaged or cut during construction shall be covered with burlap and kept damp. Damaged or cut roots shall be treated with healant as determined necessary by the City arborist.

(Comp. Plan Policies EN-19, EN-20, EN-21; Land Use Code ("LUC") 20.20.520)

F. **FISHERIES RESOURCE PROTECTION:** In-water construction shall be limited to occur within the time period specified by the Hydraulics Project Approval by the Washington State Department of Fisheries and Wildlife in order to mitigate adverse impacts to the fisheries resources. (Comp. Plan Policy EN26 and Shoreline Master Program Policy SH-13)

G. **CONSTRUCTION NOISE:** All contractors shall comply with the City of Bellevue Noise Ordinance regarding construction noise and hours of construction, summarized as follows:

1. 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.
2. Sounds created by construction equipment and emanating from construction sites are exempt from 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 the DCD. Sound produced by construction at any other time is not exempt and is subject to the limitations of the Noise Ordinance.

(BCC 9.18)

H. **RIGHT-OF-WAY USE PERMIT:** The applicant shall secure a Right-of-Way Use Permit from the City of Bellevue Transportation Department prior to issuance of a Clearing and Grading, Demolition, or Building Permit. The following information must be included in the application:

1. Designated truck hauling routes;
2. Truck loading and unloading activities;
3. Location of construction fences;
4. Maintenance of pedestrian access;

5. Provisions for street sweeping during excavation and construction;
6. Construction signing and pedestrian detour routing; and
7. All other construction activities as they affect the public street system.

(BCC 11.70 and 14.30)

I. **DRIVEWAY ACCESS MODIFICATION:** The applicant shall install a 20-foot radius on the east side of the existing driveway approach to improve right-turn movements onto Lake Washington Blvd. N.E. An engineer's plan and profile of this improvement shall be provided to the Transportation Department. (Development Standard 3A.06; Comp. Plan Policy TR-36)

J. **FIRE TRUCK ACCESS:** Final plans shall incorporate an access road to the existing boathouse. This road shall provide a 20-foot-wide, all-weather driving surface capable of supporting a live load of 25 tons. Alternative access treatment may be allowed with Fire Department approval. (BCC 23.11.010; 1991 UFC, Article 10)

K. **UTILITIES PERMITS:** If the Fire Marshall requires a fire sprinkler system for the existing boathouse that is to remain, then a Water Developer Extension Agreement will be required to connect the fire protection system to the City's water main in Lake Washington Blvd. N.E. This agreement must be initiated prior to approval of any Building Permit. (BCC 24.02.120)

L. **UTILITIES PERMITS:** Any storm drainage or sanitary sewer connections or reconnections that may be required will necessitate separate permits per the Storm Drainage Code. (BCC 24.04.090)

M. The applicant shall install a gate to prohibit vehicular access to the park's southern parking area during the period from one hour after dusk to one hour before sunrise. This gate shall be located immediately south of the southernmost driveway on the western side of 92nd Avenue N.E. Signs shall be installed at the park entrance informing the public that the park will be closed one hour following sundown and that no parking will be allowed in the area protected by the gate. The gate will be opened by Parks Department personnel approximately one hour prior to sunrise and closed and locked one hour following sundown. (Comp. Plan Policy S-NB-37)

N. The applicant shall install evergreen screening as necessary within the existing laurel hedge which separates the southern end of 92nd Ave. N.E.

and the adjacent private property. In addition, the laurel hedge shall be supplemented with barrier plantings using plant materials chosen to keep people out of the private properties to the west of the park. The intention of the planting shall be to provide a screen and barrier to protect the private property from trespassers and glare from headlights. The adjacent property owner may elect, at his own expense, to construct a more substantial structural barrier on the property line separating the private residence from the park. If the adjacent property owner chooses this alternative, the Parks Department shall agree to maintain its side of the barrier in good condition and take appropriate measures to enhance its appearance, including landscaping. (Comp. Plan Policy S-NB-37)

O. The applicant will rescind the proposal to restripe the southern parking area in response to a request from property owners adjacent to the southern parking area to limit noise. The effect of this change will be to revert to the status quo in this area, except that the applicant will add one new van-accessible stall for the disabled to be provided on the eastern side of the existing parking lot.

P. During Phase I, the applicant shall replace the fence(s) along the east property line with a six-foot-high chainlink fence in order to protect the adjoining private property from trespassers. The applicant shall maintain the fence in good condition. (Comp. Plan)

Q. During Phase I, a sign shall be posted on the outside waterward side of the dock warning boaters about the speed limit.

R. During Phase I, a rope shall be installed to protect the swimmers.

S. The small water craft classes to be provided by Bellevue shall be for non-motorized craft, except that motorized boats may be used for rescues and other emergencies.

T. While the landscaping plants are growing during the first five years, if the landscaping is inadequate on the eastern property line, the City shall, after consultation with the immediate neighbor, install an additional barrier, such as a temporary one of artificial materials or one with natural vegetation. Such barrier could be combined with the chainlink fence.

U. One month after the playground opens and once again in the summer, the City shall analyze the traffic-pedestrian safety issue to determine if any traffic control measures are needed. Such analysis shall include an evaluation of the existing traffic beacon, and a pedestrian-activated traffic control signal.

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 20th day of March, 1995, and signed in authentication of its passage this 20th day of March, 1995.

(SEAL)


Donald S. Davidson, DDS, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard L. Andrews, City Attorney

Attest:


Myrna L. Basich, City Clerk

Published March 24, 1995