



DEVELOPMENT SERVICES DEPARTMENT  
ENVIRONMENTAL COORDINATOR  
450 110<sup>TH</sup> Avenue NE, P.O. BOX 90012  
Bellevue, WA 98009-9012

## DETERMINATION OF NON-SIGNIFICANCE

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**PROPONENT:**

Michael Chen, Group Mackenzie

**LOCATION OF PROPOSAL:**

15015 Main Street, Bellevue, WA

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**DESCRIPTION OF PROPOSAL:**

Conditional Use application for a health club within the existing commercial center.

**FILE NUMBER: 11-103765-LB**

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklist and information filed with the Development Services Section. This information is available to the public on request.

- There is no comment period for this DNS
- This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's Office by 5 p.m. on \_\_\_\_\_.
- This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment from the date below. Comments must be submitted by 5 p.m. on \_\_\_\_\_.

This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information indicating, or on, a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project); or if the DNS was procured by misrepresentation or lack of material disclosure.

Carol V. Holland  
Environmental Coordinator

3/10/11  
Date

**OTHERS TO RECEIVE THIS DOCUMENT:**

State Department of Fish and Wildlife  
State Department of Ecology, Shoreline Planner N.W. Region  
Army Corps of Engineers  
Attorney General  
Muckleshoot Indian Tribe



**City of Bellevue  
Development Services Department  
Land Use Staff Report**

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Proposal Name: **Health Club @ Kelsey Creek Center**

Proposal Address: 15015 Main Street

Proposal Description: Conditional Use application for a health club within the existing commercial center.

File Number: **11-103765-LB**

Applicant: Michael Chen, Group Mackenzie

Decisions Included: Process III, Conditional Use Permit and SEPA Determination

Planner: Mike Upston, AICP 425/452-2970

State Environmental Policy Act Threshold Determination: **Determination of Non-Significance (DNS)**

Carol V. Helland

Carol V. Helland, Environmental Coordinator  
Development Services Department

Director's Decision: **Approval with Conditions**  
Michael A. Brennan, Director  
Development Services Department

By: Carol V. Helland

Carol V. Helland, Land Use Director  
Development Services Department

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Bulletin Publication Date:	February 17, 2011
SEPA Appeal Deadline:	March 24, 2011
Hearing Examiner Hearing Date:	April 7, 2011
Hearing Examiner Recommendation:	To be determined
Hearing Examiner Appeal Deadline:	To be determined
City Council Date:	To be determined
East Bellevue Community Council Date:	To be determined

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For information on how to appeal a proposal, visit Development Services at City Hall or call (425) 452-6800. Comments on State Environmental Policy Act (SEPA) Determinations can be made with or without appealing the proposal within the noted comment period for a SEPA Determination. Appeal of the Decision must be received in the City's Clerk's Office by 5 PM on the date noted for appeal of the decision.

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**I. REQUEST/PROPOSAL DESCRIPTION**

The proposed health club at Kelsey Creek Center would be located within an approximately 50,000 square foot portion of the former K-Mart building (see drawings to the right and below). This is one of three future uses anticipated for this building. Other commercial uses are also anticipated in this building and within two additional buildings to be constructed along Main Street and 148<sup>th</sup> Avenue SE. Design Review for redevelopment of the Center was recently approved (file number 10-121806-LD).

The 15 acre Kelsey Creek Center site is a commercially-zoned property that has served the surrounding neighborhood with commercial services for many years. However, with the departure of K-Mart from its 106,000 square foot building, the site has become severely underutilized. In the years since K-Mart's departure, residents have expressed concern about the negative impacts of the underutilized site to their neighborhood's image and property values. The redevelopment, including this proposed health club, will breathe new life into the neighborhood by providing long-missing services, activities, and property improvements.

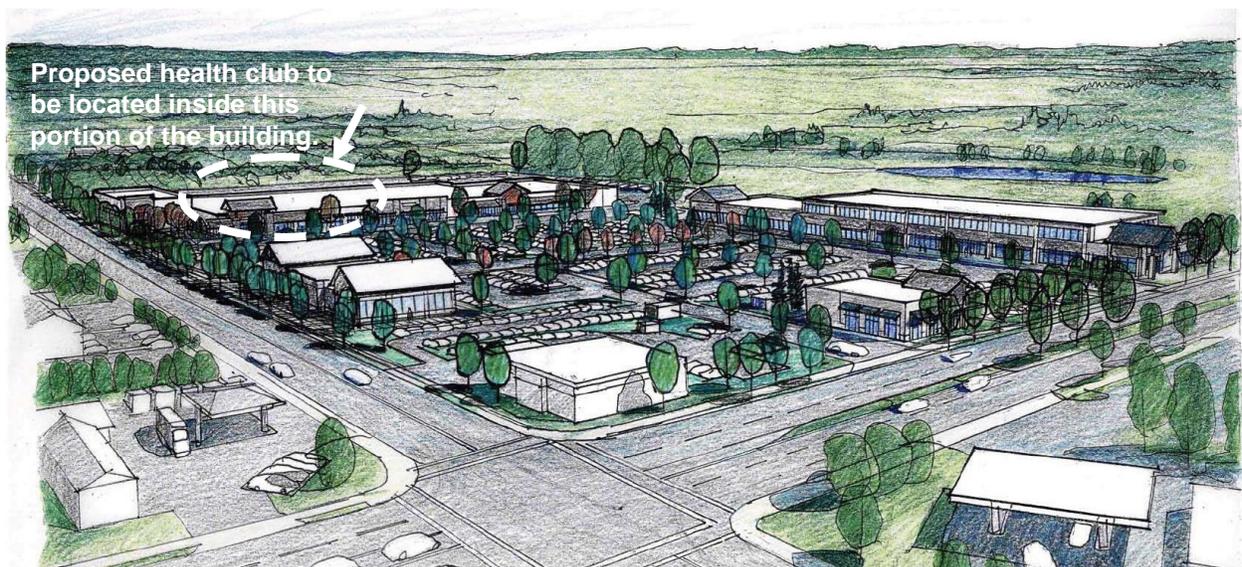
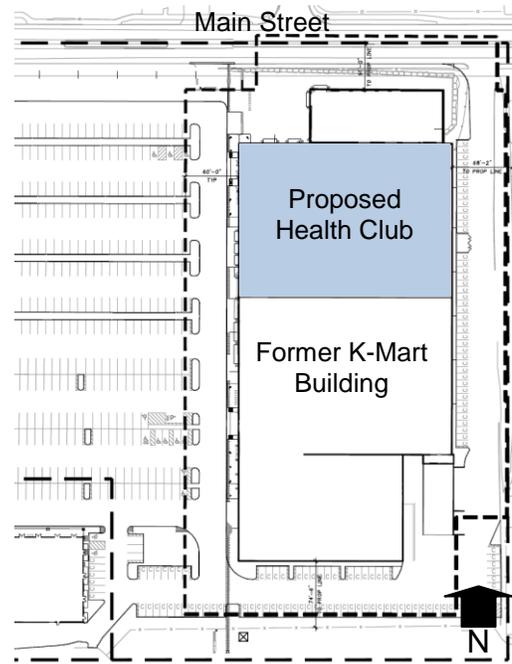


Illustration of the future redeveloped Kelsey Creek Center

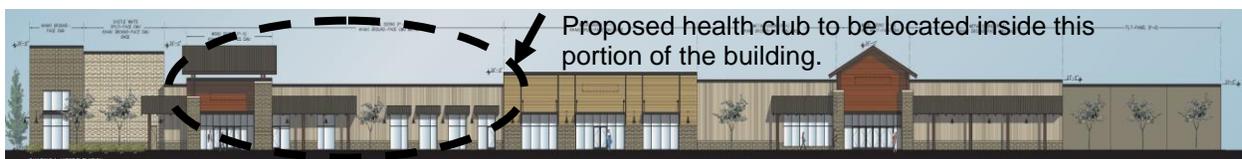


Illustration of the former K-Mart building after renovation

Conditional Use Permits within East Bellevue Community Council jurisdiction require a Process III decision (LUC 20.35.300), which is a quasi-judicial decision made by the City Council. The Hearing Examiner holds a public hearing, takes testimony on the proposal, and recommends an action to the City Council. Then the City Council makes a decision based on the record established by the Hearing Examiner. In addition, because the Kelsey Creek Center is located within the jurisdictional area of the East Bellevue Community Council (EBCC), the City Council's decision will be presented to the EBCC for final approval or disapproval.

## II. SITE DESCRIPTION, ZONING, & LAND USE CONTEXT

### A. Site Description

The existing commercial center was constructed in the late 1960's, but the former K-Mart building has been vacant for a number of years. The other existing building is a fully occupied two story building with office and retail tenants situated along the south property line. The remainder of the site contains parking and landscaping. As mentioned in Section I above, redevelopment will result in two new buildings, renovations to the existing buildings, and significant site improvements.

### B. Zoning

The project site's baseline zoning is Community Business (CB) with the Transition Area Design District (TADD), Community Retail Design District (CRDD), and the concomitant zoning agreement (CZA) as zoning overlays. Zoning surrounding the project site is:

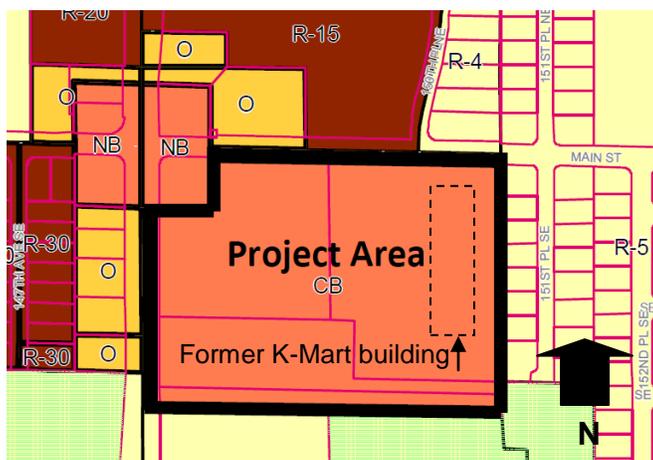
**East:** Single Family Residential (R-5).

**South:** Single Family Residential (R-1), developed as a city park.

**West:** Office (O) and Neighborhood Business (NB).

**Northwest:** Neighborhood Business (NB) and Office (O).

**Northeast:** Multifamily Residential (R-15) and Single Family Residential (R-4).



The Project Area identified in the map to the left is for the entire Kelsey Creek Center property, with planned redevelopment as approved by Design Review 10-121806-LD. The health club proposed by this Conditional Use application will be located within a portion of the former K-Mart building located along the east side of the Project Area, as depicted with a dashed rectangle on the map.

### **C. Land Use Context**

The parcel at the southeast corner of Main Street and 148<sup>th</sup> Avenue SE is an abandoned Shell gas station that is planned to become a KeyBank branch office (refer to Design Review application 10-121139-LD for more information). A variety of office and retail uses are located across 148th Avenue SE west of the project site, as well as across the western half of Main Street. The eastern half of Main Street north of the project site contains multi-family and single family uses, and a well established single family residential neighborhood is located to the east. Lake Hills greenbelt is to the immediate south.

## **III. CONSISTENCY WITH LAND USE CODE/ ZONING REQUIREMENTS**

### **A. General Provisions of the Land Use Code**

#### **1. Use**

Uses are regulated by LUC 20.10.400 (Use Charts), LUC 20.20 (General Development Requirements), and the concomitant zoning agreement created under Rezone 09-113801-LQ adopted by City ordinance 5946. While health clubs are permitted outright according to the property's baseline Commercial Business (CB) zoning designation, the concomitant zoning agreement requires a conditional use permit. The purpose for the conditional use permit is to provide a formal process for analyzing compatibility, identifying the impacts associated with this use and ensuring that they can be adequately mitigated. This conditional use permit process concludes with the East Bellevue Community Council for approval or disapproval of City Council action.

#### **2. Dimensional Requirements**

All applicable dimensional requirements of the Land Use Code (LUC 20.20 and LUC 20.25B.040) and concomitant zoning agreement are met. Refer to the discussion below for specific information about development standards applicable to this proposal.

#### **3. Recycling & Solid Waste Collection Areas**

Recycling and trash collection occurs behind the building as specified under the prior Design Review approval (10-121806-LD). In addition, a condition of approval is included in Section IX of this report requiring confirmation from Allied Waste prior to building permit approval that they endorse the proposed size and function of the recycling & solid waste collection area, and that garbage containers will be kept out of view.

#### **4. Mechanical Equipment**

The Design Review approval mentioned in Section I of this report anticipated that new roof-mounted mechanical units would be proposed on the building roof top with future tenants. Therefore, in addition to the requirement that noise associated with the equipment must comply with the City's noise ordinance (BCC 9.18), a condition of approval is extended to this Conditional Use decision requiring a Land Use Exemption from Design Review for roof-mounted mechanical equipment prior to building permit approval, as well as another condition to address ground-mounted mechanical equipment should any be proposed in the future; see Section IX of this report for these conditions.

## 5. Loading

The health club, along with other future tenants within this building, will use a screened loading area at the east/back side of the building, with small deliveries (FedEx, etc.) at the front door. A condition of approval is included in Section IX of this report which prohibits loading from the public right of way.

## 6. Parking

The health club, along with other future tenants of this building, will share the common parking area for Kelsey Creek Center. The health club will be designated 267 of the Center's 816 parking stalls (as shown in Design Review approval 10-121806-LD), based on a rate of 5.27 parking stalls per 1,000 square feet of floor area as discussed in further detail below. "Health Club" is an unspecified use in the Land Use Code (LUC) Use Charts for which a standard minimum parking requirement is not established. For uses that are not specified, LUC 20.20.590F.2a – c prescribes a 3-part method for analyzing parking demand, summarized as follows:

*a. Documentation supplied by applicant regarding parking demand for the proposed use.*

The results of the parking demand analysis are contained in the Traffic Impact Analysis, dated February 5, 2011 (see copy in project file). The parking demand analysis summarizes the peak weekday parking demand associated with all development proposed within Kelsey Creek Center. This includes a 50,699 square foot health club with an associated rate of 5.27 parking stalls per 1,000 square feet of floor area at its peak use (per the Institute of Transportation Engineer's Parking Generation Report discussed in subsection B below), which results in a needed supply of 267 parking stalls.

*b. Evidence in available planning and technical studies relating to the proposed use.*

As noted in subsection a above, the Institute of Transportation Engineer's Parking Generation Report (4<sup>th</sup> Edition) sets the weekday vehicle parking generation rate for a health club at 5.27 stalls per 1,000 square feet of floor area on weekdays and 2.89 stalls per 1,000 square feet of floor area on weekends.

*c. Required parking for the proposed use as determined by other comparable jurisdictions.*

- Tacoma: 4 stalls per 1,000 square feet of floor area (Tacoma Municipal Code 13.06.05, Off-Street Parking and Storage Areas)
- Everett: 5 stalls per 1,000 square feet of floor area (Everett Municipal Code 34.020, Required Off-Street Parking)
- Olympia: 4 stalls per 1,000 square feet of floor area (Olympia Municipal Code 18.38.100, Vehicular and Bicycle Parking Standards)

In addition to the parking provisions proposed, a condition of approval is included in Section IX of this report which requires property owner submittal of updated parking calculations for Kelsey Creek Center when the tenant size and/or mix changes significantly to ensure that on site parking supply will continue to meet current parking requirements of the Land Use Code. The condition also makes reference to the City's authority to require additional mitigation if the parking proves to be more significant than the analysis above projects (LUC 20.30B.165, LUC 20.30B.170.A).

**B. Transition Area Design District Design Guidelines (LUC 20.25.B.050),  
Community Retail Design District Design Guidelines (LUC 20.25.I.040), and  
Community Retail Design District Design Standards (LUC 20.25.I.050)**

These design guidelines and standards were addressed within the Design Review decision for Kelsey Creek Center (10-121806-LD), and are not applicable to the proposed health club since the proposal is limited to interior use of an existing building.

**IV. PUBLIC NOTICE AND COMMENT**

Application Date: February 2, 2011  
Application Completeness Date: February 2, 2011  
Notice of Application & Public Meeting published: February 17, 2011  
Public Notice Sign installed: February 17, 2011  
East Bellevue Community Council Public Meeting held: March 1, 2011  
Minimum Public Comment Period ended: March 3, 2011  
Notice of Recommendation, SEPA Determination, and Public Hearing: March 10, 2011  
SEPA Appeal Deadline: March 24, 2011  
Hearing Examiner Hearing Date: April 7, 2010

The applicant filed this application on February 2, 2011. The surrounding property owners were mailed a notification about the proposal and the March 1, 2011 public meeting in the weekly Permit Bulletin on February 17, 2011. A public information sign was installed on February 17<sup>th</sup> as well. The public comment period established for this application ended on March 3, 2011. At the time of finalizing this report, no public comments were received regarding this proposal.

**V. TECHNICAL REVIEW**

**A. Clearing & Grading, Building, Fire, and Utilities**

These reviewers have no comments or requirements for this conditional use permit; all comments are reserved for the subsequent construction permit review.

**B. Transportation**

**1. Site Access**

Access to the proposed project is shared with other uses in Kelsey Creek Center, as described in the Design Review staff report for application 10-121806-LD. Access will be provided via three driveways on 148<sup>th</sup> Avenue SE and two driveways on Main Street. Left turns in and out of the site will continue to be prohibited on 148<sup>th</sup> Avenue SE. At the site's northeastern corner, a portion of the existing median in Main Street will be removed to allow emergency vehicle access to and from any direction, but other traffic will be continue to be restricted to right turns in and right turns out only, with a further restriction against exiting by large trucks toward the east on Main Street. Note that on-street loading will not be allowed.

## **2. Traffic Impact Mitigation and Street Frontage Improvements**

Traffic impacts and mitigation for the proposed health club have been analyzed as part of the redevelopment of the Kelsey Creek Center, as described in the Design Review staff report for application 10-121806-LD. All street improvements associated with the site are to be constructed by the site's developer per the conditions of approval in that staff report. Note that the phasing discussion below could apply to the proposed health club, depending on the construction timing of various parts of the overall site.

No further transportation mitigation is required for the proposed health club, aside from payment of a transportation impact fee, which is analyzed for each building permit. Health clubs are not included in the city's adopted impact fee schedule; therefore, the health club will require calculation of a unique impact fee rate, using the method described in the Transportation Impact Fee Program 2009 Update. That method uses the adopted fee per trip (presently \$2000), a calculation of net new trips for the health club, and a trip length adjustment which compares health club trip length to the average trip length in Bellevue.

## **3. Phasing of the Kelsey Creek Center and Phasing of Transportation Mitigation Requirements as Related to the Proposed Health Club**

Street frontage improvements required for the Kelsey Creek Center, as described in the Design Review staff report for application 10-121806-LD, will include all street frontage improvements associated with the proposed health club. If construction of Kelsey Creek Center is phased, then the following conditions described in that Staff Report will apply:

- a. The former Kmart building is directly related to access along Main Street. Therefore, all Main Street improvements described in the Kelsey Creek Center Design Review staff report 10-121806-LD must be completed by the developer and accepted by the Transportation Department inspector prior to any major Certificate of Occupancy for the former Kmart building, including the proposed health club. These improvements include but are not limited to:
  - Improvements to the street light system along Main Street.
  - Revisions to the sidewalk and planter strip along Main Street.
  - Revised access points on Main Street.
  - Revisions to the raised median and channelization on Main Street.
- b. Extension of the southbound turn lane on 148<sup>th</sup> Avenue SE north of Main Street, as described in the Kelsey Creek Center Design Review staff report 10-121806-LD, is related to access into the site from Main Street. Therefore, that turn lane extension must be completed by the developer and accepted by the Transportation Department inspector prior to any major Certificate of Occupancy for the former Kmart building, including the proposed health club.
- c. For the purpose of phasing street frontage improvements, as described in the Kelsey Creek Center Design Review staff report 10-121806-LD, improvements along 148<sup>th</sup> Avenue SE south of Main Street are considered to be independent of any use of the former Kmart building, including the proposed health club.

#### **4. Holiday Construction & Traffic Restrictions**

Work involving lane closures and other impacts to traffic will be restricted from November 15<sup>th</sup> each year to January 5<sup>th</sup> of each year. If work activities are scheduled to fall within this window of time, the applicant will be required to obtain specific approval in advance for lane closures or other impacts to traffic. There will be no guarantees that daytime lane closures on 148<sup>th</sup> Avenue SE will be allowed during this time period. The applicant shall contact the Transportation Department Right-of-Way Section to confirm the specifics of this restriction prior to applying for a Right-of-Way Use Permit.

#### **5. Use of the Right of Way During Construction**

Applicants often request use of the right of way and of pedestrian easements for materials storage, construction trailers, hauling routes, fencing, barricades, loading and unloading and other temporary uses as well as for construction of utilities and street improvements. A Right of Way Use Permit for such activities must be acquired prior to issuance of any construction permit including demolition permit. Sidewalks may not be closed except as specifically allowed by a Right of Way Use Permit.

#### **6. Transportation Management Program**

In order to reduce single occupant vehicle trips and provide enhanced options to employees and infrastructure users, the City adopted code provisions in BCC 14.60.070 that require many developers to establish a Transportation Management Program, including requirements for mixed use developments, such as the Kelsey Creek Center. The owner of Kelsey Creek Center will be required to record an agreement and implement an approved Transportation Management Program prior to initial occupancy of the first new building or first major remodel within the site, as described in Design Review staff report 10-121806-LD. As a major occupant of the site, the proposed health club will be required to participate in that Transportation Management Program. Mixed-use retail centers over 150,000 square feet are required to post information, provide a transportation coordinator, and provide preferential parking as described in BCC 14.60.070 E.

See Section IX of this report for Transportation Department related Conditions of Approval.

## **VI. STATE ENVIRONMENTAL POLICY ACT (SEPA)**

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal. Therefore, issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under the State Environmental Policy Act (SEPA) requirements, with incorporation by reference of the *2009-2020 Transportation Facilities Plan Final Environmental Impact Statement (TFP EIS)* updated November 2009. This document is available in the project file at the Development Services Department Records Room in City Hall. Transportation-related impacts associated with this project are consistent with the potential projected impacts analyzed in the 2009-2020 TFP EIS.

This section of the staff report is an addendum to the adopted EIS referenced above. Adverse impacts which are less than significant are usually subject to City Code or Standards which are intended to mitigate those impacts. Where such impacts and regulatory items correspond, further documentation is not necessary. For other adverse

impacts which are less than significant, Bellevue City Code Section 22.02.140 provides substantive authority to mitigate impacts disclosed through the environmental review process. A discussion of the impacts is noted below. These impacts will be mitigated through exercise of Code authority as well as through project-specific conditions of approval, contained in Section IX of this report.

## **A. NOISE**

Noise will be generated from the tenant space improvements. But since most of this work will occur inside the existing building, high volumes of noise are anticipated to be infrequent. The City of Bellevue Noise Ordinance, BCC 9.18.040 regulates hours of construction-related noise and the conditions under which they may be expanded. A condition of approval is included in Section IX of this report regarding construction hours and abatement of construction noise.

## **B. AIR**

Dust and emissions may be generated from the construction of the tenant improvements, but will be contained within the building envelope.

## **C. LIGHT & GLARE**

Light and glare typical of a commercial use can be expected. A majority of the light and glare will be on the north and west sides of the building. Exterior lighting placement will be as already approved under Design Review 10-121806-LD for the Kelsey Creek Center redevelopment. Fixtures will be shielded and directed toward the ground to minimize impacts to surrounding properties. The building itself is set below the existing grade of Main Street, and the topographic difference along with landscaping proposed behind the sidewalk along Main Street should shield any light/glare to the north.

## **D. TRANSPORTATION**

### **1. Long-Term Impacts and Mitigation**

The long-term impacts of all development projected to occur in the City by 2020 have been addressed in the City's Transportation Facilities Plan EIS. The impacts of growth projected to occur by 2020 are evaluated on the roadway network assuming that all the transportation improvement projects proposed in the City's current Transportation Facilities Plan (TFP) are in place. The long-range analysis for the Kelsey Creek Center, as described in the Design Review staff report 10-121806-LD, included an assumption that approximately 50,000 square feet of the former Kmart building will be converted to a health club (the same as assumed in this Conditional Use application). Thus, trip generation and long-term traffic impacts for such a health club were included as part of the trip generation and traffic impact analysis for the Kelsey Creek Center, and no further analysis is required here.

### **2. Mid-Range Impacts and Mitigation**

Project impacts anticipated to occur in the next six years are assessed through a concurrency analysis. The Traffic Standards Code (BCC 14.10) requires that

development proposals generating 30 or more net new p.m. peak hour trips undergo a traffic impact analysis to determine if the concurrency requirements of the State Growth Management Act are maintained. The concurrency analysis described in the Kelsey Creek Center Design Review staff report 10-121806-LD includes the proposed health club in the former Kmart building; therefore, no further concurrency analysis is required for the health club.

### **3. Short-Term Operational Impacts and Mitigation**

Analysis of short-term operational impacts and associated transportation mitigation for the proposed health club are covered by the analysis of short-term operational impacts and mitigations discussed in the Design Review staff report for Kelsey Creek Center 10-121806-LD. No further transportation mitigation is required.

## **VII. DECISION CRITERIA**

***The Director may approve, or approve with modifications, an application for Design Review if:***

### **1. The proposal is consistent with the Comprehensive Plan.**

The Community Business Comprehensive Plan designation and the Southeast Bellevue Subarea Plan generally support health clubs as a land use. Following are some of the policies which support the proposed use, along with brief discussion.

#### **Pertinent Southeast Bellevue Subarea policies**

Policy S-SE-7. *Expand uses in neighborhood commercial districts to better serve the needs of surrounding neighborhoods by allowing for a variety of retail, office, and residential uses; provided that the character and level of development is of a low intensity which is compatible with the adjacent residential districts.*

Policy S-SE-8. *Require upgrading of buildings and landscaping of all existing retail and office development areas to meet current City standards.*

Policy S-SE-9. *Require designs to complement and enhance the residential character of the area, including maintenance of buildings, grounds, signs, and site development.*

Policy LU-8. *Ensure that commercial land uses are contained within delineated areas.*

Policy LU-9. *Maintain compatible use and design with the surrounding built environment when considering new development or redevelopment within an already developed area.*

The inclusion of a health club at Kelsey Creek Center is consistent with the above policies. Health clubs provide an opportunity for recreational activity to neighborhood residents, as well as to people who work in the area and may choose to use the health club before or after work, or during their lunch breaks. The exterior building and site improvements were approved under a separate decision (Design Review 10-121806-LD) which included discussion for how the proposed redevelopment of Kelsey Creek Center complies with these and other Comprehensive Plan policies.

### **Pertinent Land Use Element policies**

Policy LU-13. *Reduce the regional consumption of undeveloped land by facilitating redevelopment of existing developed land when appropriate.*

Policy LU-22. *Protect residential areas from the impacts of non-residential uses of a scale not appropriate to the neighborhood.*

The proposed health club is consistent with these policies since it makes new use of an existing building, thereby reducing the regional demand on undeveloped land. Further, reuse of the former K-Mart building retains the existing scale of this neighborhood commercial center, thereby protecting the surrounding residential area from the impacts of non-residential uses of a scale which may not be appropriate to the neighborhood.

#### **2. The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity.**

The building's exterior design was approved under Design Review decision 10-121806-LD, wherein it was determined that the design is compatible with and responds to the existing character, appearance, quality of development and other physical characteristics of the subject property and immediate vicinity.

#### **3. The conditional use will be served by adequate public facilities including streets, fire protection, and utilities**

All required public services and facilities are available to the site, and any improvements required to upgrade fire protection and utilities will be accomplished under future construction permits.

#### **4. The conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject property;**

The proposed health club will not be materially detrimental to the other uses within the commercial center and surrounding the subject property. On the contrary, the health club will help reinvigorate what is currently an underutilized property. It will increase customers for the other businesses within the center and other nearby commercial properties, and it will provide residents and workers with a recreational opportunity. As discussed in Section III.A.6 and Section IX Conditions of Approval, the City retains the authority to require additional mitigation if the parking proves to be more significant than the parking demand analysis projects.

#### **5. The conditional use complies with the applicable requirements of this Code.**

As discussed in Section III above, the proposal complies with all applicable Land Use Code requirements.

## VIII. RECOMMENDATION

After conducting the various administrative reviews associated with the proposal, including applicable Land Use consistency, SEPA and City Code & Standard compliance reviews, the Director does hereby **RECOMMEND APPROVAL WITH CONDITIONS** of the subject Conditional Use application for a health club within the existing commercial center.

## IV. RECOMMENDED CONDITIONS OF APPROVAL

The following conditions are recommended under the authority referenced:

### A. GENERAL CONDITIONS: The following conditions apply to all phases of development.

#### 1. COMPLIANCE WITH BELLEVUE CITY CODES AND ORDINANCES

The applicant shall comply with all applicable Bellevue City Codes and Ordinances including but not limited to:

Clearing and Grading Code - BCC 23.76	Janney Gwo, 425-452-6190
Transportation Development Code - BCC 14.60	Carl Wilson, 425-452-4228
Traffic Standards Code – BCC 14.10	Carl Wilson, 425-452-4228
Trans. Impact Fee Program - BCC.22.16	Carl Wilson, 425-452-4228
Transportation Development Standards	Carl Wilson, 425-452-4228
Right-of-Way Use Permit - BCC 14.30	Ron Kessack, 425-452-4631
Land Use Code - BCC Title 20	Mike Upston, 425-452-2970
Sign Code - BCC Title 22B	Mike Upston, 425-452-2970
Noise Control - BCC 9.18	Mike Upston, 425-452-2970
Utilities Code - BCC Title 24	Rob Hutchinson, 425-452-7930
Construction Codes - BCC Title 23	Lee Kranz, 425-452-2732
Uniform Fire Code - BCC 23.11	Adrian Jones, 425-452-6032

#### 2. CONSTRUCTION HOURS

Noise related to construction is allowed from 7:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 6:00 p.m. on Saturday. Exceptions to the construction noise hours limitation contained in the Noise Control Code MAY be granted pursuant to 9.18.020C.1 when necessary to accommodate construction which cannot be undertaken during exempt hours. Allowances for short term work outside of normal construction hours shall be limited and will be reviewed on a case by case basis to verify necessity and ensure appropriate noise mitigation is utilized to protect surrounding uses and properties. Written requests for exemption from the Noise Control Code must be submitted two weeks prior to the scheduled onset of extended hour construction activity. Such request shall include a noise analysis prepared by a noise consultant, including recommendations for achieving the noise limitations of the Noise Ordinance for new residential construction.

Authority: BCC 9.18.040

Reviewer: Mike Upston, Land Use

**3. ON-STREET LOADING & UNLOADING**

The property owner shall provide off-street loading spaces which can access a public street, and which will be accessible by large trucks without using Main Street to and from the east. On-street loading and unloading will not be permitted.

Authority: LUC 20.20.590.K.4

Reviewer: Mike Upston, 425-452-2970

**4. PARKING**

The property owner shall submit to the Land Use Division an updated parking calculation for Kelsey Creek Center whenever the tenant size and/or mix changes significantly to ensure that on-site parking supply will continue to meet current parking requirements of the Land Use Code. In addition, the City maintains the authority to require additional mitigation if the parking proves to be more significant than the projections contained in the parking demand analysis provided by the applicant.

Authority: LUC 20.20.590.F, LUC 20.30B.165, LUC 20.30B.170.A

Reviewer: Mike Upston, 425-452-2970

**5. TRANSPORTATION MANAGEMENT PROGRAM**

To the extent required by BCC 14.60.070, the operator of the proposed health club is required to participate in any Transportation Management Program established for the Kelsey Creek Center, as described in the Design Review Staff Report, 10-121806-LD.

Authority: BCC 14.60.070

Reviewer: Carl Wilson, 425-452-4228

**6. HEALTH CLUB OCCUPANCY MAY BE AFFECTED BY PHASING OF KELSEY CREEK CENTER DEVELOPMENT**

The proposed health club is subject to the required relationship between phasing of the overall site development and phasing of street frontage improvements as described in the Design Review staff report for the Kelsey Creek Center, 10 121806 LD. Per those requirements, the health club cannot receive a Certificate of Occupancy until all street frontage improvements that the developer of the Kelsey Creek Center is required to construct on Main Street and on 148<sup>th</sup> Avenue north of Main Street are complete and accepted by the City of Bellevue Transportation Department.

Authority: BCC 14.60.060

Reviewer: Carl Wilson, 425-452-4228

**B. PRIOR TO BUILDING PERMIT: The following conditions are required by City Code. Unless specified otherwise below, these conditions must be complied with on plans submitted with the Building permit application:**

**1. RECYCLING & SOLID WASTE COLLECTION**

A letter from Allied Waste shall be submitted to the Land Use reviewer confirming their endorsement of the proposed size and function of the recycling & solid waste collection areas, and that garbage containers will be kept out of view.

Authority: BCC 22B.025

Reviewer: Mike Upston, Land Use

## **2. ROOF-TOP MECHANICAL EQUIPMENT SCREENING**

Since mechanical equipment screening is not addressed, a Land Use Exemption from Design Review (file number 10-121806-LD) will be required prior to the tenant improvement permit approval for this use. The drawings shall show the location of each piece of mechanical equipment (including communication equipment such as satellite dishes) and demonstrate that the equipment is not visible from adjacent streets, public sidewalks, or from the tops of surrounding buildings.

Authority: LUC 20.20.525, 20.20.650, 20.20.730, 20.25B, 20.25I

Reviewer: Mike Upston, Land Use

## **3. RIGHT-OF-WAY USE PERMIT**

Prior to issuance of any construction permit, the applicant shall secure applicable right-of-way use permits from the City's Transportation Department, which may include:

- Designated truck hauling routes.
- Truck loading/unloading activities.
- Location of construction fences.
- Hours of construction and hauling.
- Requirements for leasing of right of way or pedestrian easements.
- Provisions for street sweeping, excavation and construction.
- Location of construction signing and pedestrian detour routes.
- All other construction activities as they affect the public street system.

In addition, the applicant shall submit for review and approval a plan for providing pedestrian access during construction. Access shall be provided at all times during the construction process, except when specific construction activities such as shoring, foundation work, and construction of frontage improvements prevents access. General materials storage and contractor convenience are not reasons for preventing access. The applicant shall secure sufficient off-street parking for construction workers before the issuance of a clearing and grading, building, a foundation or demolition permit.

Authority: BCC 11.70 & 14.30

Reviewer: Ron Kessack, (425) 452-4631

## **4. TRANSPORTATION IMPACT FEE**

Payment of a transportation impact fee will be required at building permit issuance, per BCC 22.16. The proposed health club will require calculation of a unique impact fee rate, using the method described in the Transportation Impact Fee Program 2009 Update. Impact fee rates are subject to change and the most current fee schedule in effect at the time of permit issuance will apply, unless a Development Agreement for the Kelsey Creek Center modifies this requirement.

Tenant improvement permits within the Kmart building that will generate one or more net new trips will be classified as "developments" for impact fee purposes under BCC 22.16.020.C, because SEPA review is required for the entire site and because trip generation for each tenant is part of the site's cumulative total, which exceeds the 11-trip threshold stated in BCC 22.16.020C. Removal of the previous Kmart use will not be eligible for credit against the transportation impact fee because that the Kmart has been out of usage for more than two years.

Authority: BCC 22.16

Reviewer: Carl Wilson, 425-452-4228