

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5535

AN ORDINANCE approving the rezone applications Overlake Hospital Medical Center and the City of Bellevue to rezone property located at 1041, 1031, 1011, 849 and 825 – 116th Ave NE from Office Limited Business (OLB) to Institutional District (I).

WHEREAS, Overlake Hospital Medical Center and the City of Bellevue filed applications to rezone property located at 1041, 1031, 1011, 849 and 825 – 116th Ave NE from Office Limited Business (OLB) to Institutional District (I); and

WHEREAS, on May 6, 2004, a public hearing was held on the rezone application before the Hearing Examiner for the City of Bellevue pursuant to notice as required by law; and

WHEREAS, on May 21, 2004, the Hearing Examiner recommended approval of the rezone application and made and entered findings of fact and conclusions based thereon in support of that recommendation, and no timely appeal thereof has been filed; and

WHEREAS, the City Council concurs in the findings of fact and conclusions of the Hearing Examiner and has determined that the public use and interest will be served by approving the rezone of said property from Office Limited Business (OLB) to Institutional District (I); and

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

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

Section 1. The City Council adopts the findings of fact and conclusions based thereon, made and entered by the Hearing Examiner in support of the recommendation to the City Council with regard to the hereinafter described property located at 1041, 1031, 1011, 849 and 825 – 116th Ave NE, as set forth in "Findings, Conclusions and Recommendations of the Hearing Examiner for the City of Bellevue in the Matter of the Applications of Overlake Hospital Medical Center and the City of Bellevue to Rezone Five Parcels from Office Limited Business (OLB) to Institutional District (I), File No. 04-104728-LQ."

Section 2. The zoning on the below described real property is hereby amended to Institutional District (I):

That portion of records of King County, Washington, described as follows:

ORIGINAL

1041 – 116th Avenue NE:

The South 99.00 feet of the North 303.50 feet of the West 125.00 feet of the East 155 feet of the Southeast quarter of the Southeast quarter of Section 29, Township 25 North, Range 5 East, W.M. in King County, Washington.

1031 – 116th Avenue NE:

Lot 1, City of Bellevue Short Plat No. 78-41, as filed under Recording No. 7806190928, in King County, Washington.

1011 – 116th Avenue NE:

Lot 2, City of Bellevue Short Plat No. 78-41, as filed under Recording No. 7806190928, in King County, Washington.

849 – 116th Avenue NE:

Lot 1, City of Bellevue Short Plat No. 77-64, as filed under Recording No. 7709260748, in King County, Washington.

825 – 116th Avenue NE:

That portion of the North 105 feet of the South 400.00 feet of the Southeast quarter of the Southeast quarter of Section 29, Township 25 North, Range 5 East, W.M. in King County, Washington, lying Northeasterly of the Easterly margin of SR 405, as shown on Primary State Highway No. 1(SR 405) Right of Way Plans, sheet 15 of 27, dated July 1, 1952;

Except the East 30.00 feet thereof.

Section 3. This rezone shall be subject to the following conditions:

A. **Conditions of Ordinance No. 5174:** All conditions of Ordinance No. 5174 shall remain in effect and apply to these five parcels.

1. **Design Review Required:** Prior to issuance of a construction permit, Design Review is required for each phase of development of the Master Development Plan (LUC 20.25J.010).

2. **Revisions to Master Development Plan:** If revisions to the Master Development Plan are proposed in the future, the revisions will be reviewed through the appropriate process provided in LUC 20.25J.050E or as required by the provisions of the Land Use Code in effect at that time.

3. **Building Height:** If building height above 75 feet is proposed in future phases, the review of the specific design details for each element of the amenity plan shall be reviewed and approved as part of the required Design Review application for each phase, and the required amenities shall be constructed prior to occupancy of the first building utilizing the height allowance above 75 feet. (LUC 20.25J.050E)

4. **Transportation Management Plan:** Prior to issuance of a Certificate of Occupancy of future phases of development, the Applicant shall be required to submit a detailed Transportation Management Plan to increase employee use of transit and car/vanpools.

a. The TMP Shall include the following mandatory strategies as required by BCC 14.60.070:

1. Posting of rideshare and transit information;
2. Distribution of rideshare and transit information;
3. Provision of a Transportation Coordinator;
4. Provision of preferential parking;
5. Subsidized transit passes and carpool subsidies;
6. Provision for a guaranteed ride home program.

b. The TMP shall also include the following strategies to maximize the probability of success of its TMP program:

1. In cooperation with Metro, conduct an analysis of the feasibility of implementing a transit shuttle between the Bellevue Transit Center and the Medical Center. The analysis, including findings and conclusions, shall be submitted to the City for its use in determining whether a transit shuttle should be included in the Medical Center's TMP at the time of future phases.

2. The applicant shall be required to include in its TMP a specific plan for implementation, monitoring, evaluation and reporting, as well as periodic review of the TMP with Metro and the City.

3. The goal of the TMP shall be to reduce the hospital's single occupancy vehicle rate for the target employee population to 75% and to increase the mode split to 25%. (BCC 14.60.070)

5. **Transportation Management Plan:** Based upon factors which are unique to the Medical Center (including, but not limited to existing employee shifts and shift changes, employee residence patterns, labor agreement constraints, and changes in the labor force), Overlake Hospital shall be required to undertake, at

its own expense, a study including a survey of its current full-time and part-time employees to determine whether and under what circumstances it may be feasible to incorporate the following TMP program elements. The study shall be completed prior to issuance of a Certificate of Occupancy for the first phase of development.

a. Coordinate its TMP with the TMPs of other nearby public and private sector employees in Bellevue.

b. Implement other potential TMP strategies on its own or in cooperation with other Bellevue employers, including, but not limited to customized bus routes, on-site day care, and other HOV utilization incentives and disincentives (parking charges).

c. Implement policies which encourage "flex-time" schedules for appropriate full-time and part-time employees who may be able to participate in TMPs of other Bellevue employers or in programs that may be feasibly implemented in cooperation with other Bellevue employers.
(BCC 14.60.070)

6. **Phasing Plan:** Overlake Hospital shall complete frontage and site improvements consisting with the Master Plan Development Plan and according to the following schedule. (See attached Phasing Plan [B-5, B-6 and Master Development Plan, B-7)

Phase II Improvements 2002-2005

Demolish 1199 Building (Medicenter South) and construct surface parking and landscaping.

Phase III Improvements: 2006-2009

Demolish 1051 Building and install landscaping and surface parking.

Phase IV Improvements 2010-2015

Demolish 1031 Building (OIMA North) and construct surface parking, south half of new main entrance improvements and landscaping. This is conditioned upon future Acquisition of the property. Applicant has agreed that upon acquisition of the property earlier than Phase IV, the demolition and improvements would occur not later than five years following such acquisition.

Demolish 1041 Building (Griffith) and complete main entrance improvements with parking and landscaping. This is conditioned upon future acquisition of the property. Applicant has agreed that upon an acquisition of the property earlier than Phase IV, the demolition and improvements would occur not later than seven years following such acquisition.

Demolish 1231 Building, install landscaping and complete north driveway entrance improvements. (LUC 20.25J.030)

7. **Accelerated Construction of Improvements:** If the hospital acquires properties fronting on 116th Avenue NE and existing leases expire or are terminated prior to the timeframes indicated in the Phasing Plan, the applicant shall install the required Master Development Plan improvements on the applicable properties within seven years of the date that the hospital has control of the property. (LUC 20.20.30A, LUC 20.30A, Rezone Ordinance No. 5174)

B. **Amending Ord. 5174 Phasing Plan:** The applicant shall submit an amendment to the Phasing Plan schedule originally approved with Ordinance 5174 (Condition #6) proposing a new timing schedule for when Phase II-IV improvements will be completed. These amendments to the Phasing Plan shall be submitted in conjunction with or prior to any future development proposal and/or design review application associated with Overlake Hospital Medical Center campus expansion. (LUC 20.30A; Rezone Ordinance No. 5174)

Section 4. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

Passed by the City Council this 6th day of July, 2004, and signed in authentication of its passage this 9th day of July, 2004.

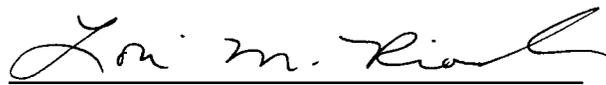
(SEAL)



~~Connie B. Marshall, Mayor~~
PHILLIP D. NOBLES
DEPUTY MAYOR

Approved as to form:

Richard L. Andrews, City Attorney



Lori M. Riordan, Deputy City Attorney

Attest:



Myrna L. Basich, City Clerk

Published July 9, 2004

**CITY OF BELLEVUE, WASHINGTON
WATERWORKS UTILITY REVENUE REFUNDING BONDS, 2004**

ORDINANCE NO. 5536

AN ORDINANCE of the City of Bellevue, Washington, authorizing the issuance and sale of \$6,825,000 principal amount of waterworks utility revenue refunding bonds to provide a portion of the funds necessary to refund the City's outstanding waterworks utility revenue bonds and to pay costs of issuing the bonds; and fixing the form, terms and covenants of the bonds.

Passed: July 29, 2004

PREPARED BY:

**PRESTON GATES & ELLIS LLP
925 Fourth Avenue
Suite 2900
Seattle, Washington 98104-7078**

TABLE OF CONTENTS

	Page
Section 1. Definitions.....	2
Section 2. Authorization of the Bonds	14
Section 3. Registration, Exchange and Payments.....	14
Section 4. Redemption	20
Section 5. Revenue Fund.....	22
Section 6. Rate Stabilization Account.....	24
Section 7. Bond Fund	24
Section 8. Adequacy of Revenue	28
Section 9. General Covenants.....	29
Section 10. Tax Covenants; Special Designation.....	33
Section 11. Payment Agreements	33
Section 12. Future Parity Bonds.....	35
Section 13. Bonds Deemed to Be No Longer Outstanding.....	39
Section 14. Form of the Bonds	40
Section 15. Execution and Authentication of the Bonds.....	45
Section 16. Lost or Stolen Bonds	46
Section 17. Sale of Bonds	46
Section 18. Official Statement	47
Section 19. Application of Bond Proceeds	47
Section 20. Refunding Account; Application of Bond Proceeds.....	48
Section 21. Redemption of Refunded Bonds.....	50
Section 22. Finding of Defeasance.....	51
Section 23. Undertaking to Provide Ongoing Disclosure.....	52
Section 24. Separate Utility System	56
Section 25. Contract Resource Obligations.....	57
Section 26. Authorization to Officials and Agents.....	59
Section 27. Supplements and Amendments.....	59
Section 28. Bond Insurance and Reserve Surety Policy	61
Section 29. Defaults and Remedies	67
29.1 Events of Default	67
29.2 Bondowners' Trustee.....	68

29.3	Suits at Law or in Equity	69
29.4	Application of Money Collected by Bondowners' Trustee.....	71
29.5	Duties and Obligations of Bondowners' Trustee	72
29.6	Suits by Individual Bondowners Restricted	73
29.7	Payment Solely From Net Revenue and Certain Funds	74
Section 30.	Severability	74
Section 31.	Ratification.....	75
Section 32.	Effective Date	75