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CITY OF BELLEVUE, WASHINGTON

RESOLUTION NO. 5326

A RESOLUTION regarding the appeals of John Hancock Mutual Life Insurance Company, Park Place, Foxborough Homeowners Association, Inglenook Homeowners Association and the City of Bellevue, Department of Design and Development from the recommendation of the Hearing Examiner for the City of Bellevue in the matter of the application of John Hancock Mutual Life Insurance Company for Approval of a Conditional Use and to Void the Unigard Planned Unit Development, File Numbers CUDN 87-7043 and PDAAS 88-6603; and entering findings of fact, conclusions and a decision thereon.

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

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

WHEREAS, on November 20, 1989, the City of Bellevue, Department of Design and Development, issued its staff report and recommendation in which it recommended that the applications be approved subject to conditions; and

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

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

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

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

WHEREAS, an appeal of the Findings, Conclusions and Recommendation of the Hearing Examiner was filed by the City of Bellevue Department of Design and Development on April 19, 1990; and

WHEREAS, an appeal of the Findings, Conclusions and Recommendation of the Hearing Examiner was filed by the applicant, John Hancock Mutual Life Insurance Company, on April 23, 1990; and

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

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

WHEREAS, the City Council now desires to enter Findings of Fact, Conclusions and its Decision in this matter; and

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

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

Section 1. The City Council hereby makes and enters the following Findings of Fact and Conclusions:

I. FINDINGS OF FACT

1. The City Council of the City of Bellevue adopts the Findings of Fact entered by the Hearing Examiner in his Findings, Conclusions and Recommendation of Hearing Examiner Pro Tempore for the City of Bellevue and Amended Findings, Conclusions and Recommendation of the Hearing Examiner Pro Tempore for the City of Bellevue, File No. CUDN 87-7043 and PDAAS 88-6603 entered March 7 and April 3, 1990, respectively. The Council does not adopt the Conclusions therein.

II. CONCLUSIONS

1. The City Council concludes as follows:

a. At the time of the original planned unit development approval in 1972, a primary consideration in such approval was preservation of the "meadow" and visual access thereto, and the preservation of significant trees. The open meadow was central to the concept of the original PUD; it is a unique feature which should continue to be maintained. The proposal would substantially impair this feature and visual access to it, contrary to the intent of the original PUD. There has been no change of conditions on this property or in the surrounding area which would justify modification of this open meadow requirement.

b. Bellevue Comprehensive Plan 21.D.200.C.1 provides that:

"The preservation of many of Bellevue's steep slopes, forest-covered hillsides and ravines, open meadows and other unique and scenic natural features should be assured through the appropriate management of development. It is the intent of these policies to achieve land use and development practices that are compatible with Bellevue's variety of environments. These development practices should protect rather than overcome natural features of the land."

Approval of a proposal which would substantially impair the existing open meadow would constitute inappropriate management of development in light of this policy encouraging the preservation of open meadows.

c. Because the proposal would substantially impair the established open meadow and the fundamental design concept that meadow implements, the proposal is not harmonious and appropriate in design, character and appearance with the existing and intended character and quality of development in the immediate vicinity of the property or with the physical characteristics of the property. For the same reason, the proposal lacks merit and value for the community as a whole.

Section 3. The appellants have not carried the burden of proof and have not produced evidence sufficient to support the conclusion that the appeal should be granted.

Section 4. The Council's decision is as follows:

- a. The appeals are denied.
- b. The application to vacate the Unigard PUD is denied.

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c. The Council reaffirms the terms and conditions of the original Unigard PUD.

d. The proposed conditional use is denied.

e. The matter is remanded to the Hearing Examiner to allow the applicant to amend its application to request amendment of the PUD to develop an alternative consistent with the original Unigard PUD approval, such as the compromise alternative referenced in the memo to the City Council from the Deputy City Manager dated June 29, 1990, at page 95 and as depicted at page 98 of the Agenda Book, which locates all future development in such a manner as to preserve the meadow and a significant portion of the trees. The remand shall be subject to the following conditions:

1. The new alternative proposal must include all future phases of development on this site, including all allowable square footage permitted under the original PUD.

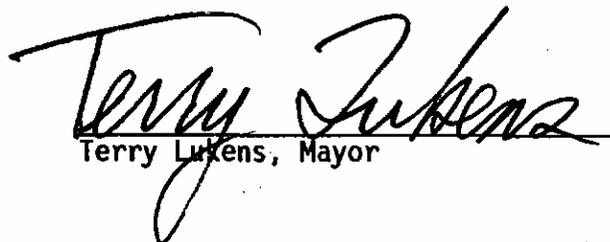
2. Lot coverage is limited to 10 percent.

3. Such additional environmental review shall be conducted as the Environmental Coordinator determines is necessary.

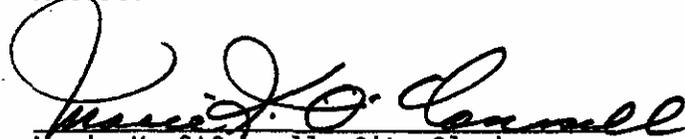
4. The new alternative proposal shall be subject to all applicable code requirements and such additional staff analysis as may be necessary.

PASSED by the City Council this 10th day of December, 1990, and signed in authentication of its passage this 10th day of December, 1990.

(SEAL)


Terry Lukens, Mayor

Attest:


Marie K. O'Connell, City Clerk