

City of Issaquah
Urban Village Development Commission

NOTICE OF DECISION

Applicant: Dave Durden
LCS Development, LLC
Capital Square, 400 Locust St., Suite 820
Des Moines, IA 50309

Property Owner: OLY/Cougar General Partnership
2505 Second Avenue, Suite 300
Seattle, WA 98121

Subject: Site Development Permit for Parcel 17A, TALUS

Number: SDP03-002EV

Decision Date: September 22 2004

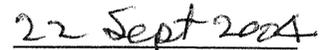
Request: Application for Site Development Permit (SDP) for a senior continuing care facility.

Location: TALUS Parcel 17A

Decision: The Urban Village Development Commission (UVDC) reviewed the proposed Site Development Permit application during a public hearing conducted on September 7, 2004, and at a public meeting on August 17, 2004. After reviewing the application, reviewing the staff report and supporting documents, and listening to presentations by the applicant and staff and reading and hearing testimony from citizens, the Commission approved the application with Conditions. Approval of this application is based on the attached Findings of Fact, Conclusions and is subject to the Conditions contained herein.



Reed Jarvis, Chair
Urban Village Development Commission



Date

NOTES

1. If any of the Conditions or portion thereof is declared invalid or unenforceable, the application must be remanded to the Responsible Official for reconsideration and evaluation for consistency and appropriateness of the remaining Conditions.
2. Appeals may be filed by the applicant, the City Designated Official, property owners within three hundred feet of the proposed action, or other persons claiming to be directly harmed by the proposed action as permitted by Appendix J of the Talus Development Agreement. Appeals shall meet the Criteria identified in Section 5.2 of Appendix J and follow the process identified in that Section.
3. Any major change (as determined by the Designated Official) to the approved site plan or accompanying drawings must be reviewed and approved by the Urban Village Development Commission. Less substantial changes may be approved administratively by the Designated Official.
4. Building, utility, and sign permits will not be approved unless all applicable Conditions of this Notice of Decision are satisfied to the satisfaction of the Designated Official.
5. This action does not indicate nor imply that any development activities may occur without the required permits being issued.

This Notice of Decision has been executed this ___ day of September, 2004 by the Chairman of the UVDC on the behalf and per the direction of the UVDC.

WHEREAS, pursuant to Appendix J (Processing) of the Cougar Mountain East Village Development Agreement, the UVDC held a public meeting on August 17, 2004 and a public hearing on September 7, 2004, to consider a Site Development Permit for a senior continuing care facility in Parcel 17A of TALUS, and,

WHEREAS, all persons desiring to comment on the proposal were given a full and complete opportunity to be heard at a public hearing; and,

WHEREAS, the UVDC originally received the application on August 10, 2004, and has had adequate time to review and reflect upon the application; and,

WHEREAS, the UVDC is now satisfied that this application has been sufficiently considered, and hereby makes and enters the following:

I. FINDINGS OF FACT

1. LCS Development LLC submitted a Site Development Permit application on December 9, 2003 for the development of a senior continuing care facility. Vehicular and pedestrian circulation, landscaping, and utility improvements are also proposed as part of the facility. A revised plan set was submitted on August 9, 2004.
2. The site is currently cleared and rough graded. Structural walls have been built on the west portion of the site. Other than these, no structures currently exist on site.
3. Primary access to the site will be from Talus Drive.
4. Under Section 18.03.300 of the Issaquah Municipal Code, the Commission conducts a planning-level review of Site Development Permit applications within Talus for conformance with the policies, goals, and objectives contained in the City of Issaquah Comprehensive Plan and the planning goals and commitments of the Talus Annexation and Development Agreement.
5. As called for by Appendix J, Section 2.3.2 of the Development Agreement (Sufficient Application Decision), the application was determined by staff to be sufficient for review on January 12, 2004. Staff has determined the application contains adequate information and detail to review as a Site Development Permit.
6. Staff have thoroughly reviewed the application and presented their findings verbally and in a staff report. Staff have revised their report based on issues raised throughout the review process, and the final staff report, dated August 31, 2004, is attached as Attachment A. This report thoroughly reviews the application in relation to the applicable approval requirements. The report contains sections addressing pertinent issues related to the application, and a recommendation of approval, subject to 47 conditions. In addition, the staff report contains numerous exhibits which relate to the review of the project. The UVDC finds this document, including its appendices, to be a thorough and complete review of the application and hereby incorporates it by reference as a finding in its entirety.
7. The UVDC has had the opportunity to thoroughly review the application. An initial briefing was provided at a public meeting on August 17, 2004. A public hearing was held on the evening of September 7, 2004.

8. Beyond the information provided in the application, the staff report and its exhibits, information was provided by staff and the applicant to the UVDC during the course of the public process to enable it to have a complete and thorough understanding of the project. This includes: a presentation by staff of how the project complies with the Development Agreement Guiding Principles and Goals and Guidelines; an interactive discussion between the staff and UVDC of each condition proposed in the staff report; a presentation by the applicant explaining the project and its compliance with the Development Agreement; and numerous physical exhibits related to the project, including a scale model showing the project and adjacent buildings and a number of architectural renderings of various locations around the site.
9. Notice of the Public Hearing and public meetings was provided consistent with the requirements of Appendix L of the Development Agreement. This is further detailed in the staff report.
10. Included in the staff report is a review of how the proposal conforms with the City of Issaquah Comprehensive Plan. The UVDC finds that the proposal conforms to the Comprehensive Plan, specifically with regard to its Land Use and Transportation Elements. This proposal will help advance the vision for the City as articulated in the Comprehensive Plan.
11. Appendix C establishes the land uses and densities for the development of this site; however, this appendix of the Development Agreement was modified by an Administrative Minor Modification (Attachment B) which allowed senior continuing care facilities as an allowed use in Parcel 17A. This proposal is consistent with the allowed use described within that Administrative Minor Modification.
12. The proposed buildings meet the building height, parking, landscaping and setback requirements of the Development Agreement, though these will be verified through the building permit.
13. The Main Body of the Development Agreement, establishes an "Allowable Development" in TALUS of 1735 residential units, 50,000 square feet of retail, and 800,000 square feet of office. Pursuant to the Development Agreement, the Master Developer has elected to convert 300,000 square feet of office to 250 additional residential units. This SDP falls within the range of Allowable Development contained within the Development Agreement.
14. Appendix G of the Development Agreement establishes a "Project Envelope" that governs SEPA compliance for implementing approvals such as the SDP. The "Project Envelope" includes the Allowable Development established by the Main Body of the Development Agreement. Through the Administrative Minor Modification, it was determined that a senior continuing care facility would fall within the Project Envelope established by the TALUS EIS.
15. Transportation mitigation for the entire TALUS Urban Village was thoroughly addressed by the Development Agreement. The traffic generated by this proposal falls within the scope of traffic anticipated by the Development Agreement and EIS. This was evaluated in detail through the Administrative Minor Modification.
16. The recreational areas shown on the plans, including croquet, bocce, putting green, trails, and pea patch, will adequately provide for outdoor activities for the community.
17. The proposed senior continuing care facility provides various features to provide for a sociable public realm, including patios, balconies, streetfront uses, street trees, and public plazas adjacent to the street.
18. The project is consistent with the mountain urban village goals and guidelines. Impacts to off-site views will be mitigated by significant modulation of the east side of the building, a

landscaped courtyard facing east, a drop in the primary roofline of the building, and landscaped areas between Parcels 17A and 16.

19. Access points onto Talus Drive provide adequate sight distance to comply with the Development Agreement, but through the required conditions, additional attention will be given to ensuring safety at the main site access to Talus Drive.
20. The mid-block road running through the building is necessary for adequate pedestrian and vehicular circulation around the project. Two way travel is necessary on this road to provide for said circulation. Through the required conditions, safety of the one lane, two way section will be adequately addressed.
21. The applicant has provided payment for ½ of the required recreation fees for the project, consistent with the Development Agreement.
22. Any conclusion listed below which could be considered a finding is hereby incorporated as a finding.

II. CONCLUSIONS

Having rendered the above-cited Findings, the UVDC draws the following Conclusions:

1. This proposal was reviewed in accordance with Appendix J of the Cougar Mountain East Village Development Agreement. The UVDC is responsible for reviewing and making the decision for Site Development Permit applications for parcels over three acres in size.
2. The proposal is within the Project Envelope established by the Development Agreement.
3. The proposal complies with the Cougar Mountain East Village Development Agreement, including subsequent amendments.
4. The application was routed to various departments within the City and all comments were incorporated into the proposal or the below-listed conditions.
5. The application contains adequate information for the UVDC to render this decision.
6. The information provided during the public review process by the staff and the applicant have further assisted the UVDC to fully comprehend the proposal.
7. The public has been given ample opportunity for comment on the proposal. The UVDC has reflected upon public comment and has taken these comments into account in its decision.
8. The proposed action complies with the City of Issaquah Comprehensive Plan.
9. The conceptual storm water plan is consistent with the Development Agreement.
10. Through application of Development Agreement requirements, traffic from the proposal will be adequately mitigated.
11. Condition 1 below, which addresses payment/credit of recreation fees based on Appendix L, Section 5.4, has been met (see Attachment C).
12. Any finding above which could be considered a conclusion is hereby incorporated as a conclusion.

III. CONDITIONS

Based on the findings and conclusions outlined above, the Urban Village Development Commission approves the Site Development Permit application for the TALUS Parcel 17A, Life Care Services, application SDP03-002EV, dated December 9, 2003, as further described in the attached staff report and exhibits (Attachment A) dated August 31, 2004, subject to the following Conditions:

1. ***The following condition shall be met prior to approval of the site development permit: ½ of all required parks and recreation shall be paid, subject to any credits applied pursuant to Appendix L, Section 5.4.***
2. The parking garage walkway (south of the pool terrace) shall be separated from the driveway by a 3' planter strip.
3. The transformer service access shall be narrowed to 10'.
4. The accessory use located at the northeast corner of the building shall be an active use which contributes to the sociable public realm (for example, a day care or offices rather than storage).
5. A radius shall be placed on the north end of the East Loop Road so that the street connects at a right angle to improve sight visibility.
6. Some combination of landscaping and architectural screening shall be provided adjacent to parking garage entrances which face the street to minimize their aesthetic impacts.
7. Wheelchair ramps and tactile warning devices (truncated domes) shall be provided at all street intersections.
8. The main surface parking entrance into the facility shall be driveway cuts, rather than street intersections.
9. Sitting walls shall be provided as reasonable and appropriate adjacent to the East Loop Road sidewalk.
10. The walkway leading to Parcel 16 shall be a minimum of 6' wide clear and constructed in such a way as to minimize tripping hazards due to differential settlement of the walls. The walkway shall be built of concrete. A handrail/guardrail integrated into the walkway shall be provided along the downhill side of the walkway. A sitting wall shall be provided where reasonable and appropriate on the uphill side of the walkway. Some form of weather protection and seating shall be provided at the overlook.
11. Utility/building permits for site development shall be reviewed to ensure street furniture, such as trash receptacles, benches and water fountains, is adequately provided for.
12. The design of the public plaza northeast of the facility entrance shall be reworked to better welcome pedestrians walking along the sidewalk to enter the plaza.
13. Public art is encouraged in the main entrance plaza.
14. The applicant is strongly encouraged and expected (but not required) to achieve LEED certification for the facility. Consideration should be given to recycling stormwater/roofwater for irrigation and/or fire suppression.
15. On the final landscape plan, one consistent street tree type shall be used on the main circulation roadway to help unify the Office Campus. A secondary accent street tree may also be used. The ARC should select the tree(s) based on an expectation for cohesion between this parcel and the office parcel.
16. Building heights shall be reviewed for compliance with Section 6.1 with the building permits.
17. The southwest corner of the building overhanging the right of way must either be removed from the right of way; an easement shall be retained prior to public conveyance; or, a use permit allowing the intrusion must be obtained.

18. The mid-block road shall be encumbered by easements that allow access by the general public.
19. The mid-block road shall be maintained to a full 18' up to the parking garage entrance, then transition to a 12' wide one lane road. Both ends of the one lane section shall be appropriately signed to make it clear it is a one lane section. In addition, advisory speed limit signs should be utilized to further communicate to the driver to proceed with caution.
20. The easterly intersection with Talus Drive will be limited to a right in, right out configuration. However, the median in this location will be reconfigured to allow fire truck passage across the median from Talus Drive westbound into the easterly site intersection.
21. All streets will be named prior to submittal for Building Permits on this site.
22. The main entry plaza, the plaza by the northeast storefront, and the community garden adjacent to Talus Drive shall be encumbered by easements that allow access by the general public.
23. Employee bicycle parking shall be provided at a rate of 1 bicycle space for every 12 accessory non-residential parking spaces. In addition, temporary guest bicycle parking shall be provided at the building entrance
24. Showers should be provided for employees.
25. A Transportation Management Plan covering both residents and employees shall be approved prior to the first building occupancy.
26. Signage shall be reviewed and approved through a separate signage permit.
27. With the utility permit for the site, a photometric lighting plan taking into account all outdoor lighting (including street lights) shall be provided to the MDRT for review and approval. The goal shall be adequate outdoor lighting for the elderly population balanced with the need for minimizing nightglow, overspill, and pinpoint source impacts offsite. The lighting plan shall respond to the comments outlined in the MDRT lighting consultant's comments provided in the Appendix T discussion, above.
28. The fire staging pad in the north open space shall have a surface which allows fire truck staging and also integrates with the adjacent bocce court and landscaping. The staging area needs to be built to handle outrigger loads from the ladder truck. The access off of Talus Drive needs to be designed to allow ladder trucks to turn off as they are headed west-bound on Talus Drive, but should be no larger than necessary. The curb cut onto Talus Drive shall allow fire truck access but also maintain appropriate landscaping, street reinforcement and aesthetics of the planter strip and curb.
29. The first parking stall (most northerly) on the west side of the East Loop Road shall be designated a fire lane.
30. A four parking stall section running from the south end of the streetfront office area shall be designated as a fire lane/loading zone.
31. The grades of the South Loop Road shall be reworked to allow a 6% grade staging pad adjacent to the garage access. Three parking stalls in this location will be designated as a fire lane.
32. At the south end of the West Loop Road, four stalls shall be redesignated a fire lane.

33. The west entrance of the mid-block road will be widened and designed to allow a ladder truck to turn in and stage.
34. Both sections of the main entry loop parking area shall be constructed to handle ladder truck outrigger loads.
35. Four stalls of the West Loop Road adjacent to the northwest tower shall be designated fire lane.
36. The planter strip in all locations where fire lanes will be adjacent to the street shall be constructed to handle ladder truck outrigger loads.
37. The oblique angle of the loading dock driveway will be reviewed to ensure trucks can adequately back into the bay assuming trucks traveling counter-clockwise around the loop road.
38. In the event the project is phased, the Designated Official has the right to apply additional conditions to ensure the individual phase complies with the Development Agreement, such as but not limited to access, fire circulation, parking and landscaping requirements. All trail connections to Parcel 16 shall be provided with the first building permit approvals, or as otherwise approved by the Designated Official.
39. Prior to the approval of the first Utility Permit, the applicant must provide the city with a letter that declares that the applicant will participate in the MDP-based stormwater monitoring program and accept a pro-rata distribution of impacts, limitations and costs for that monitoring program.
40. Any phased construction must be fully served by water utilities that meet city standards.
41. Watermains serving Parcel 17A must be looped to the 616 Booster prior to the first occupancy.
42. The applicant is encouraged to pursue inclusion of a seasonal water feature which uses stormwater within the Talus Drive Community Garden.
43. Pet pickup stations shall be provided at project exits and along the trail leading to Parcel 16.
44. The applicant shall advertise via the Talus community newsletter and community intranet the availability of jobs within the continuing care facility. In addition, a kiosk shall be set up within the facility which provides home sales information within Talus.
45. Efforts shall be made to ensure that the "meadow grass" included as part of the Phase One landscaping limits the spread of invasive species.
46. At least two motorcycle parking stalls shall be provided for employees. These may be counted as an auto parking stall toward the overall required parking count.
47. The one lane section of the mid-block road as it passes through the building shall be designed for passage of two way traffic. Vertical curvature in the area shall be designed to allow a line of sight of oncoming vehicles. The passageway and road shall be designed to allow driver visibility of pedestrians entering the crosswalk located on the west side of the building. Signage and other measures shall be provided to make clear that the road is two way and that drivers are to yield to oncoming traffic. Stop signs shall be provided at the following locations: westbound at the street entrance into the building, and on both sides of the crosswalk. Measures shall be taken to slow traffic on this section, such as a narrower lane and a stamped concrete surface.

48. Prior to the 1st occupancy, work with the City's Traffic Engineer to explore methods that could be implemented, using the existing roadway configuration, to make the western intersection as safe as possible.

Attachments:

Attachment A: Final Staff report, dated August 31, 2004

Attachment B: Administrative Minor Modification allowing senior continuing care use on Parcel 17A, AM04-001EV

Attachment C: Receipt of Recreation Fee

cc. Parties of Record
Bob Brock
Keith Niven
Dan Ervin
Tim Pilling