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## CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3946

AN ORDINANCE approving the conditional use with conditions for expansion of Fire Station No. 1 located at 666 Bellevue Way S.E. upon application of the City of Bellevue; File No. HE/CUDN 87-4020.

WHEREAS, the City of Bellevue applied for a conditional use to expand Fire Station No. 1 located at 666 Bellevue Way S.E.; and

WHEREAS, on January 28, 1988, a public hearing was held thereon by the Hearing Examiner pursuant to notice required by law; and

WHEREAS, on March 11, 1988, the Hearing Examiner recommended the application be remanded and made and entered findings of fact and conclusions based thereon in support of his recommendation; and

WHEREAS, on April 11, 1988, the City Council ordered a remand to the Hearing Examiner for further evidence concerning drainage; and

WHEREAS, on May 12, 1988, a public hearing was held thereon by the Hearing Examiner pursuant to notice required by law; and

WHEREAS, on May 20, 1988, the Hearing Examiner recommended approval with conditions of the application and made and entered findings of fact and conclusions based thereon in support of his recommendation; and

WHEREAS, on June 6, 1988, Glenn Oliver filed an appeal of the recommendation of the Hearing Examiner; and

WHEREAS, a limited public hearing was held on the appeal on July 11, 1988; and

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

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

Section 1. Adoption of Hearing Examiner Findings and Conclusions - Exceptions. The Council adopts the findings of fact and conclusions made and entered by the Hearing Examiner in support of his recommendation to the Council in this matter as set forth in "Findings and Recommendation of the Hearing Examiner for the City of Bellevue In the Matter of Application of The City of Bellevue For a Conditional Use, File No. CUDN 87-4020," and in "Supplemental Findings and Recommendation

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on Remand of the Hearing Examiner for the City of Bellevue, In the Remanded Matter of the Application of the City of Bellevue For Conditional Approval of a Conditional Use, File No. HE/CUDN 87-4020," except that the Council expressly does not adopt:

1. Findings of Fact No. 2, 3, 5, 6, 9, 10 and 14 contained in the Examiner's Supplemental Findings and Recommendation on Remand, and Finding of Fact No. 12 contained in the Examiner's Findings of Fact and Recommendation; and

2. Conclusions Nos. 1 and 2 contained in the Examiner's Supplemental Findings and Recommendation on Remand, and Conclusions Nos. 4, 5, 6, 7 and 9 contained in the Examiner's Findings and Recommendation.

Section 2. Additional Conclusion of City Council. The Council makes the following additional conclusion:

1. The proposed expansion of the conditional use for Fire Station #1 will not significantly adversely impact the drainage channel downstream of the project site, nor will it significantly adversely impact Appellant's property.

Section 3. Amendment to Condition No. 4. The Council modifies Condition No. 4 of the Hearing Examiner to read as follows:

4. The City shall record a declaration of right-of-way and sidewalk easement prior to the issuance of a final certificate of occupancy. The right-of-way declaration is for the property fronting the site which is currently located within Bellevue Way S.E., and the easement is for the sidewalk fronting the site adjacent to Bellevue Way S.E.

Section 4. Conclusions Regarding the Application. With regard to the application, the Council concludes:

A. The applicant has carried the burden of proof and produced evidence sufficient to support the conclusion the application merits approval.

B. The applicant has demonstrated that the proposal complies with the decision criteria of Bellevue City Code (Land Use Code) 20.30B.140.

Section 5. Conclusions Regarding the Appeal. With regard to the appeal, the Council concludes:

A. The appellant has not carried his burden of proof and has not produced evidence sufficient to support the conclusion the appeal should be granted.

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B. The recommendation of the Examiner is supported by a preponderance of the evidence.

Section 6. Denial of Appeal. The appeal of Glenn Oliver is denied.

Section 7. Approval with Conditions. The City Council hereby approves with conditions the remanded matter of the application of the City of Bellevue for a conditional use to expand Fire Station No. 1 located at 666 Bellevue Way S.E. and more particularly described:

PARCEL A:

That portion of the North 100 feet of Block 12 of C.R. Myer's First Addition to Moorland, as per plat recorded in Volume 5 of Plats page 5, records of King County, lying Easterly of Lake Washington Boulevard as conveyed to King County by deeds recorded under Recording Nos. 1062902 and 4932375;

EXCEPT the East 62 feet thereof;

Situate in the City of Bellevue, County of King, State of Washington.

PARCEL B REGISTERED LAND:

Lot 35 of Maxwellton Braes, King Co., Wash., as per plat recorded in Volume 21 of Plats page 80, records of King County;

Situate in the City of Bellevue, County of King, State of Washington.

PARCEL C REGISTERED LAND:

Lot 34 and vacated Lot 37 of Maxwellton Braes, King Co., Wash., as per plat recorded in Volume 21 of Plats page 80, records of King County;

Situate in the City of Bellevue, County of King, State of Washington.

PARCEL D REGISTERED LAND:

Vacated Lot 36 of Maxwellton Braes, King Co., Wash., as per plat recorded in Volume 21 of Plats page 80, records of King County;

Situate in the City of Bellevue, County of King, State of Washington.

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Provided this approval is conditioned on full compliance by the owner or owners of the property described herein, their heirs, assigns, grantees and successors in interest, with the following terms and conditions:

1. The applicant shall either obtain a variance through hearings before the Board of Adjustment for the retaining walls as proposed or shall modify the design of the proposed retaining walls at the time of building permit application such that they do not exceed a height of 30 inches within the 70-foot classified street setback of Bellevue Way S.E.

2. To mitigate temporary noise impacts to surrounding residential uses, the following shall be listed by the applicant on the face of the building plans submitted to the City for approval:

a. Any exterior work including, but not limited to, excavation, foundation, and framing shall be limited to the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and prohibited on Saturday and Sunday.

3. Street trees along Bellevue Way S.E. shall not be installed due to poor sight visibility at the northern driveway.

4. The City shall record a declaration of right-of-way and sidewalk easement prior to the issuance of a final certificate of occupancy. The right-of-way declaration is for the property fronting the site which is currently located within Bellevue Way S.E., and the easement is for the sidewalk fronting the site adjacent to Bellevue Way S.E.

5. The side sewer located under the proposed addition shall be replaced with D.I. or ABS pipe to 30 inches outside the building as a condition of the building permit.

6. The applicant shall submit an application for a clearing and grading permit. Submittals shall be in conformance with current guidelines and development standards. The required engineering plans shall include a storm drainage report/plan which fully details existing and proposed storm drainage for the site.

7. The applicant shall install storm drainage improvements to meet current development standards which shall include baffle type oil water separator(s) on the outfall(s) from the site.

Section 8. Appeal to Superior Court. The decision of the Council may be appealed to superior court in accordance with Bellevue City Code (Land Use Code) 20.35.170.

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Section 9. Effective Date. This ordinance shall take effect and be in force five days after its passage and legal publication.

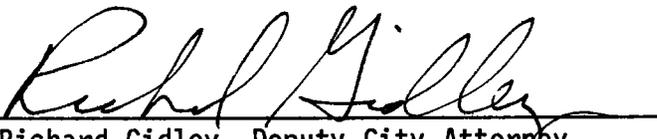
PASSED by the City Council this 1<sup>st</sup> day of August, 1988, and signed in authentication of its passage this 1<sup>st</sup> day of August, 1988.

(SEAL)

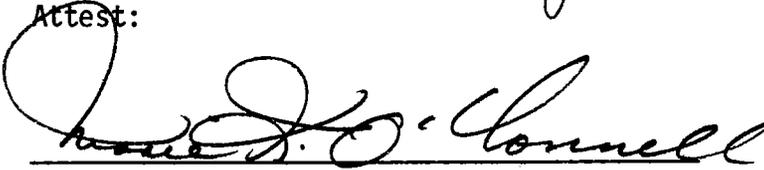
  
Nan Campbell, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

  
Richard Gidley, Deputy City Attorney

Attest:

  
Marie K. O'Connell, City Clerk

Published August 5, 1988