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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4331

AN ORDINANCE approving the preliminary and final development plans for a Planned Unit Development to develop a retirement apartment building located at 3806 - 158th Avenue SE, upon application of Bernard Development Company, File No. PFPUD 89-3531.

WHEREAS, Bernard Development Company has applied for approval of preliminary and final plans for a Planned Unit Development to develop a retirement apartment building at 3806 - 158th Avenue SE; and

WHEREAS, on October 3, 1991, a public hearing was held thereon by the Hearing Examiner Pro Tempore upon proper notice to all interested persons; and

WHEREAS, the Hearing Examiner has reviewed said preliminary and final development plans for said Planned United Development to determine whether said proposed Planned Unit Development is in conformance with the general purposes and policies of the Comprehensive Plan and meets the standards and specifications of the City; and

WHEREAS, on November 8, 1991, the Hearing Examiner recommended approval with conditions of the preliminary and final development plans for the proposed Planned Unit Development and made and entered findings of fact and conclusions based thereon in support of his recommendation; and

WHEREAS, the City Council concurs in the finding of fact and conclusions of the Hearing Examiner; 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. The City Council adopts the findings of fact and conclusions based thereon made and entered by the Hearing Examiner in support of his recommendation to the Council in this matter as set forth in "Findings, Conclusions and Recommendation of the Hearing Examiner for the City of Bellevue, In the Matter of the Application of Bernard Development Company for a Preliminary and Final Planned Unit Development (I-90 South Retirement Apartments), File No. PFPUD 89-3531".

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Section 2. The City Council hereby approves with conditions the preliminary and final development plans for the Planned Unit Development on property located at 3806 - 158th Avenue SE, and more particularly described in Exhibit A attached hereto and by this reference incorporated herein.

Provided, that this approval of the preliminary and final development plans for the Planned Unit Development 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 plans and attachments, conditions, commitments, reports, and other documents relating to the preliminary development plans for the Planned Unit Development, given Clerk's Receiving No. 17447 which are hereby approved and by this reference fully incorporated herein.

Provided further, that this approval of the preliminary and final development plans for the Planned Unit Development is subject to the following conditions:

Conditions 1 through 22 should be complied with prior to issuance of any clear and grade permit for the proposal. Conditions 23 through 30 should be complied with prior to issuance of any permit. Conditions 31 through 33 should be complied with before issuance of any certificate of occupancy for any part of the proposal.

The conditions are imposed to ensure compliance with pertinent sections of the Bellevue City Code, including the Land Use Code, or to mitigate adverse environmental impacts, identified in the MNDS, which are not addressed through an applicable code provisions. Those conditions which involve the exercise of substantive authority under SEPA are identified with the designation [S], and based on policies included within BCC 22.02.140.

1. The final site plan shall be reviewed by the geotechnical engineer to verify that all geotechnical recommendations have been accurately incorporated in the plans. A letter attesting to this shall be submitted to the Storm and Surface Water Utility. (BCC 22.02.005; COMP PLAN 21.D.200.C1, C4) [S]

2. A temporary erosion and sedimentation plan shall be submitted for the review and approval by the Storm and Surface Water Utility. (BCC 23.76.030) [S]

3. A thin layer of pea gravel, crushed rock, asphalt, or a lean concrete mud mat shall be placed over prepared subgrade. (COMP PLAN 21.D.200.C, DR, BCC 23.76.030) [S]

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4. All recommendations in the geotechnical reports submitted by Dr. Ronald Bucknam, Rittenhouse Zeman & Associates and Converse Consultant NW regarding site earthwork drainage control, foundation placement and retaining wall construction shall be followed during construction. Construction shall be monitored by a professional geotechnical engineer and reported to the Storm and Surface Water Utility on a daily basis. (BCC 22.02.05, COMP PLAN 21.D.200.C3, D4) [S]

5. A 20-foot minimum setback from the surveyed and staked top of slope along the west side of the Vasa Creek ravine to the edge of building footprint shall be maintained. A five-foot limit of disturbance into that setback measured from the edge of building footprint shall be maintained. At the discretion of the Storm and Surface Water Utility, this five-foot limit may be modified. A six-foot chain link fence shall be placed at the five-foot limit of disturbance prior to commencement of any clearing and grading.

The installation of all landscaping and the proposed trail between the building and the top of slope shall be installed by hand following the completion of the building. The location of the trail shall be approved and verified by SSWU and DDD prior to its installation.

The exhaust vault/vent from the parking garage shall be relocated. No intrusion into the 20-foot setback from top of slope shall be permitted. Location of the exhaust vault/vent shall be reviewed and approved by SSWU and DDD. (LUC 20.25H.090) [S]

6. Clearing and grading activities shall be limited to dry weather (i.e., May 1 through October 31). Weather and soil conditions may require that clearing and grading activities be excluded during times other than those listed above. Additionally, weather and soil conditions could permit specific activities to occur outside of the May 1st to October 31st construction season. SSWU shall make this determination at the time of permit issuance. (BCC 23.76.046) [S]

7. The steep ravine slope, in the vicinity of the current surficial failure shall be revegetated. A plan of this area prepared by a landscape architect experienced in slope stabilization shall be submitted for the review and approval of SSWU and DDD. (COMP PLAN 21.D.200.31) [S]

8. Construction areas shall be watered to suppress dust entrainment. Chemical dust suppressants shall not be used. (BCC 22.02.0050) [S]

9. To reduce potential cumulative adverse impacts in a potential Carbon Monoxide Non-Attainment area, the project should implement a Transportation Management Plan to reduce trip generation. (COMP PLAN 21.M.650) [S]

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10. Temporary siltation control measures should be reviewed and approved by the Storm and Surface Water Utility. (COMP PLAN 21.D.100.B.2, 3; BCC 23.76.030) [S]

11. At the discretion of the SSWU inspector, settling ponds shall be incorporated during clearing and grading activity where necessary. (COMP PLAN 21.D.100.D.2, 3; BCC 23.76.030) [S]

12. To minimize impacts to water quality entering the storm water system, on-site storm water detention should be provided per Public Works Development Standards. In order to improve storm water quality, normal runoff should pass through oil/water separators prior to being released off-site. (COMP PLAN 21.D.100.D.2, 3; BCC 23.76.030) [S]

13. A tracking pad for trucks shall be installed on the site and affected catch basins shall be protected by fabric where mud is likely to collect. (BCC 23.76.030) [S]

14. Exposed aggregate concrete shall be either eliminated or the applicant shall prepare a construction management plan for review and approval by the Storm and Surface Water Utility to eliminate discharge of concrete contaminated water to the City storm drain system. (COMP PLAN 21.D.100.C2, D.2) [S]

15. Details for the retention and protection of significant trees during construction shall appear on the face of the Landscape and Grading Plans submitted for clearing and grading permit approval as follows:

- a. A temporary six-foot-high chain-link fence shall be installed at the dripline of trees or groups of trees to be retained. This fencing shall be installed prior to any clearing or grading of the site.
- b. The applicant shall notify DDD and SSWU for required inspections and approval of the tree protection fencing. Notification shall precede clearing and grading of the site by a minimum of four working days.
- c. Intrusions into protected drip zones shall be allowed only as specifically shown on the Grading and Landscape Plans approved by the City. These intrusions shall be made by hand methods only. No stockpiling will be allowed within the drip zones.
- d. Roots exposed by excavation shall be cleanly cut. Exposed roots shall be covered with damp burlap and kept damp until expeditiously and permanently covered with earth. (LUC 20.20.520.E) [S]

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16. The following condition shall be listed by the applicant on the face of the construction drawings submitted to the City for permit approval:

- a. Prior to issuance of any permit, the contractor shall submit to DDD a letter certifying that all diesel, gasoline and air-powered equipment to be used on-site is properly muffled or silenced.
- b. Construction shall be limited to between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday and prohibited on weekends and Federal holidays.
- c. A sign shall be erected near the entrance to the site in view of contractors and the public which states: All diesel, gasoline and air-powered equipment used on-site shall be properly muffled or silenced. Construction hours are 7:00 a.m. to 6:00 p.m., Monday through Friday and prohibited on weekends and Federal holidays. Noise hotline #: 462-4570. (COMP PLAN 21.G.100.B.1; BCC 22.02.005) [S]

17. Plantings on the east and southeast sides of the building shall be native species and supportive of wildlife habitat. A plan shall be submitted indicating native plant materials for review and approval of SSWU and DDD. (COMP PLAN 21.D.100.C.4, D.1 and DEV STANDARDS 2.03.A.5) [S]

18. A limit of clearing line shall be established a minimum of 15 feet from the top of slope, as mapped and flagged on site by a qualified surveyor. A silt fence shall be established along with the six-foot chain-link fence at this line or closer to the proposed structure. (COMP PLAN 21.D.100.C.1,5,D.5) [S]

19. Improvements to 156th Avenue SE including widening of the roadway from 22 feet to 28 feet, construction of curb and gutter on both sides, a six-foot sidewalk on the west side, and street lighting shall be indicated on grading, site and landscape drawings for review and approval by City of Bellevue Staff. (COMP PLAN 21.M.210(4) [S]

20. Plans for walking path along SE 38th to facilitate pedestrian access to bus routes shall be submitted for approval by City Staff. (LUC 20.30D.150.K)

21. A construction traffic plan should be submitted detailing the scheduling and hours of activity of on-site construction traffic. Access to the project site by construction vehicles will be limited to SE 36th Street and 156th Avenue SE. (COMP PLAN 21.M.210.C.6) [S]

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22. All conditions attached to the Slope Setback Modification and Protected Area Exception approval shall be complied with to maintain this approval. (LUC 20.25H.070, 090) [S]

23. An acoustical study shall be submitted with the building permit applications. The building permit drawings and proposed construction methods shall comply with the recommendations contained in the acoustical study relating to building materials and construction techniques necessary to achieve noise levels of 40 dBA (1dn) interior. Forced fresh air circulation shall be used in all units requiring special building materials and construction methods. (COMP PLAN 21.G.100.B.1; BCC 22.02.005) [S]

24. Exterior recreation areas totaling at least 4,900 square feet exposed to noise levels of not more than 55 dBA shall be shown on plans and provided. (LUC 20.30D.160) [S]

25. A detailed legal agreement to provide twelve (12) units of affordable housing for lease shall be signed prior to issuance of any building permits. (COMP PLAN 21.G.125.C.2) [S]

26. Truck hauling routes which avoid routes through single-family areas and restrict hours of hauling shall be submitted for review and approval to Public Works/Transportation. (COMP PLAN 21.M.760) [S]

27. Revised site and landscaping plans that indicate the location and construction of a six-foot-tall sound-attenuating wall along the west property line running the length of the building/parking area shall be submitted for review and approval of DDD. (COMP PLAN 21.M.760) [S]

28. Revised landscape plans shall be submitted for review and approval of DDD showing:

- 1) the Emerald Arborvitae installed along the west property line shall be a double row 60 inches tall, four-foot 0 inches on center; and
- 2) evergreen trees six feet to eight feet tall clustered within the landscape areas adjacent to the building on the west side. (LUC 20.30D.150)

29. Specifications and a lighting plan indicating that outdoor lighting shall be shielded so as to prevent spillover to the residential area shall be submitted to DDD for review and approval. (COMP PLAN 21.B.005) [S]

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30. Building materials and colors shall be submitted to DDD for review and approval of their compatibility with the surrounding neighborhood. (LUC 20.30.D.150)

31. The applicant shall submit a draft traffic management program for review and approval of PW/Transportation. (COMP PLAN 21.M.100) [S]

32. The current owner shall demonstrate that he/she is in compliance with the pre-occupancy provisions of the Affordable Housing Agreement. (COMP PLAN 21.G.125.C.2) [S]

33. The applicant shall demonstrate that communal dining facilities including a warming kitchen and dining room area and contract(s) for catering services are in place to provide meals. Requirement for this service shall run with the life of the building/development. (LUC 20.10.440, 20.50.016)

34. Applicants shall contribute a pro-rate share of needed transportation facility improvements identified in the Developer Agreement for Mitigation of Significant Environmental Impacts signed on May 29, 1991. (COMP PLAN 21.M.210 and 215) [S]

35. In order to facilitate timely permit issuance, any submittal required by a condition to be approved prior to the issuance of any permit or certificate of occupancy shall be submitted for review to the appropriate City Department a minimum of 30 days prior to the anticipated permit issuance date.

Section 3. This ordinance shall be recorded with the King County Department of Records and Elections.

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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 24th day of February, 1992, and signed in authentication of its passage this 24th day of February, 1992.

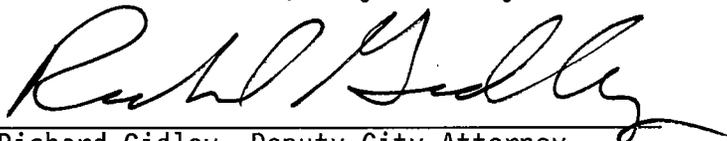
(SEAL)



Cary Bozeman, Mayor

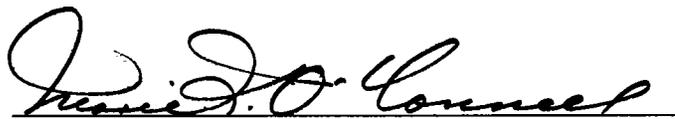
Approved as to form:

Richard L. Andrews, City Attorney



Richard L. Andrews, City Attorney

Attest:



Marie K. O'Connell, City Clerk

Published February 28, 1992