

ORIGINAL

WP0293C-ORD
01/21/94

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4628

AN ORDINANCE approving the conditional use permit application of Johnny Cheng and Associates (Bellevue Apartments) for a 39-unit, three-story apartment building with surface and underground parking, located at 13902 N.E. 8th Street.

WHEREAS, Johnny Cheng and Associates (Bellevue Apartments) has applied to the City for a conditional use permit for a 39-unit, three-story apartment building with surface and underground parking, located at 13902 N.E. 8th Street; and

WHEREAS, on December 2, 1993, a public hearing was held thereon by the Hearing Examiner pursuant to notice required by law; and

WHEREAS, on December 14, 1993, the Hearing Examiner recommended approval, with conditions, of said application and made and entered findings of fact and conclusions based thereon in support of his recommendation; and

WHEREAS, the City Council concurs in the findings 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 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 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 the Johnny Cheng and Associates (Bellevue Apartments) for Approval of a Conditional Use, File No. CUDN 92-8571."

Section 2. The City Council hereby approves the conditional use permit application, with conditions, of Johnny Cheng and Associates (Bellevue Apartments) for a 39-unit, three-story apartment building with surface and underground parking, located at 13902 N.E. 8th Street, on property legally described as:

Lots 2 and 3 of City of Bellevue Short Plat No. 81-37, recorded June 25, 1982, under Recording No. 8206259004, records of King

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County, Washington (also known as Lot 2A, according to amendment to said Short Plat recorded March 6, 1985 under Recording No. 8503060856.

provided, this approval is subject to the following conditions:

A. The following conditions (1-8) are imposed to ensure compliance with provisions of cited code or SEPA as authority to mitigate adverse environmental impacts which are otherwise not addressed through applicable code provisions. Except where noted, these conditions must be complied with prior to issuance of any clearing and grading permit for this proposal:

1. Grading, temporary erosion control and storm drainage plans shall conform to the edition of the Development Standards current at the time of application for the clearing and grading permit. (BCC 23.76.030.A, B, C, D, E)

2. Off-site areas should not be drained to the project detention system unless agreements have been reached by all property owners involved regarding construction and maintenance of the drainage system. At the time of application for the clearing and grading permit, the applicant shall either submit copies of these agreements or submit revised drainage plans. (Development Standards 4B.01.e.v)

3. The applicant shall secure a right-of-way permit from the City of Bellevue Public Transportation Department prior to issuance of a clearing and grading permit which will include:

- a. Designated truck hauling routes;
- b. Truck loading and unloading activities;
- c. Location of construction fences;
- d. Hours of construction and hauling;
- e. All other construction activities as they affect the public street system.

(BCC 14.30; Comp. Plan 21M.270.C.7)

4. Landscaping improvements within the City's right-of-way are required. These improvements must be coordinated with the Department of Community Development, Parks Department, and Transportation Department and shall be maintained by the applicant. The applicant is required to

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provide landscaping irrigation for landscaping along the property's frontage and within the City's right-of-way.

5. To mitigate adverse construction noise impacts on nearby residents, the following mitigating measures should be listed by the applicant on the face of the construction and engineering drawings submitted to the City for utility work, clearing and grading, and building permit approval. All contractors shall comply with the City of Bellevue Noise Ordinance regarding construction noise and hours of construction, summarized as follows:

a. Contractors shall not operate or permit the operation of any diesel, pneumatic or gasoline powered equipment that is not equipped with a sound-reducing or noise-attenuating device.

b. Sounds created by construction equipment and emanating from construction sites are exempt from the provisions of the Noise Ordinance between the hours of 7:00 a.m. and 6:00 p.m. on weekdays (excluding weekends and federal holidays), except expanded hours of operation may be authorized by the Director of DCD. Sound produced by construction at any other time is not exempt and is subject to the limitations of the Noise Ordinance at 9.18.030. (BCC 9.18.030)

6. To mitigate siltation and erosion from excavation and construction, temporary erosion and sedimentation control measures should be reviewed and approved by Storm and Surface Water Utility. (BCC 23.76.030)

7. To mitigate adverse air impacts due to dust during dry weather, construction areas should be watered to suppress dust entrainment. In order to reduce potential surface and ground water contamination, chemical dust suppressants should not be used. (SEPA, BCC 22.02.005)

8. To mitigate potential water quality degradation if a sewer line were broken during construction, utilities should be "field located" prior to construction activities. (SEPA, Comp. Plan 21.D.100.D.2)

9. Prior to issuance of a clear and grade permit for the proposed development, the applicant shall submit a revised site plan increasing the number of parking stalls allocated for Crosspointe use from 15 stalls to 17 stalls. The additional two stalls shall be located in close proximity to the remaining 15 stalls provided on site. (LUC 20.20.590)

B. The following conditions (1-7) are imposed to ensure compliance with provisions of cited code or SEPA as authority to mitigate adverse environmental impacts which are otherwise not addressed through

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applicable code provisions. Except where noted, these conditions must be complied with prior to issuance of any building and/or demolition permit for the proposal:

1. The applicant is required to pay the transportation impact fee in effect at the time of building permit issuance. Presently the fee is \$1,121.31 per multifamily unit. (BCC 14.10)

2. Prior to issuance of a building permit, the property owner shall initiate a Water Fireline Extension Agreement to connect the building's fire sprinkler system to the City's main. (BCC 24.02.120)

3. Doors on the refuse container area shall be made of sound-buffering material. The specific type of material shall be noted on plans submitted for building permit approval. (LUC 20.25B)

4. To mitigate light and glare impacts from outdoor lighting sources affecting highway, road or residential uses, lighting should be shielded and directed downward away from adjoining properties. (SEPA, Comp. Plan 21.B.005)

5. The applicant shall submit color samples and materials for the building exterior for the review and approval of the Department of Community Development. (LUC 20.25A.110)

6. To mitigate freeway noise impacts and achieve maximum noise levels inside the units which comply with Ordinance 4241 (40 dBA in sleeping areas and 45 dBA in non-sleeping areas), the building plans shall be revised to include the noise mitigation recommendations of a noise consultant. (SEPA, Ord. #4241)

7. To ensure that exterior windows can remain closed to control noise impacts and meet the requirements of Ordinance 4241, without depriving the future occupants of an adequate volume of fresh air, the building plans shall include, if necessary, a ventilation system which provides fresh air to each individual unit. The system design shall allow the occupants of each unit to adjust the volume of fresh air to the unit to suit their needs. (SEPA, Ord. #4241)

C. The following conditions (1-2) are imposed to ensure compliance with provisions of cited code or SEPA as authority to mitigate adverse environmental impacts which are otherwise not addressed through applicable code provisions. Except where noted, these conditions must be complied with prior to issuance of any Certificate of Occupancy:

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1. The applicant is required to reconstruct street frontage which is damaged during the construction of this project. (Comp. Plan 21.M.215.C.2; Devel. Standards 3A.06)

2. Separate sign design review approval must be obtained for all signage associated with this project. (LUC 20.30F)

D. Affordable housing requirements of Bellevue City Code (Land Use Code) 20.20.128 shall be met as provided in that certain agreement regarding affordable housing, a copy of which has been given Clerk's Receiving No. 20006.

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

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

PASSED by the City Council this 24th day of January, 1994, and signed in authentication of its passage this 24th day of January, 1994.

(SEAL)


Donald S. Davidson, DDS, Mayor

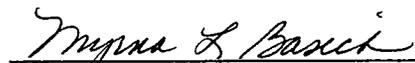
Approved as to form:

Richard L. Andrews, City Attorney


Richard L. Andrews, City Attorney

Richard L. Andrews, City Attorney

Attest:


Myrna L. Basich, City Clerk

Published January 28, 1994