

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6429

AN ORDINANCE DENYING THE APPEAL OF THE HEARING EXAMINER'S APRIL 5, 2018 DECISION DENYING INA TATEUCHI'S APPLICATION FOR REVOCATION OF THE CONDITIONAL USE PERMIT ISSUED TO KEMPER DEVELOPMENT COMPANY FOR DEVELOPMENT AND USE OF A HELISTOP ON THE BELLEVUE PLACE BUILDING LOCATED AT 10500 NE 8<sup>TH</sup> STREET, BELLEVUE, WASHINGTON.

WHEREAS, the City Council granted the Conditional Use Permit to Kemper Development Company pursuant to Ordinance 6000 for development and use of a helistop on the Bellevue Place building located at 10500 NE 8<sup>th</sup> Street, Bellevue, Washington on May 16, 2011; and

WHEREAS, an application for revocation of the Conditional Use Permit was submitted by Ina Tateuchi on February 4, 2016; and

WHEREAS, a public meeting on the application for revocation was held on June 27, 2017 after notice published on March 2, 2017, and re-noticed on March 9, 2017, and June 8, 2017; and

WHEREAS, the Director of Development Services issued a recommendation that the Hearing Examiner deny the application to revoke the Conditional Use Permit on March 1, 2018.

WHEREAS, a public hearing on the application for revocation was held on March 22, 2018 after notice published on March 1, 2018; and

WHEREAS, the Hearing Examiner issued her Findings of Fact, Conclusions of Law and Decision denying the application to revoke the Conditional Use Permit on April 5, 2018; and

WHEREAS, an appeal of the Hearing Examiner's Decision was filed by Ina Tateuchi and Helicopters Unsafe Here on April 18, 2018; and

WHEREAS, a limited public hearing on the appeal of the Hearing Examiner's Decision was held in front of the City Council on June 18, 2018; and

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

Section 1. The City Council adopts and incorporates the Findings of Fact and Conclusions of Law of the Hearing Examiner as set forth in the April 5, 2018 Decision.

Section 2. Based on the Findings of Fact and Conclusions of Law, the City Council enters the following Decision on appeal:

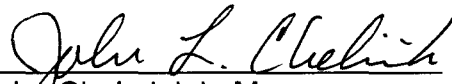
The City Council concludes that Appellants Ina Tateuchi and Helicopters Unsafe Here failed to meet their burden to prove that the Hearing Examiner's Decision was not supported by material and substantial evidence in the record. The Ina Tateuchi and Helicopters Unsafe Here appeal is hereby denied.

Section 3. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

Passed by the City Council this 1<sup>st</sup> day of October, 2018 and signed in authentication of its passage this 1<sup>st</sup> day of October, 2018.

(SEAL)




  
John Chelminiak, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

  
Nicholas Melissinos, Deputy City Attorney

Attest:

  
Kyle Stannert, City Clerk

Published October 4, 2018,