

ORIGINAL

WP0070C-ORD  
11/23/92

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4449

AN ORDINANCE reclassifying 3.97 acres of property located on the south side of N.E. 8th Street between 124th Avenue N.E. and 126th Avenue N.E. on application of POLYGON 2000, Inc.

WHEREAS, Gary A. Young applied to the City on behalf of POLYGON 2000, Inc. to rezone four parcels comprising 3.97 acres of property located on the south side of N.E. 8th Street between 124th Avenue N.E. and 126th Avenue N.E. from R-3.5 to R-10; and

WHEREAS, on August 13, 1992 a public hearing was held on the rezone application before the Hearing Examiner for the City of Bellevue pursuant to notice as required by law; and

WHEREAS, on October 14, 1992 the Hearing Examiner recommended approval, with conditions, of the rezone application and made and entered findings of fact and conclusions based thereon in support of her recommendation; and

WHEREAS, on October 26, 1992 the Hearing Examiner issued an Order Clarifying Condition regarding the affordable housing condition in her recommendation; and

WHEREAS, the City Council concurs in the findings of fact and conclusions of the Hearing Examiner as amended by the Order Clarifying Condition and has determined that the public use and interest will be served by approving the reclassification of the hereinafter described said property from R-3.5 to R-10 with conditions; and

WHEREAS, the City 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 based thereon, made and entered by the Hearing Examiner in support of her recommendation to the City Council approving the reclassification request with regard to the hereinafter described property located on the south side of N.E. 8th Street between 124th Avenue N.E. and 126th Avenue N.E. 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 POLYGON 2000, Inc. For Approval of a Reclassification of Four Parcels on N.E. 8th Street, File No. REZ 92-2557" and as clarified pursuant to the Order Clarifying Condition dated October 26, 1992.

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Section 2. The following described property comprised of four parcels located on the south side of N.E. 8th Street between 124th Avenue N.E. and 126th Avenue N.E. is hereby reclassified from R-3.5 to R-10 subject to the conditions that follow:

The North half of the Northwest quarter of the Northwest quarter of the Northeast quarter of said Section 33, Township 25 North, Range 5 East, W.M., in King County, Washington;

EXCEPT the South 75.00 feet of the West 138.00 feet thereof.

This reclassification is subject to the following conditions:

a. The applicant shall satisfy the requirements of LUC 20.20.128 for affordable housing to the extent they may become applicable. The requirement becomes applicable and the condition to provide the affordable units shall be implemented when, if ever, the total number of permitted units on the combined properties equals or exceeds ten units. The affordable housing requirements specify that for rezones of ten units or greater, at least ten percent (10%) of the units buildable under the original maximum density (R-3.5) and that at least twenty percent (20%) of the units buildable as a result of the increase in density from the original maximum density to the total number of approved units must be affordable units. One bonus market rate unit is permitted for each of the affordable units provided to meet the minimum ten percent (10%) requirement of the original maximum density, up to fifteen percent (15%) above the original maximum density. "Affordable units" shall be defined as set forth in LUC 20.50.010.

For the purpose of calculating the number of required affordable units, the original maximum density possible under the R-3.5 zoning for the four adjacent parcels, if combined, is fourteen (14) units. The units shall remain affordable units for the lifetime of the R-10 zoning classification and shall be dispersed across the range of unit sizes and throughout the property.

In consideration of the increased density that the City will allow, the provision of the total affordable units is required to occur on-site. The provisions of Section 20.20.128.E, Alternative Compliance Methods, shall not apply to this site.

Prior to issuance of a building permit, the owner shall sign any necessary agreements with the City to implement these affordable housing requirements. The City may agree, at its sole discretion, to subordinate any affordable housing regulatory agreement for the purpose of allowing the owner to obtain financing for development of the property, consistent with any applicable provisions of the Land Use Code in effect at the time of issuance of the development permit(s).

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b. During the design review application, and prior to issuance of design review approval, the developer, City staff, and the abutting single-family property owners shall meet to consider landscape screening issues in the Transition Area buffer area, provided that more than one meeting shall be held if necessary to reach consensus on the issues.

This reclassification is further conditioned on full compliance by the owner of said property and its heirs, assigns, grantees or successors in interest, with the terms and conditions of that certain Concomitant Agreement executed by the owners of said property, which has been given Clerk's Receiving No. 18508, and which has been adopted by reference into this ordinance as if it were fully set forth herein.

Section 3. This Ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 23<sup>rd</sup> day of November, 1992, and signed in authentication of its passage this 27<sup>th</sup> day of November, 1992.

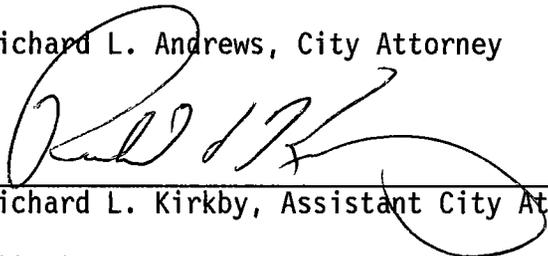
(SEAL)



Cary Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney



Richard L. Kirkby, Assistant City Attorney

Attest:

Sharon Mattioli for

Myrna L. Basich, City Clerk

Published November 27, 1992