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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4010

AN ORDINANCE reclassifying approximately 82.5 acres of property bounded on the south by S.E. Eastgate Way; on the north by Kamber Road; on the east by Bellevue Community College; and on the west by Puget Power transmission lines in the Eastgate Subarea in the City of Bellevue, commonly referred to as the Sunset properties, on application of Father R.J. Sullivan and R.R. Lee, Sr.

WHEREAS, the applicants Father R.J. Sullivan and R.R. Lee, Sr. by David Victor (Wright Runstad and Company) filed an application for reclassification of approximately 82.5 acres of property from R-10/C, R-30/C and CB/C to OLB and R-10 with conditions, which property is bounded on the south by S.E. Eastgate Way; on the north by Kamber Road; on the east by Bellevue Community College; and on the west by Puget Power transmission lines in the Eastgate Subarea in the City of Bellevue; and

WHEREAS, on January 19, 1989, a public hearing was held thereon before the Hearing Examiner Pro Tem for the City of Bellevue upon proper notice to all interested persons; and

WHEREAS, on February 10, 1989, the Hearing Examiner Pro Tem issued his Findings and Recommendation recommending conditional approval of said application and made and entered findings of fact and conclusions based thereon in support of his recommendation; and

WHEREAS, the Department of Public Works filed an appeal of the Findings and Recommendation of the Hearing Examiner Pro Tem dated February 10, 1989; and

WHEREAS, pursuant to a Joint Motion to Reopen the Record submitted by the City of Bellevue and Wright Runstad on behalf of the applicant, the Hearing Examiner Pro Tem issued an Order on Joint Motion to Reopen Record dated March 30, 1989 for the limited purpose of providing the Hearing Examiner with evidence necessary to resolve certain issues relating to child-care and child-care facilities and to provide clarification of his findings and recommendation with regard to roadway improvements; and

WHEREAS, on April 14, 1989, the Hearing Examiner Pro Tem issued his Supplemental Findings and Recommendation which amended his Findings and Recommendation of February 10, 1989; and

WHEREAS, the Department of Public Works withdrew its appeal of the Hearing Examiner's Findings and Recommendation; and

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WHEREAS, on May 22, 1989, the City Council considered the Hearing Examiner Pro Tem's Findings and Recommendation for conditional approval of the rezone application as amended by said Supplemental Findings and Recommendation; and

WHEREAS, the City Council has reviewed the record before the Hearing Examiner Pro Tem in this matter and concurs with his recommendation to conditionally approve the application, as modified by the supplemental recommendation of the Hearing Examiner Pro Tem, and concurs in the findings of fact and conclusions upon which said recommendation and supplemental recommendation are based; and

WHEREAS, the City Council desires to enter additional findings of fact and conclusions regarding certain issues; and

WHEREAS, the City has complied with the requirements of the State Environmental Policy Act and the Bellevue Environmental Procedures Act; 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 Pro Tem in support of his recommendation to the City Council in this matter as set forth in the "Findings and Recommendation of the Hearing Examiner Pro Tem for the City of Bellevue In the Matter of the Application of Father R.J. Sullivan and R.R. Lee, Sr. by David Victor (Wright Runstad and Company) for a Reclassification of Zoning, File No. HE/REZ 88-2659" dated February 10, 1989 and as modified by the Hearing Examiner Pro Tem's "Supplemental Findings and Recommendation of the Hearing Examiner Pro Tem for the City of Bellevue In the Matter of the Application of Father R.J. Sullivan and R.R. Lee, Sr. by David Victor (Wright Runstad and Company) for a Reclassification of Zoning, File No. HE/REZ 88-2659," dated April 14, 1989, except insofar as they are inconsistent with the Findings and Conclusions set forth in Sections 2. and 3. of this Ordinance.

Section 2. The City Council enters the following additional findings of fact:

A. A condition of the Hearing Examiner's recommendation required that twenty-five percent of the housing units on the property be set aside for persons of moderate and median income.

B. The June, 1988 Housing Study produced by the City of Bellevue indicates that the City can expect a significant increase in the number of households in the city by 2000, and that many of these

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households will meet HUD guidelines for low, as well as moderate and median, income households.

C. Comprehensive Plan, Section 21.G.105.A.1 provides that the City should encourage a variety of housing opportunities for those with special needs.

Comprehensive Plan, Section 21.G.105.C provides that "... assisted housing for the economically disadvantaged should be provided within Bellevue in a manner which is accepted by all residents."

Comprehensive Plan, Section 21.G.105.E provides that the City ensure adequate housing is available for families with children, who often have limited economic means.

Comprehensive Plan, Section 21.G.120.A.1 provides that it is a goal of the City to increase housing opportunities within the city.

Comprehensive Plan, Section 21.S.100 provides as a goal that the City maintain and enhance a quality living environment regardless of economic status.

Comprehensive Plan, Section 21.S.450 provides that "the City shall encourage and promote the availability of diverse quality housing opportunities for people, regardless of their economic status."

D. Based on local and national studies, the Planning Staff determined that employee population on the property when developed would create a demand for 60 to 120 child care slots, and the resident population would create a need for 21 such slots.

E. Comprehensive Plan 21.S.140 provides that it is a city goal to support child care services throughout the City.

Comprehensive Plan 21.S.145 provides that the City should encourage the provision of child care services that are convenient to the home and workplace.

Comprehensive Plan 21.S.500 provides the City should encourage the provision of services to meet the needs of single-parent families.

Section 3. The City Council enters the following additional conclusions:

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A. There is a demonstrated need for housing in the city of Bellevue for persons of low, moderate and median income.

B. The goals and policies of the Comprehensive Plan support a condition requiring that a portion of the new housing on the property be committed to be available to persons of low, moderate and median income. Ten percent of the total housing each for persons of low and moderate income, and five percent for persons of median income, is appropriate.

C. The project should provide services to meet a reasonable portion of the child care needs resulting from the project. Between 50 and 80 child care slots is a reasonable number to be provided.

Section 4. The following described property is hereby reclassified from R-10, R-30 and CB with conditions to OLB and R-10 with conditions as follows:

PARCEL A

That portion of Section 10, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Commencing at the west quarter corner of said Section 10, from which point the northwest corner of said Section 10 bears $N01^{\circ}26'24"E$; thence $S88^{\circ}33'04"E$, along the east-west center of section line of said Section 10, a distance of 1661.94 feet to the southeast corner of the west half of the southwest quarter of the southeast quarter of the northwest quarter of said Section 10; thence $N01^{\circ}18'59"E$, along the east line of said west half, 664.29 feet to the north line of said southwest quarter of the southeast quarter of the northwest quarter of said section; thence $S88^{\circ}35'25"E$, along said north line, 222.05 feet; thence $N01^{\circ}20'28"E$ 150.00 feet to the TRUE POINT OF BEGINNING; thence continuing $N01^{\circ}20'28"E$ 514.44 feet to the north line of the northwest quarter of the southeast quarter of the northwest quarter of said Section 10; thence $S88^{\circ}37'47"E$ 109.48 feet to the west line of the east half of the northeast quarter of the northwest quarter of said Section 10; thence $N01^{\circ}17'30"E$ 646.27 feet to the southeasterly margin of 139th Place S.E., said point being on a 603.14 foot radius circular curve to the left, from which point the center of said curve bears $N13^{\circ}04'01"W$; thence northeasterly, along said curve through a central angle of $40^{\circ}56'35"$, an arc distance of 431.00 feet to a point of tangency; thence $N35^{\circ}59'24"E$ 29.05 feet to the west line

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of the east 300.00 feet of said east half; thence $S01^{\circ}14'32''W$, along said west line, 246.84 feet to the north line of the southeast quarter of the northeast quarter of the northwest quarter of said Section 10; thence $S88^{\circ}40'08''E$, along said north line, 300.00 feet to the northwest corner of the southwest quarter of the northwest quarter of the northeast quarter of said Section 10; thence $S88^{\circ}15'04''E$, along the north line of said subdivision, 670.09 feet to the northeast corner of said subdivision; thence $S01^{\circ}18'44''W$, along the east line of said subdivision and its southerly prolongation, 1,167.32 feet to a point which bears $S88^{\circ}56'04''E$ from the TRUE POINT OF BEGINNING; THENCE $N88^{\circ}56'04''W$ 1,442.64 feet to the TRUE POINT OF BEGINNING.

Containing approximately 37.8766 acres, more or less.

Said PARCEL A is rezoned to R-10 with conditions as set forth in that certain Concomitant Zoning Agreement hereinafter referenced.

PARCEL B

That portion of Section 10, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Commencing at the west quarter corner of said Section 10, from which point the northwest corner of said Section 10 bears $N01^{\circ}26'24''E$; thence $S88^{\circ}33'04''E$, along the east-west center of section line of said Section 10, a distance of 1661.94 feet to the southeast corner of the west half of the southwest quarter of the southeast quarter of the northwest quarter of said Section 10 and the TRUE POINT OF BEGINNING; thence $N01^{\circ}18'59''E$, along the east line of said west half, 664.29 feet to the north line of said southwest quarter of the southeast quarter of the northwest quarter of said section; thence $S88^{\circ}35'25''E$, along said north line, 222.05 feet; thence $N01^{\circ}20'28''E$ 150.00 feet; thence $S88^{\circ}56'04''E$ 1442.64 feet to the east line of the west half of the southwest quarter of the northeast quarter of said Section 10; thence $S01^{\circ}18'44''W$, along said east line 590.00 feet to a point on the northerly line of that certain tract of land conveyed to King County by instrument recorded under King County Recording No. 7806090312; thence generally southwesterly, along said northerly line; the following courses and distances: thence $S80^{\circ}52'57''W$ 0.12 feet; thence $N01^{\circ}18'32''E$ 51.72 feet; thence $N88^{\circ}41'28''W$ 60.00 feet; thence $S01^{\circ}18'32''W$ 50.00 feet; thence $N88^{\circ}41'28''W$ 13.00 feet; thence $S34^{\circ}10'42''W$ 68.29 feet to a point on a 235.08 foot radius

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circular curve to the left, from which point the center of said curve bears $S29^{\circ}33'22''E$; thence southwesterly, along said curve, through a central angle of $34^{\circ}26'52''$, an arc distance of 141.34 feet to a point of reverse curvature and the beginning of a 420.00 foot radius circular curve to the right; thence southwesterly, along said curve, through a central angle of $65^{\circ}18'46''$, an arc distance of 478.77 feet to a point of tangency; thence $N88^{\circ}41'28''W$ 93.62 feet; thence $S01^{\circ}18'32''W$ 437.12 feet; thence $S41^{\circ}18'39''W$ 32.73 feet to a point on the northerly margin of the FL 5 Frontage Road as delineated on sheets 3 & 4 of 25, SR 90 Right-of-Way, Richards Road to Lake Sammamish as approved June 12, 1969; thence westerly, along said northerly margin, $N85^{\circ}46'25''W$ 966.70 feet to a point which bears $S01^{\circ}18'59''W$ from the TRUE POINT OF BEGINNING; thence $N01^{\circ}18'59''E$ 586.80 feet to the TRUE POINT OF BEGINNING.

Containing approximately 44.6734 acres, more or less.

Said PARCEL B is rezoned to OLB with conditions as set forth in that certain Concomitant Zoning Agreement hereinafter referenced.

This reclassification from R-10, R-30 and CB with conditions to OLB and R-10 with conditions is conditioned on full compliance by the owners of said property and their heirs, assigns, grantees or successors in interest with the terms and conditions of that certain Concomitant Zoning Agreement which has been given Clerk's Receiving No. 14463 and which is adopted by reference into this ordinance as if it were fully set forth herein.

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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 5th day of June, 1989, and signed in authentication of its passage this 5th day of June, 1989.

(SEAL)

Nan Campbell
Nan Campbell, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

[Signature]
Richard L. Kirkby, Assistant City Attorney

Attest:

[Signature]
Marie K. O'Connell, City Clerk

Published June 14, 1989