

6-27-89  
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## CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4031

AN ORDINANCE reclassifying 11.5 acres of City property located east of 118th Avenue S.E. and north of S.E. 5th Street in the Wilburton Subarea of the City of Bellevue, commonly called the west slope, from R-1 and R-20 to R-20/C.

WHEREAS, the applicant City of Bellevue filed an application for reclassification of City property located east of 118th Avenue S.E. and north of S.E. 5th Street in the Wilburton Subarea and commonly referred to as the west slope from R-1 (single family/one unit per acre) and R-20 (multifamily) to R-20/C (multifamily with conditions), as particularly described hereafter; and

WHEREAS, on May 24, 1989, a hearing was held before the Hearing Examiner upon proper notice to all interested parties; and

WHEREAS, on June 8, 1989, the Hearing Examiner entered a recommendation for reclassification of said property from R-1 and R-20 to R-20/C; and

WHEREAS, the City Council has determined that reclassification of said property from R-1 and R-20 to R-20/C should be granted and desires to enter findings of fact and conclusions with regard thereto; and

WHEREAS, the City 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 entered by the Hearing Examiner on June 8, 1989, and his recommendation to approve the application of the City of Bellevue to reclassify the hereinafter described property from R-1 and R-20 to R-20/C as contained in "Findings and Recommendation of the Hearing Examiner for the City of Bellevue In the Matter of the Application of the City of Bellevue (Wilburton Subarea) For a Reclassification, File No. HE/REZ 89-2356."

Section 2. The City Council hereby finds and concludes that the Hearing Examiner's recommendation of June 8, 1989, for the proposed reclassification should be approved and the property described in Section 3 of this ordinance should be reclassified subject to the following conditions:

06-27-89  
4342c

1. Design Review

Development of the site shall be subject to design review unless the City Council prescribes another procedure, such as a design competition. If Design Review is the review procedure to be used, the following criteria shall be met to ensure that the structures are residential in design character, height and bulk:

- a. Pitched roof forms;
- b. No modification of the 30-foot height limit of the Single-Family Transition area;
- c. The use of exterior building details such as inset windows, bay windows, roof overhangs and balconies;
- d. Exterior building colors to be primarily earth and wood tones;
- e. Structures shall be located and oriented to maximize the preservation of views from the adjacent park property.

2. Traffic Mitigation

Off-site traffic mitigation, as identified in the Wilburton Hill Land Use Plan, shall be addressed at the time of the design review/design competition and building permit phases.

3. Moderate-Income Housing

It shall be guaranteed that at the completion of the project, 30% of the housing provided shall be available and affordable to moderate-income seniors or families as long as so zoned. "Moderate-income" shall be defined as that which lies between 50%-80% of median income. "Median income" shall be that which is currently defined by the Department of Housing and Urban Development for the Seattle Metropolitan Statistical Area.

4. Child-Care

A child-care facility shall be provided on the site that can accommodate no less than 40 children. This facility shall be completed simultaneous to the completion of any multifamily development upon the site, whether or not the parcel is developed according to a phased development schedule. The facility shall be open to the public and sited to encourage public use. Every effort shall be made to provide adequate incentives to ensure that the child-care facility is available to a provider who operates with a sliding fee scale based on income.

06-27-89  
4342c

5. Trail Easements

Trail easements shall be provided to connect the park site to 118th Avenue S.E. The location of these easements shall be determined by the Parks Department prior to the issuance of any building permits.

6. Noise

To mitigate noise impacts to adjacent single-family districts, any development proposed within the rezone area should locate common areas such as swimming pools, children's play areas, and other common open spaces or gathering areas on the site in such a way as to be as isolated (either by distance and/or by separation by building) as much as possible from adjacent single-family districts. (Comp Plan 21.G.100.D.6)

Section 3. The following described property is hereby reclassified from R-1 and R-20 to R-20/C, subject to the conditions set forth in Section 2 of this ordinance which shall run with the land and bind the City and its successors or assigns:

A tract of land containing lot 6 and a portion of lot 5 of Strawberry Lawn, according to the official plat thereof recorded in Volume 4 of Plats, at page 30.5, Records of King County, Washington and Lots 11 through 15, inclusive, Block 8, and Lots 16 through 20, inclusive, Block 9, in the Plat of Wilburton, according to the official plat thereof recorded in Volume 11 of Plats, at page 97, said Records of King County, Washington;

Together with that portion of the unnamed 15.00-foot wide street right-of-way being Easterly of and adjoining Blocks 8, 9, and 10 in said Plat of Wilburton, lying Northerly of the Easterly prolongation of the South line of said Lot 16, Block 9;

And together with that portion of the unnamed 19.00-foot wide street right-of-way being Northerly of and adjoining said Block 8 in the Plat of Wilburton and lying between the Northerly prolongations of the West line of said Lot 11, Block 8, and the East line of said Lot 15, Block 8;

And together with the vacated portion of S.E. Prospect Street lying between said Blocks 8 and 9;

06-27-89  
4342c

Said tract being more particularly described as follows:

Beginning at the Southwest corner of said Lot 6 of Strawberry Lawn; thence Northerly to the Northwest corner of said Lot 6; thence Easterly along the North line of said Lot 6 (the South line of said Lot 5) to the Southeast corner of the West 251.60 feet in width of said Lot 5; thence Northerly along the East line of said West 251.60 feet in width of Lot 5 to a point of intersection with the North line of the South 75.00 feet in width of said Lot 5; thence Easterly along said North line to a point of intersection with the East line of said Lot 5; thence Southerly along said East line and the East line of said Lot 6, to the Southeast corner of Lot 6; thence Southerly along the East line of Lot 7 of said Strawberry Lawn (also the East line of said Plat of Wilburton) to a point of intersection with the Easterly prolongation of the South line of said Lot 16, Block 9, of the Plat of Wilburton; thence Westerly along said prolongation and the South line of said Lots 16 through 20, Block 9, to the Southwest corner of said Lot 20 of Block 9; thence Northerly along the West line of said Lot 20 and along the West line of Lot 11 of said Block 8, of the Plat of Wilburton to the Northwest corner of said Lot 11; thence continuing northerly on the prolongation of the previous course, to a point of intersection with the South line of the aforementioned Lot 6 of Strawberry Lawn; thence westerly to the point of beginning;

Containing in all 11.447 acres, more or less.

Subject to all roads, easements and rights-of-way, existing and/or of record.

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 27<sup>th</sup> day of July, 1989,  
and signed in authentication of its passage this 27<sup>th</sup> day  
of July, 1989.

(SEAL)

Narr Campbell  
Narr Campbell, Mayor

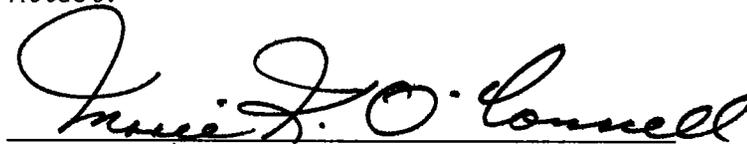
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4342c

Approved as to form:

Richard L. Andrews, City Attorney

  
Richard L. Andrews, City Attorney

Attest:

  
Marie K. O'Connell, City Clerk

Published July 31, 1989