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## CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4355

AN ORDINANCE reclassifying approximately 17 acres of property located at 2004 - 132nd Avenue SE in the City of Bellevue from R-1 and Open Use (OU) to R-20 with conditions on application of Ralph and Margaret Wells.

WHEREAS, Ralph and Margaret Wells filed an application for reclassification of approximately 17 acres of property located at 2004 - 132nd Avenue SE in the City of Bellevue from R-1 and Open Use (OU) to R-20; and

WHEREAS, on March 5, 1992, a public hearing was held on the application before the Hearing Examiner Pro Tem for the City of Bellevue upon proper notice to all interested parties; and

WHEREAS, on March 23, 1992, the Hearing Examiner Pro Tem recommended to the City Council approval of the application with conditions and entered findings of fact and conclusions based thereon in support of his recommendation; and

WHEREAS, on March 27, 1992, the Hearing Examiner Pro Tem issued an Order amending his findings, conclusions, and recommendations of March 23, 1992; and

WHEREAS, the City Council concurs in the findings of fact and conclusions of the Hearing Examiner Pro Tem, subject to certain modifications, and has determined that the public use and interest will be served by approving the reclassification of said property from R-1 and OU to R-20 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 Pro Tem in support of his recommendation to the City Council of March 23, 1992, approving the reclassification request with regard to the hereinafter described property as set forth in "Findings, Conclusions, and Recommendation of the Hearing Examiner for the City of Bellevue In the Matter of the Application of Ralph and Margaret Wells for Approval of a

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Reclassification, File No. REZ 91-4651," provided that the City Council does not adopt Conclusion No. 4 and instead imposes a landscaping requirement as recommended by City staff and as set forth in Section 2 of this ordinance. The City Council does not adopt the Hearing Examiner Pro Tem's Order of March 27, 1992 deleting affordable housing conditions and instead adopts Conclusion No. 5 and Condition No. 3 of the Hearing Examiner's recommendation of March 23, 1992, with modifications, as set forth in Section 2 of this ordinance.

Section 2. The following-described properties are hereby reclassified from Open Use (OU) to R-20 and from R-1 to R-20 respectively as indicated, subject to the conditions that follow:

Reclassified from Open Use (OU) to R-20:

That portion of the Southwest quarter of Section 3 and the Southeast quarter of Section 4, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the Northwest corner of the South 330.00 feet of the Southwest quarter of the Northwest quarter of the Southwest quarter of said Section 3; thence Easterly along the North line thereof to the East line of the West half of the West half of the Southwest quarter of said Section 3; thence Southerly along said East line to the Southeast corner of the North half of the Northwest quarter of the Southwest quarter of the Southwest quarter of said Section 3; thence Westerly along the South line thereof to the centerline Henry Richard's Road (132nd Avenue S.E.); thence Northwesterly along said centerline to the North line of the South 330.00 feet of the Northeast quarter of the Southeast quarter of said Section 4; thence Easterly along said North line to the Point of Beginning.

Reclassified from R-1 to R-20:

The South 330.00 feet of the West half of the Southeast quarter of the Northwest quarter of the Southwest quarter of Section 3, Township 24 North, Range 5 East, W.M., in King County, Washington:

TOGETHER WITH the West half of the Northeast quarter of the Southwest quarter of the Southwest quarter of said Section 3;

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EXCEPT the South 60.00 feet thereof.

Said reclassification is subject to the following conditions:

1. A statement shall be recorded with the King County Division of Records and Elections for Tax Lots 41, 101, and 102, stating:

"This property was rezoned pursuant to Ordinance No. 4355. The property may include steep slopes, riparian corridors, or wetlands. Bellevue's Land Use Regulations will affect and may limit potential development of this property."

A statement shall be recorded with the King County Division of Records and Elections for Tax Lots 21, 90, 123, and 125, stating:

"This property was rezoned pursuant to Ordinance No. 4355. The property includes steep slopes, riparian corridors, or wetlands. Bellevue's Land Use Regulations will affect and may limit potential development of this property."

2. The applicant shall provide two trail easements and, at the time of development, construct trails to Park Department standards. The easements shall be ten feet wide, traverse the property north to south, and be located east of Richard's Creek, if possible. The easements shall not intrude on developable portions of the property. Their purpose is to provide connections to the non-motorized system that connects SE 26th Street to points north and northwest of the site.

3. At the time of development, the applicant shall provide at a minimum the street frontage landscaping required by the Bellevue Land Use Code for sites in a Transition Area. This requirement shall apply to the entire frontage affected by the rezone. The Alternative Landscape Option may be applied as appropriate.

4. In the event the property reclassified from OU to R-20 is developed with ten housing units or greater, at least 10% of the units must be affordable units. One bonus market rate unit is permitted for each of the affordable units provided to meet the minimum 10% requirement, up to 15% above the maximum density permitted in the R-20 district. "Affordable units" shall be defined as set forth in LUC 20.50.010.

The units shall remain affordable units for the lifetime of the R-20 zoning classification and shall be dispersed across the range of unit sizes and throughout the property.

Prior to issuance of a building permit, the owner(s) shall sign any necessary agreements with the City to implement these requirements. The City may agree, in its sole discretion, to subordinate any affordable housing regulatory agreement for the purpose of allowing

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the owner to obtain financing for development of the property, consistent with any applicable provision of the Land Use Code in effect at the time of issuance of the development permit(s).

5. In the event the property reclassified from R-1 to R-20 is developed with ten housing units or greater, at least 10% of the units buildable under the original maximum density must be affordable units and at least 20% of the units buildable as the 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 10% requirement of the original maximum density, up to 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-1 zoning is 7 units. The units shall remain affordable units for the lifetime of the R-20 zoning classification and shall be dispersed across the range of unit sizes and throughout the property.

Prior to issuance of a building permit, the owner(s) shall sign any necessary agreements with the City to implement these requirements. The City may agree, in 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 provision of the Land Use Code in effect at the time of issuance of the development permit(s).

This reclassification 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 Agreement executed by Ralph Wells and Margaret Wells, owners of said property, which has been given Clerk's Receiving No. 18088, and which has been 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 27<sup>th</sup> day of July 1992, (and signed in authentication of its passage this 27<sup>th</sup> day of July, 1992.

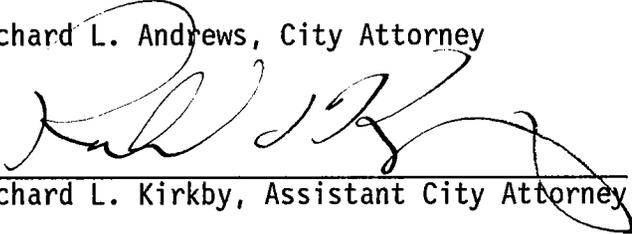
(SEAL)



Cary Bozeman, Mayor

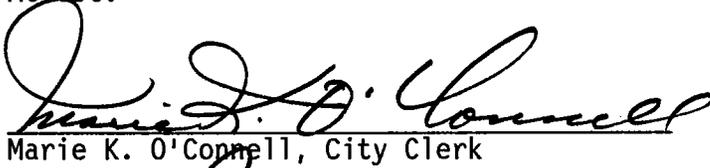
Approved as to form:

Richard L. Andrews, City Attorney



Richard L. Kirkby, Assistant City Attorney

Attest:



Marie K. O'Connell, City Clerk

Published July 31, 1992