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05/14/92

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4358

AN ORDINANCE reclassifying approximately 6.7 acres of property located east of Richards Road, between approximately 134th Avenue S.E. and 136th Avenue S.E., and between approximately S.E. 19th Street and S.E. 22nd Street, if extended, upon application of Bellevue Woods Associates; File REZ 90-547.

WHEREAS, Bellevue Woods Associates filed an application for reclassification of approximately 6.7 acres of property located east of Richards Road, between approximately 134th Avenue S.E. and 136th Avenue S.E., and between approximately S.E. 19th Street and S.E. 22nd Street, if these streets were extended, in the City of Bellevue from R-1 and R-5 to R-5; and

WHEREAS, on February 13, 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 persons; and

WHEREAS, on March 20, 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, the City Council concurs in the findings of fact and conclusions of the Hearing Examiner Pro Tem and has determined that the public use and interest will be served by approving the reclassification of said property from R-1 and R-5 to R-5 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 20, 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 Applications of Bellevue Woods Associates for Approval of a Reclassification and a Preliminary Plat, File Nos. REZ-90-547 and PP-90-548."

Section 2. The following described property is hereby reclassified from R-1 and R-5 to R-5 subject to the conditions that follow:

That portion of the East half of the Southwest quarter of Section 3, Township 24 North, Range 5 East, W.M., in King County, Washington LYING Southerly of Tract B, Skyridge Division No. 5, as recorded in Volume 110 of Plats, Pages 17 and 18, LYING Westerly of Lots 1 through 5, Block 2 and S.E. 20th Street of said plat AND LYING Northerly of Tract A of said plat;

TOGETHER WITH that portion of the Southeast quarter of the Southwest quarter of said Section 3, LYING Southerly of Tract A of said Skyridge Division No. 5, LYING Westerly of Lots 4 through 7, Block 2, Skyridge Division No. 4, as recorded in Volume 89 of Plats, Pages 98 and 99 AND LYING Northerly of Lot 7 and 135th Place S.E., Woodmoor Division No. 1, as recorded in Volume 113 of Plats, Pages 98-100;

AND TOGETHER WITH the East half of the Northeast quarter of the Southwest quarter of the Southwest quarter of said Section 3; EXCEPT the South 60.00 feet thereof.

Said rezone is subject to the following conditions:

1. In accord with Development Standard 3A.04.D, a 25-foot-wide access easement shall be provided from S.E. 20th Street to access the property to the west and north of Tract B.
2. In accord with Richards Valley Subarea Plan Policies RV-11 and RV-13, the owners should establish, with Parks Department approval, a north/south pedestrian easement connecting 135th Avenue S.E. to the northeast corner of the property.
3. 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 property (including any and all units permitted in Tract B), equals or exceeds ten units. The affordable housing requirements specify that, for developments of ten units or greater, ten percent of the units must be affordable units. For purpose of this rezone, the definition of affordable units shall be that set forth in LUC 20.50.010.

For the purpose of calculating the number of required affordable units, the current maximum density possible under the R-1 and R-5 zoning is 15 units. The units shall remain "affordable units" for the lifetime of the R-5 zoning classification and shall be dispersed across the range of unit sizes and throughout the project.

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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 1.e., Alternative Compliance Methods, shall not apply to this site.

Prior to issuance of any building permit, the applicant shall sign any necessary agreements with the City to implement the provisions of LUC 20.20.128. 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 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, of the terms and conditions of that certain Concomitant Zoning Agreement executed by Bellevue Woods Associates, owners of said property, which has been given Clerk's Receiving No. 17787, 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 5 days after its passage and legal publication.

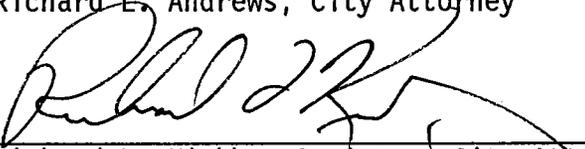
PASSED by the City Council this 11th day of May, 1992, and signed in authentication of its passage this 18th day of May, 1992.

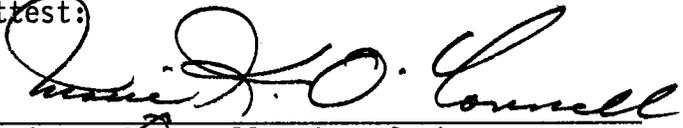
(SEAL)


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 May 22, 1992