

ORIGINAL

WP0124C-ORD
01/22/93

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4482

AN ORDINANCE reclassifying approximately 3.8 acres of property located at 3804 159th Avenue S.E. on application of South I-90 Limited Partnership.

WHEREAS, Robert Derrick applied to the City on behalf of South I-90 Limited Partnership to rezone approximately 3.8 acres of property located at 3804 159th Avenue S.E. from Office (O) and Open Use (OU) to Office Limited Business (OLB); and

WHEREAS, on December 3, 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 December 17, 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 his recommendation; and

WHEREAS, the City Council concurs in the findings of fact and conclusions of the Hearing Examiner and has determined that the public use and interest will be served by approving the reclassification of the hereinafter described property from Office (O) and Open Use (OU) to Office Limited Business (OLB) 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 his recommendation to the City Council approving the reclassification request with regard to the hereinafter described property located at 3804 159th Avenue S.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 South I-90 Limited Partnership (Robert Derrick) For a Reclassification of Approximately 3.8 Acres From O (Office) and OU (Open Use) to OLB (Office Limited Business) 3804 - 159th Avenue S.E. File No. REZ 91-10298."

Section 2. The following described property located at 3804 159th Avenue S.E. is hereby reclassified from O (Office) and OU (Open Use) to OLB (Office Limited Business) subject to the conditions that follow:

Lot 2 and the following described portion of Lot 1 of the City of Bellevue Short Plat No. SP 86-24 filed under King County

ORIGINAL

WP0124C-ORD
01/22/93

Recording No. 8612309004 in volume 53 of Surveys at page 114, records of King County, Washington:

BEGINNING at the Northerly common corner of said Lots 1 and 2; THENCE North 63° 51' 47" West, along the North line of said Lot 1, 75.02 feet; THENCE South 13° 42' 40" West, continuing along the North line of said Lot 1, 172.67 feet; THENCE South 11° 48' 24" East, 34.65 feet; THENCE South 17° 48' 58" West, 105.27 feet; THENCE South 11° 14' 53" West, 38.31. feet; THENCE South 08° 09' 47" West, 89.22 feet; THENCE South 12° 30' 03" West, 177.15 feet; THENCE South 00° 45' 28" West, 135.17 feet to the South line of said Lot 1; THENCE South 88° 32' 27" East, along the South line of said Lot 1, 58.20 feet to the Southeast corner of said Lot 1; THENCE North 06° 38' 12" West, along the East line of said Lot 1, 132.36 feet; THENCE North 09° 21' 20" East, continuing along said line, 66.82 feet; THENCE North 16° 20' 06" East, continuing along said East line, 65.08 feet; THENCE North 10° 09' 45" East, continuing along said East line, 176.67 feet; THENCE North 20° 00' 14" East, continuing along said East line, 213.13 feet; THENCE North 14° 00' 30" East, continuing along said Easterly line, 72.44 feet to the POINT OF BEGINNING.

ALL SITUATE in the Southeast quarter of Section 11, Township 24 North, Range 5 East of the Willamette Meridian in the City of Bellevue, County of King, State of Washington

This reclassification is subject to the following condition:

If the property is developed for ten housing units or greater, at least ten percent (10%) of the units buildable under the original maximum density must be affordable units and 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 O and OU zoning is sixty-four (64) units. All required affordable units shall remain "affordable" for the lifetime of the OLB 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 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

ORIGINAL

WPO124C-ORD
01/22/93

any applicable provisions of the Land Use Code in effect at the time of issuance of the development permit(s).

This reclassification is further conditioned on full compliance by the owner of said property and its heirs, assigns, grantees or successors in interest, of the terms and conditions of that certain Concomitant Agreement executed by South I-90 Limited Partnership, owner of said property, which has been given Clerk's Receiving No. 18767, 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 25th day of January, 1993, and signed in authentication of its passage this 25th day of January, 1993.

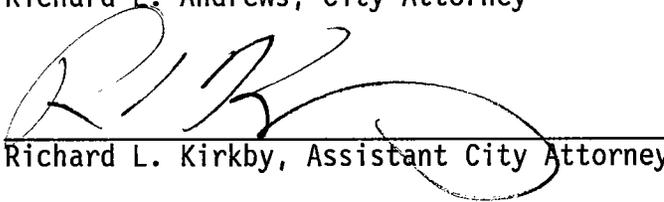
(SEAL)



Cary Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney



Richard L. Kirkby, Assistant City Attorney

Attest:



Myra L. Basich, City Clerk

Published January 29, 1993.