

WP0194C-ORD  
06/04/93

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4544

AN ORDINANCE reclassifying 3.1 acres of property located at 13401 SE 37th Street (Sunset Ravine) from R-3.5 to R-5 on application of the City of Bellevue.

WHEREAS, the City of Bellevue filed an application on behalf of the owner of 3.1 acres of property located at 13401 SE 37th Street (Sunset Ravine) for a reclassification of said property from R-3.5 to R-5 with conditions; and

WHEREAS, on November 12, 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, the mechanical failure of the tape recorder at the November 12, 1992 hearing resulted in the failure to obtain a record of that hearing and the need to hold a new hearing; and

WHEREAS, the November 24, 1992 recommendation of the Hearing Examiner was vacated by the City Council because of the lack of a record of the hearing and the matter was remanded to the Hearing Examiner to hold a new hearing; and

WHEREAS, a new hearing was held on March 18, 1993 before the Hearing Examiner for the City of Bellevue pursuant to notice as required by law;

WHEREAS, on April 27, 1993, the Hearing Examiner recommended approval of the rezone application with conditions 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 said property from R-3.5 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 in support of his recommendation to the City Council approving the

ORIGINAL

WP0194C-ORD  
06/04/93

reclassification request with regard to the hereinafter described property located at 13401 SE 37th Street (Sunset Ravine) as set forth in "Findings, Conclusions and Recommendation of the Hearing Examiner for the City of Bellevue in the Matter of the Application of CITY OF BELLEVUE (13401 S.E. 37th Street) For a Reclassification, File No. REZ 92-2773."

Section 2. The following described property located at 13401 SE 37th Street (Sunset Ravine) is hereby reclassified from R-3.5 to R-5 subject to the conditions that follow:

The West half of the Northeast quarter of the Southwest quarter of the Southwest quarter of Section 10, Township 24 North, Range 5 East, W.M., in King County, Washington; EXCEPT the West 130.00 feet thereof.

This reclassification is subject to the following conditions:

1. In the event the property is developed with 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 R-3.5 zoning is ten (10) 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 property.

Prior to issuance of a building permit, the owner shall sign any necessary agreements with the City to implement these requirements. The City may agree, at its sole discretion, to subordinate any affordable housing agreement for the purpose of allowing the owner to obtain financing for development of the property, consistent with any applicable provisions of the Land Use Code in effect at the time of the issuance of the development permit(s).

WP0194C-ORD  
06/04/93

- 2. The property includes environmentally sensitive areas such as steep slopes, riparian corridors, or wetlands. Bellevue's Land Use Code Regulations will affect and may limit potential development of this property.
- 3. Site development plans shall include the Sunset Ravine Trail in a stable location near the top of the steep (40+%) Sunset Ravine slope, for the purpose of maintaining a north/south non-motorized link between Tye Middle School and SE 36th Street.

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 28th day of June, 1993, and signed in authentication of its passage this 29th day of June, 1993.

(SEAL)

*Margot Blacker*

Margot Blacker  
Deputy Mayor

Approved as to form:

Richard L. Andrews, City Attorney

*[Signature]*  
Richard L. Kirkby, Assistant City Attorney

Attest:

*Myrna L. Basich*  
Myrna L. Basich, City Clerk

Published July 2, 1993