

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4944

AN ORDINANCE modifying affordable housing requirements imposed as conditions on the reclassification of properties known as Lakecrest Estates, Butler Estates and Sunset Ridge (Phases IB, II and III).

WHEREAS, the property owners of Lakemont Estates, Butler Estates and Sunset Ridge filed applications to modify affordable housing requirements imposed as conditions of reclassification of their respective properties; and

WHEREAS, on October 24, 1996, a public hearing was held on the applications before the Hearing Examiner for the City of Bellevue pursuant to notice as required by law; and

WHEREAS, on November 7, 1996, the Hearing Examiner recommended approval of the applications and made and entered findings of fact and conclusions based thereon in support of her 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 applications; 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 the recommendation to the City Council with regard to the hereinafter described properties as set forth in "Findings, Conclusions and Recommendation of the Hearing Examiner for the City of Bellevue In the Matter of the Rezone Modifications of Affordable Housing Requirements for Six Properties: Lakecrest Estates, Butler Estates, Cougar Ridge, Lakemont Ridge, Heritage Court and Sunset Ridge (Phases IB, II and III)," File Nos. REZ 96-3679, REZ 96-3977, REZ 96-3752, REZ 96-3751, REZ 96-3737 and REZ 96-3760.

Section 2. The affordable housing requirements applicable to the following described properties are amended as indicated:

A. LAKECREST ESTATES

1. Condition 2 of Ordinance 4586 for Lakecrest Estates, which is legally described in Section 2 of Ordinance No. 4586, shall be deleted and replaced with the following condition:

ORIGINAL

0034-ORD
12/09/96

The developers of Lakecrest Estates shall designate 10 percent (10%) of their density increase as affordable to moderate income households. As an alternative to providing these units, the developer may pay the fee in lieu of the units by providing to the City fifty percent (50%) of the difference between the market rate and the affordable price of each required unit. If the buy out option or other alternative compliance method is utilized, all funds shall be collected at escrow prior to the closing of each housing unit. The City shall be notified three (3) weeks in advance of each closing in order to prepare closing instructions for a designated escrow company.

B. BUTLER ESTATES

1. Condition 1 of Ordinance 4592 for Butler Estates, which is legally described in Section 3 of Ordinance No. 4592, shall be deleted and replaced with the following condition:

The developers of Butler Estates shall designate ten percent (10%) of the original density plus twenty percent (20%) of the increase in density as a result of the rezone as affordable to moderate income households. As an alternative to providing these units, the developer may pay the fee in lieu of the units by providing to the City fifty percent (50%) of the difference between the market rate and the affordable price of each required unit. If the buy out option is utilized, all funds shall be collected at escrow prior to the closing of each housing unit. The City shall be notified three (3) weeks in advance of each closing in order to prepare closing instructions for a designated escrow company.

C. SUNSET RIDGE

1. Conditions number 2 and 3 of Ordinance 4809 for Sunset Ridge, which is legally described in Section 3 of Ordinance No. 4809, shall be deleted and replaced with the following condition:

- A. The developers of Phases II and III shall designate ten percent (10%) of their housing units as affordable to moderate income households. The developer of Phase IB has one remaining affordable unit to provide. As an alternative to providing these units, the developer may pay the fee in lieu of the units by providing to the City fifty percent (50%) of the difference between the market rate and the affordable price of each required unit. If the buy out option is utilized, all funds shall be collected at escrow prior to the closing of each housing unit. The City shall be notified three (3) weeks in advance of each closing in order

ORIGINAL

0034-ORD
12/09/96

to prepare closing instructions for a designated escrow company.

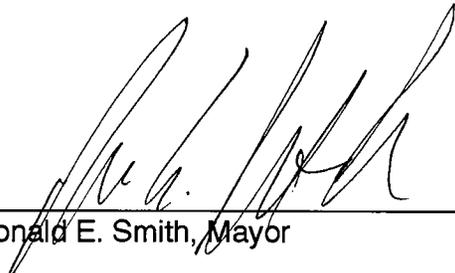
- B. In the case of Phase IA of Sunset Ridge, where six (6) units have been bought by qualified households, those units shall continue to meet existing resale guidelines unless specific new provisions for resale are adopted by City Council.

Section 3. With respect to Lakecrest Estates, Butler Estates and Sunset Ridge, this approval is further conditioned on full compliance by the owners of said properties and their heirs, assigns, grantees or successors in interest; with the terms and conditions of these certain and respective Amendments to Concomitant Agreement executed by the owners of said properties, which have been given Clerk's Receiving Nos. 23797, 23798 and 23777, respectively.

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 9th day of December, 1996, and signed in authentication of its passage this 9th day of December, 1996.

(SEAL)



Ronald E. Smith, Mayor

Approved as to form:

Richard L. Andrews, City Attorney



Richard L. Andrews, City Attorney

Attest:



Myrna L. Basich, City Clerk

Published December 13, 1996