

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5817

AN ORDINANCE approving the rezone application of the Fremantle Development Group (Dennis Johnson) to rezone property located at 1025 and 1041 156th Avenue NE to remove an affordable housing condition imposed with a previous rezone; commonly known as the Enclave at Fox Glen rezone

WHEREAS, Fremantle Development Group (Dennis Johnson) filed an application to rezone the property located at 1025 and 1041 156th Avenue NE to modify an affordable housing condition imposed with a previous rezone; and

WHEREAS, on February 7, 2008, a public hearing was held before the Hearing Examiner for the City of Bellevue pursuant to notice required by law; and

WHEREAS, on February 20, 2008 the Hearing Examiner issued his Findings of Fact, Conclusions of Law and Recommendation, recommending approval of the rezone application, removing the existing affordable housing condition and declining to impose additional conditions on the rezone request, and making findings and conclusions thereon in support of that recommendation (the Recommendation); and

WHEREAS, on February 22, 2008 the Department of Planning and Community Development (PCD) filed a request for reconsideration of the Hearing Examiner's decision and submitted a memorandum in support of that request on March 7, 2008; and

WHEREAS, on March 5, 2008 PCD filed an appeal of the Recommendation; and

WHEREAS, on March 14, 2008 the Hearing Examiner issued his Order on Motion for Reconsideration, declining to recommend any additional conditions on the proposed rezone; and

WHEREAS, on April 28, 2008 after due notice the City Council held a limited public hearing on PCD's appeal; and

WHEREAS, PCD and the applicant have stipulated to the imposition of a condition related to affordable housing on the rezone; and

WHEREAS, PCD has withdrawn its appeal of the rezone; and

WHEREAS, the City Council concurs in findings of fact 1 through 8 and 13 through 14 and concurs in conclusions of law 1 through 3 as set forth in the Recommendation; and

WHEREAS, the City Council further finds that the condition regarding affordable housing stipulated to by the parties is consistent with the City's practice since approximately 1996, allowing for recalculation of required affordable units and payment of a fee in lieu for such units where affordable requirements were imposed as part of a previous rezone; and

WHEREAS, the City Council further finds that the proposed rezone, with the condition regarding affordable housing stipulated to by the parties serves the public use and interest and that the criteria of Land Use Code Section 20.20.128 have been satisfied; 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 findings of fact 1 through 8 and 13 through 15, and conclusions of law 1 through 3 made and entered by the Hearing Examiner in the Recommendation.

Section 2. The City Council finds that the condition regarding affordable housing stipulated to by the parties is consistent with the City's practice since approximately 1996, allowing for recalculation of required affordable units and payment of a fee in lieu for such units where affordable requirements were imposed as part of a previous rezone.

Section 3. The City Council finds that the proposed rezone, with the condition included in Section 5 of this ordinance, serves the public use and interest and that the criteria of Land Use Code Section 20.20.128 have been satisfied.

Section 4. The property described below is hereby rezoned to modify the affordable housing condition originally imposed by Ordinance No. 4448.

Property located at 1025 156th Avenue NE:

The West 330.00 feet of the North 161.50 feet of the South 983.00 feet of the Southeast quarter of the Southwest quarter of Section 26, Township 25 North, Range 5 East, W.M. in King County, Washington.

Property located at 1041 156th Avenue NE:

The West 330.00 feet of the North 161.50 feet of the South 821.50 feet of the Southeast quarter of the Southwest quarter of Section 26, Township 25 North, Range 5 East, W.M., in King County, Washington.

Section 5. The property described in Section 4 is subject to the following condition:

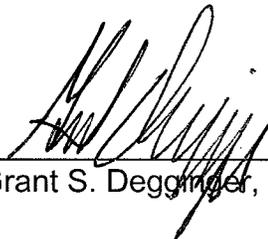
In the event the property is developed with ten housing units or greater, one unit must be an affordable housing unit. "Affordable housing" shall be defined as set forth in LUC 20.50.010. The unit shall remain affordable housing for the lifetime of the R-10 zoning classification. As an alternative to building this affordable housing unit, owner may pay a fee in lieu equal to one half of the difference between the market rate price of the unit and the affordable price of the unit. Payment in full of the fee in lieu shall be deemed to fully satisfy this condition.

Section 6. Ordinance No. 4448 is hereby amended consistent with this ordinance by removing the affordable housing condition imposed in Sections 6 and 7 of Ordinance No. 4448.

Section 7. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

Passed by the City Council this 28th day of May, 2008, and signed in authentication of its passage this 27th day of May, 2008.

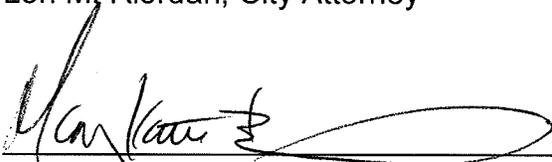
(SEAL)



Grant S. Deggoner, Mayor

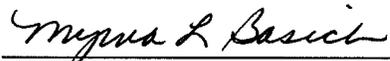
Approved as to form:

Lori M. Riordan, City Attorney



Mary Kate Berens, Deputy City Attorney

Attest:



Myrna L. Basich, City Clerk

Published May 30, 2008