



**City of Bellevue
Development Services Department
Land Use Staff Report**

Proposal Name: **Bellevue Apartments Rezone**

Proposal Address: 13902 NE 8th Street

Proposal Description: Application for Land Use approval for a site specific rezone of a 1.84 acre site from Office (O) zoning designation to R-30, Multifamily Residential.

File Number: **12-132255-LQ**

Applicant: Tsai Family, LLC

Decisions Included: Rezone (Process III)

Planner: Elizabeth Stead, 425/452-2725

State Environmental Policy Act
Threshold Determination: **Determination of Non-Significance (DNS)**

(Current proposal scope is the same as the previously approved Comprehensive Plan Amendment and is relying upon the DNS issued on October 3, 2013. See File #12-132257 AC.)

Director's Recommendation: **Approval with Conditions**
Michael A. Brennan, Director
Development Services Department

By: Carol V. Helland
Carol V. Helland, Land Use Director
Development Services Department

Bulletin Publication Date:	March 6, 2014
Hearing Examiner Hearing Date:	May 22, 2014
Hearing Examiner Recommendation:	To be determined
Hearing Examiner Appeal Deadline:	To be determined
City Council Date:	To be determined

For information on how to appeal a proposal, visit the Development Services Center at City Hall or call (425) 452-6864. Appeal of the Decision must be received in the City Clerk's Office by 5 PM on the date noted for appeal of the decision.

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ATTACHMENTS:

1. Legal Description of Property
2. SEPA Threshold Determination of Non-significance dated October 3, 2013.
3. Concomitant Zoning Agreement (Clerk's Receiving No. 7230)
4. Ordinance 3026

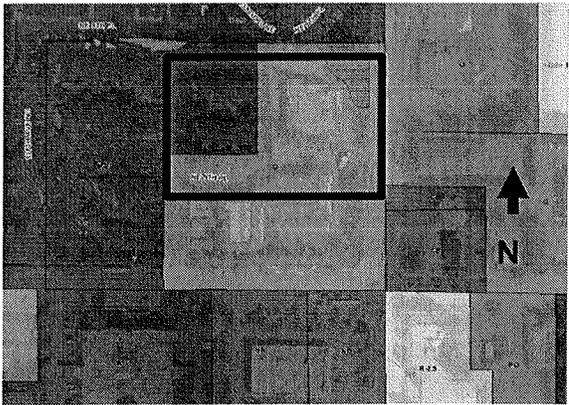
I. REQUEST

Proposal Description: The applicant proposes to rezone a 1.84 acre site from the existing Office zoning designation to R-30 to permit the development of the site with multifamily residences at a density of up to 30 units per acre. On October 3, 2013, the City Council approved a Comprehensive Plan Amendment (File # 112-132257 AC) to change the land use designation of the site from Office to Multifamily-High Density, making the proposed rezone possible.



II. SITE DESCRIPTION AND CONTEXT

Existing Site Conditions: The project site is located at 13902 NE 8th Street in the Wilburton/NE 8th Street subarea. The total area of the subject parcels is 1.84 acres. The site is currently developed with 39 multifamily residential units in one building. The building was constructed in 1995 and includes approximately 39,318 gross square feet. The site is generally flat with no existing environmentally critical areas.



The surrounding zoning is as follows:

- North:** Office
- South:** Neighborhood Business
- East:** Commercial Business
- West:** R-20

Concomitant Zoning Agreement: Development on the site is controlled by an existing Concomitant Zoning Agreement (CZA, see Attachment 3) adopted by the City in 1981. The CZA was attached to a rezone of the subject parcels to Office (O). Two additional parcels, one to the north and one to the west were included in this Ordinance and CZA (Ordinance 3026, 9/16/1981). The CZA addresses access for the site, storm detention and administrative process for the permit review of projects on the subject parcels. The conditions of the CZA will no longer apply to the subject parcels with the rezone of this site. The CZA will not be changed as it relates to the other properties it affects, see Attachments 1 and 3.

III. REVIEW PROCESS

Rezone: Rezones are Process III decisions (LUC 20.35.30), which are quasi-judicial decisions made by the City Council. Decision criteria and decision criteria compliance are discussed in Section VIII. The Hearing Examiner holds a public hearing and takes testimony from the public on the proposal and recommends an action to the City Council. Then, the City Council makes a decision based on the record established by the Hearing Examiner.

IV. STATE ENVIRONMENTAL POLICY ACT

A non-project SEPA final threshold determination was previously issued for this site under the associated approved Comprehensive Plan Amendment, File #12-132257 AC. The Environmental Coordinator for the City of Bellevue determined at that time that the proposal would not result in any probable, significant adverse environmental impacts, therefore, a Determination of Nonsignificance (DNS) was issued on October 3, 2013. The current Rezone proposal is relying upon the previous SEPA determination, as allowed under WAC 197-11-600(4)(a)). A project level environmental review will be completed upon the receipt of any requests for development level approvals.

V. SUMMARY OF TECHNICAL REVIEWS

A. Utilities Review

Utilities Department technical staff confirms that there is sufficient capacity in existing utilities to provide service to this site, and there are no utilities related concerns regarding the proposed Rezone.

B. Transportation Department Review

The proposal to change the zoning from Office (O) to Multifamily Residential (R-30) is expected to increase p.m. peak period traffic by eight trips if the site is fully built out with 16 additional units as allowed by the new density. No traffic impacts are expected from this increase. The Transportation Department recommends approval of this proposed rezone

VI. PUBLIC COMMENT AND RESPONSE

Application Date: December 12, 2012
Public Notice (500 feet): March 6, 2014 (Includes sign installation at the site)
Public Meeting Date: March 27, 2014

Notice of Application was published in the City of Bellevue's *Weekly Permit Bulletin* and the *Seattle Times* on March 6, 2014. It was mailed to property owners within 500 feet of the project site and a Public Information Sign was installed on the project site on the same day. A public meeting was held on March 27, 2014. One citizen was in attendance at the meeting. Mr. Chien had questions about future plans of the applicant for development, and regarding the rezone process but no concerns about this rezone application. No public comments were received prior to completion of this staff report.

VII. CHANGES TO THE PROPOSAL DUE TO STAFF REVIEW

None.

VIII. DECISION CRITERIA

A. *The City may approve, or approve with modifications, an application for a rezone of property if:*

1. **The proposal is consistent with the Comprehensive Plan.**

Following is a summary of relevant Comprehensive Plan policies.

Land Use Element Policies:

Policy LU-4. Encourage new residential development to achieve a substantial portion of the maximum density allowed on the net buildable acreage.

Policy LU-5. Ensure enough properly-zoned land to provide for Bellevue's share of the regionally-adopted demand forecasts for residential, commercial, and industrial uses for the next 20 years.

Policy LU-9. Maintain compatible use and design with the surrounding built environment when considering new development or redevelopment within an already developed area.

Finding: The proposal is consistent with the Land Use Element Policies. The Rezone will allow the site to maximize residential density in an area with a high demand for housing.

Housing Element Policies:

Policy HO-17. Encourage infill development on vacant or under-utilized sites that have adequate urban services and ensure that the infill is compatible with the surrounding neighborhoods.

Finding: The proposal will increase the maximum density potential on the site from the existing 39 units to a maximum of 55 units. Urban levels of service are available to the site and future development at the maximum density is consistent and compatible with surrounding development.

Wilburton/NE 8th Street Subarea Policies:

General Land Use:

S-WI-1. Protect residential areas from impacts of other uses by maintaining the current boundaries between residential and non-residential uses.

Finding: The proposal is consistent with the Wilburton/NE 8th Street Subarea Plan which designates the site MF-H, Multifamily High Density on the land use map.

2. **The Rezone bears a substantial relation to the public health, safety and welfare.**

The rezone proposal promotes the public welfare by permitting additional infill housing that is

close to employment centers and urban services. The surrounding area has seen significant development and has received significant transportation and infrastructure improvements to support urban development. The proposal will not require new public facilities because there is capacity within the transportation network, the utility system, and other public services such as fire and police to accommodate additional development.

3. The Rezone is warranted because the proposed zoning classification is appropriate for reasonable development of the subject property.

A rezone is warranted to achieve consistency with the Comprehensive Plan. In October 2013, the City Council amended the Comprehensive Plan designation of the site from Office to Multifamily High Density. Approval of the rezone will provide consistency between the Comprehensive Plan land use map designation and zoning designation.

4. The Rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject property.

Development under the proposed R-30 zoning is consistent and compatible with the surrounding residential neighborhoods and achieves many of the City's goals and policies as described in this report.

5. The Rezone has merit and value for the community as a whole.

Forecasts predict that Bellevue will continue to attract new jobs and this will consequently result in increased need for housing. Increasing the housing supply in close proximity to existing services is important to reduce the number of and length of vehicle trips and provides for increased choice in home selection. Infill development lowers the public cost of extending expensive infrastructure improvements to areas that are now currently devoid of urban development.

IX. RECOMMENDATION

After conducting the various administrative reviews associated with the proposal, including applicable Land Use consistency, SEPA and City Code & Standard compliance reviews, the Director does hereby recommend **APPROVAL** of the Bellevue Apartments Rezone.

X. CONDITIONS OF APPROVAL:

None

Attachment 1

Legal Description of Property

Lot 2 and 3, City of Bellevue Short Plat No. 81-37, filed under Recording No. 8206259004 survey records of King County, Washington and further amended as Lot 2A, Declaration of Lot Combination under Recording No. 8503060856 records of King County, Washington.

EXCEPTING THERFROM all that portion described in that certain deed filed under Recording No. 9005030553 records of King County, Washington.



DEVELOPMENT SERVICES DEPARTMENT
ENVIRONMENTAL COORDINATOR
450 110th Ave NE., P.O. BOX 90012
BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Bellevue Apartments- Tsai LLC

LOCATION OF PROPOSAL: N/A

DESCRIPTION OF PROPOSAL: Proposed amendment to the Comprehensive Plan designation on a 1.84 acre site from Office (O) to Multifamily High (MF-H). This application is part of the 2013 Annual Amendments to the Comprehensive Plan, including a Work Program and proposed amendments to the Bellevue Comprehensive Plan for purposes of RCW 36.70A.130, assuring that the Plan continues to comply with the requirements of the GMA and including consideration of emerging local and regional needs, changes to state and federal laws, Bellevue's progress towards meeting GMA Goals, and whether the Plan is internally consistent.

FILE NUMBER(S): 12-132257 AC to amend the map designation on a 1.84-acre site from O (Office) to Multifamily-High (MF-H) at 13902 NE 8th St.

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2) (C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklists and information filed with the Land Use Division. This information is available to the public on request.

- This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.
- This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment period from the date below. Comments must be submitted by 5 p.m. on _____.

This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information indicating, or on, a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project), or if the DNS was procured by misrepresentation or lack of material disclosure.

This DNS is only appealable as part of the City's action on the amendment to the Land Use Code. In order to comply with requirements of SEPA and the State of Washington Growth Management Act for coordination of hearings, any appeal of the SEPA threshold determination herein will be considered by the Growth Management Hearings Board along with an appeal of the City Council's action. See LUC 20.35.250C.

Carol V. Holland
Environmental Coordinator

October 3, 2013
Date

OTHERS TO RECEIVE THIS DOCUMENT:
State Department of Fish and Wildlife King County
U.S. Army Corps of Engineers Muckleshoot Indian Tribe
Attorney General



**City of Bellevue
Development Services Department
State Environmental Policy Act Threshold Determination**

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Proposal Name: Bellevue Apartments Comprehensive Plan Amendment

Proposal Address: A 1.84-acre site located at 13902 NE 8th St.

Proposal Description: This application proposes to change the Comprehensive Plan designation for a 1.84 acre site from Office (O) to Multifamily-High (MF-H). This change would support a future rezone of the property to R-30.

File Number: 12-132257 AC

Applicant: Tsai LLC

Decisions Included: Determination of Non-Significance

Planner: Nicholas Matz AICP, Senior Planner

State Environmental Policy Act
Threshold Determination: **Determination of Non-Significance (DNS)**

Carol J. Helland

Carol Helland,
Environmental Coordinator

Public Hearing Date: October 23, 2013

Appeal Deadline: An appeal shall be filed together with an appeal of the underlying Process IV action. The appeal shall be by petition to the Growth Management Hearings Board and shall be filed within the 60-day time period set forth in RCW 36.70A.290.

For information on how to appeal a proposal, visit the Permit Center at City Hall or call (425) 452-6800.

I. Proposal Description and Objectives

This application proposes to change the Comprehensive Plan designation for a 1.84 acre site from Office (O) to Multifamily-High (MF-H). This change would support a future rezone of the property to R-30. Multifamily Residential Districts provide areas for attached residential dwellings of low density (10 units per acre) and of moderate density (15, 20, and 30 dwellings per acre). The R-20 and R-30 Districts are intended to be convenient to centers of employment and have primary access to arterial streets. The property owner shall seek to rezone the property immediately following the potential approval of the Comprehensive Plan amendment.

The proposal's objective is to increase the allowed density beyond that of the Office zone in order to add from 8 to 15 additional housing units to the existing 39 units.

II. Environmental Record

The environmental review consisted of analysis based on the following documents included in the environmental record or incorporated by reference if so noted:

- Environmental checklist for the proposal dated December 2012 and submitted 12-12-2012
- City of Bellevue Comprehensive Plan
- Determination of Non-Significance – Comprehensive Plan Update (Bellevue) – fall 2004

III. Proposed Timing and Phasing

The Bellevue Planning Commission is scheduled to hold public hearings on the amendment on October 23, 2013. The City Council will likely act on the amendment in the last quarter of 2013.

Additional environmental review will be phased as outlined at WAC 197-11-060(5). Actual development will be subject to environmental review at the time a specific application for development is made.

IV. Environmental Summary

Purpose and Need to Which the Proposal is Responding

The applicants are seeking to respond to their belief that a market-based redevelopment demand for multifamily-zoned property exists outside of the Downtown.

Major Conclusions, Significant Areas of Controversy and Uncertainty

By changing the Comprehensive Plan designation for the site to MF-H, and the subsequent rezone to R-30, the site could conceivably redevelop to up to 15 additional housing units. (The actual number that might be achieved on the site will be determined by specific site development issues such as required parking, children's play areas, etc).

The addition of units on the site is likely to result in additional traffic. An analysis of potential vehicle trips concludes that the anticipated traffic impacts that might occur can be accommodated by the city's future transportation network.

Issues to be Resolved, Including Environmental Choices to be Made Between Alternative Courses of Action None.

Environmental Impacts of the Proposal

A cumulative impact analysis for the 2013 Annual Amendment to the Comprehensive Plan has been prepared and is attached.

Environmental Review of the attached non-project environmental checklist indicates no probability of significant adverse environmental impacts occurring as a result of the proposals. Therefore, issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under the State Environmental Policy Act (SEPA) requirements. The Environmental Checklist is available for review in the project file.

Adverse impacts which are less than significant are usually subject to City Code or Standards which are intended to mitigate those impacts. Where such impacts and related regulatory items correspond, no further documentation is necessary. For other adverse impacts which are less than significant, Bellevue City Code Section 22.02.140 provides substantive authority to mitigate impacts disclosed through the environmental review process.

V. Conclusion and Determination

For the proposal, environmental review indicates no probability of significant adverse environmental impacts. Therefore, issuance of a **Determination of Non-Significance** pursuant to WAC 197-11-355 and Bellevue City Code 22.02.034 is appropriate.

Other adverse impacts that are less than significant may be mitigated pursuant to Bellevue City Code 22.02.140, RCW 43.21C.060, and WAC 197-11-660.

VI. Mitigation Measures

There are no recommended SEPA-based mitigating measures for this proposal. The lead agency has determined that the requirements for environmental analysis, protection and mitigation measures have been adequately addressed in the development regulations and comprehensive plan adopted under chapter 36.70A RCW, and in other applicable local, state or federal laws or rules, as provided by RCW 43.21C.240 and WAC 197-11-158. This agency will not require any additional mitigation measures under SEPA.

CONCOMITANT ZONING AGREEMENT

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WHEREAS, the City of Bellevue, Washington, a non-charter code city, under the laws of the State of Washington (Chapter 35A.63 PCW and Article II, Section 11 of the Washington State Constitution) has authority to enact laws and enter into agreements to promote the health, safety and welfare of its citizens, and thereby control the use and development of property within its jurisdiction; and

WHEREAS, the Owners of certain property have applied for a rezone of such property (hereinafter referred to as the property) described below which is within the City's jurisdiction; and

WHEREAS, the City of Bellevue Hearing Examiner has recommended that the property consisting of approximately 6 acres located on the northwest corner of N.E. 3th Street and 140th Avenue N.E., which property is hereinafter more particularly described, be rezoned from NB, R-30, R-20 and O to R-20 and Office (O); and

WHEREAS, the City pursuant to RCW 43.21C of the State Environmental Policy Act should mitigate any adverse impacts which might result because of the proposed rezone; and

WHEREAS, the Owners have indicated willingness to cooperate with the City of Bellevue to insure compliance with the Bellevue Land Use Code, the Bellevue Sign Code and all other local, state and federal laws relating to the use and development of the property; and

WHEREAS, the City, in addition to civil and criminal sanctions available by law, desires to enforce the rights and interests of the public by this concomitant agreement;

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NOW, THEREFORE, in the event the property legally described as:

LEGAL DESCRIPTION OF ENTIRE PARCEL

That portion of the southeast quarter of the southwest quarter of Section 27, Township 25, Range 5 East W.M., in King County, Washington, described as follows:

Commencing at the southeast corner of said subdivision; thence north $88^{\circ}33'52''$ west along the south line thereof a distance of 30.00 feet; thence north $0^{\circ}37'10''$ east parallel with the east line of said subdivision 50.00 feet to the true point of beginning; thence continuing north $0^{\circ}37'10''$ east 420.04 feet to the north line of the south 470.00 feet in width of said subdivision; thence north $88^{\circ}33'52''$ west 613.49 feet to the east line of the west 680.00 feet in width of said subdivision; thence south $0^{\circ}37'10''$ west parallel with the west line of said subdivision 420.04 feet to the north margin of Northeast 8th Street, as now established 50.00 feet in width; thence south $88^{\circ}33'52''$ east along road margin 613.48 feet to the true point of beginning.

PORTION TO BE ZONED OFFICE:

That portion of the above described tract more particularly described as follows:

The easterly 213.00 feet of the northerly 213.04 feet of said property, together with the easterly 390.00 feet of the southerly 207.00 feet of said property.

PORTION TO BE ZONED R-20:

That portion of the above described tract more particularly described as follows:

The westerly 400.49 feet of the northerly 213.04 feet of said property; together with the westerly 223.49 feet off the southerly 207.00 feet of said property.

is rezoned by the City of Bellevue to O and R-20 as indicated above, and in full consideration of that event should it occur, the Owners do hereby covenant and agree as follows:

1. Specific Conditions:

1. The total amount of gross square footage of office space to

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be constructed upon the subject property shall not exceed 40,300 square feet, which is the midpoint between the City's and the applicant's estimated totals and which is applied in view of the variance in computing the proposed Office districts land area due to an unclear legal description.

b. Access shall be limited to one ingress/egress point on 140th Avenue N.E. and two ingress/egress points on N.E. 8th Street and all ingress/egress shall be subject to review and approval by the Department of Public Works.

c. A two-way left turn lane shall be extended westerly to the west boundary of the subject property along N.E. 8th Street west of 140th Avenue N.E. and sight distance on N.E. 8th Street shall be maintained for turning movement as determined by the Department of Public Works. Further, N.E. 8th Street be widened on the north side to accommodate the realignment of curbs, gutters, sidewalks and two-way left turn lane pursuant to review and approval by the Department of Public Works.

d. Development upon the subject property shall be subject to Administrative Design Review by the Planning Department prior to the issuance of any building permits.

e. The lower elevation at the northeast corner of the subject property shall be retained as an open storm detention facility of a capacity and size to be determined by the Department of Public Works unless that Department finds no need for the additional storm detention, in which case this conditions shall be waived.

2. In the event that any term or clause of this agreement conflicts with applicable law, such conflicts shall not affect other terms of this

agreement which can be given effect without the conflicting term or clause, and to this end the terms of this agreement are declared to be severable.

3. Any amendment or modifications of this agreement shall be valid only if mutually agreed upon by the City of Bellevue and the Owners (including heirs, assignees or successors to the Owners) in writing and recorded with the King County Department of Records and Elections.

4. In addition to all other remedies available to the City by law, the City reserves the right to initiate proceedings to revoke the rezoning of the property should the Owners fail to comply with any of the terms and conditions of this agreement.

5. The City may at its discretion bring a lawsuit to compel specific performance of the terms and conditions of this agreement.

6. Nothing in this agreement shall be construed to restrict the authority of the City to exercise its power to rezone the property in future years.

7. The Owners agree to indemnify and save harmless the City of Bellevue from and against all claims, suits, damages, costs, losses and expenses in any manner resulting from, arising out of, or connected with the Owners' negligent performance of or failure to perform fully any term or condition of this agreement.

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8. This agreement shall be binding on the heirs, assigns, and successors of the Owners of the property.

Dated this 21st of July, 1981.

OWNERS:

WESTPORT DEVELOPMENTS LTD.,
a British Columbia corporation

By [Signature]

GAERBER VENTURES LTD.,
a British Columbia corporation

By _____

CAMASEA MANAGEMENT, INC.
(also appearing of record as CAMASEA
MANAGEMENT INC., a British Columbia
corporation

By [Signature]

STATE OF WASHINGTON }
COUNTY OF KING } 55

On this 21st day of July, 1981, before me the PROVINCIAL CLERK of WASHINGTON underigned, a notary public in and for the State of Washington, duly commissioned and sworn, personally appeared Paul A. Morse to me known to be the PRESIDENT of WESTPORT DEVELOPMENTS LTD. the corporation that executed the foregoing instrument and acknowledged the same to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he/she is authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.

[Signature]
Notary Public in and for the
State of Washington
Residing at Juneau, Alaska

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ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3026

AN ORDINANCE reclassifying property located on the northwest corner of N.E. 8th Street and 140th Avenue N.E. in the City of Bellevue, upon application of Westport Development, Ltd. and Trademark Corporation.

WHEREAS, an application for reclassification of the property hereinafter described was duly filed with the appropriate City officials; and

WHEREAS, a public hearing was held thereon before the Hearing Examiner upon proper notice to all interested persons; and

WHEREAS, the Hearing Examiner recommended to the City Council approval with conditions of said reclassification of said property located on the northwest corner of N.E. 8th Street and 140th Avenue N.E. in the City of Bellevue from NB, R-30, R-20 and O to O and R-20; and has made and entered findings of fact and conclusions based thereon in support of his recommendation; and

WHEREAS, on May 19, 1981, the applicants filed an appeal to the City Council from the recommendation of the Hearing Examiner; and

WHEREAS, on July 6, 1981, a limited public hearing was held on the appeal by the City Council at which all interested persons had an opportunity to be heard; and

WHEREAS, after due consideration of the findings, conclusions and recommendation of the Hearing Examiner regarding this matter and the testimony presented at the limited public hearing, the City Council sustained the appeal of the applicants and voted to delete Condition No. 5 from the Hearing Examiner's recommendation of April 30, 1981; and

WHEREAS, the City Council has determined that the public use and interest will be served by reclassifying said property; and

WHEREAS, the City has complied with the requirements of the State Environmental Policy Act and the City Environmental Procedures Ordinance; now, therefore

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

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Section 1. The City Council adopts the Hearing Examiner's Conditions Nos. 1, 2, 3, 4, and 6, and the findings and conclusions in support thereof, as set forth in "Findings and Recommendation of the Hearing Examiner for the City of Bellevue, In the Matter of the Application of Westport Development, Ltd./Trademark Corp. for a Reclassification, File No. PC-A 80-33."

Section 2. The use classification of the following described property is changed from NB, R-30, R-20 and O to O and R-20 with conditions:

LEGAL DESCRIPTION OF ENTIRE PARCEL

That portion of the southeast quarter of the southwest quarter of Section 27, Township 25, Range 5 East W.M., in King County, Washington, described as follows:

Commencing at the southeast corner of said subdivision; thence north 88°33'52" west along the south line thereof a distance of 30.00 feet; thence north 0°37'10" east parallel with the east line of said subdivision 50.00 feet to the true point of beginning; thence continuing north 0°37'10" east 420.04 feet to the north line of the south 470.00 feet in width of said subdivision; thence north 88°33'52" west 613.49 feet to the east line of the west 680.00 feet in width of said subdivision; thence south 0°37'10" west parallel with the west line of said subdivision 420.04 feet to the north margin of Northeast 8th Street, as now established 50.00 feet in width; thence south 88°33'52" east along road margin 613.48 feet to the true point of beginning.

PORTION TO BE ZONED OFFICE:

That portion of the above described tract more particularly described as follows:

The easterly 213.00 feet of the northerly 213.04 feet of said property, together with the easterly 390.00 feet of the southerly 207.00 feet of said property.

PORTION TO BE ZONED R-20:

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That portion of the above described tract more particularly described as follows:

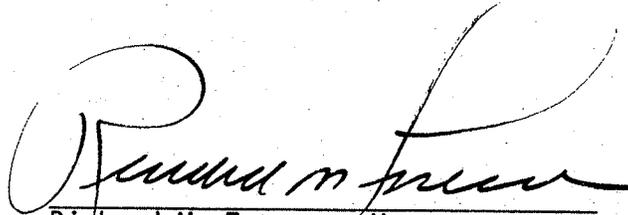
The westerly 400.49 feet of the northerly 213.04 feet of said property; together with the westerly 223.49 feet of the southerly 207.00 feet of said property.

This reclassification from NB, R-30, R-20 and O to O and R-20 is conditioned on full compliance by the owners of said property and their heirs, assigns, grantees, and successors in interest, with the terms and conditions of that certain Concomitant Zoning Agreement, executed by Westport Developments Ltd., Gaerber Ventures Ltd. and Camasea Management, Inc., which has been given Clerk's Receiving No. 7230 and which is adopted by reference into this ordinance as though it were fully set forth herein.

Section 3. This ordinance shall be published by posting it in the three official posting places of the City, and shall take effect and be in force five days after the date of posting.

PASSED by the City Council this 28 day of Sept, 1981, and signed in authentication of its passage this 28 day of Sept, 1981.

(SEAL)

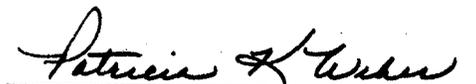

Richard M. Foreman, Mayor

Approved as to form:

Linda M. Youngs, City Attorney


Richard Gidley, Assistant City Attorney

Attest:


Patricia K. Weber, City Clerk

Published Sept. 30, 1981