

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. [Abstract]

AN ORDINANCE to establish provisions in the Land Use Code (LUC) Chapter 20.45A Platting and Subdivisions and Chapter 20.45B Short Plats and Short Subdivisions for Unit Lot Subdivisions within Land Use Districts where multifamily development is currently allowed; providing for severability; and establishing an effective date.

WHEREAS, the City adopted the Affordable Housing Strategy (AHS) in 2017, recognizing the housing crisis in the Puget Sound region and the City; and

WHEREAS, AHS Strategy B recommends creating a variety of housing choices; and

WHEREAS, the City of Bellevue Comprehensive Plan Policies HO-11, HO-12, HO-17, and LU-15 encourage housing opportunities throughout the city and support a range of housing choices for different household types and income levels; and

WHEREAS, the City is required under RCW 36.70A.040(4)(d) to implement the goals and policies of the City's Comprehensive Plan by adoption of implementing development regulations; and

WHEREAS, Chapter 3.64.070 of the Bellevue City Code and Chapter 20.35.410 of the Land Use Code establish the powers and duties of the Planning Commission to act in an advisory capacity to the City Council by holding public hearings, advising, and making recommendations to the City Council on land use ordinances and regulations to implement the comprehensive plan; and

WHEREAS, the City seeks to respond to and mitigate the affordable housing crisis pursuant to the AHS by removing barriers to townhouse-style development and encourage infill development in Bellevue, thereby increasing the housing stock available within the City; and

WHEREAS, the Land Use Code currently permits townhouse-style development as condominiums for which subdivision is not possible due to conflicts with dimensional standards in the Land Use Code; and

WHEREAS, the adoption of the unit lot subdivision provisions in the Land Use Code would allow for the subdivisions of such housing types and therefore expand fee-simple homeownership opportunities in Bellevue; and

WHEREAS, the Planning Commission held a study session on December 9, 2020, to discuss the proposed Land Use Code amendment to provide for unit lot subdivisions; and

WHEREAS, the Development Services Department encouraged public participation and provided information on the Land Use Code amendment on its website; and

WHEREAS, the Environmental Coordinator for the City of Bellevue determined that this proposal will not result in any probable, significant, adverse impact and as such a final threshold determination of non-significance was issued on December 17, 2020; and

WHEREAS, after providing legally-required public notice, the Planning Commission held a public hearing on January 13, 2021 for the unit lot subdivision Land Use Code amendment; and

WHEREAS, the Planning Commission, after holding the required public hearing, recommended that the City Council approve the draft Land Use Code amendment; and

WHEREAS, the City Council finds that the draft Land Use Code amendment meets the decision criteria of LUC 20.30J.135 and is consistent with the Comprehensive Plan, enhances the public safety and welfare, and is not contrary to the best interest of the citizens and property owners of the City of Bellevue, as more completely analyzed in the Staff Report for the amendment dated December 17, 2020; now, therefore,

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

Section 1. Section 20.45A.040 of the Bellevue Land Use Code is hereby amended to read as follows:

20.45A.040 Definitions specific to the platting and subdivision chapter.

...

B. *Lot.* A fractional part of subdivided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area except for unit lots approved per LUC 20.45A.065.

....

Section 2. Section 20.45A.065 of the Bellevue Land Use Code is hereby amended to add a new subsection as follows:

20.45A.065 – Special requirements for unit lot subdivisions.

A. Applicability.

The provisions of this section apply exclusively to the unit lot subdivision of land proposed to be developed with attached multifamily dwellings in all Land Use Districts in which multifamily dwellings are permitted.

B. Definitions specific to this section.

1. Dwelling, Attached Multifamily.

A multifamily dwelling unit constructed in a group of two or more units attached by a common wall or walls in which each unit extends from foundation to roof.

2. Lot, Parent.

A lot which is subdivided into unit lots through the unit lot subdivision process.

3. Lot, Unit.

A subdivided lot within a development as created from a parent lot and approved through the unit lot subdivision process.

C. General Requirements.

1. Unit lots shall be subject to all applicable requirements of the Land Use Code, except as otherwise modified by this section.
2. Development on individual unit lots within the unit lot subdivision need not conform to the minimum lot area, minimum density, or dimensional requirements; provided, however, that any structure located upon a unit lot shall comply with the maximum building height requirements, and, where applicable, shall comply with the FAR requirements. The overall development of the parent lot shall meet the development and design standards of the underlying Land Use District.
3. Setbacks shall be required from any Native Growth Protection Area tracts required per LUC 20.45A.060.
4. Within the parent lot, required parking for an attached multifamily dwelling unit may be provided on a different unit lot than the lot with the dwelling unit if the right to use that parking is formalized by an easement recorded with the King County Recorder's Office.
5. A unit lot subdivision shall make adequate provisions through easements for ingress, egress, emergency services, and utilities access to and from each unit lot created by reserving such common areas or other areas over, under, and across the parent lot as necessary to comply with all applicable development

standards. Such easements shall be recorded with the King County Recorder's Office.

6. Access easements, joint use agreements, and maintenance agreements identifying the rights and responsibilities of property owners and any homeowners association shall be executed for use and maintenance of common garage, parking, and vehicle access areas, landscaping, underground utilities, common open space, exterior building facades and roofs, any portions of the parent lot not subdivided for individual unit lots, and other similar features, and shall be recorded with the King County Recorder's Office.

D. Notes on Plat.

Notes shall be placed on the plat recorded with the King County Recorder's Office to state the following:

1. The title of the plat shall include the phrase "Unit Lot Subdivision."
2. The individual unit lots are not separate buildable sites. Additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot.
3. Approval of the design and layout of the development was granted by the review of the development, as a whole, on the parent lot.
4. Subsequent platting actions, additions, or modifications to any buildings may not create a nonconformity of the parent lot.

Section 3. Section 20.45B.030 of the Bellevue Land Use Code is hereby amended to read as follows:

20.45B.030 Definitions specific to the short plats and short subdivisions chapter.

...

- B. *Lot.* A fractional part of subdivided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area except for unit lots approved per LUC 20.45B.057.

...

Section 4. Section 20.25H.177 of the Bellevue Land Use Code is hereby amended to add a new subsection as follows:

20.45B.057 Special requirements for unit lot short subdivisions.

A. Applicability.

The provisions of this section apply exclusively to the unit lot short subdivision of land proposed to be developed with attached multifamily dwellings in all Land Use Districts in which multifamily dwellings are permitted.

B. Definitions specific to this section.

1. Dwelling, Attached Multifamily.

A multifamily dwelling unit constructed in a group of two or more units attached by a common wall or walls in which each unit extends from foundation to roof.

2. Lot, Parent.

A lot which is subdivided into unit lots through the unit lot short subdivision process.

3. Lot, Unit.

A subdivided lot within a development as created from a parent lot and approved through the unit lot subdivision process.

C. General Requirements.

1. Unit lots shall be subject to all applicable requirements of the Land Use Code, except as otherwise modified by this section.
2. Development on individual unit lots within the unit lot short subdivision need not conform to the minimum lot area, minimum density, or dimensional requirements; provided, however, that any structure located upon a unit lot shall comply with the maximum building height requirements, and, where applicable, shall comply with the FAR requirements. The overall development of the parent lot meets the development and design standards of the underlying Land Use District.
3. Setbacks will still be required from any Native Growth Protection Area tracts required per LUC 20.45B.055.
4. Within the parent lot, required parking for an attached multifamily dwelling unit may be provided on a different unit lot than the lot with the dwelling unit if the right to use that parking is formalized by an easement recorded with the King County Recorder's Office.
5. A unit lot short subdivision shall make adequate provisions through easements for ingress, egress, emergency services, and utilities access to and from each unit lot created by reserving such common areas or other

areas over, under, and across the parent lot as necessary to comply with all applicable development standards. Such easements shall be recorded with the King County Recorder’s Office.

- 6. Access easements, joint use agreements, and maintenance agreements identifying the rights and responsibilities of property owners and any homeowners association shall be executed for use and maintenance of common garage, parking, and vehicle access areas, landscaping, underground utilities, common open space, exterior building facades and roofs, any portions of the parent lot not subdivided for individual unit lots, and other similar features, and shall be recorded with the King County Recorder’s Office.

D. Notes on Short Plat.

Notes shall be placed on the short plat recorded with the King County Recorder’s Office to state the following:

- 1. The title of the short plat shall include the phrase “Unit Lot Short Subdivision.”
- 2. The individual unit lots are not separate buildable sites. Additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot.
- 3. Approval of the design and layout of the development was granted by the review of the development, as a whole, on the parent lot.
- 4. Subsequent platting actions, additions, or modifications to any buildings may not create a nonconformity of the parent lot.

Section 5. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this Ordinance.

Section 6. Effective Date. This Ordinance shall take effect and be in force five (5) days after adoption and legal publication.

Passed by the City Council this _____ day of _____, 2021 and signed in authentication of its passage this _____ day of _____, 2021.

(SEAL)

Lynne Robinson, Mayor

Approved as to form:

Kathryn L. Gerla, City Attorney

Matthew McFarland, Assistant City Attorney

Attest:

Charmaine Arredondo, City Clerk

Published: _____