

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6838

AN ORDINANCE relating to the interior redevelopment of existing commercial or mixed-use buildings into residential development; implementing RCW 35A.21.440; amending BCC 14.10.020 to exempt such redevelopment from concurrency requirements in accordance with RCW 35A.21.440; Providing for severability; and setting an effective date.

WHEREAS, during the 2023 legislative session, the Washington State Legislature adopted ESHB 1042, requiring cities to amend their codes to encourage the interior redevelopment of existing commercial or mixed-use buildings into residential development and encourage the redevelopment of existing residential buildings at a higher density; and

WHEREAS, ESHB 1042 was codified as RCW 35A.21.440; and

WHEREAS, on July 16, 2024, the City Council initiated work to respond to ESHB 1042 and promote the conversion of buildings from nonresidential to residential uses in mixed-use areas; and

WHEREAS, on September 25, 2024, the Planning Commission held a study session to review amendments to the Land Use Code relating to ESHB 1042; and

WHEREAS, on October 23, 2024, the Planning Commission held a public hearing to receive public comment on the proposed amendments to the Land Use Code relating to ESHB 1042;

WHEREAS, on October 23, 2024, following the close of the public hearing, the Planning Commission voted to recommend that the City Council adopt the proposed amendments to the Land Use Code relating to ESHB 1042; and

WHEREAS, in addition to amendments to the Land Use Code, amendments to the Bellevue City Code were also proposed to implement ESHB 1042 and encourage residential development within the City; and

WHEREAS, ESHB 1042 exempts conversions from concurrency studies, necessitating amendments to BCC 14.10.020; and

WHEREAS, on January 7, 2025, the City Council held a study session to review the proposed amendments to both the Land Use Code and the Bellevue City Code; and

WHEREAS, on January 7, 2025, the City Council directed staff to prepare ordinances to adopt the proposed amendments to both the Land Use Code and

Bellevue City Code for final action as part of the consent agenda at a future City Council meeting; and

WHEREAS, under RCW 43.21C.450(5), this Ordinance is categorically exempt from review under the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and the City's Environmental Procedures Code, Chapter 22.02 BCC; Now, therefore:

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

Section 1. The foregoing recitals are hereby adopted by the City Council as findings of fact supporting and explaining the legislative intent behind the adoption of this ordinance.

Section 2. Subsection 14.10.020.A of the Bellevue City Code is hereby amended to read as follows:

14.10.020 Application and administration.

A. This chapter applies to:

1. All development applications filed after its effective date that generate demand for more than 25 MUs.
2. Phased Development. A phased development is any development involving multiple buildings where issuance of building permits could occur for individual buildings. The requirements of this chapter shall be applied at the time of approval of the initial phase and may be adjusted for each subsequent phase based on the cumulative impact of all the phases.
3. Single Projects. All development applications which have been submitted by the same developer on the same or contiguous parcel of land as a single project within the three-year period immediately prior to a current application will be considered along with the current application as being a single application for purposes of determining under subsection (A)(1) of this section, whether this chapter applies.
4. Change in Occupancy. This chapter will apply to applications for tenant improvements if a proposed new use or an expanded existing use will generate demand for more than 25 additional MUs.
5. Reconstruction of Destroyed Buildings. If a building is destroyed by fire, explosion, or act of God or war, or is demolished and is reconstructed in accordance with the BCC, it will not be required to comply with this chapter unless the reconstructed building generates demand for more than 25 MUs in excess of those produced by the building prior to its destruction.

6. Concomitant and Development Agreements. This chapter applies to any development application that is subject to an existing concomitant or development agreement unless the agreement specifically provides otherwise.
7. Redevelopment of Existing Buildings. This chapter does not apply to the redevelopment of existing buildings meeting the requirements of LUC 20.20.727.A and RCW 35A.21.440.

Section 3. 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 4. 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 _____, 2025 and signed in authentication of its passage this _____ day of _____, 2025.

(SEAL)

Lynne Robinson, Mayor

Approved as to form:
Trisna Tanus, City Attorney

Robert Sepler, Assistant City Attorney

Attest:

Charmaine Arredondo, City Clerk

Published _____