

CITY OF BELLEVUE

ORDINANCE No. _____

AN ORDINANCE amending the City of Bellevue Land Use Code relating to parking requirements by use in the Downtown – Old Bellevue land use district, amending Section 20.25A.050.B Notes to Parking Requirements; providing for severability; and establishing an effective date.

WHEREAS, parking in Old Bellevue has been historically challenging with a multitude of small tenant spaces within a small geographic area; and

WHEREAS, numerous legislative actions have been taken to address the parking issues in Old Bellevue including adoption of Ordinance No. 3813 enacted in 1987 to provide an exemption to owners of small buildings from application of the minimum parking standard to restaurant and retail uses at or below 1,500 square feet, and the adoption of Ordinance No. 5809 enacted in 1998 to limit application of the parking exemption to “existing” buildings; and

WHEREAS, due to lack of clarity around the definition of “existing building” since Ordinance No. 5809 was enacted in 1998, the parking exemption has been inconsistently applied by Development Services staff when restaurant and retail spaces were proposed for tenanting; and

WHEREAS, on May 26, 2015, the City Council initiated a Land Use Code Amendment with an interest to clarify the definition of “existing building” for the purpose of administering the parking requirements applicable to restaurant and retail uses in the Downtown – Old Bellevue and to legitimize the uses that were mistakenly allowed to establish after Note (4) was amended in 1998; and

WHEREAS, on May 26, 2015, the City Council initiated a Land Use Code Amendment to clarify the definition of “existing building” for the purpose of administering the parking requirements applicable to restaurant and retail uses in the Downtown – Old Bellevue; and

WHEREAS, The City Council held a public hearing on July 6, 2015, to consider the proposed Land Use Code amendment; and

WHEREAS, the City of Bellevue has concluded that the recommended Land Use Code Amendment is exempt from the requirements of the State Environmental Policy Act (Chapter 43.21C RCW) under the terms of WAC 197-11-800(19)(b); now, therefore,

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

Section 1. Section 20.25A.050.B – Notes to Parking Requirements - of the Bellevue Land Use Code is hereby amended to read:

Notes to Parking Requirements:

- (1) Room or seating capacity as specified in the International Building Code, as adopted and amended by the City of Bellevue, at the time of the application is used to establish the parking requirement.
- (2) If retail space in a mixed development exceeds 20 percent of the gross floor area of the development, the retail use parking requirements of paragraph B of this section apply to the entire retail space.
- (3) Special Requirement in Perimeter Design District: The Director of the Development Services Department may require the provision of up to 3.5 parking stalls per 1,000 net square feet for office uses within the Perimeter Design District to avoid potential parking overflow into adjacent land use districts outside Downtown.
- (4) Parking for existing buildings in Downtown-OB shall be provided according to the criteria set forth in this Note (4).
 - (a) Existing building defined. For this Note (4), existing building shall refer to:
 - (i) Any building in existence as of September 2006, or any building vested as of September 2006 per LUC 20.40.500, and subsequently constructed consistent with the 2006 vesting;
 - (ii) That was also granted an exemption from parking for the first 1,500 nsf of restaurant or retail uses pursuant to Ordinance Nos. 3813 and 5809; and,
 - (iii) Does not meet the accessory parking requirement of Table 20.25A.050.B.
 - (b) Status of Existing Building. The status of an existing building is not affected by changes in existing building ownership or changes to lessees of the tenant spaces located in an existing building.
 - (c) Limitation on Applicability of Note (4).
 - (i) Accessory parking supply approved by the City as of September 2006 shall not be reduced for the life of the existing building;
 - (ii) Changes in tenant mix shall not be permitted to increase the deficit in accessory parking approved by the City as of September 2006;
 - (iv) Nonconforming provisions of LUC 20.25A.025 do not apply to existing buildings regulated under the terms of this note.
- (5) The minimum requirement for studio apartment units available to persons earning 60 percent or less than the median income as determined by the United States Department of Housing and Urban Development for the Seattle Metropolitan Statistical

Area is 0.25 stalls per unit. An agreement to restrict the rental or sale of any such units to an individual earning 60 percent or less of the median income shall be recorded with the King County Division of Records and Elections.

Section 2. Severability. Should any provision of this ordinance or its application to any person or circumstance be held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 3. 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 _____, 2015 and signed in authentication of its passage this _____ day of _____, 2015.

(SEAL)

Claudia Balducci, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Attest:

Myrna L. Basich, City Clerk

Published _____