

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 tenancing in the below-named developments; and

WHEREAS, the mistake in code application after 1998 led to an Old Bellevue parking deficit of approximately 24 parking stalls, and parking improvements constructed on 100th Ave NE by the Transportation Department have added 29 on-street parking stalls between NE 1st and NE 4th Streets that have ameliorated the parking deficit created by the mistake in code application; 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

WHEREAS, on May 26, 2015, the City Council also determined that, to allow for efficient processing of such amendment and to expedite application of the clarification to anticipated future development in the Downtown – Old Bellevue land use district, it was necessary for the City Council to hold the required public hearing on the Land Use Code Amendment as provided for in LUC Section 20.35.410.A; 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 Council determined that the parking exemption misapplied to the Main Place Apartments, One Main and Borgata developments after the 1998 code change should be allowed to continue, even though no vested right arises as a result of the code misapplication; 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) ~~Restaurant and retail uses located in existing buildings with 1,500 nsf or less floor area in Downtown-OB have a minimum parking ratio of 0. Restaurant and retail uses located in existing buildings with more than 1,500 nsf floor area in Downtown-OB shall provide parking according to the above table for any floor area over 1,500 nsf. 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 any building in existence as of ~~August 12, 1998 (the effective date of Ord. No. 5091)~~ December 31, 2006, or any building vested as of ~~August 12, 1998~~ December 31, 2006, per LUC 20.40.500, and subsequently constructed consistent with the ~~1998~~2006 vesting.
 - (b) ~~First 1,500 Net Square Feet of a Restaurant and/or Retail Uses - No Parking Required. The first 1,500 net square feet of a restaurant and/or~~

retail uses located in an existing building shall have a minimum parking ratio of zero (0).

- (c) ~~Restaurant and/or Retail Uses in Excess of 1,500 Net Square Feet. A restaurant and/or retail uses that exceeds 1,500 net square feet and is located within an existing building shall provide parking according to the above table for any restaurant and retail uses floor area in excess of 1,500 net square feet.~~
- (d) Limitation on Applicability of Note (4).
- (i) Buildings that do not meet the definition of an existing building shall provide parking for all uses according to the above table.
 - (ii) Parking in existing buildings for uses other than restaurant and retail uses shall be provided according to the above table.
 - ~~(iii) Parking for new tenants in buildings that do not meet the definition of an existing building shall be provided according to the above table.~~
 - ~~(iv) Any expansion of floor area associated with restaurant and retail uses in buildings that do not meet the definition of an existing building shall be required to provide parking for the total floor area (i.e., current floor area plus expanded area) according to the above table.~~

(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

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Approved as to form:

Lori M. Riordan, City Attorney

Attest:

Myrna L. Basich, City Clerk

Published _____

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