

## CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE amending the Land Use Code, amending a portion of Section 20.25D.080 of the Bellevue City Code to provide for an increase in available Floor Area when affordable housing is provided through a fee-in-lieu or negotiated in return for affordable housing that is provided on site: modifying the Floor Area Ratio (FAR) Exceptions provided in the Bel Red Medical Office District to except up to 1 FAR subject to payment of a fee-in-lieu or the terms of an executed Development Agreement, providing for severability, and establishing an effective date.

WHEREAS, the Comprehensive Plan Housing Vision is for Bellevue to meet “the housing needs of its diverse population, strengthening neighborhoods and communities;” and

WHEREAS, the Comprehensive Plan Housing Goal promotes “a variety of housing opportunities to meet the needs of all members of the community;” and

WHEREAS, the Comprehensive Plan Policies HO-7 and HO-23 encourage “the development of affordable housing through incentives and other tools . . . ;” and

WHEREAS, the Comprehensive Plan Policy HO-34 seeks to “provide reasonable accommodation for housing people with special needs in all areas . . . ;” and

WHEREAS, the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and the City’s Environmental Procedures Code, (Chapter 22.02 BCC) have been met and a Determination of Non-significance was issued on April 21, 2016; and

WHEREAS the Planning Commission has found that the proposed amendments are consistent with the Comprehensive Plan, enhance the public safety and welfare, and are not contrary to the best interest of the citizens and property owners of the City of Bellevue;

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

Section 1. Land Use Code Section 20.25D.080.B.3 is hereby amended as follows:

B. Exceptions to Dimensional Requirements.

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3. Floor Area Ratio Exceptions.

a. Per the FAR Amenity Incentive System, LUC 20.25D.090, floor areas dedicated to affordable housing, public restrooms, and child care/nonprofit uses shall not be counted for the purpose of calculating FAR.

b. Each square foot of ground floor retail and enclosed plaza meeting the criteria set forth below shall not be counted for the purpose of calculating FAR:

i. Ground Floor Retail Uses: Ground floor retail uses as defined in LUC

20.25D.130.A shall not be counted provided the following limitations are met:

- (1) The ground floor retail shall only be eligible for exception if located within a multi-story, multi-use building;
- (2) The ground floor retail shall meet the requirements set forth in LUC 20.25D.130.A, Bel-Red Subarea Development Standards, applicable to retail uses;
- (3) Outside the nodes the maximum depth of tenant space eligible for exception is 60 feet; and
- (4) Inside the nodes ground floor retail shall not be counted.

ii. Enclosed Plazas shall not be counted provided the following limitations are met:

- (1) The enclosed plaza shall be clearly visible and accessible from the public right-of-way;
- (2) The enclosed plaza shall coordinate with and complement ground floor retail uses to the maximum extent feasible;
- (3) At least 10 percent of the surface area of the enclosed plaza shall be landscaped;
- (4) The enclosed plaza shall contain at least one sitting space for each 100 square feet of plaza;
- (5) The enclosed plaza shall be a minimum size of 1,000 square feet;
- (6) Only 4,000 square feet of the enclosed plaza shall be excepted for the purpose of calculating FAR;

(7) The enclosed plaza shall have a minimum horizontal dimension (width and depth) of no less than 20 feet;

(8) The enclosed plaza shall be signed as "Public Access" and open to the public from 7:00 a.m. to 9:00 p.m. daily or during business hours, whichever is longer. The sign for the enclosed plaza shall be visible from the public right-of-way; and

(9) Any use or feature for the exclusive use of the building users or tenants shall be counted for the purpose of calculating FAR.

c. In the BR-MO land use district, up to 1 FAR of floor area dedicated to on-site affordable housing in a congregate care senior housing, nursing home or assisted living project shall not be counted for the purposes of calculating the FAR, provided that:

i. The square footage of excepted floor area shall be negotiated through a Council-approved development agreement that is consistent with Chapter 36.70B RCW;

ii. The bedroom mix and exterior finishes shall be comparable to the market rate units, but interior design, unit size, amenities and interior finishes may vary;

iii. A public benefit shall be derived from the development of affordable housing in the proposed location; and

iv. An agreement in a form approved by the City shall be executed by the applicant and recorded with the King County Record's Office, or its successor organization, requiring the affordable housing to remain for the life of the project. This agreement shall be a covenant running with the land, binding on assigns, heirs, and successors of the applicant.

d. In the BR-MO land use district, up to 1 FAR of floor area dedicated to Congregate Care Senior Housing, Nursing Home, or Assisted Living uses shall not be counted for the purposes of calculating the FAR, provided that the applicant:

- i. Pays the residential fee-in-lieu of providing on-site affordable housing, pursuant to LUC Chart 20.25D.080.B.3.c, in the fee amount required by LUC Chart 20.25D.090.C for each square foot of excepted floor area; and
- ii. Executes and records with the King County Record's Office, or its successor organization, an agreement in a form approved by the City dedicating the excepted floor area to Congregate Care Senior Housing, Nursing Home, or Assisted Living uses for the life of the project. This agreement shall be a covenant running with the land, binding on assigns, heirs, and successors of the applicant.

Section 2. 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 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 \_\_\_\_\_, 2016 and signed in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

(SEAL)

\_\_\_\_\_  
John Stokes, Mayor

Approved as to form:

\_\_\_\_\_  
Lori M. Riordan, City Attorney

Attest:

\_\_\_\_\_  
Kyle Stannert, City Clerk

Published: \_\_\_\_\_