

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6425

AN ORDINANCE amending the Bellevue Land Use Code (LUC) for consistency with the new Downtown Code, Part 20.25A LUC, and Eastgate LUC amendments; to incorporate International Building Code and Bellevue City Code (BCC) amendments related to construction type in Factoria Development Area III; for general clean-ups and clarifications to correct errors, omissions and/or internal conflicts within the LUC and between the LUC and the BCC, including the landscape buffer provision in BelRed, Part 20.25D LUC; and establishing an effective date.

WHEREAS, the Bellevue City Council has by Ordinance No. 6366 amended the Bellevue LUC to advance the Eastgate/I-90 Land Use and Transportation Project, which created new land use districts and provided for use charts, and dimensional, development and design standards for the use and development of properties located within the Eastgate Subarea; and

WHEREAS, the City Council has by Ordinance No. 6377 created a new Part 20.25A in the Bellevue LUC providing for the use and development of properties located within the Downtown Subarea to include new Downtown definitions, departures, and tower requirements; and

WHEREAS, Ordinance 6377 also amended provisions of the LUC regarding nonconformities, dimensions, the amenity incentive system, development standards, and design guidelines, consistent with the Downtown Livability Initiative; and

WHEREAS, the City Council adopted the provisions of the 2016 International Building Code (IBC) allowing for five over two construction type, which consists of five levels of wood frame construction over two levels of concrete construction and is a more cost effective and flexible construction system that will help add diversity of housing choices available in Bellevue; and

WHEREAS, the five over two construction type allowed by the IBC and the Bellevue City Code was not permitted in Bellevue when the City amended its Factoria 1 regulations in 2007, and this construction type, if allowed in Factoria Development Area (DA) III, would increase the maximum height in Factoria DA III from 60 feet to 75 feet, consistent with the height requirements in Factoria DA II; and

WHEREAS, consistent with the State Growth Management Act, Chapter 36.70A RCW, the City Council has by separate ordinances adopted updates to the Comprehensive Plan and other development-related codes and regulations as

appropriate to respond to and accommodate changing conditions and needs of the City; and

WHEREAS, accurate cross references and amendments to the LUC are necessary to effectively integrate and ensure consistency with the Eastgate LUC amendments and the new Downtown Code, Part 20.25A LUC; and

WHEREAS, amendments to the LUC are necessary to integrate and ensure consistency with the provisions of the 2016 IBC and BCC allowing five over two construction type, and to generally clean-up, clarify, and correct errors, omissions and/or internal conflicts within the LUC, including the landscape buffer provision in BelRed Part 20.25D; and

WHEREAS, the LUC amendments proposed herein are to be known as the Conformance Amendments; and

WHEREAS, the Planning Commission held public hearings on May 9, 2018 and June 13, 2018 with regard to the Conformance Amendments proposed herein; and

WHEREAS, on June 13, 2018, the Planning Commission recommended that the City Council adopt such proposed Conformance Amendments to the Bellevue Land Use Code; and

WHEREAS, on September 11, 2018, the East Bellevue Community Council held a courtesy public hearing on the proposed Conformance Amendments pursuant to LUC 20.35.435; and

WHEREAS, the City Council has considered the Conformance Amendments to the Bellevue LUC; and

WHEREAS, the City Council finds that the proposed Conformance Amendments meet the decision criteria established in Part 20.30J of the LUC; and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and the City's Environmental Procedures Code, BCC 22.02, including integrating environmental review into the Eastgate Project and the Downtown Livability Project and by publishing a determination of nonsignificance issued on June 9, 2016 and February 16, 2017, respectively; and

WHEREAS, the Conformance Amendments proposed herein that are not part of the Eastgate Project and the Downtown Livability Project are categorically exempt from the requirements of SEPA under WAC 197-11-800(19)(b); now, therefore,

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

Section 1. Section 20.10.020 of the Bellevue Land Use Code is hereby amended to read as follows:

20.10.020 Establishment of land use districts.

Land use districts in the City are hereby established as follows:

District	Designation
Single-Family Residential Estate	R-1 R-1.8
Single-Family Residential	R-2.5 R-3.5 R-4 R-5 R-7.5*
Multifamily Residential	R-10 R-15 R-20 R-30
Professional Office	PO
Office	O
Office and Limited Business	OLB
Office and Limited Business 2	OLB 2
Office and Limited Business-Open Space	OLB-OS
Light Industrial	LI
General Commercial	GC
Neighborhood Business	NB
Neighborhood Mixed Use	NMU
Community Business	CB
Eastgate Transit Oriented Development	EG-TOD
Downtown	
Downtown-Office District 1	DT-O-1

Downtown-Office District 2	DT-O-2
Downtown-Mixed Use District	DT-MU
Downtown-Residential District	DT-R
Downtown-Old Bellevue District	DT-OB
Downtown-Office and Limited Business District	DT-OLB

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Section 2. Section 20.10.370 of the Bellevue Land Use Code is hereby amended to read as follows:

20.10.370Downtown (DT).

The purpose, permitted uses, and general development requirements for land use districts within Downtown are provided in Chapter 20.25A LUC.

Section 3. Section 20.10.440 of the Bellevue Land Use Code is hereby amended to read as follows:

Notes: Uses in land use districts – Wholesale and Retail

...

(20) The term “garden supplies” excludes items such as large trees, rock and bulk supplies which require special handling equipment in NB, CB, and F1 Districts.

...

(23) Intentionally deleted.

...

(38) Intentionally deleted.

...

Section 4. Section 20.20.005 of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.005 Chart of dimensional requirements described.

Chart 20.20.010 sets forth the dimensional requirements for each land use district except: the Downtown Land Use Districts, the Evergreen Highlands Design District, the Evergreen Highlands Subarea Transportation Improvement Overlay District, the Medical Institution District, the OLB-OS Land Use District, and the BelRed Land Use Districts. All structures and activities in the City not located in the above districts shall conform to the dimensional requirements in Chart 20.20.010. Dimensional requirements for the Downtown Land Use Districts are found in LUC 20.25A.060. Dimensional requirements for the Evergreen Highlands Design District are found in Part 20.25F LUC. Dimensional requirements for the Evergreen Highlands Subarea Transportation Improvement Overlay District are found in Part 20.25G LUC. Dimensional requirements for the Medical Institution District are found in Part 20.25J LUC. Dimensional requirements for the OLB-OS Land Use District are found in LUC 20.25L.030. Dimensional requirements for the Bel-Red Land Use Districts are found in LUC 20.25D.080. Dimensional requirements for the Eastgate Transit Oriented Development Land Use District are found in LUC 20.25P.060.A. Additional special dimensional requirements for designated areas of the City are contained in other parts of the Code as follows:

...

Section 5. Section 20.20.030.E of the Bellevue Land Use Code is hereby amended to read as follows:

E. The critical area buffer and critical area structure setback requirements of Part 20.25H LUC are in addition to the setback requirements of LUC 20.20.010, 20.25B.040, 20.25D.080, 20.25F.040, 20.25J.030, 20.25L.030, LUC 20.25N.050 and 20.25P.060. Where there are multiple setback requirements, the greater setback dimension is required.

Section 6. Section 20.20.195.A.3 of the Bellevue Land Use Code is hereby amended to read as follows:

3. "Nonresidential land use districts" shall mean PO, O, OLB, OLB 2, OLB-OS, LI, GC, NB, NMU, CB, F1, F2, F3, EH, MI, EG-TOD, all Downtown land use districts, and all BelRed land use districts.

Section 7. Section 20.20.535.F.6 of the Bellevue Land Use Code is hereby amended to read as follows:

6. No marijuana producer, processor, or retailer shall be allowed in single-family and multifamily land use districts (R-1 – R-30; DT-R; BR-R).

Section 8. Section 20.20.560.E.1 of the Bellevue Land Use Code is hereby amended to read as follows:

1. Downtown. The provisions of this section shall not apply in the Downtown Special Overlay District, Part 20.25A LUC. Refer to LUC 20.25A.040 for the requirements for nonconforming uses, structures, and sites located within the Downtown Special Overlay District.

Section 9. Section 20.20.590.K.8.a of the Bellevue Land Use Code is hereby amended to read as follows:

a. When Required. The property owner shall install internal walkways in each new development or substantial remodel of existing development in R-10, R-15, R-20, R-30, NB, NMU, PO, O, OLB, OLB 2, OLB-OS, CB, LI, GC, MI, EG-TOD, or Downtown Land Use Districts. In addition, schools in all land use districts shall install internal walkways in each new facility or substantial remodel of an existing facility.

Section 10. Section 20.20.740.C of the Bellevue Land Use Code is hereby amended to read as follows:

C. The applicant for a proposal subject to the administrative conditional use process in all residential districts or the DT-R District shall hold one community meeting on the proposal. Such meeting shall be held as early in the review process as possible for the proposal. Notice of the public meeting shall be provided in the same manner as required for notice of the application. The public meeting notice will be combined with the notice of application whenever possible.

Section 11. Section 20.25A.010.A.3 of the Bellevue Land Use Code is hereby amended to read as follows:

3. Land Use Code Sections Not Applicable in Downtown. The following sections of the Land Use Code, Title 20 Bellevue City Code (BCC), now or as hereafter amended, do not apply in Downtown. Unless specifically listed below, all other sections apply.

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l. LUC 20.20.520;

m. LUC 20.20.540;

n. LUC 20.20.525;

o. LUC 20.20.560;

p. LUC 20.20.700 and 20.20.720;

- q. LUC 20.20.750 through 20.20.800;
- r. LUC 20.20.890 and 20.20.900

Section 12. Section 20.25A.020.A of the Bellevue Land Use Code definition of “DT – Active Uses” is hereby amended to read as follows:

DT – Active Uses: Those uses listed in LUC 20.25A.050 under “Cultural, Entertainment and Recreation,” “Wholesale and Retail” (with the exception of recycling centers and gas stations), and “Services” (limited to finance, insurance, real estate services; barber and beauty shops; photography studios; shoe repair; and travel agencies). Those uses listed in LUC 20.25A.050 under “Residential” (including entrance lobbies and private indoor amenity space), “Services” (except those uses listed above), “Transportation and Utilities,” and “Resources” are not considered Active Uses, but may be determined to meet the definition for an Active Use through an Administrative Departure pursuant to LUC 20.25A.030.D.1 and 20.25A.070.C.1.c. An Active Use shall meet the design criteria in the FAR Exemption for Ground Level and Upper-Level Active Uses in LUC 20.25A.070.C.1 and the design guidelines for the applicable right-of-way designation in LUC 20.25A.170.B.

Section 13. Section 20.25A.020.A of the Bellevue Land Use Code is hereby amended to add the following definitions:

DT – Major Pedestrian Corridor: An alignment which is generally for exclusive pedestrian use providing a reasonably direct, but interesting pedestrian route in the immediate vicinity of NE 6th Street between 102nd Avenue NE and the east side of 112th Avenue NE as depicted in the Pedestrian Corridor Implementation Map.

DT – Pedestrian Bridge: A pedestrian connection above the public right-of-way within Downtown in conformance with LUC 20.25A.100.

DT – Superblock: In the area bounded by Main Street, 100th Avenue NE, NE 12th St., and 112th Avenue NE, superblocks are those areas bounded by the intersections of the centerlines of even-numbered avenues, or their extensions with the centerlines of even-numbered streets, or their extensions.

Section 14. Section 20.25A.020.B of the Bellevue Land Use Code is hereby amended to read as follows:

B. General Definitions not applicable to Downtown. The general definitions contained in Chapter 20.50 LUC apply unless specifically listed below as inapplicable to Downtown.

Alley. LUC 20.50.010

Active Recreation Area. LUC 20.50.010

Building Height. LUC 20.50.012

Building Height - Transition Area Design Districts. LUC 20.50.012

Caliper. LUC 20.50.014

Floor Area Ratio. (FAR). LUC 20.50.020

Open Space. LUC 20.50.038

Project Limit. LUC 20.50.040

Setback. LUC 20.50.046

Setback, Front. LUC 20.50.046

Setback, Rear. LUC 20.50.046

Setback, Side. LUC 20.50.046

Sidewalk. LUC 20.50.046

Site. LUC 20.50.046

Stepback. LUC 20.50.046

Tree-Large Diameter. LUC 20.50.048

Tree-Small Diameter. LUC 20.50.048

Section 15. Section 20.25A.050.D Use Charts for Wholesale and Retail – Downtown Land Use Districts of the Bellevue Land Use Code is hereby amended to read as follows:

Wholesale and Retail – Downtown Land Use Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office 1	Downtown Office 2	Downtown Mixed Use	Downtown Residential	Downtown Old Bellevue	Downtown Office and Limited Business
		DT-O-1	DT-O-2	DT-MU	DT-R	DT-OB	DT-OLB
51	Wholesale Trade: General Merchandise, Products, Supplies, Materials and Equipment						
	Recycling Centers (15)	P	P	P	A	A	P
	...						

Section 16. Section 20.25A.060.B.3 of the Bellevue Land Use Code is deleted as follows:

Section 17. Section 20.25B.020.B.3 of the Bellevue Land Use Code is hereby amended to read as follows:

3. Development within any Downtown Land Use District is not subject to Transition Area Design District requirements.

Section 18. Section 20.25D.110.C.2 of the Bellevue Land Use Code is hereby amended to read as follows:

2. Where Required. A 20-foot landscape buffer shall be provided along the interior property line of a district abutting BR-R Land Use District and along the interior property line of the BR-ORT Land Use District abutting any non-BelRed Land Use District.

Section 19. Section 20.25D.130.C of the Bellevue Land Use Code is hereby amended to read as follows:

20.25D.130.C. Required Sidewalk-Oriented Development.

...

3. Applicable Standards for Ground Floor Retail and Commercial Uses. On street frontages where ground floor retail or commercial uses are required pursuant to Figure 20.25D.130.A, the following design standards apply:

...

4. Applicable Standards for Other Uses. On street frontages where ground floor retail or commercial uses are not required pursuant to Figure 20.25D.130.A, the following design standards apply:

...

Section 20. Section 20.25F.040 of the Bellevue Land Use Code is hereby amended to read as follows:

20.25F1.040 Dimensional requirements. (1) (2)

F1 Land Use District	Minimum Setback (3)(4)(5)			Building Height (6)	Stepback		
	Type A Street	Type B Street	Type C Street		Type A Street	Type B Street	Type C Street
DA I	N/A	N/A	30'	60'	N/A	N/A	10'
DA II	10'	N/A	10'	40'/75' (7)	N/A	N/A	10' (8)
DA III	N/A	10'/0' (9)	10'	75'	N/A	0'/10' (10)	10'
DA IV	(11)	(11)	(11)	45'	N/A	N/A	N/A

Section 21. Section 20.25H.040.C of the Bellevue Land Use Code is hereby amended to read as follows:

C. Allowed Modifications to Transition Area Requirements.

The minimum structure setback established in subsection 20.25B.040.B.1 may not be modified under this section. The minimum separation between structures established in subsection 20.25B.040.B.2 may be reduced to no less than six feet between structures; provided, that the modification shall be the minimum necessary to allow avoidance of the critical area and critical area buffer.

Section 22. Section 20.25M.010.D.1.b of the Bellevue Land Use Code is hereby amended to read as follows:

b. Part 20.25A. LUC- Downtown sections shall apply to any above-grade RLRT system or facility as follows:

- i. LUC 20.25A.110.D – Fences;
- ii. LUC 20.25A.090 – Walkways and sidewalks;
- iii. LUC 20.25A.160 – Site Organization;
- iv. LUC 20.25A.150 – Context;
- v. LUC 20.25A.140 to 20.25A.180 – Downtown Design Guidelines;

Section 23. Chart 20.25P.050 of the Bellevue Land Use code is hereby amended to read as follows:

STD LAND USE CODE REF	Residential – Eastgate Transit Oriented Development Land Use District	EastgateTransit Oriented Development Land Use District
	LAND USE CLASSIFICATION	EG-TOD
1	Residential	
	Single-Family Dwelling	
	Two to Four Dwelling Units Per Structure	P
	Five or More Dwelling Units Per Structure	P
12	Group Quarters: Dormitories, Fraternal Houses, Excluding Military and Correctional Institutions and Excluding Secure Community Transition Facilities	C 2
	Rooming House	P 3
	Senior Citizen Dwellings	P 1
13 15	Hotels and Motels	P
	Congregate Care Senior Housing	P 1, 2
6516	Nursing Home	
	Assisted Living	P 1

Section 24. Section 20.35.120.B.3 of the Bellevue Land Use Code is hereby amended to read as follows:

- 3. Mailed notice of the application including at least the information required in subsection B.1 of this section to each person who has requested such

notice for the calendar year and paid any applicable fee as established by the Director. Included in this mailing shall be all members of a Community Council and a representative from each of the neighborhood groups, community clubs, or other citizens' groups who have requested regular notice of land use actions. As an alternative to mailing notice to each such person, notice may be provided by electronic mail only, when requested by the recipient.

Section 25. Section 20.35.210.A.5 of the Bellevue Land Use Code is hereby amended to read as follows:

5. Mailings shall also include mailing notice of the application including at least the information required in subsection A.2 of this section to each person who has requested such notice for the calendar year and paid any fee as established by the Director. This mailing shall also include all members of a Community Council and a representative from each of the neighborhood groups, community clubs, or other citizens' groups who have requested notice of land use activity. As an alternative to mailing notice to each such person, notice may be provided by electronic mail only, when requested by the recipient.

Section 26. Section 20.35.320.B.3 of the Bellevue Land Use Code is hereby amended to read as follows:

3. Mailed notice of the application including at least the information required in paragraph B.1 of this section to each person who has requested such notice for the calendar year and paid any applicable fee as established by the Director. Included in this mailing shall be all members of a Community Council and a representative from each of the neighborhood groups, community clubs, or other citizens' groups who have requested regular notice of land use actions. As an alternative to mailing notice to each such person, notice may be provided by electronic mail only, when requested by the recipient.

Section 27. Section 20.35.510.B.3 of the Bellevue Land Use Code is hereby amended to read as follows:

3. Mailed notice of the application including at least the information required in paragraph B.1 of this section to each person who has requested such notice for the calendar year and paid any fee as established by the Director. This mailing shall also include all members of a Community Council and a representative from each of the neighborhood groups, community clubs, or other citizens' groups who have requested notice of land use activity. As an alternative to mailing notice to each such person, notice may be provided by electronic mail only, when requested by the recipient.

Section 28. Section 20.40.500.B.2.d of the Bellevue Land Use Code is hereby amended to read as follows:

- d. The vested status of a land use permit or approval is extended pursuant to:
 - i. LUC 20.30.190 (Extended vesting period for Master Development Plans and associated Design Review approval); or
 - ii. A development agreement authorized by the terms of this Land Use Code to extend vested status.

Section 29. The definition of Floor Area Ratio in Section 20.50.020 of the Bellevue Land Use Code is hereby amended to read as follows:

Floor Area Ratio (FAR). A measure of development intensity equal to the gross floor area, excluding parking and mechanical floors or areas, divided by net on-site land area (square feet). Net on-site land area includes the area of an easement but does not include public right-of-way. Refer to LUC 20.25H.045 for additional limitations on development intensity applicable to sites with critical areas or critical area buffers. This definition does not apply to single-family dwellings (refer to the definition of Floor Area Ratio (FAR) – Single-Family Dwelling contained in this section), or to Downtown (refer to the definition of DT- Floor Area Ratio (FAR)).

Section 30. The definition of Major Pedestrian Corridor in Section 20.50.034 of the Bellevue Land Use Code is hereby deleted.

Section 31. The definition of Pedestrian Bridge, Downtown in Section 20.50.040 of the Bellevue Land Use Code is hereby deleted.

Section 32. 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 _____, 2018
and signed in authentication of its passage this _____ day of _____,
2018.

(SEAL)

John Chelminiak, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Matthew B. McFarland, Assistant City Attorney

Attest:

Kyle Stannert, City Clerk

Published _____