

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6541

AN ORDINANCE extending an Interim Official Control adopted by Ordinance No. 6513, which set reduced minimum parking standards in the Land Use Code for certain housing developments located near frequent transit service; providing for vesting and severability; and establishing an effective date.

WHEREAS, the City of Bellevue adopted the Affordable Housing Strategy (AHS) in 2017 in recognition of the affordable housing crisis in the City and to commit to implementing specific recommendations to increase the supply of affordable housing in the City; and

WHEREAS, AHS Policy C-5 recommends lowering the costs to building affordable housing to produce more affordable housing units and deepen the level of affordability with measures such as reducing parking requirements; and

WHEREAS, AHS Policy D-1 recommends revising City codes and processes to reduce costs for building multi-family housing; and

WHEREAS, on February 29, 2020, Governor Inslee signed a Proclamation declaring a State of Emergency exists in all counties in the State of Washington due to the worldwide outbreak of the novel coronavirus (COVID-19) and the effects of its extreme risk of person-to-person transmission, which significantly impacts the life and health of Washington's people, as well as the economy; and

WHEREAS, on March 3, 2020, the Mayor of the City of Bellevue, pursuant to the authority granted by Bellevue City Code (BCC) 9.22.010, proclaimed that a civil emergency exists within the City of Bellevue due to the outbreak of COVID-19; and

WHEREAS, on March 23, 2020, Governor Inslee imposed a Stay Home – Stay Healthy Order throughout Washington State prohibiting all people in Washington State from leaving their homes, with few exceptions, and prohibiting businesses determined by the Governor to be non-essential from conducting business until midnight on April 6, 2020; and

WHEREAS, on March 25, 2020, the Governor issued guidance indicating that his Stay Home – Stay Healthy Order in general prohibited commercial and residential construction because construction was not considered an essential activity under that Order, while providing that activities related to housing for economically disadvantaged or otherwise needy individuals could continue; and

WHEREAS, on April 2, 2020, the Governor extended the duration of his Stay Home – Stay Healthy Order until 11:59 p.m. on May 4, 2020; and

WHEREAS, on May 1, 2020, the Governor extended the duration of his Stay Home – Stay Healthy Order until 11:59 p.m. on May 31, 2020, while allowing some construction activities to resume; and

WHEREAS, the effect of the Governor’s Stay Home – Stay Healthy Order was that the creation of housing units was stalled or delayed, which intensified the affordable housing crisis in the City; and

WHEREAS, the Washington State Legislature in 2020, in order to increase urban housing supply, enacted SHB 2343, codified as RCW 36.70A.620, requiring cities like Bellevue, to impose minimum residential parking requirements for specific residential uses when located within one-quarter mile of a transit stop that receives a minimum number of transit service per hour and becomes effective on June 11, 2020; and

WHEREAS, the Washington State Legislature, in enacting SHB 2343, recognized that providing parking spaces in an urban setting reduced the affordability of housing units and, potentially, the ability to include more units in a development; and

WHEREAS, the Washington State Legislature, in enacting SHB 2343, also recognized that access and close proximity of residential units to frequent transit service reduced the number of parking spaces needed for those units; and

WHEREAS, the City Council has expressed a desire to quickly respond and mitigate the affordable housing crisis pursuant to the AHS and exasperated by the COVID-19 emergency, as well as to provide consistency between the State legislative changes and the Land Use Code through an Interim Official Control; and

WHEREAS, on May 18, 2020, the City Council adopted Ordinance No. 6513, which imposed an Interim Official Control setting reduced minimum parking standards in the Land Use Code for certain housing developments located near frequent transit service; and

WHEREAS, under the Growth Management Act (GMA), the City was required to hold a public hearing within 60 days of adopting Ordinance No. 6513, and consistent with the GMA, the City Council held a public hearing on July 6, 2020 to consider the Interim Official Control; and

WHEREAS, following the July 6, 2020 public hearing, the City Council affirmed that Ordinance No. 6513 should remain in effect for an initial six-month period, to November 18, 2020; and

WHEREAS, development of permanent code amendments necessary to implement provisions contained in the Interim Official Control is scheduled to occur in 2021; and

WHEREAS, an extension of the Interim Official Control is necessary to provide time for the City to draft, consider, and hold necessary hearings on permanent regulations; and

WHEREAS, the Environmental Coordinator for the City of Bellevue has determined that this text amendment to the Land Use Code is Categorically Exempt from the Threshold Determination requirements of the State Environmental Policy Act pursuant to the terms of WAC 197-11-800(19); and

WHEREAS, the City Council duly held the public hearing required by the GMA on October 26, 2020, so as to hear and consider public comment and testimony regarding extension of this Interim Official Control; and

WHEREAS, the City Council adopts the foregoing as its findings of fact justifying the extension of the Interim Official Control originally adopted by Ordinance No. 6513 for an additional six-month period; now, therefore,

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

Section 1. Extension of Interim Official Control. The Interim Official Control adopted by Ordinance No. 6513 is hereby extended for an additional six-month period, to May 18, 2021, unless repealed, extended, or modified by the City Council after a subsequent public hearing and entry of additional findings of fact pursuant to RCW 35A.63.220 and RCW 36.70A.390.

Section 2. Vesting of Land Use Applications Submitted or Currently in Review While this Interim Official Control Is in Effect. Applications deemed complete under the provisions of the Land Use Code that have been submitted or are currently under review while the Interim Official Control adopted by Ordinance 6513 is in effect shall be reviewed under this Interim Official Control. The vested status of land use applications and approvals shall otherwise follow the terms of LUC 20.40.500.B.

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 on November 18, 2020.

Section 5. Findings of Fact. The findings contained in this Ordinance are hereby adopted as Findings of Fact to justify extending this Interim Official Control adopted by Ordinance No. 6513.

Passed by the City Council this _____ day of _____, 2020 and signed in authentication of its passage this _____ day of _____, 2020.

(SEAL)

Lynne Robinson, Mayor

Approved as to form:
Kathryn L. Gerla, City Attorney

Matthew McFarland, Assistant City Attorney

Attest:

Charmaine Arredondo, City Clerk

Published: _____