

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3004

AN ORDINANCE related to Transition Areas, amending Bellevue City Code (Land Use Code) 20.30.475, 20.25A.090, 20.10.220.G, 20.10.240.E, 20.10.240.F, 20.10.260.E, 20.10.280.F, 20.10.320.F, 20.10.340.F, 20.10.360.E, 20.50.038, 20.20.590.I and 20.20.010, Note (10); repealing Bellevue City Code (Land Use Code) 20.20.900, 20.20.905, 20.20.910, and 20.30.450; and establishing a new Part, Bellevue City Code (Land Use Code) 20.25B.

WHEREAS, it is desirable that the City provide clear and readable regulations for Transition Areas; and

WHEREAS, Transition Area regulations should mitigate the impacts of a more intensive Land Use District when located adjacent to a less intensive Land Use District; and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act and with the City's Environmental Procedures Ordinance; now, therefore,

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

Section 1. Bellevue City Code (Land Use Code) 20.20.900, 20.20.905 and 20.20.910 are hereby repealed.

Section 2. Bellevue City Code (Land Use Code) Title 20 is amended by the addition of a new Part, 20.25B, which reads as follows:

20.25B Transition Areas

20.25B.010 Purpose: A Transition Area provides a buffer between a residential Land Use District and a higher intensity Land Use District. It is established in order to mitigate potential adverse impacts between different or incompatible land uses.

20.25B.020 Definitions:

A. Single Family District: For purposes of this Part, a Single Family District is --

1. A Land Use District designated as G, A, OU, R-1, R-1.8, R-2.5, R-3, R-4, or R-5 on the official zoning map, or

2. A Land Use District outside of the City boundaries which permits no more than five dwelling units per acre, and which is classified as a residential district.
- B. Multifamily District: For purposes of this Part, a Multifamily District is --
1. A Land Use District designated as R-10, R-15, R-20, or R-30 on the official zoning map, or
 2. A Land Use District outside of the City boundaries which permits more than five dwelling units per acre, and which is classified as a residential district.
- C. Transition Area to a Single Family District: Subject to Paragraph 20.25B.020.E of this Part, a Transition Area to a Single Family District is any property located within 300 feet of a Single Family District, and designated on the official zoning map as --
1. R-10, R-15, R-20, R-30 (Urban Residential),
 2. PO (Professional Office),
 3. O (Office),
 4. OLB (Office/Limited Business),
 5. LI (Light Industry),
 6. GC (General Commercial),
 7. NB (Neighborhood Business),
 8. CB (Community Business), or
 9. CBD-O-1, CBD-O-2, CBD-MU, CBD-OLB, CBD-R, CBD-OB (Central Business District).
- D. Transition Area to Multifamily District: Subject to Paragraph 20.25B.020.E of this Part, a Transition Area to a Multifamily District is any property located within 150 feet of a Multifamily District, and designated on the official zoning map as --
1. PO (Professional Office),
 2. O (Office),
 3. OLB (Office/Limited Business),
 4. LI (Light Industry),
 5. GC (General Commercial),
 6. NB (Neighborhood Business),
 7. CB (Community Business), or
 8. CBD-O-1, CBD-O-2, CBD-MU, CBD-OLB, CBD-R, CBD-OB (Central Business District).
- E. Limitation: Where a Transition Area abuts a portion of the I-90, I-405 or SR-520 right-of-way which is classified as a single family or multifamily district, the City shall include that right-of-way as part of the required width of the Transition Area.

20.25B.030 Development Requirements: Unless otherwise approved under Section 20.25B.040, all development activity within a Transition Area must comply with the following:

A. Building Dimensions:

1. Building Height: The maximum building height within a Transition Area to a Single Family District is 30', unless a lower height is required by Section 20.20.010.
 2. Structure Horizontal Dimension:
 - a. Transition Area to a Single Family District: The maximum horizontal dimension of a structure is 150'.
 - b. Transition Area to a Multifamily District: The maximum horizontal dimension of a structure is 200'.
 - c. For purposes of this Paragraph, the horizontal dimension of a structure is measured from the two most distant points of opposite or nearly opposite walls of the structure. Excluded are minor structural elements which may project into setbacks pursuant to Section 20.20.040.
 3. Offset Required:
 - a. The horizontal dimension of a structure must be offset at required intervals if that horizontal dimension exceeds --
 - i. 75' in a Transition Area to a Single Family District, or
 - ii. 100' in a Transition Area to a Multifamily District.
 - b. The required offsets must occur at intervals of --
 - i. No less than 25' and no greater than 60' within a Transition Area to a Single Family District, and
 - ii. No less than 25' and no greater than 100' within a Transition Area to a Multifamily District.
 - c. The minimum depth of an offset is 10'.
- B. Setback: The minimum setback from a property line abutting a Single Family or Multifamily District is 20 feet unless a larger setback is required by Section 20.20.010 or 20.20.020 of this Code.

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- C. **Minimum Distance Between Buildings:** The minimum distance between buildings in a Transition Area is 20 feet.
- D. **Access:** Wherever available, principal access to a use within a Transition Area must be designed so that traffic is not directed through or adjacent to an abutting Single Family or Multifamily District.
- E. **Parking:** Parking and circulation areas must be located and landscaped to minimize adverse impacts on an abutting Single Family or Multifamily District.
- F. **Lighting:** No building or use may have any unshielded source of light as measured at ground level at the boundary with a Single Family or Multifamily District.
- G. **Noise:** Each use must comply with the Maximum Environmental Noise Levels prescribed by Chapter 173-60 of the Washington Administrative Code.

20.25B.040 Modification:

- A. **General:** The applicant may propose to modify any Transition Area requirement of this Code, excluding definitions, procedures and other requirements unrelated to design through the Administrative Design Review Process (20.30.475).
- B. **Criteria:** The Planning Director may approve a modification of the requirements of Section 20.25B.030 only if --
 - 1. The proposal will accomplish the same or better protection of an abutting Single Family or Multifamily District from adverse impacts of noise, traffic, air quality, water quality, light and unnecessary obstruction or diminution of views.
 - 2. The proposal does not modify any height or setback limits of the underlying Land Use District.
 - 3. The provisions of Section 20.25B.030 which are proposed to be modified are not necessary to serve the community's interest in the declared purpose of said Section; and
 - 4. The proposal is compatible with surrounding properties. Compatibility includes, but is not limited to, size, scale, mass and architectural design.
- C. **Appeal:** Only those persons who submit written comment on the proposal through the Administrative Design Review process may appeal the decision of the Director.

20.25B.050 Application Information: The Planning Director may require the applicant to submit sufficient technical data or reports in order to substantiate compliance with the requirements of this Section.

Section 3. Bellevue City Code (Land Use Code) 20.30.450 is hereby repealed.

Section 4. Bellevue City Code (Land Use Code) Section 20.30.475 is amended to read as follows:

20.30.475 Administrative Design Review.

- A. Purpose. It is the purpose of this section to insure that the designs of sites and structures conform to the requirements of this Code.
- B. Authority. The Planning Director shall review the designs of sites and structures proposed for districts requiring design review. The Planning Director's authority shall be limited to that necessary to accomplish the purposes of this section.
- C. The Planning Director may:
 - Approve the submitted plans;
 - Approve the submitted plans with additions, modifications or changes; or
 - Deny the submitted plans.
- D. Procedure. The Planning Director shall post a public notice and mail notices to the applicant and adjacent property owners at least 17 calendar days prior to the Planning Director reviewing and acting upon the application. Written public input will be received during this period, but no public hearing is required. Following the decision of the Planning Director, the applicant and parties of the record will be notified of the action taken, written findings and the appeal procedure.
- E. Appeal. The decisions of the Planning Director are final unless appealed to the Hearing Body within twenty (20) calendar days of the date of mailing of the decision as provided in Paragraph D. The Hearing Body shall either concur with the previous decision of the Planning Director, direct that approval be granted subject to named conditions, or require reconsideration by the Planning Director.

The decision of the Hearing Body is final unless appealed to the City Council within twenty (20) calendays of the date of the

decision by the Hearing Body. The City Council may at a public meeting or public hearing take one of the following actions:

1. Grant the application with or without modifications and/or conditions
2. Remand for further consideration by the Planning Director or the Hearing Body, or
3. Deny the application.

The decision of the Council may be appealed to Superior Court within twenty (20) days of the date of the decision of the Council. At the end of said twenty (20) day period, if no appeal has been filed, the decision of the Council shall become final, and any appeal is thereafter barred.

F. CBD Design Review Appeal:

1. Notwithstanding the provisions of this Section, an appeal from an Administrative Design Review decision involving property within a CBD Land Use District will be heard and decided upon by the City Council following the procedures of Sections 20.30.825, 20.30.845, 20.30.850 and 20.30.867.
2. The decision of the Planning Director is final unless appealed to the City Council within twenty (20) days of the date of the decision.
3. Only those persons who submitted written comment to the Planning Director in accordance with Paragraph D may appeal an Administrative Design Review decision regarding property in a CBD Land Use District.

Section 5. Bellevue City Code (Land Use Code) 20.25A.090 is amended to read as follows:

20.25A.090 Transition Areas:

A. Transition Area - General: In addition to the requirements of Part 20.25B, within a Transition Area to a Multifamily District north of Main Street, the maximum building height is --

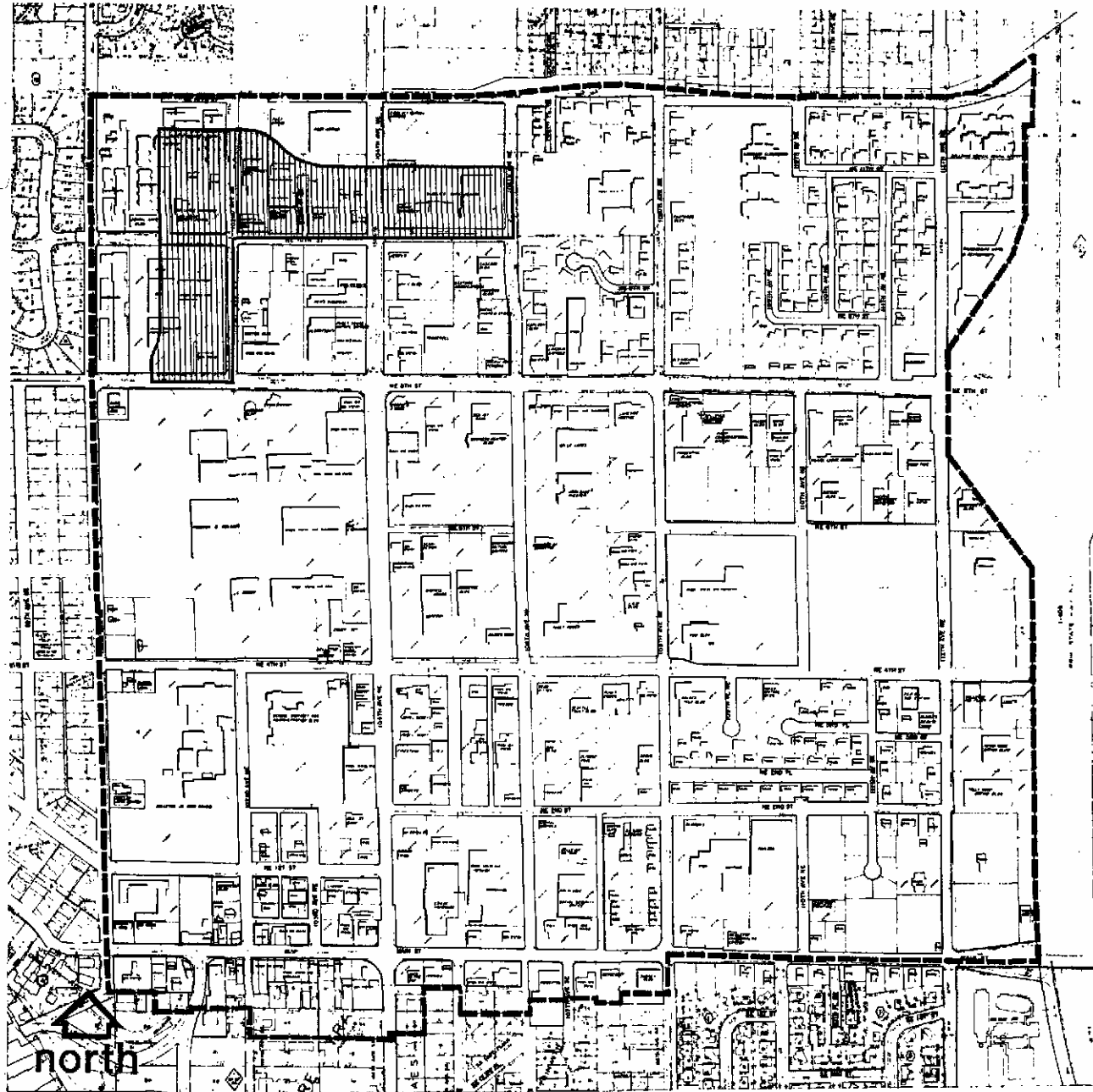
1. 100' for a residential structure, and
2. 60' for a nonresidential structure.

For purposes of this requirement, a structure which contains both residential and nonresidential uses will be treated as a residential structure.



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B. Second Tier Transition Area:

1. General: A Second Tier Transition Area is established in the CBD with boundaries as indicated on the following map:



LEGEND

	SECOND-TIER TRANSITION AREA
	CENTRAL BUSINESS DISTRICT BOUNDARY

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2. Special Requirements: The following requirements apply within said Transition Area:
 - a. Building Height: The maximum building height is 60 feet for nonresidential structures and 170 feet for residential structures.
 - b. Floor Area: The maximum building floor area for all nonresidential floors above 40 feet is 10,000 square feet and for all residential floors above 40 feet is 8,000 square feet.
 - c. Floor Area Ratio: The maximum floor area ratio for all nonresidential structures in said Transition Area is 2.
 - d. Modification: The Second Tier Transition Area requirements may be modified subject to the criteria of Paragraph 20.25B.040.B through the Administrative Design Review process. (20.30.475).

Section 6. Bellevue City Code (Land Use Code) 20.10.220.G is amended to read as follows:

- G. Transition Area: All structures and activities falling within a transition area as defined by Part 20.25B shall comply with the standards and requirements set forth in that Part.

Section 7. Bellevue City Code (Land Use Code) 20.10.240.E is amended to read as follows:

- E. All Structures Subject to Design Review: The City shall not issue building permits for new construction in the PO District unless the Planning Director has reviewed the building plans and has certified that in his judgment the plans for the structure's exterior, including finish material, color and landscaping are visually harmonious and compatible with the surrounding land uses, vegetation and topography to promote, quality design, reduce the adverse impact of uncoordinated development and protect and enhance surrounding neighborhoods. Appeal from the determination of the Planning Director shall be to the Hearing Body utilizing the forms and procedures and requiring the same fees as ((the Optional Design Review for Transition Areas (see Section 20.30.450))) Section 20.30.620.

Section 8. Bellevue City Code (Land Use Code) 20.10.240.F is amended to read as follows:

- F. Transition Areas: All structures and activities falling within a transition area as defined in Part 20.25B shall comply with the standards and requirements set forth in that Part.

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Section 9. Bellevue City Code (Land Use Code) 20.10.260.E is amended to read as follows:

- E. Transition Area: All structures and activities falling within a transition area as defined in Part 20.25B shall comply with the standards and requirements set forth in that Part.

Section 10. Bellevue City Code (Land Use Code) 20.10.280.F is amended to read as follows:

- F. Transition Area: All structures and activities falling within a transition area as defined in Part 20.25B shall comply with the standards and requirements set forth in that Part.

Section 11. Bellevue City Code (Land Use Code) 20.10.320.F is amended to read as follows:

- F. Transition Area: All structures and activities falling within a transition area as defined in Part 20.25B shall comply with the standards and requirements set forth in that Part.

Section 12. Bellevue City Code (Land Use Code) 20.10.340.F is amended to read as follows:

- F. Transition Area: All structures and activities falling within a Transition Area as defined in Part 20.25B shall comply with the standards and requirements set forth in that Part.

Section 13. Bellevue City Code (Land Use Code) 20.10.360.E is amended to read as follows:

- E. Transition Area: All structures and activities falling within a transition area as defined in Part 20.25B shall comply with the standards and requirements set forth in that Part.

Section 14. Bellevue City Code (Land Use Code) 20.50.038 is amended by a new definition which reads as follows:

OFFSET. A recess or projection in a building wall.

Section 15. Bellevue City Code (Land Use Code) 20.20.590.I is amended to read as follows:

- I. EXCEPTION for Office Height Outside the CBD.

Notwithstanding any other provisions of this Code, except Part 20.25A and Part 20.25B, the allowable building height of an office building may be increased by one (story not to exceed fifteen (15)

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feet) if the ground floor of that building is devoted to parking for that building.

Section 16. Bellevue City Code (Land Use Code) 20.20.010, Note (10), "Notes: Dimensional Requirements by Land Use District" is amended to read as follows:

- (10) The maximum building height may be exceeded upon approval of the Planning Director. Requests for such approval shall be processed in accordance with the administrative conditional use procedure of Section 20.30.610. Before granting any such approval, the Planning Director must find that:
- a) The height increase is only to accommodate equipment, structures or buildings that contain special equipment primarily related to light manufacturing, wholesale, trade and distribution use, and is not for office or bulk retail use; and
 - b) There is functional need for a height increase; and
 - c) The overall site development will minimize adverse impacts caused by the height increase.

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Notwithstanding the provisions of this Note, no height increase is permitted within a Transition Area as defined in Part 20.25B.

Section 17. This ordinance shall be published by posting it in the three official posting places of the City, and shall take effect and be in force five days after the date of posting.

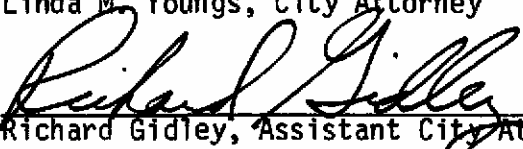
PASSED by the City Council this 27th day of July, 1981,
and signed in authentication of its passage this 27th day
of July, 1981.

(SEAL)



Richard M. Foreman, Mayor

Approved as to form:

Linda M. Youngs, City Attorney


Richard Gidley, Assistant City Attorney

Attest:


Marie K. O'Connell, Deputy City Clerk

Published August 1, 1981