

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5672

AN ORDINANCE amending the Bellevue Land Use Code to increase the maximum allowable lot coverage within the Factoria Land Use District 3 (F3); amending Section 20.20.010 of the Bellevue Land Use Code; and establishing an effective date.

WHEREAS, in 1993, the Factoria area was annexed to the City of Bellevue and three new land use districts (F1, F2 and F3) were created; and

WHEREAS, a pre-annexation agreement granted a maximum square footage of 950,000 to the F3 land use district; and

WHEREAS, the zoning regulation that became effective at annexation imposed dimensional requirements on the F3 land use district, including maximum lot coverage of 35 percent; and

WHEREAS, the remaining square footage within the 950,000 square foot cap granted to the F3 land use district cannot be accomplished within the 35 percent lot coverage limitation without significant demolition and reconstruction of existing and functional buildings; and

WHEREAS, a Land Use Code amendment has been proposed to increase the maximum allowable lot coverage within the F3 land use district from 35 percent to 40 percent to enable full district build out; and

WHEREAS, the Planning Commission held a public hearing on May 3, 2006 with regard to such proposed Land Use Code amendment; and

WHEREAS, the Planning Commission recommends that the City Council approve such proposed amendment; 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; now, therefore,

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

Section 1. Section 20.20.010 of the Bellevue Land Use Code is hereby amended as follows:

**20.20.010 Uses in land use districts dimensional requirements.**

**Chart 20.20.010**

**Uses in land use districts                      Dimensional Requirements**

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Residential										
		R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30
	<b>DIMENSIONS</b>											
	Minimum Setbacks of Structures (feet) Front Yard (18) (20)	35	30	20	20	20	20	20	20	20	20	20
	Rear Yard (11) (17) (18) (20)	25	25	25	25	20	20	20	25	25	25	25
	Side Yard (11) (17) (18) (20)	5	5	5	5	5	5	5	5	5	5	5(1)
	2 Side Yards (17) (18) (20)	20	15	15	15	15	15	10	15	15	15	15
	Minimum Lot Area Acres (A) or Thousands of Sq. Ft. (3)	35	20	13.5	10	8.5	7.2	4.7	8.5	8.5	8.5(12)	8.5(12)
	Dwelling Units per Acre (15) (21) (22)	1	1.8	2.5	3.5	4	5	7.5	10	15	20	30
	Minimum Dimensions (feet) Width of Street Frontage	30	30	30	30	30	30	30	30	30	30	30
	Width Required in Lot (4)	100	90	80	70	65	60	50	70	70	70	70
	Depth Required in Lot (4)	150	80	80	80	80	80	80	80	80	80	80
	Maximum in Building Height (feet) (10) (19) (26)	30	30	30	30	30	30	30	30	30	30 (5)	40
	Maximum Lot Coverage by Structures (percent) (13) (14) (16) (26) (27)	35	35	35	35	35	40	40	35	35	35	35

*\*Not effective within the jurisdiction of the East Bellevue Community Council.*

NOTE: Dimensional Requirements for Downtown are found in Part 20.25A LUC.

Dimensional Requirements for Evergreen Highlands Design District (EH-A, EH-B, EH-C, EH-D) are found in Part 20.25F LUC.

Dimensional Requirements for Office and Limited Business – Open Space (OLB-OS) are found in Part 20.25L LUC.

Dimensional Requirements for Institutional District (I) are found in Part 20.25J LUC.

**20.20.010**

**Chart 20.20.010**

**Uses in land use districts                      Dimensional Requirements**

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Light Industry	General Commercial	Neighborhood Business	Community Business	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		PO	O	OLB	LI	GC	NB	CB	F1	F2	F3	DN TN O-1	DNT N O-2	DNT N MU	DNT N R	DNT N OB	DNTN OLB
	<b>DIMENSIONS</b>	(8, 21)	(8, 21)	(8, 21)	(8, 21)	(8, 21)	(8, 21)	(8, 21)	(8, 21)	(21, 31)	(21, 32)	(7)	(7)	(7)	(7)	(7)	(7)
	Minimum Setbacks of Structures (feet) Front Yard (18) (20)	30	30	50	15	15			(28)	50	20						
	Rear Yard (17) (18) (20)	25	25	50	(2)	(2)	(2)	(2)	(2, 28)	30	5						
	Side Yard (17) (18) (20)	20	20	30	(2)	(2)	(2)	(2)	(2, 28)	30	5						
	2 Side Yards (17) (18) (20)	40	40	60	(2)	(2)	(2)	(2)	(2, 28)	60	10						
	Minimum Lot Area Acres (A) or Thousands of Sq. Ft. (3)			2A						2A	2A						
	Dwelling Units per Acre (15) (22)	10 (23)	20 (23)	30 (23)			15 (23)	30 (23)	30 (23)	30 (23)	30 (23)						
	Minimum Dimensions (feet) Width of Street Frontage			200						200	200						
	Width Required in Lot (4)			200						200	200						
	Depth Required in Lot (4)																
	Maximum in Building Height (feet) (10) (19)	20	30	45 (6)	45 (9)	30	20 (25)	45	45/60 (29, 30)	75	75/13 5 (33, 34)						
	Maximum Lot Coverage by Structures (percent) (13) (14) (16)	35 (24)	35 (24)	35 (24)	50		35 (24)			35 (24)	40 (24)						

(Ord. 5571, 12-6-04, § 1; Ord. 5480, 10-20-03, § 4; Ord. 5475, 10-20-03, § 5; Ord. 5430, 1-21-03, § 3; Ord. 5385, 7-15-02, § 6; Ord. 5232, 7-17-00, § 2; Ord. 5089, 8-3-98, § 4; Ord. 4979, 3-17-97, § 3; Ord. 4977, 3-17-97, § 1; Ord. 4973, 3-3-97, § 303; Ord. 4816, 12-4-95, §

402; Ord. 4422, 9-28-92, § 2; Ord. 4270, 7-8-91, § 6; Ord. 4065, 10-23-89, § 3; Ord. 3780, 5-26-87, § 1; Ord. 3775, 5-26-87, § 6; Ord. 3747, 1-20-86, § 2; Ord. 3690, 8-4-86, § 2)

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NOTE: Dimensional Requirements for Downtown are found in Part 20.25A LUC.

Dimensional Requirements for Evergreen Highlands Design District (EH-A, EH-B, EH-C, EH-D) are found in Part 20.25F LUC.

Dimensional Requirements for Office and Limited Business – Open Space (OLB-OS) are found in Part 20.25L LUC.

Dimensional Requirements for Institutional District (I) are found in Part 20.25J LUC.

**Notes: Uses in land use districts – Dimensional requirements**

- (1) Side yard setback in R-30 Districts increases to 20 feet on any side yard where structure exceeds 30 feet above finished grade.
- (2) All rear and side yards shall contain landscaping as required by LUC 20.20.520.
- (3) See LUC 20.20.012.
- (4) See LUC 20.20.015.
- (5) Except in Transition Areas, the maximum allowable building height in R-20 Districts may be increased to 40 feet if ground floor or underground parking for that building is provided and occupies a minimum of 75 percent of the building footprint.
- (6) The maximum allowable building height is 75 feet on any property designated OLB which lies within 475 feet of the right-of-way of I-405, between I-90 and SR-520.
- (7) Dimensional requirements for Downtown Land Use Districts are listed in LUC 20.25A.020.
- (8) Any office building or any office portion of a building in the PO, O, OLB, LI, GC, NB, CB or F1 Districts shall comply with the following limitations on Floor Area Ratio:
  - (a) At 0.5 FAR, no office building or office portion of a building may exceed 50,000 square feet of gross floor area; and
  - (b) For any office building or office portion of a building greater than 50,000 square feet in gross floor area, the following sliding scale shall be observed as interpolated and extrapolated below:
    - (i) At 0.3 FAR, no office building or office portion of a building may exceed 100,000 square feet of gross floor area; and
    - (ii) At 0.1 FAR, no office building or office portion of a building may exceed 150,000 square feet of gross floor area.
- \* (9) The maximum building height may be exceeded upon approval of the Director of Planning and Community Development. Requests for such approval shall be processed in accordance with the administrative conditional use procedure of Part 20.30E LUC. Before granting any such approval, the Director of Planning and Community Development 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.

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

*\*Not effective within the jurisdiction of the East Bellevue Community Council. The maximum building height in LI Districts shall remain 30 feet.*

- \*(10) Except in Transition Areas, the allowable building height of any building located in PO, O, OLB, GC, NB, or CB Districts may be increased by one story, but not to exceed 15 feet, if basement parking for that building occupies a minimum of 75 percent of the building footprint.

*\* Not effective within the jurisdiction of the East Bellevue Community Council. The maximum building height in the LI Districts shall remain 30 feet.*

- (11) The LUC contains enhanced setback requirements for churches, clubs, and institutions (refer to LUC 20.20.190) and schools (refer to LUC 20.20.740) located in residential land use districts.
- (12) For each square foot of lot area devoted to open space in excess of 30 percent of the total lot area, one square foot is added to the lot area for the purpose of calculating density.
- (13) Lot coverage is calculated after subtracting all Protected Areas defined by LUC 20.25H.070.
- (14) Maximum lot coverage by structures is determined after public right-of-way and private roads are subtracted from the gross land area.
- (15) If there is a conflict between the minimum lot area and the permitted number of dwelling units per acre, the minimum lot area controls.
- (16) Exceptions to Lot Coverage.
  - (a) Underground buildings as defined in LUC 20.50.050 are not structures for the purpose of calculating lot coverage.
  - (b) Buildings constructed partially below grade and not higher than 30 inches above existing or finished grade, whichever is lower, are not structures for the purpose of calculating lot coverage subject to the following conditions:
    - (i) The 30-inch height limit must be met at all points along the building excluding those areas necessary to provide reasonable ingress and egress to the underground portions of the building; and

- (ii) The rooftop of the building shall be screened from abutting properties with 10 feet of Type II landscaping as described in LUC 20.20.520.G.2 except that the required trees shall be a minimum of 10 feet in height at planting; or, if a use is proposed for the rooftop, the rooftop may be landscaped consistent with the planting requirements for the specific use that is proposed and for the land use district in which the use is located. All landscaping shall comply with standards set forth in LUC 20.20.520. The provisions of LUC 20.20.520.J (Alternative Landscaping Option) are applicable.
- (17) If the setback abuts a street right-of-way, access easement or private road, the minimum dimension is 10 feet unless a greater dimension is specified.
- (18) See LUC 20.20.030 for designation and measurement of setbacks.
- \*(19) Notwithstanding any other provision of this Code, except Part 20.25B LUC or LUC 20.20.900 through 20.20.910, as applicable, the allowable building height of an office building may be increased by one story, not to exceed 15 feet, if a minimum of 75 percent of the ground floor of that building is devoted to parking for that building.  
*\*Effective only within East Bellevue Community Council jurisdiction.*
- (20) See LUC 20.25H.090 for additional sensitive area setbacks.
- (21) See LUC 20.25H.100 for additional sensitive area density/intensity limitations.
- (22) Density for senior citizen dwelling, congregate care senior housing, and assisted living is calculated as follows: units less than 600 square feet count as 0.5 unit and units 600 square feet or greater count as one unit.
- (23) This residential density may be in addition to FAR only for senior citizen dwellings, assisted living and congregate care senior housing.
- (24) Lot coverage may be increased to 50 percent if congregate care senior housing, senior citizen dwellings, assisted living or nursing homes are constructed on-site; provided, however, that coverage for the nonresidential portions of the development cannot exceed the maximum limits indicated. Lot coverage within NB Districts may be increased to 50 percent for mixed use development which includes residential uses comprising at least one-half the square footage of the building footprint. Underground parking in excess of 50 percent of the site area shall not be included in lot coverage calculations.
- (25) The maximum building height for structures is increased to 30 feet only if residential uses or administrative office uses are provided on the second floor and provided the structure does not exceed two stories. For purposes of this note, a story is defined pursuant to the International Building Code, Section 202, as adopted and amended by the City of Bellevue.
- (26) See LUC 20.20.125 for specific requirements applicable to detached accessory structures.
- (27) Lot coverage for schools located in residential land use districts is limited to 35 percent of the site area (refer to LUC 20.20.740).


- (28) A 15-foot setback from the right-of-way line of Factoria Boulevard is required for development in the F1 Land Use District. A 15-foot setback from the right-of-way line of SE 38th Street between Factoria Boulevard and 126th Avenue SE is required for development in the F1 Land Use District.
- (29) Maximum building height in the F1 Land Use District shall be measured from average existing grade. Maximum building height in Area II and Area III of the F1 Land Use District is 60 feet, measured from average existing grade.
- (30) The allowable maximum building height of any building located in the F1 Land Use District may be increased by one story, not to exceed 15 feet, if a minimum of 75 percent of the ground floor of that building is devoted to parking. In no event shall a building in Area II or Area III of the F1 District exceed 75 feet, as measured to the highest point of the structure from average existing grade, including pitched roof areas and penthouse equipment screening.
- (31) Any office building or any office portion of a building in the F2 District may not exceed a Floor Area Ratio of 0.6 FAR.
- (32) The maximum FAR for the combined properties in the F3 Land Use District, regardless of use, shall be 1.26 FAR; provided, that individual parcels or portions of property lying within the F3 Land Use District may have FAR for those individual parcels or portions which exceed an FAR of 1.26; provided, that the FAR calculated for the entire aggregated property within the F3 Land Use District shall not exceed 1.26. The maximum FAR permitted herein is based on a maximum total development, including existing and new development of 950,000 square feet, calculated in the same manner as provided for in the calculation of FAR. In the event of an inconsistency between the FAR maximum of 1.26 and the maximum total development amount of 950,000 square feet, the latter shall control.
- (33) In no event shall building height exceed 324 feet above sea level, based on North American Vertical Datum, 1988 (NAVD – 88).
- (34) Maximum building height south of the F3 Land Use District Separation Line shall be 135 feet, with structural elements not intended for habitation above 135 feet, so long as structural elements do not exceed 275 feet above sea level based on NAVD – 88. (Ord. 5571, 12-6-04, § 1; Ord. 5480, 10-20-03, § 4; Ord. 5475, 10-20-03, § 5; Ord. 5430, 1-21-03, § 3; Ord. 5385, 7-15-02, § 6; Ord. 5232, 7-17-00, § 2; Ord. 5089, 8-3-98, § 4; Ord. 4979, 3-17-97, § 3; Ord. 4977, 3-17-97, § 1; Ord. 4973, 3-3-97, § 303; Ord. 4816, 12-4-95, § 403; Ord. 4654, 6-6-94, § 18; Ord. 4065, 10-23-89, § 3; Ord. 3936, 7-18-88, § 2; Ord. 3780, 5-26-87, § 1; Ord. 3775, 5-26-87, § 6; Ord. 3747, 1-20-87, § 2; Ord. 3690, 8-4-86, § 2; Ord. 3530, 8-12-85, § 11; Ord. 3498, 5-28-85, § 2)

Section 2. This ordinance shall take effect and be in force five (5) days after adoption and legal publication.

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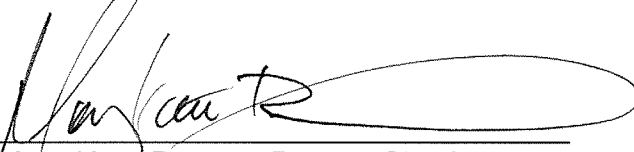
Passed by the City Council this 15<sup>th</sup> day of May, 2006  
and signed in authentication of its passage this 15<sup>th</sup> day of May,  
2006.

(SEAL)

  
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Grant Degginger, Mayor

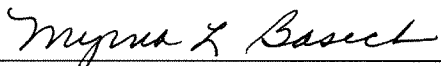
Approved as to form:

Lori M. Riordan, City Attorney

  
\_\_\_\_\_  
Mary Kate Berens, Deputy City Attorney

City Attorney

Attest:

  
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Myrna L. Basich, City Clerk

Published May 19, 2006