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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3361

AN ORDINANCE regarding the filing of building permit and Administrative Design Review applications; providing that the City will not accept for filing such applications for any proposed project any portion of which exceeds 30 feet in height if any of the portion thereof exceeding 30 feet in height is located within that area of the Central Business District which is within 300 feet of either the north, west or south boundaries thereof; providing that the period during which the City will not accept for filing such applications shall terminate not later than one year from the effective date hereof.

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

Section 1. The City Council finds:

- A. Comprehensive Plan policies and Land Use Code regulations are currently in effect regarding the provision of transition between uses in the Central Business District and less intense uses located to the north, south and west of the Central Business District.
- B. These current Comprehensive Plan policies and Land Use Code regulations may be inadequate to ensure that transition between uses in the Central Business District and such adjoining areas is adequate.
- C. It is necessary that a study be undertaken to determine if such existing Comprehensive Plan policies and Land Use Code regulations do, in fact, adequately provide transition. The appropriate area to be studied is that area within the Central Business District, located within 300 feet of either the north, south or west boundaries of the Central Business District, and the Second Tier Transition Area.
- D. The study may result in a determination that existing Comprehensive Plan policies and Land Use Code regulations do not adequately provide for transition and therefore may not adequately protect adjoining areas from the effects of high intensity development within the Central Business District.

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- E. If development is allowed to occur during the study period in accordance with current Land Use Code regulations, irreparable damage may occur to areas adjoining the Central Business District, particularly those developed with residential uses.
- F. A prohibition on the filing of building permits is appropriate within an area within the Central Business District, located within 300 feet of either the north, south or west boundaries of the Central Business District, because that area most significantly impacts adjoining areas. A uniform 300 feet width is appropriate to assure effective administration and regulation during the study period.
- G. It is appropriate to allow continued development not exceeding 30 feet in height within the 300 foot area because buildings of such height are allowed in single family transition areas City-wide under existing Land Use Code regulations.
- H. It is the purpose of this ordinance to prevent the establishment during the study period of any vested rights to develop projects within the designated 300 foot wide area in accordance with regulations which may be determined, through the study, to be inadequate to protect adjoining areas and to protect the public health and welfare of the citizens of Bellevue.
- I. In order to prevent the acquisition of vested rights and carry out the purposes of this ordinance while at the same time imposing minimum restrictions on development in the designated area, it is in the best interests of the City, and the public, that no building permit or Administrative Design Review applications be accepted by the City for filing during the study period.
- J. The City has complied with the state Environmental Policy Act and the City's Environmental Procedures Act.

Section 2. The City will not accept for filing any building permit application or Administrative Design Review application for any proposed project any portion of which exceeds 30 feet in height if any of the portion thereof exceeding 30 feet in height is located within that area of the Central Business District which is within 300 feet of either the north, west or south boundaries thereof, which area is legally described as follows:

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That portion of the South half of Section 29, the North half of Section 32 and the Southwest quarter of Section 32, Township 25 North, Range 5 East, W.M., in King County, Washington described as follows;

Beginning at the Northwest corner of said Section 32, which is the intersection of NE 8th St. and 100th Avenue NE and the true point of beginning; thence Southerly along the West line of said Section 32 on 100th Ave. NE to the intersection of Main St.; thence continuing Southerly along 100th Ave. SE to a point which is 200 feet South of the North line of the Southwest quarter of said Section 32, measured at right angles to said North line; thence Easterly 215 feet parallel to the said North line; thence Southerly 90 feet parallel with the East line of said Section 32 to a point that is on the North line of Tract 82 of Bellevue Acre and Half Acre Tracts according to the plat thereof recorded in Volume 11 of Plats, page 35 records of King County, Washington; thence Easterly along the North line of Tract 82 to the center line of Bellevue Way SE; thence Northeasterly along the arc of the center line to a point which is the intersection of said center line with a Westerly projection of the South line of Tract 4 of said Bellevue Acre and Half Acre tracts; thence Easterly along said the South line of Tracts 4 and 5 of said Bellevue Acre and Half Acre Tracts to the center line of 102nd Ave SE; thence Southerly along said center line to a point which is the intersection of the center line with a Westerly projection of the South line of Tract 49 of said Bellevue Acre and Half Acre tracts; thence Easterly along the South lines of Tracts 49 and 14 to the center line of 104th Ave SE; thence Northerly along said center line to a point which is the intersection of the center line with a Westerly projection of the South line of Lot 14 of Maxwellton Braes according to the plat thereof recorded in Volume 21 of Plats, page 80, records of King County, Washington; thence Easterly along said South line to the Southeast corner of said Lot 14; Thence Northerly along the East line of said Lot 14 and Lot 13 of said Maxwellton Braes to the center line of vacated SE 1st St. as in City of Bellevue Vacation Ordinance 713; thence Easterly along the center line of said vacated Street to the center line of 105th Ave SE; thence Southerly along said center line to a point which is the intersection of the center line with a Westerly projection of the South line of Lot 58 of said Maxwellton Braes; thence Easterly along the South lines of Lot 58 and Lot 101 of said Maxwellton Braes to the West line of Lot 2 of Trinwith Addition according to the plat thereof recorded in Volume 44, of Plats, page 96 records of King County, Washington; thence Northerly along said West line of said Lot 2 to a point on the North line of the Southerly two-thirds of

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said Lot 2 of said Trinwith Addition; thence Easterly from this point parallel with the South line of said Lot 2 to the center line of 107th Ave SE; thence Northerly along said center line to a point which is the intersection of the center line with a Westerly projection of the South line of Lot 15 of said Trinwith Addition; thence Easterly along said South line 130<sup>±</sup> feet to the Southeast corner of said Lot 15; thence Southerly to a point that is the Southwest corner of the East 343.09 feet of the North 227.07 feet of the Southwest quarter of said Section 32; thence Easterly 113.09 feet parallel with the North boundary of said quarter section; thence Northerly parallel with the East boundary of said quarter section to a point which is the Southwest corner of the North 176.42 feet of the East 230 feet of said quarter section; thence Easterly 230 feet parallel to the North boundary of said quarter section to the center line of 108th Ave SE; thence Northerly along said center line to the intersection of 108th Ave SE and Main St; thence Easterly along the center line of Main St. to the intersection of the West margin of Interstate 405; thence Northerly along said West margin to the intersection of the West margin of Interstate 405 and the North line of the South 300.00 feet of the Northeast quarter of said Section 32; thence Westerly, 300.00 feet Northerly and parallel to the South boundary of the Bellevue Central Business District as established by City of Bellevue Ordinance Number 2439, to the East line of the West 300.00 feet of the Northwest quarter of said Section 32; thence Northerly, 300.00 feet Easterly and parallel to the West line of the Northwest quarter of said Section 32 and the Southwest quarter of said Section 29, said West line being the West boundary of Bellevue Central Business District as established by City of Bellevue Ordinance Number 2439, to the South line of the North 300.00 feet of the Southwest quarter of the Southwest quarter of said Section 29; thence Easterly, 300.00 feet Southerly and parallel to the North line of the Southwest quarter of the Southwest quarter of said Section 29, said North line being the North boundary of the Bellevue Central Business District as established by City of Bellevue Ordinance 2439, to the East line of said subdivision; thence continuing Easterly, 300.00 feet Southerly and parallel to the center line of N.E. 12th St., said center line being the North boundary of Bellevue Central Business District as established by City of Bellevue Ordinance Number 2439, to the West margin of Interstate 405; thence Northerly along the West margin of Interstate 405 to the centerline intersection of NE 12th St.; thence Westerly along the center line of NE 12th St. to its projected intersection with the center line of 100th Ave NE; thence Southerly along the center line of 100th Ave NE to the true point of beginning.

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The City will not accept such applications for filing for a period commencing on the effective date of this ordinance and terminating on the occurrence of whichever of the following events occurs first:

- (1) The passage of one year from the effective date of this ordinance;
- (2) The effective date of an ordinance amending the CBD transition area requirements; or
- (3) The adoption of a motion of the Council determining not to amend the CBD transition area requirements.

PROVIDED, however, that all properties which had entered into the Administrative Design Review process prior to April 16, 1984 shall be exempt from the provisions of this Ordinance.

Section 3. The City Council shall review the progress of the transition area study and this ordinance nine months from the effective date of this ordinance.

Section 4. This ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 8<sup>th</sup> day of October 1984, and signed in authentication of its passage this 8<sup>th</sup> day of October 1984.

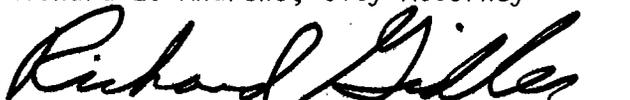
(SEAL)



Cary E. Bozeman, Mayor

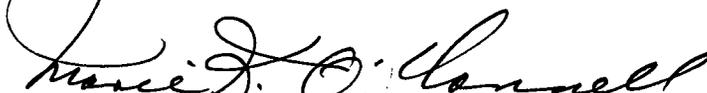
Approved as to form:

Richard L. Andrews, City Attorney



Richard L. Andrews, City Attorney

Attest:



Marie K. O'Connell, City Clerk

Published October 13, 1984