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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4605

AN ORDINANCE adopting a proposed zoning regulation to become effective upon annexation of part or all of an approximately 147 acre parcel of unincorporated property located generally south of I-90, east of I-405, west of 133rd Avenue S.E. and north of S.E. 41st Place, commonly referred to as the Factoria annexation area; and adopting certain development regulations applicable to all of such area hereafter annexed.

WHEREAS, RCW 35A.14.330 authorizes the City Council to adopt a proposed zoning regulation to become effective upon the annexation of any area that might reasonably be expected to be annexed by the City at any future time; and

WHEREAS, it is anticipated that an approximately 147 acre parcel of unincorporated property located generally south of I-90, east of I-405, west of 133rd Avenue S.E. and north of S.E. 41st Place, commonly referred to as the Factoria annexation area, may be annexed by the City in the near future; and

WHEREAS, pursuant to RCW 35A.14.340, public hearings were held by the City Council on October 11, 1993, and on November 15, 1993 at the hour of 8:00 p.m. pursuant to notice of said hearings published in a newspaper of general circulation in the City and in the area to be annexed and all interested parties appearing at said hearings and desiring to be heard in regard to the proposed zoning regulation having been heard by the City Council; and

WHEREAS, the proposed zoning regulations set forth in this ordinance for the respective properties within the Factoria annexation area are deemed necessary by the City Council to be in the best interests of the health, safety, and general welfare of the City; and

WHEREAS, all statutory requirements have been complied with, including those set forth in RCW 35A.14.330 and .340; and

WHEREAS, the City of Bellevue has complied with the requirements of the State Environmental Policy Act and the City Environmental Procedures Code; now, therefore

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

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Section 1. A proposed zoning regulation is hereby adopted classifying the following described property within the F-1 Land Use District:

That portion of Sections 9 and 16, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the intersection of the South line of said Section 9 and the LW-Line, as shown on the S.R. 405, Bagley Lane to Wilburton Right of Way Plans, sheet 3 of 7, dated March 31, 1959 and the S.R. 90, East Channel Bridge to Richards Road Right of Way Plans, sheet 5 of 20, dated August 17, 1965; thence Northerly along said LW-Line to the Northwesterly extension of the centerline of S.E. 38th Street; thence Southeasterly along said Northwesterly extension and centerline to the centerline of 128th Avenue S.E.; thence Southerly along the centerline of 128th Avenue S.E. to the Easterly extension of the Northerly margin of S.E. 41st Street; thence Westerly along said Easterly extension, Northerly margin and the Westerly extension thereof to the Westerly margin of 124th Avenue S.E.; thence Northerly along said Westerly margin to the South line of said Section 9; thence Westerly along said South line to the Point of Beginning.

Uses, dimensional requirements, site development requirements and development standards and regulations shall be as follows in the F-1 Land Use District:

1. Uses. Uses within the F-1 Land Use District shall be permitted in the same manner and to the same extent as such uses are permitted in the CB (Community Business) Land Use District (LUC 20.10.440).
2. Dimensional Requirements. The dimensional requirements for the CB (Community Business) Land Use District (LUC 20.20.010) shall apply in the F-1 Land Use District except when inconsistent with the following dimensional requirements in which case the following dimensional requirements shall be applicable.
 - a. Floor Area Ratio (FAR): The maximum FAR is 0.5 for all contiguous property in the same ownership or control. FAR calculations are exempt from compliance with the non-CBD FAR requirements of LUC 20.20.010, note 9. The FAR applies only to office development.

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b. Maximum building height: The maximum building height is 45 feet. Building height is defined and measured by LUC 20.50.012.

c. Setbacks: Setbacks are subject only to applicable landscaping requirements set forth in subsection 3.i.

3. Other Site Development Requirements

a. Sensitive Areas: Sensitive areas are exempt from the standards and procedures of LUC Chapter 20.25H.

b. Nonconforming Structures, Uses and Sites: Nonconforming structures and sites are exempt from nonconforming requirements for structures (LUC 20.20.560.A) and sites (LUC 20.20.560.C). If a structure is destroyed by fire, explosion, or other unforeseen circumstance, it may be reconstructed consistent with its previous nonconformity, including parking and landscaping.

c. Transition Area Requirements: Development is exempt from the transition area requirements of LUC Chapter 20.25B.

d. Design Review: Development is exempt from Design Review pursuant to LUC Chapter 20.30F and any other requirements for Design Review not found in LUC Chapter 20.30F.

e. Community Retail Design District Requirements: The provisions of Chapter 20.25I, Community Retail Design District, shall not be applicable within the F-1 Land Use District since development within the F-1 Land Use District is not subject to Design Review.

f. Signs: Size, placement, and number of signs in the F-1 Land Use District shall be governed by Section 223.10.030, Business District signs and by those provisions of Chapter 22B.10 otherwise applicable to Business District signs, except as expressly provided otherwise in this paragraph. Signs currently installed or which are installed in accordance with this paragraph 3.f. shall not in the future be considered to be non-conforming or subject to amortization. Modifications to the sign-face portion of the major Factoria Square freeway-oriented sign shall be allowed.

1. Mall Shop Facade Signs Mall shops, excluding anchor stores, shall be permitted to place signage on any mall shop facade; provided, that the total sign area shall not exceed ten percent (10%) of the mall shop facade area upon which the sign is mounted; and provided further, that such signs

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shall be placed and designed consistent with the illustrations given Clerk's Receiving No. ~~1983A~~, which by this reference are incorporated herein. Mall shops located in the interior of the mall and having no separate exterior entrance or having no exterior wall shall not be precluded by any provision in Section 22B.10.030 to the contrary from having a mall shop facade sign which otherwise meets the requirements of that section. For the purposes of this section, "mall shop facade" shall be defined as the exterior walls of interior-oriented mall shops, excluding the exterior walls of anchor stores.

2. Anchor/Major Tenant Store Signs Anchor/major tenant store signs shall conform to the requirements of Section 22B.10.030; provided that (1) any anchor/major tenant store shall be allowed to locate one of its signs permitted by Section 22B.10.030 over a mall entrance, and (2) that signage on the facade of any anchor/major tenant store having clearly differentiated departments shall be permitted, for purposes of identifying said departments, provided that the total sign area identifying such departments shall not exceed ten percent (10%) of the facade area upon which the departmental signs are mounted.

g. Transportation Management Program: The requirements of LUC 20.20.595 shall apply, except that the preferential parking requirements of LUC 20.20.595.C.2.d.i, to the extent they require the employer to provide preferential parking in proximity to the building, shall not be applicable within the F-1 Land Use District.

h. Land Use Code and Development Standards Generally
Applicable: Except to the extent expressly provided otherwise in this Section 1, the provisions of the Land Use Code and the City's Development Standards shall apply in the F-1 Land Use District.

i. Landscaping: The street frontage and interior property line landscaping requirements, as detailed in LUC 20.20.520.F, shall not apply. Additional parking lot landscaping shall not be required so long as the net number of surface parking stalls in conjunction with new development, as required by LUC 20.20.590, does not exceed the net number of parking stalls on site as of the date of annexation by more than 253 additional stalls, the intent being that no additional landscaping requirements will be required unless the total on-site parking stalls exceed 2,662. However, if additional development requires a net increase in

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the number of on-site parking stalls required by LUC 20.20.590, parking lot landscaping shall be required in accordance with LUC 20.20.520 F and G (CB) to an extent that is in proportion to the net increase in parking stalls required. The Alternative Landscaping Option of LUC 20.20.520.J may be requested.

j. Parking: Requirements for parking shall be as required in LUC 20.20.590, as applicable to the particular use, provided that the number of on-site parking stalls permitted on the property shall be 2,662. Additional parking shall be required only to the extent that the number of parking stalls required by LUC 20.20.590 in conjunction with new development exceeds the number of parking stalls on site as of the date of annexation.

4. Other Regulations

a. Frontage Improvements: The requirements of LUC 20.20.590 (Walkways and Sidewalks, Perimeter) and the standards set forth in Chapter 3 of the City Development Standards shall apply.

b. Construction Hours: BCC Chapter 9.18, noise regulation, shall apply to regulation of construction hours noise.

Section 2. A proposed zoning regulation is hereby adopted classifying the following described property within the F-2 Land Use District:

That portion of the Southeast quarter of Section 9, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Commencing at the Northeast corner of the Northwest quarter of the Southwest quarter of the Southeast quarter of said Section 9; thence North $87^{\circ}22'54''$ West along the North line thereof 82.21 feet; thence North $1^{\circ}13'20''$ East 163.66 feet to the True Point of Beginning; thence South $1^{\circ}13'20''$ West 163.66 feet; thence South $1^{\circ}15'48''$ West to the centerline of S.E. 38th Street; thence Southeasterly along said centerline to the East line of the Northwest quarter of the Southwest quarter of the Southeast quarter of said Section 9; thence Northerly along said East line to the Southwest corner of Parcel E, King County Lot Line Adjustment No. 8810004; thence Easterly along the Southerly line thereof, the Southerly line of Parcel F of said lot line adjustment and the Easterly extension of said Southerly line to the centerline of 128th

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Avenue S.E.; thence Northerly along said centerline and Rel. Richards Road Line, as shown on the S.R. 90, East Channel Bridge to Richards Road Right of Way Plans, sheet 5 of 20, dated August 17, 1965 to the Southerly margin and prohibited access line of S.R. 90, as shown on said S.R. 90 Right of Way Plans; thence Westerly along said Southerly margin to a line which bears North 1°16'05" East from the True Point of Beginning; thence South 1°16'05" West along said line to the True Point of Beginning.

Uses, dimensional requirements, site development requirements and development standards and regulations shall be as follows in the F-2 Land Use District:

1. Uses. Uses within the F-2 Land Use District shall be permitted in the same manner and to the same extent as such uses are permitted in the OLB (Office, Limited Business) Land Use District (LUC 20.10.440); provided that, the existing 100 foot cellular communications tower, as set back from the right-of-way a distance of ten (10) feet, and the appurtenant 240 sq. ft. building are permitted uses. A conditional use permit/process shall not be required for the communications tower or appurtenant building or for replacement or modification thereof.

2. Dimensional Requirements. The dimensional requirements for the OLB (Office Limited Business) Land Use District (LUC 20.20.010) shall apply in the F-2 Land Use District except when inconsistent with the following dimensional requirements in which case the following dimensional requirements shall be applicable.

a. Floor Area Ratio (FAR): The maximum FAR is 0.6 for all contiguous property in the same or affiliated ownership or control. FAR calculations are exempt from compliance with the non-CBD FAR requirements of LUC 20.20.010, note 9.

b. Maximum Building Height: Maximum Building Height is 75 feet. Building height is defined and measured pursuant to LUC 20.50.012. A conditional use permit/process shall not be required to achieve the maximum height.

c. Setbacks, Front: Setbacks are 50 feet in front. Setbacks will be measured pursuant to LUC 20.50.046.

d. Setbacks, Rear and Side: Setbacks are 30 feet in the rear and side. Setbacks will be measured pursuant to LUC 20.50.046.

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e. Maximum Lot Coverage: Maximum Lot Coverage is 35%.

3. Other Site Development Requirements

a. Sensitive Areas: Sensitive areas are exempt from the standards and procedures of LUC Chapter 20.25H.

b. Nonconforming Structures, Uses and Sites: Nonconforming structures and sites are exempt from nonconforming requirements for structures (LUC 20.20.560.A), parking (LUC 20.20.590) and sites (LUC 20.20.560.C). If a structure is destroyed by fire, explosion, or other unforeseen circumstance, it may be reconstructed consistent with its previous nonconformity, including parking and landscaping; provided, that if the structure is voluntarily demolished, then any related site development, including parking and landscaping, shall conform to the requirements of this section for development within the F-2 Land Use District. LUC 20.20.560.B shall apply to nonconforming uses.

c. Transition Area Requirements: Development is exempt from the transition area requirements of LUC Chapter 20.25B.

d. Design Review: Development is exempt from Design Review under LUC Chapter 20.30F and any other requirements for Design Review not found in LUC Chapter 20.30F.

e. Office and Limited Business (OLB) District Requirements: The provisions of Chapter 20.25C, Office and Limited Business (OLB) District, shall not be applicable within the F-2 Land Use District since development within the F-2 Land Use District is not subject to Design Review.

f. Signs: Size, placement, and number of signs in the F-2 Land Use District shall be governed by Section 22B.10.030, Business District signs, and by the other provisions of Chapter 22B.10 otherwise applicable to Business District signs. Signs currently installed or which are installed in accordance with this paragraph 3.f. shall not in the future be considered to be non-conforming or subject to amortization. Notwithstanding anything to the contrary in Chapter 22B.10, the existing movie readerboard is a non-conforming use, but is exempt from the amortization regulations of Chapter 22B.10.

g. Transportation Management Program: The requirements of LUC 20.20.595 apply.

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h. Land Use Code and Development Standards Generally Applicable: Except to the extent expressly provided otherwise in this Section 2, the provisions of the Land Use Code and the City's Development Standards shall apply in the F-2 Land Use District.

i. Landscaping: The street frontage and interior property line landscaping requirements, as detailed in LUC 20.20.520.F, shall apply. Additional parking lot landscaping shall not be required so long as the net number of surface parking stalls in conjunction with new development, as required by LUC 20.20.590 does not exceed the net number of parking stalls on site as of the date of annexation. However, if additional development requires a net increase in the number of on-site parking stalls required by LUC 20.20.590, parking lot landscaping shall be required in accordance with LUC 20.20.520 F and G (OLB) to an extent that is in proportion to the net increase in parking stalls required. The Alternative Landscaping Option of LUC 20.20.520.J may be requested.

j. Parking: Requirements for parking shall be as required in LUC 20.20.590, as applicable to the particular use. Additional parking shall be required only to the extent that the number of parking stalls required by LUC 20.20.590 in conjunction with new development exceeds the number of parking stalls on site as of the date of annexation.

4. Other Regulations

a. Frontage Improvements: The requirements of LUC 20.20.590 (Walkways and Sidewalks, Perimeter) and the standards set forth in Chapter 3 of the Development Standards apply.

b. Construction Hours: BCC Chapter 9.18, noise regulations, shall apply to regulation of construction hours noise.

Section 3. A proposed zoning regulation is hereby adopted classifying the following described property within the F-3 Land Use District:

That portion of the Southeast quarter of Section 9, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the Southeast corner of Lot 2, King County Short Plat No. 278125 Revised, as filed under Recording No. 8112079004; thence Westerly along the Southerly line thereof to the East line of the West

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222.00 feet of the Southeast quarter of the Southeast quarter of said Section 9; thence Southerly along said East line to the North line of the South 12.00 feet of the North half of the Southeast quarter of the Southeast quarter of said Section 9; thence Westerly along said North line to the centerline of 128th Avenue S.E.; thence Southerly along said centerline to the South line of the North half of the Southeast quarter of the Southeast quarter of said Section 9; thence Easterly along said South line to the Northwest corner of Parcel B, King County Lot Line Adjustment No. 1085098; thence Southerly along the Westerly line thereof and the Southerly extension of said Westerly line to the South line of the North half of the North half of the South half of the Southeast quarter of the Southeast quarter of said Section 9; thence Easterly along said South line to the Southeast corner of said Parcel B; thence Northerly along the Easterly line thereof to the South line of the North half of the Southeast quarter of the Southeast quarter of said Section 9; thence Westerly along said South line to the Southwest corner of Lot A, King County Lot line Adjustment No. 8903018; thence Northerly along the Westerly line thereof to the Northwest corner of said Lot A; thence Easterly along the Northerly line thereof to the East line of the Southeast quarter of said Section 9; thence Northerly along said East line to a line 30.00 feet Southerly of the LL-Line, as shown on the S.R. 90, Richards Road to Lake Sammamish Right of Way and Limited Access Plan, sheet 3 of 25, dated June 12, 1969 and the S.R. 90, East Channel Bridge to Richards Road Right of Way Plans, sheet 5 of 20, dated August 17, 1965 (Bellevue City Limits, established by City of Bellevue Ordinance No. 676); thence Westerly along said line to the Northerly extension of the Easterly line of Lot 2 of said King County Short Plat No. 278125 Revised; thence Southerly along said Northerly extension and the Easterly line thereof to the Point of Beginning.

Uses, dimensional requirements, site development requirements and development standards and regulations shall be as follows in the F-3 Land Use District:

1. Uses. Uses within the F-3 Land Use District shall be permitted in the same manner and to the same extent as such uses are permitted in OLB (Office, Limited Business) Land Use District (LUC

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20.10.440); provided, that uses within the following described portions of the F-3 Land Use District shall be permitted in the same manner and to the same extent as such uses are permitted in the CB (Community Business) Land Use District (LUC 20.10.440):

Lot 2, King County Short Plat No. 487008, as filed under Recording No. 8809220297, in King County, Washington; and

That portion of the Southeast quarter of Section 9, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Commencing at the Southwest corner of the North half of the Southeast quarter of the Southeast quarter of said Section 9; thence Easterly along the South line thereof to the East margin of 128th Avenue S.E. and the True Point of Beginning; thence continuing Easterly along said South line to the Southwest corner of Lot B, King County Lot Line Adjustment 8903018; thence Northerly along the West line thereof to the South line of Lot 2, King County Short Plat No. 278125 Revision, as filed under Recording No. 8112079004; thence Westerly along the South line thereof to the East line of the West 222.00 feet of the Southeast quarter of the Southeast quarter of said Section 9; thence Southerly along said East line to the North line of the the South 12.00 feet of the North half of the Southeast quarter of the Southeast quarter of said Section 9; thence Westerly along said North line to the East margin of 128th Avenue S.E.; thence Southerly along said East margin to the True Point of Beginning.

2. Dimensional Requirements. The following dimensional requirements shall apply in the F-3 Land Use District.

a. Floor Area Ratio (FAR) and Maximum Development: The maximum FAR for the combined properties in the F-3 Land Use District and for all types of development, including residential development, within the F-3 Land Use District is 1.26; provided, that individual parcels or portions of property lying within the F-3 Land Use District may have FARs 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 F-3 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 the calculation of

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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. FAR calculations are exempt from compliance with the non-CBD FAR requirements of LUC 20.20.010, note 9.

b. Maximum Building Height: Maximum Building Height, as defined and measured in LUC 20.50.012, is 75 feet for the F-3 Land Use District; provided, that no structure shall exceed 324 feet above sea level, based on North American Vertical Datum, 1988 (NAVD-88); except, that the Maximum Building Height for any structure within the F-3 Land Use District lying south of the following line, is 135 feet; provided, that structural elements not intended for habitation, as illustrated in the LUC 20.50.012 definition of Building Height, may be higher than 135 feet, but may not exceed an elevation of 275 feet above sea level, based on North American Vertical Datum, 1988 (NAVD-88):

A line, lying within the Southeast quarter of Section 9, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the Southwest corner of Lot 4, King County Short Plat No. 487008, as filed under Recording No. 8809220297; thence Easterly along the South line thereof to the Northwest corner of Lot A, King County Lot Line Adjustment No. 8903018 and the Terminus.

A conditional use permit/process shall not be required to achieve the maximum height permitted herein.

c. Number of Residential Units: There is no limit on the number of allowable residential units that may be built within the F-3 Land Use District; provided, that such residential development must not, alone or in conjunction with other development within the F-3 Land Use District, exceed the maximum FAR and maximum building height requirements of paragraphs 2(a) and 2(b) of this Section.

d. Setbacks, Front: Setbacks are 20 feet in front. Setbacks will be measured pursuant to LUC 20.50.046.

e. Setbacks, Rear and Side: Setbacks are 5 feet in the rear and side. Setbacks will be measured pursuant to LUC 20.50.046.

f. Maximum Lot Coverage: Maximum Lot Coverage is 35%.

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3. Other Site Development Requirements

- a. Sensitive Areas: Sensitive areas are exempt from the standards and procedures of LUC Chapter 20.25H.
- b. Nonconforming Structures, Uses and Sites: Nonconforming structures and sites are exempt from nonconforming requirements for structures (LUC 20.20.560.A) and sites (LUC 20.20.560.C). If a structure is destroyed by fire, explosion, or other unforeseen circumstance, it may be reconstructed consistent with its previous nonconformity, including parking and landscaping; provided, that if the structure is voluntarily demolished, then any related site development, including parking and landscaping, shall conform to the requirements of this section for development within the F-3 Land Use District. LUC 20.20.560.B shall apply to nonconforming uses.
- c. Transition Area Requirements: Development is exempt from the transition area requirements of LUC Chapter 20.25B.
- d. Design Review: Development is exempt from Design Review under LUC Chapter 20.30F and any other requirements for Design Review not found in LUC Chapter 20.30F.
- e. Office and Limited Business (OLB) District and Community Retail Design District Requirements: The provisions of Chapter 20.25C, Office and Limited Business (OLB) District and Chapter 20.25I, Community Retail Design District, shall not be applicable within the F-3 Land Use District since development within the F-3 Land Use District is not subject to Design Review.
- f. Signs:
1. Except as provided below in Paragraph 3.f.2, Size, placement, and number of signs in the F-3 Land Use District shall be governed by Section 22B.10.030, Business District signs, and by the other provisions of Chapter 22B.10 otherwise applicable to Business District signs. Signs currently installed or which are installed in accordance with this paragraph 3.f. shall not in the future be considered to be non-conforming or subject to amortization.
 2. Notwithstanding any conflicting provisions of the Bellevue Sign Code, Chapter 22.10B of the Bellevue City Code, the following shall govern the size, type, placement, location and number of signs in the F-3 Land Use District:

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i. Building-mounted Entrance Signs Each building is permitted one building-mounted entrance sign at the primary entrance to the building. This sign may be located at or above the entrance and shall contain the name of the building or the building's primary user or tenant. The size of the entrance sign shall be proportionate to the building entry facade area.

ii. Building-mounted Tenant Signs - Location In addition to the entrance sign permitted under paragraph 3.f.2.i above, each building is permitted to place any number of building-mounted tenant or user signs on a building facade; provided, that the total sign area shall not exceed ten percent (10%) of the building facade area upon which the sign is mounted; and provided further, that signs shall not extend above or beyond the building facade. The location of such signs shall be in accordance with a sign location plan, mutually acceptable to the property owner and the City, provided that the City's approval shall not be unreasonably withheld, designed to ensure a coordinated signage image for the building. For each building within the F-3 Land Use District north of the line defined in Paragraph 2.b. of this Section, only the east, north and west facades of the building may be used for building-mounted tenant signage; and for each building south of the line defined in Paragraph 2.b. of this Section, only the north, west and south facades of the building may be used for building-mounted tenant signage.

iii. Building-mounted Tenant Signs - Sign Design Building-mounted tenant signs shall be comprised of individual letters, insignia, symbols or logos or a combination thereof; shall be interiorly illuminated only; shall not extend more than two feet (2 ft.) perpendicular from the face of the building; shall not be a box sign; shall not contain painted elements on the building face; shall not be moving, flashing, or audible; shall not contain any product advertising except as part of the tenant's or user's trade name, logo or insignia; shall not be placed on the building roof; and shall not be illuminated from exterior sources. Individual letters, insignia, symbols and logos may be mounted on a raceway instead of mounted individually on the building provided that the raceway color matches the building color.

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iv. Retail Signs Signs for retail users and tenants shall be governed by the Bellevue Sign Code, Section 22B.10.030, for Business District signs. The number, size, location and type of retail signs permitted shall be in addition to the signs permitted by the other provisions of this Paragraph 3.f.2.

v. For Sale, Rent or Lease Signs For sale, rent or lease signs displayed on the building or property for sale, rent or lease, while the building or property is for sale, rent or lease, may not exceed thirty-two square feet (32 sq. ft.) in surface area.

g. Transportation Management Program: The requirements of LUC 20.20.595 apply.

h. Land Use Code and Development Standards Generally Applicable: Except to the extent expressly provided otherwise in this Section 3, the provisions of the Land Use Code and the City's Development Standards shall apply in the F-3 Land Use District.

i. Landscaping: Perimeter areas and parking lots shall be landscaped pursuant to LUC 20.20.520.F and G (OLB). Additional parking lot landscaping shall not be required so long as the net number of surface parking stalls in conjunction with new development, as required by LUC 20.20.590, does not exceed the net number of parking stalls on site as of the date of annexation. However, if additional development requires a net increase in the number of on-site parking stalls required by LUC 20.20.590, parking lot landscaping shall be required in accordance with LUC 20.20.520 F and G (OLB) to an extent that is in proportion to the net increase in parking stalls required. The Alternative Landscaping Option of LUC 20.20.520.J may be requested.

j. Parking: Requirements for parking shall be as referenced in LUC 20.20.590, as applicable to the particular use; provided, that the parking rate shall be 4:1000 for office uses; and provided further, that the parking ratio for office uses may be reduced to 3:1000, or some ratio between 3:1000 and 4:1000, at the discretion of the Director of the Department of Community Development, based upon presentation by the applicant of a sufficient shared parking and Transportation Demand Management (TDM) plan. Additional parking shall be required only to the extent that the number of parking stalls required by LUC

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20.20.590 in conjunction with new development exceeds the number of parking stalls on site as of the date of annexation.

4. Other Regulations

a. Frontage Improvements: The requirements of LUC 20.20.590 (Walkways and Sidewalks, Perimeter) and the standards set forth in Chapter 3 of the Development Standards apply.

b. Construction Hours: BCC Chapter 9.18, noise regulations, shall apply to regulation of construction hours noise.

Section 4. A proposed zoning regulation is hereby adopted establishing use classification Office (O) for the following described property:

That portion of the Southeast quarter of Section 9, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the Northwest corner of Lot 1, King County Short Plat No. 280070, as filed under Recording No. 8009300879 and revised under Recording No. 8011200686; thence Easterly along the Northerly line thereof to the Northeast corner of said Lot 1; thence Southerly along the Easterly line thereof to the Southwest corner of Lot 2 of said short plat; thence Easterly along the Southerly line thereof and the Easterly extension of said Southerly line to the centerline of 128th Avenue S.E.; thence Southerly along said centerline 20.00 feet more or less to the Easterly extension of the Southerly line of said Lot 1; thence Westerly along said Easterly extension and the Southerly line thereof to the Northwest corner of Lot 3 of said short plat; thence Southerly along the Westerly line thereof and the Southerly extension of said Westerly line to the centerline of S.E. 38th Street; thence Northwesterly along said centerline to the Southerly extension of the Westerly line of said Lot 1; thence Northerly along said Southerly extension and the Westerly line thereof to the Point of Beginning.

Section 5. A proposed zoning regulation is hereby adopted establishing use classification General Commercial (GC) for the following described properties:

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That portion of Section 9, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Commencing at the Northeast corner of the Northwest quarter of the Southwest quarter of the Southeast quarter of said Section 9; thence North $87^{\circ}22'54''$ West along the North line thereof 82.21 feet; thence North $1^{\circ}13'20''$ East 163.66 feet to the True Point of Beginning; thence South $1^{\circ}13'20''$ West 163.66 feet; thence South $1^{\circ}15'48''$ West to the centerline of S.E. 38th Street; thence Northwesterly along said centerline and the Northwesterly extension thereof to the LW-Line, as shown on the S.R. 90, East Channel Bridge to Richards Road Right of Way Plans, sheet 5 of 20, dated August 17, 1965; thence Northerly along said LW-Line to a line 30.00 feet Southerly of the LL-Line, as shown on said S.R. 90 Right of Way Plans (Bellevue City Limits, established by City of Bellevue Ordinance No. 676); thence Easterly along said line to the Re. Richards Road Line, as shown on said S.R. 90 Right of Way Plans; thence Southerly along said Re. Richards Road Line to the Southerly margin and prohibited access line of S.R. 90, as shown on said S.R. 90 Right of Way Plans; thence Westerly along said Southerly margin to a line which bears North $1^{\circ}16'05''$ East from the True Point of Beginning; thence South $1^{\circ}16'05''$ West along said line to the True Point of Beginning.

That portion of the Southeast quarter of Section 9, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the Northeast corner of Lot 1, King County Short Plat No. 280070, as filed under Recording No. 8009300879 and revised under Recording No. 8011200686; thence Southerly along the Easterly line thereof to the Southwest corner of Lot 2 of said short plat; thence Easterly along the Southerly thereof and the Easterly extension of said Southerly line to the centerline of 128th Avenue S.E.; thence Northerly along said centerline to a line which bears South $87^{\circ}22'55''$ East from the Point of Beginning; thence North $87^{\circ}22'55''$ West along said line to the Point of Beginning.

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That portion of the Southeast quarter of Section 9, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the Southwest corner of Lot 3, King County Short Plat No. 280070, as filed under Recording No. 8009300879 and Revised under Recording No. 8011200686; thence Southerly along the Southerly extension of the Westerly line thereof to the centerline of S.E. 38th Street; thence Southeasterly along said centerline to the centerline of 128th Avenue S.E.; thence Northerly along the centerline of 128th Avenue S.E. to the North line of the South 12.00 feet of the North half of the Southeast quarter of the Southeast quarter of said Section 9; thence Easterly along said North line to the East line of the West 222.00 feet of the Southeast quarter of the Southeast quarter of said Section 9; thence Northerly along said East line to the Southerly line of Lot 2, King County Short Plat No. 278125 Revised, as filed under Recording No. 8112079004; thence Westerly along said Southerly line and the Westerly extension thereof to the centerline of said 128th Avenue S.E.; thence Northerly along said centerline to the Easterly extension of the Southerly line of Lot 1 of said King County Short Plat No. 280070; thence Westerly along said Easterly extension and the Southerly line thereof to the Northwest corner of said Lot 3; thence Southerly along the Westerly line thereof to the Point of Beginning.

Section 6. A proposed zoning regulation is hereby adopted establishing use classification Community Business (CB) for the following described properties:

That portion of Sections 9 and 16, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the intersection of the South line of the Southeast quarter of said Section 9 and the centerline of 128th Avenue S.E.; thence Northerly along said centerline to the North line of the South half of the Southeast quarter of the Southeast quarter of said Section 9; thence Easterly along said North line to the Northeast corner of Parcel A, King County Lot Line Adjustment No. 1085098; thence Southerly along the Easterly line thereof and the Southerly extension of

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said Easterly line to the centerline of S.E. 38th Place; thence Easterly along said centerline to the Northerly extension of the Easterly line of Lot 2, King County Short Plat No. 781037, as filed under Recording No. 8208120471; thence Southerly along said Northerly extension and Easterly line to the Southeast corner of said Lot 2; thence Westerly along the Southerly line thereof to the East line of the West 100.00 feet of the East 1 acre of the North half of the South half of the Southwest quarter of the Southeast quarter of the Southeast quarter of said Section 9; thence Southerly along said East line to the Northerly line of Chateau Ville, as recorded in Volume 32 of Condominiums, Pages 78-80; thence Westerly along said Northerly line to the Northwest corner of said condominium; thence Southerly along the Westerly line thereof to the Southwest corner of said condominium and the South line of the North 165.00 feet of the Northeast quarter of said Section 16; thence Easterly along said South line to a point lying 860.00 feet Westerly from the East line of the Northeast quarter of said Section 16; thence Southerly to a point on the South line of the North 330.00 feet of the Northeast quarter of said Section 16, lying 860.00 feet Westerly from the East line of the Northeast quarter of said Section 16; thence Easterly along said South line to the West line of the East 100.00 feet of the West half of the Northeast quarter of the Northeast quarter of said Section 16; thence Southerly along said West line to the North line of the South half of the South half of the North half of the Northeast quarter of the Northeast quarter of said Section 16; thence Westerly along said North line to the East line of the West 395.00 feet of the Northeast quarter of the Northeast quarter of said Section 16; thence Southerly along said East line to the Northerly line of Wensley Court, as recorded in Volume 66 of Condominiums, Pages 84-86; thence Westerly along said Northerly line to the Northwest corner of said condominium; thence Southerly along the Westerly line thereof to the Southwest corner of said condominium; thence Easterly along the Southerly line thereof to the West line of the East 660.00 feet the Northeast quarter of said Section 16; thence Southerly along said West line to the Northeast corner of Ballantrae Square, as recorded in Volume 37 of Condominiums, Pages 88-94; thence Westerly along the

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Northerly line thereof to the Easterly margin of 128th Avenue S.E.; thence Northerly along said Easterly margin to the Easterly extension of the Northerly margin of S.E. 41st Street; thence Westerly along said Easterly extension to the centerline of 128th Avenue S.E.; thence Northerly along said centerline to the Point of Beginning.

That portion of the Southeast quarter of Section 9, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the Southeast corner of Lot 2, King County Short Plat No. 278125 Revised, as filed under Recording No. 8112079004; thence Westerly along the Southerly line thereof and the Westerly extension of said Southerly line to the centerline of 128th Avenue S.E.; thence Northerly along said centerline and the Rel. Richards Road Line, as shown on the S.R. 90, East Channel Bridge to Richards Road Right of Way Plans, sheet 5 of 20, dated August 17, 1965, to a line 30.00 feet Southerly of the LL-Line, as shown on said S.R. 90 Right of Way Plans (Bellevue City Limits, established by City Bellevue Ordinance No. 676); thence Easterly along said line to the Northerly extension of the Easterly line of said Lot 2; thence Southerly along said Northerly extension and the Easterly line thereof to the Point Beginning.

Section 7. A proposed zoning regulation is hereby adopted establishing use classification R-5 for the following described property:

That portion of the Southeast quarter of Section 9, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the Southwest corner of Lot A, King County Lot line Adjustment No. 8903018; thence Northerly along the Westerly line thereof to the Northwest corner of said Lot A; thence Easterly along the Northerly line thereof to the East line of the Southeast quarter of Section 9; thence Southerly along said East line to the South line of the North half of the South half of the Southeast quarter of the Southeast quarter of said Section 9; thence Westerly along said South line to the West line of the East 90.00 feet of the Southeast quarter of said Section 9;

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thence Northerly along said West line to the South line of the North half of the North half of the South half of the Southeast quarter of the Southeast quarter of said Section 9; thence Westerly along said South line to the Southeast corner of Parcel B, King County Lot Line Adjustment No. 1085098; thence Northerly along the Easterly line thereof to the Southerly line of said Lot A of said King County Lot Line Adjustment No. 8903018; thence Westerly along said Southerly line to the Point of Beginning.

Section 8. A proposed zoning regulation is hereby adopted establishing use classification R-20 for the following described property:

That portion of the South three-quarters of the Southeast quarter of the Southeast quarter of the Southeast quarter of Sections 9, Township 24 North, Range 5 East, W.M., in King County, Washington;

EXCEPT the East 90.00 feet of the South half of the North half of the Southeast quarter of the Southeast quarter of the Southeast quarter of said Section 9.

Section 9. A proposed zoning regulation is hereby adopted establishing use classification R-30 for the following described property:

That portion of Sections 9 and 16, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the Southeast corner of Lot 2, King County Short Plat No. 781037, as filed under Recording No. 8208120471; thence Westerly along the Southerly line thereof to the East line of the West 100.00 feet of the East 1 acre of the North half of the South half of the Southwest quarter of the Southeast quarter of the Southeast quarter of said Section 9; thence Southerly along said East line to the Northerly line of Chateau Ville, as recorded in Volume 32 of Condominiums, Pages 78-80; thence Westerly along said Northerly line to the Northwest corner of said condominium; thence Southerly along the Westerly line thereof to the Southwest corner of said condominium and the South line of the North 165.00 feet of the Northeast quarter of said Section 16; thence Easterly along said South line to a point lying 860.00 feet Westerly from the East line of the Northeast quarter of said Section 16; thence Southerly to a point on the

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South line of the North 330.00 feet of the Northeast quarter of said Section 16, lying 860.00 feet Westerly from the East line of the Northeast quarter of said Section 16; thence Easterly along said South line to West line of the East 100.00 feet of the West half of the Northeast quarter of the Northeast quarter of said Section 16; thence Southerly along said West line to the North line of the South half of the North half of the Northeast quarter of the Northeast quarter of said Section 16; thence Westerly along said North line to the East line of the West 395.00 feet of the Northeast quarter of the Northeast quarter of said Section 16; thence Southerly along said East line to the Northerly line of Wensley Court, as recorded in Volume 66 of Condominiums, Pages 84-86; thence Westerly along said Northerly line to the Northwest corner of said condominium; thence Southerly along the Westerly line thereof to the Southwest corner of said condominium; thence Easterly along the Southerly line thereof to the East line of the West half of the Northeast quarter of the Northeast quarter of said Section 16; thence Northerly along said East line to the Southeast corner of the Southwest quarter of the Southeast quarter of the Southeast quarter of said Section 9; thence Northerly along the East line thereof to the Point of Beginning.

Section 10. The proposed zoning regulations established pursuant to Sections 1-9 of this ordinance shall become effective upon annexation to the City of any or all of the properties respectively described therein.

Section 11. In the event that any or all of the properties for which a proposed zoning regulation is established pursuant to Sections 1-9 of this ordinance, are annexed to the City and upon the effective date of such annexation, the rate for the traffic impact fee required pursuant to BCC 22.16.070 shall be \$2.78 per gross square foot for all such properties. The \$2.78 rate shall be administratively adjusted annually by the Director of the Department of Transportation on January 1st of each year, beginning on January 1, 1995, to reflect the effect of inflation or deflation in the local economy. The amount and direction of change will be determined by reference to the Construction Price Index (CPI) for the Seattle/King County Metropolitan Area as published each November.

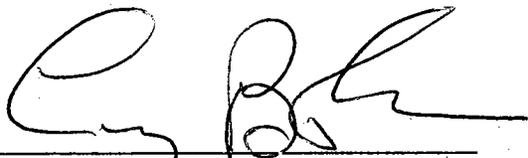
Section 12. A copy of this ordinance, duly certified as a true copy by the Clerk of the City, shall be filed with the County Auditor.

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Section 13. This ordinance shall take effect and be in force five days after its passage and legal publication.

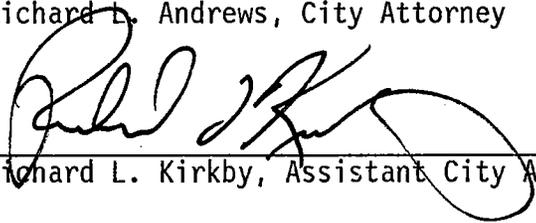
PASSED by the City Council this 6th day of December, 1993,
and signed in authentication of its passage this 13th day of
December, 1993.

(SEAL)

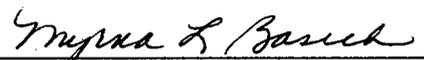

Cary Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard L. Kirkby, Assistant City Attorney

Attest:


Myrna L. Basich, City Clerk

Published December 17, 1993