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WP0560C-ORD
02/05/96

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4855-C

AN ORDINANCE relating to affordable housing; amending Section 20.20.128 and Section 20.50.010 of the Bellevue Land Use Code.

WHEREAS, the City of Bellevue has reviewed how well Section 20.20.128 of the Bellevue Land Use Code has worked in producing affordable and low-income housing; and

WHEREAS, the City Council has determined that the requirements of Section 20.20.128 have placed unacceptable burdens on builders of housing who would have to meet the requirements of this Section; and

WHEREAS, the City of Bellevue has transferred operating budget funds and funds from the Capital Investment Program to the City's Housing Trust Fund to directly support the production or creation of affordable and low-income housing in furtherance of the statewide goals to encourage the availability of affordable housing to all economic segments of the population and to implement the countywide planning policies calling for the provision for housing opportunities for all economic segments of the population; and

WHEREAS, temporary extension of certain provisions of Section 20.20.128 is necessary in order to avoid negatively impacting various projects in the development process; and

WHEREAS, the City has complied with the requirements of the Growth Management Act, as amended, (chapter 36.70A RCW); 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:

Section 1. Section 20.20.128 of the Bellevue Land Use Code is hereby amended as follows:

20.20.128 Affordable housing.

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A. Purpose.. The purpose of this section is to offer dimensional flexibility and density bonuses to encourage construction of housing affordable to low and moderate income households.

B. General. The provisions of this section are available, at the sole discretion of the property owner, as incentives to encourage the construction of affordable housing in new multifamily residential development.

1. Multifamily Development. One bonus market rate unit is permitted for each affordable unit provided, up to 15 percent above the maximum density permitted in the underlying zoning district.

2. Duration. An agreement in a form approved by the City must be recorded with King County Department of Records and Elections requiring affordable housing units which are provided under this section to remain as affordable housing for the life of the project. This agreement shall be a covenant running with the land, binding on the assigns, heirs and successors of the applicant.

3. In zoning districts where density limitation is expressed as floor area ratio (FAR), density bonuses will be calculated as an equivalent FAR bonus.

C. Dimensional Standard Modification. The following requirements of the Land Use Code may be modified through the procedures outlined in paragraph D, to the extent necessary to accommodate affordable housing units and bonus units on-site.

1. Lot Coverage. The maximum percent of lot coverage may be increased by up to five percent of the total square footage over the maximum lot coverage permitted by the underlying zoning district for those properties or lots containing affordable housing units.

2. Parking Requirements. For those buildings containing affordable housing, the percent of compact parking stalls may be increased up to 75 percent of the total required parking in non-CBD zoning districts and up to 85 percent of the total required parking in CBD zoning districts. Tandem parking stalls are permitted to the extent feasible to satisfy required parking ratios.

3. Building Height. Except in Transition Areas, the maximum building height in R-10, R-15, R-20 and R-30 zoning districts may be increased

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by up to six feet for those portions of the building(s) at least 20 feet from any property line.

4. **Lot Area.** Lots which contain affordable housing units in single-family subdivisions may be reduced by up to 20 percent of the minimum lot area required by the underlying zoning district provided that the density in the subdivision does not exceed 15 percent above the maximum permitted by the underlying zoning district.

5. **Open Space.** The Open and Recreation Space Requirement within a residential planned unit development containing affordable housing may be reduced to 35 percent of gross land area. All other requirements of LUC 20.30D.160 shall continue to apply.

D. Applicable Procedures.

1. **Dimension Standard Modification.** The City will process an application for a dimensional standard modification through the building permit review or if the project is being processed through a discretionary land use process, the dimensional standard modification may be reviewed as part of that process. In addition to the decision criteria in the section applicable to the discretionary land use decision, the Director must determine that the modifications are the minimum necessary to accommodate affordable housing units and bonus market rate units on-site.

2. **Attached Housing within Subdivisions.** Attached affordable housing duplexes on single-family lots are permitted without planned unit development approval provided the units are approved as part of a subdivision proposal. If a property line divides the attached units into separate parcels, there is no setback requirement from that property line, and for purposes of complying with minimum lot size provisions, the separate parcels containing the attached units are considered one lot. In addition to the decision criteria in LUC 20.45A.130, the following criteria shall apply:

a. No more than 15 percent of the approved lots may include attached duplex units and only one lot may contain three dwelling units.

b. The placement and exterior design of the attached units are comparable to and compatible with the surrounding single-family development.

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E. Administration. The Director shall be responsible for administration of this section. The Director may adopt rules for implementation of this section; provided, the Director shall first hold a public hearing. The director shall publish notice of the intent to adopt any rule, and the date, time, and place of the public hearing thereon in a newspaper of general circulation in the city at least 14 days prior to the hearing date. Any person may submit written comment to the Director in response to such notice, and/or may speak at the public hearing. Following the public hearing, the Director shall adopt, adopt with modification, or reject the proposed rule.

Section 2. Section 20.50.010 of the Bellevue Land Use Code is hereby amended as follows:

20.50.010 A Definitions.

...

Affordable Housing. Housing used as the primary residence of an affordable housing qualified household. The price of affordable units is based on that amount a household can afford to pay for housing, when household income is less than 80 percent of the median annual income, adjusted for household size, as determined by the United States Department of Housing and Urban Development for the Seattle Metropolitan Statistical Area, and when the household pays no more than 30 percent of household income for housing expenses. Households with income less than 80 percent of the median annual income, adjusted for household size, may purchase or rent these affordable units. The Director shall issue administrative rules for establishing the sales or rental price of affordable units.

Affordable Housing - Low Income. Housing, used as the primary residence of a low-income qualified household. The price of low income units is based on that amount a low income household can afford to pay for housing, when household income is less than 50 percent of the median income, adjusted for household size, as determined by the United States Department of Housing and Urban Development for the Seattle Metropolitan Statistical Area, and when the household pays no more than 30 percent of household income for housing expenses. Households with income less than 50% of the median annual income, adjusted for household size, may purchase or rent these affordable units. The Director shall issue administrative rules for establishing the sales or rental price of low income units.

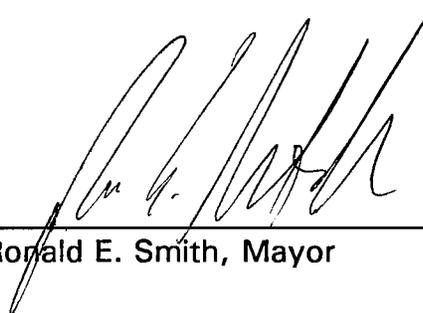
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Section 3. Sections 1 and 2 of this ordinance and Bellevue City Code (Land Use Code) 20.20.128 and 20.50.010.A, definition of "Affordable Housing" shall terminate and cease to exist on August 5, 1996, provided that said sections shall continue to apply to any proposal for which a vested application has been filed with the City prior to August 5, 1996. A vested application for purposes of this section is any complete application for a building permit or design review approval.

Section 4. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

PASSED by the City Council this 5th day of February, 1996, and signed in authentication of its passage this 5th day of February, 1996.

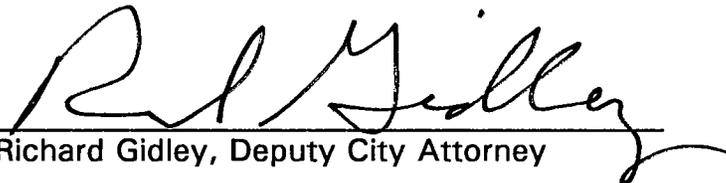
(SEAL)



Ronald E. Smith, Mayor

Approved as to form:

Richard L. Andrews, City Attorney



Richard L. Andrews, City Attorney

Attest:



Myrna L. Basich, City Clerk

Published February, 9, 1996