

EAST BELLEVUE COMMUNITY COUNCIL

Packet Materials for
REGULAR MEETING

August 2, 2016



Welcome to Your East Bellevue Community Council Meeting

Community Council meetings offer you the chance to express your opinions to your elected officials. Community Council members welcome your participation and hope that the following information is helpful:

Oral Communications

Public participation is encouraged by the Community Council. On each agenda, Item 4 and 13 are set aside to allow you to speak on any subject you wish, except those subjects listed for public hearing. You must sign up in order to be recognized by the Chair. When you are called upon, stand up, give your name and address for the record, and state your views. Please speak loudly and clearly if you are in the back of the room so that your remarks will be audible on the recorder. If many people wish to speak, the Chair may decide to limit the amount of time allowed for each individual's comments in the interests of conducting the meeting in a reasonable and practical fashion. The Community Council will not respond to comments directly, but will take matters under advisement and will ask for staff to prepare a response when necessary.

Courtesy Public Hearing

A courtesy public hearing on a particular project gives the citizen, the applicant, and Community Council members an opportunity to review a project, ask questions, make suggestions, and express concerns prior to the formal processing of the application and the commencement of the Hearing Examiner process. Community Council members take no formal action at this time.

Courtesy public hearings are also held on proposed legislation, such as changes to the Comprehensive Plan. In this case, citizens have the opportunity to provide input to staff and elected officials in this informal setting. Such testimony does not take the place of an appearance before the Planning Commission, however.

If you wish to speak at a courtesy public hearing, sign your name on the sign up sheet and do as you would for "Oral Communications", i.e., stand up, state your name and address and present your views as briefly as possible. If you have no new information to be considered, simply say that you support or disagree with a previous speaker.

Public Hearing

State Statute allows the Community Council 60 days to approve or disapprove City Council ordinances or resolutions regarding land use matters within its jurisdiction. Disapproval means that the legislation does not apply within the Community Council service area, or that the project is denied. A public hearing is held before the decision is made. First, the staff makes a presentation and Council members ask their questions. Then the hearing is opened and the public is invited to comment. To speak, follow the procedures described above. Everyone who wishes to speak will have the opportunity to do so. After the last person has spoken, the hearing is closed. Then Council members discuss the issue and make their decision. The audience may not comment during the Community Council's deliberations unless invited to do so.

If you have any questions, feel free to call the City Clerk's office at (425) 452-6466.

Agenda

CITY OF BELLEVUE
EAST BELLEVUE COMMUNITY COUNCIL
Regular Meeting

Lake Hills Clubhouse
15230 Lake Hills Boulevard, Bellevue WA

Tuesday, August 2, 2016 6:30 - 8:30 PM

	Page No.
1. Call to Order	
2. Roll Call	
3. Flag Salute	
4. Communications: Written and Oral	
5. Reports of City Council, Boards and Commissions	
(a) Community Council Business and New Initiatives	
6. Approval of Agenda	
7. Department Reports	
(a) Memo re: Arias-Hunt Preliminary Short Plat <i>(for information only; no staff presentation)</i>	<u>1</u>
8. Public/Courtesy Hearings	
(a) Courtesy Hearing re: on proposed amendments to Land Use Code to Incorporate Low Impact Development Principles	<u>3</u>
(b) Public Hearing to consider Ordinance No. 6296 re: interim zoning controls prohibiting medical marijuana cooperatives and marijuana research uses	<u>53</u>
9. Resolutions	
(a) Consideration of Resolution No. 557 re: interim zoning controls Prohibiting medical marijuana cooperatives and research uses	<u>65</u>
10. Committee Reports	
11. Unfinished Business	

12. New Business

(a) Discussion Regarding Potential Future Agenda Items *

- Eastgate Land Use Code Amendments

****The future agenda items are not specific to any date. They will appear on the EBCC Agenda as they become ripe for discussion/action.***

(b) Presentation from Puget Sound Energy re: Energize Eastside

(c) Presentation from Coalition of Eastside Neighborhoods for Sensible Energy (CENSE) re: Energize Eastside

13. Continued Communications

14. Executive Session

15. Approval of Minutes

(a) Summary Regular Meeting Minutes June 7, 2016

16. Adjournment



MEMORANDUM

DATE: July 18, 2016
TO: East Bellevue Community Council
FROM: Mark C. Brennan LEED AP, Associate Land Use Planner
SUBJECT: Arias-Hunt Preliminary Short Plat
153443 NE 6th Street
16-135005-LN

Development Services is bringing to your attention an application for a Preliminary Short Plat approval sought by Harbour Homes, LLC to divide the existing property at 15443 NE 6th Street into five new lots. This property is located in the Crossroads Subarea of the Lake Hills Neighborhood, and is in a SF-H District of the Comprehensive Plan. The property is bounded by NE 6th Street to the north and 156th Avenue NE to the east. To the south and west the property adjoins the parking lot for the Cross of Christ Lutheran Church.

The subject property is within an R-5 Zoning District, which has a minimum lot area of 7,200 SF. The proposed five lots range in area from 8,224 SF to 9,223 SF, all of the lots exceed the R-5 minimum lot dimensions for width, depth and street frontage. The proposed lots will be accessed from a new 20 foot wide easement access from NE 6th Street.

There is an existing house on the property which will be demolished prior to site preparation for the short plat. Topographically the property gains 30 feet of elevation from west to east, with over half of that total occurring within the east 50 feet of the site boundary adjoining 156th Ave NE. Harbour Homes proposes retaining existing trees primarily along the site's south boundary as it adjoins the Cross of Christ Lutheran Church parking lot.

This Preliminary Short Plat is in the early review stage and will be noticed to the public on July 21, 2016 through the City's Weekly Permit Bulletin, mailings to all property owners within 500 feet of the proposed short plat, and signage on the site. Short plats are Process II Administrative decisions made by the Director of Development Services and appealable to Hearing Examiner. This information is provided as a courtesy notice to the East Bellevue Community Council (EBCC) as the project is within the boundaries of the EBCC.



MEMORANDUM

DATE: July 22, 2016

TO: Chair Capron and Members of the East Bellevue Community Council

FROM: Catherine A. Drews, Assistant City Attorney, 425-452-6134

SUBJECT: Courtesy Public Hearing on proposed amendments to the Land Use Code to incorporate Low Impact Development Principles into the City's development codes and standards.

INTRODUCTION

On August 2, the East Bellevue Community Council (EBCC) will hold a courtesy hearing to consider the proposal to amend the Bellevue Land Use Code (LUC) to incorporate Low Impact Development (LID) principles into the City's development-related codes and standards. No action is required by the EBCC. The Planning Commission is scheduled to hold a public hearing on the LUC amendments (LUCAs) on July 27. Because of scheduling constraints, staff was unable to schedule a courtesy hearing with the EBCC before the Planning Commission's public hearing on July 27. Following the courtesy hearing, staff will present any comments or feedback from the EBCC to the City Council, when the City Council considers the Planning Commission's recommendation in September or early October.

DISCUSSION

I. Process

The proposed LUCAs result from a requirement under the 2013-2018 National Pollutant Discharge and Elimination System Western Washington Phase II Municipal Stormwater Permit (NPDES Permit) to review and revise development codes and standards to incorporate LID principles. The NPDES Permit is issued by the Washington State Department of Ecology and is required for stormwater discharges under the federal Clean Water Act. The intent of the review and revision process is to make LID the preferred and commonly-used approach to site development. Staff and the City's consultants from AHBL (the "project team") reviewed the City's development codes and standards and found the codes supportive of LID principles, but also found opportunities to incorporate LID principles.

LID principles encompass three goals: (1) reducing the loss of native vegetation; (2) minimizing impervious surfaces; and (3) reducing stormwater runoff related to development and redevelopment. The proposed LUCAs achieve these goals and are based on feedback from the public, city staff, and local boards and commissions. The proposed amendments are further intended to meet the Council-approved project principles and be consistent with the Comprehensive Plan. The revised proposed code amendment package is included as Attachment A.

The project team presented the LID Principles Project as a briefing to the Council on July 6, 2015. At the briefing, Council provided the following direction:

Bellevue has a long history of supporting low impact development principles in its development policies and regulations; from early (1987) sensitive or critical areas protection and long-standing significant tree and maximum impervious surface coverage regulations to the clustering and LID incentive regulations included in the recent (2009) Bel-Red Rezone.

Bellevue supports the objective of maintaining the region's quality of life, including that of making low impact development the preferred and commonly used approach to site development.

During the briefing, Council approved the following project principles intended to ensure that the community's visions and goals are achieved while developing a program that supports development and redevelopment and meets LID Principles.

Bellevue Appropriate. Proposed amendments to Bellevue's development codes and standards will be area and context sensitive. A one-size-fits-all is inappropriate. Attention will be paid to the differing levels of urban development, watershed conditions, impervious surface coverage, tree canopy coverage, and areas of direct discharge. Proposed amendments, where feasible, will provide flexibility, incentives, and innovation in achieving the goal of making LID the preferred and commonly used approach to site development in Bellevue.

Engage Stakeholders. Provide a public participation process that seeks and includes input from a wide range of stake holders. The process will provide opportunities for interested stakeholders to learn about LID principles, participate in developing options, and provide meaningful and informed comments.

Maintain Bellevue's Compliance Record with its NDPES Stormwater Permit. The LID principles project shall be timely completed to ensure compliance with the requirement that amendments are effective by December 31, 2016.

Build On Existing Information and Programs. The LID Principles Project will build on existing City information and programs to develop and evaluate options to make LID the preferred and commonly used approach to site development.

Recognize and Seek to Balance Competing Needs. The LID Principles Project will recognize and seek to balance competing laws applicable to development and redevelopment, by considering and developing effective, innovative, flexible, and/or area-specific options. The LID Principles Project will also recognize that supporting growth in urban areas is appropriate and that balancing environmental benefits with economic development goals is important.

Council also approved the following areas of focus to explore for integrating LID principles into the City's development codes and standards:

1. *Land Use Code*
 - a. *Evaluate use of LID principles (and BMPs) early in the site design process;*
 - b. *Reduce impervious surface coverage*
 - c. *Preserve and enhance tree canopy*
 - d. *Improve options for clustering development*
2. *Transportation Code and Design Standards*
 - a. *Reduce impervious surfaces in road rights-of-way*
 - b. *Enhance tree canopy in transportation facilities*

The project team has subsequently briefed the City Council and the city's commissions and boards about the project, its progress, and most recently, the proposals to integrate LID principles into the City's development Codes and standards. Those briefings occurred or will occur on:

City Council:

- September 16, 2013
- July 6, 2015
- October 19, 2015
- May 2, 2016

Planning Commission:

- September 9, 2015
- May 25, 2016
- June 22, 2016
- July 13, 2016
- July 27, 2016 (Public Hearing)

Environmental Services Commission:

- July 16, 2015

Parks and Community Services Board:

- October 13, 2015

East Bellevue Community Council:

- September 1, 2015
- June 7, 2016
- August 2, 2016

The project team also hosted workshops to introduce the project and the Areas of Focus to the public. These were held in three different areas of the City and included a daytime meeting for working professionals. These meetings occurred on September

30, 2015 (City Hall); October 6, 2015 (Lewis Creek Visitor Center); October 15, 2015 (Cherry Crest Elementary); and the daytime meeting was held at City Hall on December 9, 2015. Open houses were held after proposal development to introduce the proposals and receive public feedback. These occurred on May 17, 2016 (City Hall); May 18 (Lewis Creek Visitor Center) and May 19 (Northwest Arts Center). The project also maintains a webpage on the City's website where the public may view documents and submit comments.

The project team also met with the City's development review staff on multiple occasions, first to kick-off the project, followed by meetings from December 2015 – March 2016 to discuss proposed code amendments. Meetings have been held with "Areas of Focus" small teams to focus discussion on certain code amendments (relating to minimizing impervious surfaces, tree/vegetation retention, etc.). Meetings with the small teams have helped to provide the project team with an in-depth understanding of how project review occurs, the challenges to applying current or proposed code language, and the issues that may arise for both public and private customers.

The LID project team is also coordinating with other planning activities that are underway, such as the Eastgate Corridor Study and the Downtown Livability Initiative, to ensure there is consistency between the projects and that project principles are met. Most recently, efforts are underway to coordinate with the Wilburton-Grand Connection Initiative.

II. PROPOSAL

The draft LID Principles LUCAs are included in Attachment A. The amendments are organized by numerical order as they appear in the LUC, beginning with Chapter 20.20 LUC, General Requirements and ending with amendments to Chapter 20.50 LUC, definitions.

The proposed code amendments are based on feedback from the public, city staff, and local boards and commissions and the Comprehensive Plan. From this information, the City's project consultant, AHBL has developed proposed code amendments to the LUC, the Bellevue City Code (BCC), and related development standards. The proposed amendments are intended to meet the project principles and implement the LID principles of minimizing impervious surfaces, native vegetation loss, and stormwater runoff.

1. Evaluate the use of LID principles (and BMPs) early in the site design process.

Information only: No action will be required by the Planning Commission.

This area of focus falls under the application requirements (LUC 20.35.030.B – Submittal Requirements), and will require revising the application submittal sheet. The goal is to make consideration of hydrology an integral component of site design early in the process to allow the integration of LID principles and best management practices into site design.

2. Chapter 20.20 LUC: General Development Requirements

Impervious Surfaces. The goal for the proposed amendment is to encourage the use of permeable surfacing materials where they are technically feasible. The proposed code amendment also seeks to align the maximum allowed impervious surface limit with what is found on the ground in Bellevue. This was done by using GIS analysis of impervious surface coverage throughout the City and comparing what has been historically constructed to what is allowed under the Land Use Code. Maximum allowed surfaces were reduced to levels consistent with development with the goal of not creating nonconforming sites. Encouraging the use of permeable surfaces on feasible sites and reducing impervious surface limits consistent with what has been historically developed are two techniques to minimize impervious surfaces and retain vegetation, thus reducing stormwater runoff from development and redevelopment.

Maximum Hard Surface Coverage. As an alternative to impervious surfaces, hard surface coverage is proposed. "Hard surfaces" equates to the maximum impervious surface plus permeable surfaces. Where site conditions are suitable for permeable surfacing, the maximum hard surface coverage limitation is the same as the existing standard for impervious surfaces. This means that the mix of impervious and permeable surfaces will not exceed the coverage that currently exists within the City. No reduction in lot coverage is proposed. To balance minimizing impervious surfaces with maintaining vegetation, the current exemption for pervious surfaces will be eliminated.

The proposed amendments for impervious and hard surfaces incentivize the use of permeable surfacing materials where feasible without penalizing sites where the practices will not work. Should the use of permeable surfacing be deemed technically infeasible, the applicant may use impervious surfaces up to the maximum hard surface allotment as it currently exists in the code.

3. LUC 20.20.010 Uses in land use districts dimensional requirements

- Reduces maximum impervious surfaces for some land use districts
- No reduction for BelRed or Downtown recommended
- Recommend coverage for Eastgate consistent with BelRed provided Eastgate has similar requirements for natural drainage practices and the use of LID principles
- New maximum hard surface coverage limit that is the same as existing impervious surface coverage limit
 - Result: Property owners are still able to build to the same extent as before (lot coverage by buildings stay the same), however some of the surfacing that may have been impervious will be permeable.
- Adding the following new footnotes:
 - All areas of lot coverage by structures are included in the calculation of maximum impervious surface, and all areas of impervious surface are included in the calculation of maximum hard surface,

- Referencing (new) section LUC 20.20.425, performance standards for hard surfaces.
 - Including criteria for when permeable surfacing is infeasible and – provide stipulate impervious surfaces may be used up to the maximum hard surface limit. The effect is that there would be no reduction in allowable surfacing, only a movement toward pervious surfaces for those sites where pervious surfaces are feasible.
- 4. LUC 20.20.025 Intrusions into required setbacks**
- Including bioretention facilities as improvements that may be located within setbacks.
- 5. LUC 20.20.425 Hard surface (Permeable and Impervious Surfaces)**
- Adds a purpose statement and applicability similar to those found under LUC 20.20.460 Impervious surface.
 - Adds exemptions to the calculation of hard surfaces for decks/platforms, rockeries, shoreline stabilization measures and landscape features, consistent with those found under LUC 20.20.460. The benefit of this amendment is that it removes language that would be inconsistent with the use of the term “hard surface.”
- 6. LUC 20.20.460 Impervious surface**
- Removes the exemption for pervious pavement under innovative techniques by specifying that permeable surfaces will be included in the calculation of hard surface.
- 7. LUC 20.20.590 Parking, circulation and walkway requirements**
- Including pervious pavement as an acceptable surfacing material for walkways.
- 8. LUC 20.20.900 Tree retention and replacement.**
- Changes include:
 - Incorporating a “hierarchy” for selecting trees for retention.
 - The director may require assurance devices to ensure the continued healthy life of retained trees, similar to how performance standards for wetlands are regulated in the critical areas ordinance.
 - Including a provision in the code to include notice on the face of the plat.
 - Items to note:
 - Tree retention will still be required only for new or redevelopment, however limitations on when a clearing and grading permit is required have been included in the Clearing and Grading Code (Chapter 23.76 BCC) so that removal of more than 5 trees requires a permit, and the City can more effectively track tree loss.
- 9. Part 20.25 LUC Special and Overlay Districts**
- Allowing bioretention swales and planters within planter strips and landscape buffers.
 - Prioritizing the use of native plant species for landscaping.
 - Including pervious pavement as an acceptable paving material within linear buffers.

- Requiring the use of LID drainage practices within Bel-Red unless infeasible (previously was recommended).
- Street trees with grates may be substituted for bioretention facilities.

10. Part 20.30D LUC Planned Unit Development (PUDs)

- Allowing for zero lot line development through reduction in side yard setbacks.
- Including conservation of vegetation and on-site soils and reduction in hard surfaces as criteria for which PUDs may be evaluated.

11. Chapter 20.50 LUC Definitions.

- Amends the definition of a significant tree to include trees six inches or greater, and to amend how tree size (diameter at breast height or DBH) is measured (four and one half feet above existing grade instead of four feet). Removes the word “healthy” from the definition of a significant tree as all significant trees should be analyzed as a part of a tree retention plan before determining whether or not they are healthy.
- Includes a definition for “landmark trees”, and reference to a Development Services Handout determining thresholds for “rare, uncommon, unique or exceptional” trees that should be preserved on development sites.
- Includes a definition for “hard surface”, as now used in the dimensional requirements.

III. Next Steps

The Planning Commission will transmit its recommendation to the Council in early Fall 2016 for the Council’s consideration. The permit deadline for the project is December 31, 2016, so staff will return for a final hearing before the EBCC on December 6. Following conclusion of the courtesy hearing, staff requests any feedback or comments you have on the proposed LUCA. Please contact me if you have any questions at 425-452-6134 or at cdrews@bellevuewa.gov. Staff and the City’s consultants from AHBL will be present at the August 2 courtesy hearing to answer any questions you may have.

Please contact me at 425-452-6134 or at cdrews@bellevuewa.gov if you have any questions before the August 2 meeting.

Attachment A: LID Principles LUCAs

Low Impact Development Principles Project

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Chapter 20.20 General Development Requirements.

20.20.010 Uses in land use districts dimensional requirements.

Chart 20.20.010

Uses in land use districts Dimensional Requirements

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
DIMENSIONS	(43)	(43)	(43)	(43)	(43)	(43)	(43)				
...											
Maximum Lot Coverage by Structures (percent) (13) (14) (16) (26) (27) (37) (39)	35	35	35	35	35	40	40	35	35	35	35
Maximum Impervious Surface (percent) (35) (37) (39) (50)	<u>50</u> (36)	<u>50</u> (36)	<u>50</u> (36)	<u>50</u> (36)	<u>50</u> (36)	<u>55</u> (36)	<u>55</u> (36)	<u>80</u> (36)	<u>80</u> (36)	<u>80</u> (36)	<u>80</u> (36)
Maximum Hard Surface Coverage (percent) (37) (39) (49) (50)	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>55</u>	<u>55</u>	<u>80</u>	<u>80</u>	<u>80</u>	<u>80</u>

[...]

Final Requirements

Final	Office	Office/Limited Business	Office/Limited Business 2	Light Industry	General Commercial	Neighborhood Mixed Use	Neighborhood Business	Community Business	Factoria Land Use District 1	Factoria Land Use 1
	O (21)	OLB (21)	OLB 2 (21)	LI (21)	GC (21)	NMU (21)	NB (21)	CB (21)	F1 (28)	
	35 (24)	35 (24)	35	50		35	35 (24)			3
	8060	8060	8060	8565	8565	8060	8060	8565		
12	<u>80</u>	<u>80</u>	<u>80</u>	<u>85</u>	<u>85</u>	<u>80</u>	<u>80</u>	<u>85</u>		

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[...]

- (13) Lot coverage is calculated after subtracting all critical areas and stream critical area buffers; provided, that coal mine hazards (20.25H.130) and habitat associated with species of local importance (20.25H.150) shall not be subtracted.
- (14) Maximum lot coverage by structures is determined after public right-of-way and private roads are subtracted from the gross land area.

[...]

- (16) Exceptions to Lot Coverage. Although not considered structures for purposes of calculating lot coverage, the following may be considered impervious surfaces subject to the impervious surface limits. See LUC 20.20.460 and 20.50.026.
 - (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.

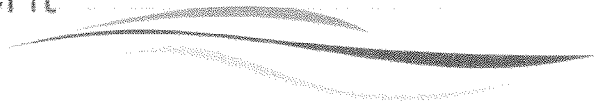
[...]

- (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).

[...]

- (35) See LUC 20.20.460 for exceptions and performance standards relating to impervious surface.
- (36) Impervious surface limits for legally established nonconforming nonresidential uses and for new allowed nonresidential uses in these residential land use districts shall be 80 percent.

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(37) Maximum hard surface, maximum impervious surface and maximum lot coverage by structures are independent limitations on allowed development. All areas of lot coverage by structures are included in the calculation of total maximum impervious surface, unless such structures are excepted under LUC 20.20.460. All areas of impervious surface coverage shall be included in the calculation of total maximum hard surface coverage.

[...]

(49) See LUC 20.20.425 for exceptions and performance standards relating to hard surfaces.

(50) Where the use of permeable pavement is determined to be infeasible using the infeasibility criteria in the 2014 Department of Ecology Stormwater Management Manual for Western Washington, now or as hereafter amended, the maximum impervious surface coverage may be exceeded, up to the maximum hard surface coverage allotment.

[...]

20.20.025 Intrusions into required setbacks.

[...]

F. LID Elements. Where feasible, LID BMPs such as bioretention facilities may be located within setbacks required in LUC 20.20.010, provided they conform to the setback requirements in the City of Bellevue Storm and Surface Water Engineering Standards.

[...]

20.20.425 Hard surface.

A. Purpose.

Limits on the total amount of hard surfaces associated with site development are desirable to minimize vegetation loss and limit stormwater runoff, which are impacted by the increased level of surface flow generated by hard surfaces. Live plant foliage and groundcover intercept stormwater by retaining or slowing the flow of precipitation to the ground, and their plant roots protect soil from erosion. Preserving naturally vegetated areas is a passive stormwater management tool that effectively reduces watershed function deterioration.

B. Applicability.

Hard surfaces are defined in LUC 20.50.024, and shall include all surfaces considered impervious under LUC 20.20.460, as well as permeable pavement surfaces and vegetated roofs. The hard surface limits contained in LUC 20.20.010 and the standards of this section, shall be imposed any time a permit, approval, or review including land alteration or land development including subdivisions, short subdivisions or planned unit developments, a change in lot coverage, or a

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change in the area devoted to parking and circulation is required by this Code, or by the International Building Code.

C. Modifications to Hard Surface Limits.

The hard surface limits contained in LUC 20.20.010 and Chapter 20.25 LUC may be modified pursuant to a critical areas report, LUC 20.25H.230, so long as the critical areas report demonstrates that the effective impervious surface on the site does not exceed the limit established in LUC 20.20.010 and Chapter 20.25 LUC.

1. Garages on sites sloping uphill should be placed below the main floor elevation where feasible to reduce grading and to fit structures into existing topography. Garages on sites sloping downhill from the street may be required to be placed as close to the right-of-way as feasible and at or near street grade. Intrusion into the front setback, as provided in LUC 20.20.025.B, may be required. On slopes in excess of 25 percent, driveways shall be designed to minimize disturbance and should provide the most direct connection between the building and the public or private street; and
2. Changes in existing grade outside the building footprint shall be minimized. Excavation shall not exceed 10 feet. Fill shall not exceed five feet subject to the following provisions: all fill in excess of four feet shall be engineered; and engineered fill may be approved in exceptional circumstances to exceed five feet to a maximum of eight feet. Exceptional circumstances are: (1) instances where driveway access would exceed 15 percent slope if additional fill retained by the building foundation is not permitted; or (2) where the five-foot fill maximum generally is observed but limited additional fill is necessary to accommodate localized variations in topography.

D. Exemptions.

The following are exempted from determining maximum hard surface. These exemptions do not apply to any other Land Use Code requirement, including setbacks and limits on maximum lot coverage by structure, building code, utilities code or other applicable City of Bellevue codes or regulations.

1. Decks/Platforms. Decks and platforms constructed with gaps measuring one-eighth inch or greater between boards, so long as the surface below the deck or platform is pervious;
2. Rockeries/Retaining Walls. Rockeries and retaining walls shall be exempt from the maximum hard surface limits;
3. Stabilization Measures. Shoreline stabilization measures shall be exempt from the maximum hard surface limits; and
4. Landscape Features. Fences, arbors with lattice or open roof materials and similar structures, individual stepping stones placed in the ground but not interlocking, cemented or held together with an impervious material, and organic mulch shall be exempt from the maximum hard surface limits.

E. Performance Standards.

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1. Design shall minimize topographic modification. Structures shall conform to the natural contour of the slope. The foundation shall be tiered to conform to the existing topography and step down the slope with earth retention incorporated into the structure where feasible. Standard prepared building pads, i.e., slab on grade, shall be avoided; and
2. Garages on sites sloping uphill should be placed below the main floor elevation where feasible to reduce grading and to fit structures into existing topography. Garages on sites sloping downhill from the street may be required to be placed as close to the right-of-way as feasible and at or near street grade. Intrusion into the front setback, as provided in LUC 20.20.025.B, may be required. On slopes in excess of 25 percent, driveways shall be designed to minimize disturbance and should provide the most direct connection between the building and the public or private street; and
3. Changes in existing grade outside the building footprint shall be minimized. Excavation shall not exceed 10 feet. Fill shall not exceed five feet subject to the following provisions: all fill in excess of four feet shall be engineered; and engineered fill may be approved in exceptional circumstances to exceed five feet to a maximum of eight feet. Exceptional circumstances are: (1) instances where driveway access would exceed 15 percent slope if additional fill retained by the building foundation is not permitted; or (2) where the five-foot fill maximum generally is observed but limited additional fill is necessary to accommodate localized variations in topography.

F. Maintenance and Assurance.

1. Pervious pavement and other hard surface techniques designed to mimic shall be designed by a professional engineer licensed by the State of Washington and the plans are approved by the Director. The Director may require a maintenance plan and long-term performance assurance device to ensure the continued function of the pervious pavement or other technique.

G. Existing Hard Surfaces.

1. Hard surfaces legally established on a site prior to [INSERT EFFECTIVE DATE], and which exceed the limits set forth in LUC 20.20.010 and Chapter 20.25 LUC shall not be considered nonconforming. Proposals to increase hard surface on a site shall conform to the limits of LUC 20.20.010 and Chapter 20.25 LUC; where a site already exceeds the allowed amount of hard surface, the additional hard surface shall not be approved unless an equal amount of existing hard surface is removed such that the net amount of hard surface is unchanged.

[...]

20.20.460 Impervious surface.

A. Purpose.

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Limits on the total amount of impervious surfaces associated with site development are desirable to protect critical areas and limit stormwater runoff, which are impacted by the increased levels and rates of surface flow generated by impervious surfaces.

B. Applicability.

The impervious surface limits contained in LUC 20.20.010 and Chapter 20.25 LUC, and the standards of this section, shall be imposed any time a permit, approval, or review including land alteration or land development including subdivisions, short subdivisions or planned unit developments, a change in lot coverage, or a change in the area devoted to parking and circulation is required by this Code, or by the International Building Code.

C. Modifications to Impervious Surface Limits.

The impervious surface limits contained in LUC 20.20.010 and Chapter 20.25 LUC may be modified pursuant to a critical areas report, LUC 20.25H.230, so long as the critical areas report demonstrates that the effective impervious surface on the site does not exceed the limit established in LUC 20.20.010 and Chapter 20.25 LUC.

1. Garages on sites sloping uphill should be placed below the main floor elevation where feasible to reduce grading and to fit structures into existing topography. Garages on sites sloping downhill from the street may be required to be placed as close to the right-of-way as feasible and at or near street grade. Intrusion into the front setback, as provided in LUC 20.20.025.B, may be required. On slopes in excess of 25 percent, driveways shall be designed to minimize disturbance and should provide the most direct connection between the building and the public or private street; and
2. Changes in existing grade outside the building footprint shall be minimized. Excavation shall not exceed 10 feet. Fill shall not exceed five feet subject to the following provisions: all fill in excess of four feet shall be engineered; and engineered fill may be approved in exceptional circumstances to exceed five feet to a maximum of eight feet. Exceptional circumstances are: (1) instances where driveway access would exceed 15 percent slope if additional fill retained by the building foundation is not permitted; or (2) where the five-foot fill maximum generally is observed but limited additional fill is necessary to accommodate localized variations in topography.

D. Exemptions.

The following are exempted from determining maximum impervious surface. These exemptions do not apply to any other Land Use Code requirement, including setbacks and limits on maximum lot coverage by structure, building code, utilities code or other applicable City of Bellevue codes or regulations.

1. Decks/Platforms. Decks and platforms constructed with gaps measuring one-eighth inch or greater between boards, so long as the surface below the deck or platform is pervious;
2. Rockeries/Retaining Walls. Rockeries and retaining walls shall be exempt from the maximum impervious surface limits;

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3. **Stabilization Measures.** Shoreline stabilization measures shall be exempt from the maximum impervious surface limits; and
 4. **Landscape Features.** Fences, arbors with lattice or open roof materials and similar structures, individual stepping stones placed in the ground but not interlocking, cemented or held together with an impervious material, and gravel mulch shall be exempt from the maximum impervious surface limits.
- E. **Performance Standards.**
1. Design shall minimize topographic modification. Structures shall conform to the natural contour of the slope. The foundation shall be tiered to conform to the existing topography and step down the slope with earth retention incorporated into the structure where feasible. Standard prepared building pads, i.e., slab on grade, shall be avoided; and
 2. Garages on sites sloping uphill should be placed below the main floor elevation where feasible to reduce grading and to fit structures into existing topography. Garages on sites sloping downhill from the street may be required to be placed as close to the right-of-way as feasible and at or near street grade. Intrusion into the front setback, as provided in LUC 20.20.025.B, may be required. On slopes in excess of 25 percent, driveways shall be designed to minimize disturbance and should provide the most direct connection between the building and the public or private street; and
 3. Changes in existing grade outside the building footprint shall be minimized. Excavation shall not exceed 10 feet. Fill shall not exceed five feet subject to the following provisions: all fill in excess of four feet shall be engineered; and engineered fill may be approved in exceptional circumstances to exceed five feet to a maximum of eight feet. Exceptional circumstances are: (1) instances where driveway access would exceed 15 percent slope if additional fill retained by the building foundation is not permitted; or (2) where the five-foot fill maximum generally is observed but limited additional fill is necessary to accommodate localized variations in topography.
- F. **Existing Impervious Surfaces.**
- Impervious surfaces legally established on a site prior to August 1, 2006, and which exceed the limits set forth in LUC 20.20.010 and Chapter 20.25 LUC shall not be considered nonconforming. Proposals to increase impervious surface on a site shall conform to the limits of LUC 20.20.010 and Chapter 20.25 LUC; where a site already exceeds the allowed amount of impervious surface, the additional impervious surface shall not be approved unless an equal amount of existing impervious surface is removed such that the net amount of impervious surface is unchanged.
- G. **Innovative Techniques.**
- Surfaces paved with ~~pervious~~ permeable pavement or other innovative techniques designed to mimic the function of a pervious surface shall not be included in the calculation of impervious surface areas. These surfaces, however, they shall be included in the calculation of maximum hard surface areas, but not including the exemptions listed in LUC 20.20.425.C. so long as the technique

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~~is designed by a professional engineer licensed by the State of Washington and the plans are approved by the Director. The Director may require a maintenance plan and long-term performance assurance device to ensure the continued function of the pervious pavement or other technique.~~

[...]

20.20.590 Parking, circulation, and walkway requirements.

[...]

K. Parking Area and Circulation Improvements and Design

[...]

8. Internal Walkways

[...]

- c. Design Criteria. Except as otherwise specified in Part 20.25A LUC, internal walkways provided pursuant to this section must be designed and installed in conformance with the following:
 - i. Surface Materials. Internal walkways must be paved with hard-surfaced material such as concrete, asphalt, stone, brick, tile, pervious pavement, etc. Only nonskid paving may be used in walkways construction.

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20.20.900 Tree retention and replacement.

A. Purpose.

Retention of significant trees as required by this section is necessary to maintain and protect property values, to enhance the visual appearance of the City, to preserve the natural wooded character of the Pacific Northwest, to promote utilization of natural systems, to reduce the impacts of development on the storm drainage system and water resources, and to provide a better transition between the various land uses permitted in the City.

B. Applicability.

The requirements of this section shall be imposed any time a permit, approval, or review including land alteration or land development including subdivisions, short subdivisions or planned unit developments, a change in lot coverage, or a change in the area devoted to parking and circulation is required by the Bellevue City Code or Land Use Code. Subsection F of this section shall apply to permits for new single-family structures and for additions to impervious surface areas that exceed 20 percent when located on a single-family lot developed with a residential use. Subsection E of this section applies to the removal of any significant trees in the R-1 Land Use District located in the Bridle Trails Subarea.

C. Required Review.

The Development Services Department shall review the proposed removal of significant trees with each application within the applicability of this section.

D. Retention of Significant Trees for Subdivisions, Short Subdivisions, Planned Unit Development, Change in Lot Coverage, or Change in the Area Devoted to Parking and Circulation, Excluding Areas Located in the R-1 Land Use District in the Bridle Trails Subarea and for New or Expanding Single-Family Structures.

1. **Perimeter Landscaping Area.** In the required perimeter landscaping area, as set forth in LUC 20.20.520.F.1, the applicant shall retain all significant trees which will not constitute a safety hazard. For properties located in Bel-Red Land Use Districts, refer to perimeter landscape development at LUC 20.25D.110. Area devoted to access and sight areas as defined in the Transportation Code (Chapter 14.06 BCC) and area to be cleared for required roads, utilities, sidewalks, trails, or storm drainage improvements are exempt from this requirement.

2. **Site Interior.**

- a. In areas of the site other than the required perimeter landscaping area, the applicant must retain at least 15 percent of the diameter inches of the significant trees existing in this area; provided, that alder and cottonwood trees' diameter inches shall be discounted by a factor of 0.5. In the event of a conflict between this section and Part 20.25H, Part 20.25H shall prevail. In applying the

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requirement for retention of significant trees, the Director shall ~~consider~~ require the preservation of the following types of significant trees in the following order of a priority:

- ~~i.~~ i. Landmark trees as defined in LUC 20.50.032;
 - ~~ii.~~ ii. Healthy ~~s~~Significant trees over 60 feet in height;
 - ~~iii.~~ iii. Significant trees which form a continuous canopy;
 - ~~iv.~~ iv. Significant trees located within the rear yard; and
 - ~~iii.v.~~ v. Significant trees which contribute to the character of the environment, and do not constitute a safety hazard;
 - ~~iv.~~ iv. Significant trees which provide winter wind protection or summer shade;
 - ~~v.~~ v. Groups of significant trees which create a distinctive skyline feature; and
 - ~~vi.~~ vi. Significant trees in areas of steep slopes or adjacent to watercourses or wetlands.
 - b. The Director may approve retention of trees which do not meet the definition of significant trees as a contribution toward the sum of the diameter inches required under subsection D.2.a of this section if a group of trees and its associated undergrowth can be preserved.
3. For subdivisions, short subdivisions, and planned unit developments, the applicant shall retain a minimum of 30 percent of the diameter inches of significant trees existing on the total site area of the development; provided, that alder and cottonwood trees' diameter inches shall be discounted by a factor of 0.5. Preservation priority of significant trees shall occur in the same order as specified above for the site interior.
4. Exemption. The provisions of this subsection which require retention of significant trees are not applicable in any Downtown Land Use District.
5. The applicant shall utilize tree protection techniques approved by the Director during land alteration and construction in order to provide for the continual healthy life of retained significant trees. The Director may require a maintenance assurance device to ensure the continual healthy life of retained significant trees for a period of up to five years in conformance with LUC 20.20.490.
- ~~5.6.~~ 6.7. Any property where significant trees are retained to meet the requirements of this chapter shall include notice of the retained trees on the recorded survey, and shall include a reference to this section to ensure their continued retention.
- ~~6.7.~~ 7. Reduced Parking Bonus. If the proposed landscape plan incorporates the retention of significant trees above that required by this section, the Director may approve a reduction of up to 10 percent of the required number of parking spaces if adequate

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parking will remain on the subject property, and if land area for the required number of spaces remains available for future development on the subject property.

E. Retention of Significant Trees in the R-1 Land Use District in the Bridle Trails Subarea for any Type of Land Alteration or Development.

1. Permit Required. As required by BCC 23.76.035.A.8, a clearing and grading permit must be obtained from the City prior to the removal of any significant tree from any lot in the R-1 Land Use District in the Bridle Trails Subarea. The applicant may request a vegetation management plan to cover all proposed tree removal activities within a three-year period. In addition, for the removal of more than two significant trees within any three-year period, the requirements of subsections E.2 and E.3 of this section apply.
2. Perimeter Tree Retention Requirement. For all lots in the R-1 Land Use District in the Bridle Trails Subarea, all significant trees which do not constitute a safety hazard within the first 20 feet adjacent to all property lines shall be retained. Area devoted to access and sight areas as defined in the Transportation Code (Chapter 14.06 BCC), and area to be cleared for required roads, utilities, sidewalks, trails, or storm drainage improvements is exempt from this requirement. In the event this requirement conflicts with minimum setback requirements for structures (LUC 20.20.010), the Alternative Tree Retention Option (subsection G of this section) may be used to allow development consistent with the setbacks established under LUC 20.20.010.
3. Site Interior Tree Retention Requirement.
 - a. In addition to the required perimeter tree retention area, at least 25 percent of the cumulative diameter inches of existing significant trees must be retained; provided, that alder and cottonwood trees' diameter inches shall be discounted by a factor of 0.5.
 - b. The Director may approve retention of trees which do not meet the definition of significant trees as a contribution toward the sum of the diameter inches required under subsection E.3.a of this section if a group of trees and its associated undergrowth can be preserved.
4. Tree Replacement Requirement. On any lot with eight or less significant trees, a planting plan showing a one-to-one ratio of replacement trees is required. Trees must be a minimum of six feet in height at planting.

F. Retention of Significant Trees for New or Expanding Single-Family Structures Excluding Single-Family Structures Located in the R-1 Land Use District in the Bridle Trails Subarea.

1. Site Area. For new single-family structures or additions to impervious surface areas that exceed 20 percent when located on a single-family lot developed with a residential use, the applicant shall retain a minimum of 30 percent of the diameter inches of significant trees existing in the site area; provided, that alder and cottonwood trees' diameter inches shall be discounted by a factor of 0.5. In the event of a conflict between this

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section and Part 20.25H, Part 20.25H shall prevail. In applying the requirement for retention of significant trees, the Director shall ~~consider~~ require the preservation of the following types of significant trees in the following order of a priority:

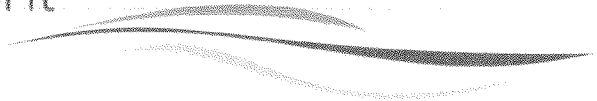
- a. Landmark trees as defined in LUC 20.50.032;
- ~~a.b. Healthy s~~Significant trees over 60 feet in height;
- ~~b.c.~~Significant trees which form a continuous canopy;
- d. Significant trees located within the rear yard;
- e. Significant trees located within the first 20 feet adjacent to a property line; and
- f. Significant trees which contribute to the character of the environment, and do not constitute a safety hazard;
- ~~e.~~Significant trees which provide winter wind protection or summer shade;
- ~~d.~~Groups of significant trees which create a distinctive skyline feature;
- ~~e.~~Significant trees in areas of steep slopes or adjacent to watercourses or wetlands; and
- ~~f.a.~~Significant trees located within the first 20 feet adjacent to a property line.

2. The Director may approve retention of trees which do not meet the definition of significant trees as a contribution toward the sum of the diameter inches required under LUC 20.20.900.F.1 if a group of trees and its associated undergrowth can be preserved.
3. The applicant shall utilize tree protection techniques approved by the Director during land alteration and construction in order to provide for the continual healthy life of retained significant trees.

G. Alternative Tree Retention or Replacement Option.

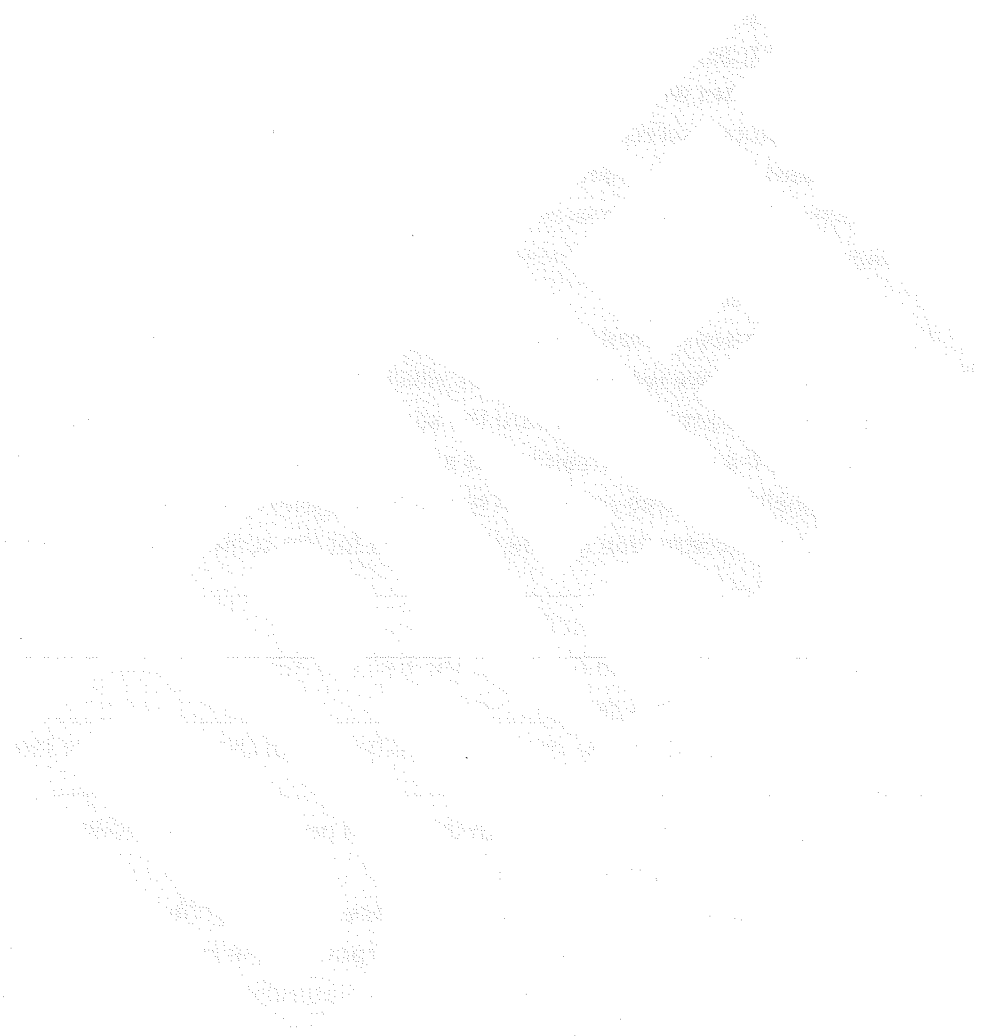
1. An applicant may request a modification of the tree retention requirements set forth in subsections D, E, and F of this section.
2. The Director may administratively approve a modification of the perimeter or interior tree retention requirements if:
 - a. The modification is consistent with the stated purpose of this section; and
 - b. The modification proposal either:
 - i. Incorporates the retention or replacement of significant trees equal in equivalent diameter inches or incorporates the increased retention or replacement of significant trees and naturally occurring undergrowth to what would otherwise be required; or
 - ii. Incorporates the retention or replacement of other natural vegetation in consolidated locations which promotes the natural vegetated character of the site and neighborhood including use as pasture land or for agricultural uses.
 - iii. Where a modification proposal includes supplemental or replacement trees in lieu of retention, the applicant shall utilize plant materials which

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complement the natural character of the Pacific Northwest, and which are adaptable to the climatic, topographic, and hydrologic characteristics of the site. (~~Ord. 6197, 11-17-14, § 15; Ord. 5896, 8-3-09, § 3; Ord. 5876, 5-18-09, § 22; Ord. 5791, 12-3-07, § 14; Ord. 5662, 3-20-06, § 2~~)



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Chapter 20.25 Special and Overlay Districts

Part 20.25A Downtown

[...]

20.25A.060 Walkways and sidewalks.

Comment [BP1]: New code language from Downtown Livability early wins code amendmen

A. Walkways and Sidewalks – Perimeter.

1. Minimum Width.

- a. The minimum width of perimeter walkway or sidewalk on the streets identified in this paragraph is 16 feet plus a 6-inch curb. Included within that 16 feet and adjacent to the curb, there shall be a planter strip or tree pit as prescribed by Plate A of this section:
 - i. NE 6th between 110th Avenue NE and 112th Avenue NE; and
 - ii. 106th Avenue NE between NE 4th and NE 8th; and
 - iii. 108th Avenue NE between NE 4th and NE 8th; and
 - iv. 110th Avenue NE between NE 4th and NE 8th; and
 - v. Bellevue Way between Main and NE 12th; and
 - vi. NE 4th between 100th Avenue NE and 112th Avenue NE; and
 - vii. NE 8th between 100th Avenue NE and 112th Avenue NE.
- b. Along any other street not listed in subsection A.1.a of this section, the minimum width of a perimeter walkway or sidewalk is 12 feet plus a 6-inch curb. Included in that 12 feet and adjacent to the curb, there shall be a planter strip or tree pit as prescribed in Plate A of this section.
- c. Within the width of the walkway or sidewalk, at least six feet of unobstructed travel path shall be maintained for safe pedestrian access.
- d. Planter Strips and Tree Pits.
Planter strips shall be at least five feet wide and as long as the street frontage, excluding curb cuts, driveways and spacing for utilities. Planter strips and tree pits shall be located adjacent to the curb unless precluded by existing utilities which cannot be reasonably relocated. Tree pits ~~may~~ shall be covered with protective grates or pavers. Where stormwater facilities are used in conjunction with tree pits, removable grates shall be utilized.

2. Street Trees and Landscaping – Perimeter.

- a. Tree Species. The property owner shall install street trees, in addition to any landscaping required by LUC 20.25A.040, according to the requirements of Plate B of this section as now or hereafter amended and this section.

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- b. Installation. Street trees, at least 2.5 inches in caliper or as approved by the Director, must be planted at least 3 feet from the face of the street curb, and a maximum of 20 feet for small trees, 25 feet for medium trees, and 30 feet for large trees. The size of the tree shall be determined by Plate B of this section, as now or hereafter amended. A street tree planting area may also include decorative paving and other native plant materials except grass that requires mowing. The use of planter strips for stormwater treatment is encouraged. Installation shall be in accordance with the Parks and Community Services Department Environmental Best Management Practices and Design Standards, as now or hereafter amended.
- c. Irrigation. A permanent automatic irrigation system shall be provided at the time of installation of street trees and sidewalk planting strip landscaping located in a required planter strip or tree pit. The irrigation system shall be served by a separate water meter installed by the applicant and served by City-owned water supply with 24-hour access by the City. The use of rainwater to supplement irrigation is encouraged. Irrigation system shall be designed per the Parks and Community Services Department Environmental Best Management Practices and Design Standards, as now or hereafter amended.
- d. Street Landscaping. Street trees together with shrubbery, groundcover and other approved plantings are required in a planter strip along the length of the frontage. Vegetation included in the planter strip shall be able to withstand urban conditions, shall be compatible with other plantings along the same street, and shall reflect the character of the area within which they are planted, as approved by the Director.

Comment [BP2]: Does this refer to spacing of trees? Seems to be missing some language.

[...]

Plate A – Downtown Bellevue Planter Strip/Tree Pits Required

Comment [BP3]: Is there any interest in specifying streets where bioretention planters should be utilized?

East-West	Planter Strip/Tree Pits
NE 12th (102nd to I-405)	Planter Strip
NE 11th (110th to 112th)	Planter Strip
NE 10th (100th to 106th)	Planter Strip
NE 10th (106 to I-405)	Planter Strip
NE 9th (110th to 111th)	Tree Pits
NE 8th (100th to 106th)	Planter Strip

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NE 8th (106th to 112th)	Planter Strip
NE 6th (Bellevue Way to 106th)	See Pedestrian Corridor Design Guidelines
NE 6th (106th to 108th)	See Pedestrian Corridor Design Guidelines
NE 6th (108th to 110th)	Tree Pits
NE 6th (110th to 112th)	Planter Strip on the south side, Tree Pits on the north side
NE 4th (100th to I-405)	Planter Strip
NE 3rd PI (110th to 111th)	Tree Pits
NE 2nd PI (108th to 111th)	Planter Strip
NE 2nd (Bellevue Way to I-405)	Planter Strip
NE 1st/2nd (100th to Bellevue Way)	Planter Strip
NE 1st (103rd to Bellevue Way)	Tree Pits
Main St (100th to Bellevue Way)	Tree Pits
Main St (Bellevue Way to I-405)	Planter Strip
North-South	
100th (NE 12th to Main)	Planter Strip
100th (NE 10th to NE 1st)	Planter Strip
100th (NE 1st to Main)	Planter Strip
101st (near NE 10th)	Tree Pits
101st Ave SE (south of Main St)	Tree Pits
102nd (NE 12th to NE 8th)	Planter Strip
102nd (NE 1st to south of Main St)	Tree Pits
103rd (near NE 10th)	Tree Pits
103rd (NE 2nd to Main St)	Tree Pits

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Bellevue Way (NE 12th to NE 10th)	Planter Strip
Bellevue Way (NE 10th to NE 4th)	Planter Strip
Bellevue Way (NE 4th to Main)	Planter Strip
Bellevue Way (Main to Downtown Boundary)	Planter Strip
105th (NE 4th to NE 2nd)	Planter Strip
105th SE (near Main St)	Planter Strip
106th (NE 12th to NE 8th)	Planter Strip
106th (NE 8th to NE 4th)	Tree Pits
106th (NE 4th to Main)	Planter Strip
106th PI NE (near NE 12th)	Tree Pits
107th (NE 2nd to south of Main)	Tree Pits
108th (NE 12th to NE 8th)	Tree Pits
108th (NE 8th to NE 4th)	Tree Pits
108th (NE 4th to south of Main)	Tree Pits
109th (near NE 10th)	Planter Strip
110th (NE 12th to NE 8th)	Planter Strip
110th (NE 8th to NE 4th)	Planter Strip
110th (NE 4th to Main)	Planter Strip
111th (NE 11th to NE 9th)	Planter Strip
111th (NE 4th to NE 2nd)	Planter Strip
112th (NE 12th to Main)	Planter Strip

Plate B – Downtown Bellevue Street Tree Species Plan

Comment [BP4]: Including for reference, ensure that tree species are compatible with bioretention or specify spacing for bioretention?

East-West	Proposed Street Trees	Tree Size
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NE 12th (102nd to I-405)	Pear: <i>Pyrus calleryana</i> 'Glens form'	Small
NE 11th (110th to 112th)	'Katsura: <i>Cercidiphyllum japonicum</i>	Large
NE 10th (100th to 106th)	Tupelo: <i>Nyssa sylvatica</i> 'Firestarter'	Medium
NE 10th (106 to I-405)	Zelkova serrata 'Village Green'	Medium
NE 9th (110th to 111th)	Katsura: <i>Cercidiphyllum japonicum</i>	Large
NE 8th (100th to 106th)	Honeylocust: <i>Gleditsia tricanthos</i> 'Shademaster'	Medium
NE 8th (106th to 112th)	Pac Sunset Maple: <i>Acer truncatum</i> x <i>platanoides</i> 'Warrenred'	Medium
NE 6th (Bellevue Way to 106th)	Honeylocust: <i>Gleditsia tricanthos</i> 'Shademaster'	Medium
NE 6th (106th to I-405)	Katsura: <i>Cercidiphyllum japonicum</i>	Large
NE 4th (100th to I-405)	Autumn Blaze Maple: <i>Acer</i> x <i>Freemanii</i> 'Jeffersred'	Large
NE 3rd PI (110th to 111th)	Tupelo: <i>Nyssa sylvatica</i> 'Firestarter'	Large
NE 2nd PI (108th to 111th)	Persian ironwood: <i>Parrotia persica</i> 'Vanessa'	Medium
NE 2nd (Bellevue Way to I-405)	English oak: <i>Quercus robur</i> 'Pyramich'	Large
NE 1st/2nd (100th to Bellevue Way)	Hungarian oak: <i>Quercus frainetto</i> 'Schmidt'	Large
NE 1st (103rd to Bellevue Way)	Ginkgo: <i>Ginkgo biloba</i> 'Magyar'	Medium
Main St (100th to Bellevue Way)	Ginkgo: <i>Ginkgo biloba</i> 'Magyar'	Medium
Main St (Bellevue Way to I-405)	Tupelo: <i>Nyssa sylvatica</i> 'Afterburner'	Medium
North-South	Proposed Street Trees	Tree Size
100th (NE 12th to NE 10th)	Pear: <i>Pyrus calleryana</i> 'Aristocrat'	Small
100th (NE 10th to NE 1st)	Scarlet oak: <i>Quercus coccinea</i>	Large
100th (NE 1st to Main)	Ginkgo: <i>Ginkgo biloba</i> 'Magyar'	Medium
101st (near NE 10th)	Ginkgo: <i>Ginkgo biloba</i> 'Autumn Gold'	Medium
101st Ave SE (south of Main St)	Katsura: <i>Cercidiphyllum japonicum</i>	Large

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102nd (NE 12th to NE 8th)	Miyabe maple: <i>Acer miyabei</i> 'Rugged Ridge'	Large
102nd (NE 1st to south of Main St)	Katsura: <i>Cercidiphyllum japonicum</i>	Large
103rd (near NE 10th)	Ginkgo: <i>Ginkgo biloba</i> 'Autumn Gold'	Medium
103rd (NE 2nd to Main St)	Katsura: <i>Cercidiphyllum japonicum</i>	Large
Bellevue Way (NE 12th to NE 10th)	Tulip tree: <i>Liriodendron tulipifera</i> 'JFS-oz'	Large
Bellevue Way (NE 10th to NE 4th)	Honeylocust: <i>Gleditsia tricanthos</i> 'Shademaster'	Medium
Bellevue Way (NE 4th to Main)	Tulip tree: <i>Liriodendron tulipifera</i> 'JFS-oz'	Large
105th (NE 4th to NE 2nd)	Sweetgum: <i>Liquidambar styraciflua</i> 'Worplesdon'	Large
105th SE (near Main St)	London planetree: <i>Platanus x acerifolia</i> 'Bloodgood'	Large
106th (NE 12th to NE 8th)	Elm: <i>Ulmus propinqua</i> 'Emerald Sunshine'	Large
106th (NE 8th to NE 4th)	Elm: <i>Ulmus Americana</i> 'Jefferson'	Large
106th (NE 4th to Main)	Elm: <i>Ulmus</i> 'Morton Glossy'	Large
106th PI NE (near NE 12th)	London planetree: <i>Platanus x acerifolia</i> 'Bloodgood'	Large
107th (NE 2nd to south of Main)	Hornbeam: <i>Carpinus caroliniana</i> 'Palisade'	Medium
108th (NE 12th to NE 8th)	Persian ironwood: <i>Parrotia persica</i> 'Ruby Vase'	Medium
108th (NE 8th to NE 4th)	Sweetgum: <i>Liquidambar styraciflua</i> 'Worplesdon'	Large
108th (NE 4th to south of Main)	Zelkova serrata 'Green Vase'	Medium
109th (near NE 10th)	Linden: <i>Tilia cordata</i> 'Chancole'	Large
110th (NE 12th to NE 8th)	Linden: <i>Tilia americana</i> 'Redmond'	Large
110th (NE 8th to NE 4th)	Zelkova serrata 'Village Green'	Medium
110th (NE 4th to Main)	Red maple: <i>Acer rubrum</i> 'Somerset'	Large
111th (NE 11th to NE 9th)	Ginkgo: <i>Ginkgo biloba</i> 'Autumn Gold'	Medium

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111th (NE 4th to NE 2nd)	Ginkgo: Ginkgo biloba 'Autumn Gold'	Medium
112th (NE 12th to Main)	Scarlet oak: Quercus coccinia	Large

20.25A.090 Perimeter Design District

[...]

D. Development Standards

[...]

4. Landscape Development

[...]

b. Linear Buffers.

- i. General. Any development situated within Perimeter Design District – Subdistrict A shall provide a “linear buffer” within the minimum setback adjacent to the Downtown boundary required by paragraph D.2 of this section. The purpose of this feature is to produce a green buffer that will soften the visual impact of the relatively larger buildings. These design standards are minimum requirements for the size and quantity of trees, shrubs and other “linear buffer” elements. The specific design of the “linear buffer” for each project site will be determined through the Design Review Process. Design considerations include but are not limited to the placement of elements and their relationship to adjacent property as well as to the proposed development. Different sets of design standards apply to each of the locational conditions.
- ii. Where the Downtown boundary falls within the Main Street, 100th Avenue NE or NE 12th Street right-of-way, the minimum setback from the Downtown boundary shall be landscaped according to the basic requirements and either Alternative A or B of the supplemental requirement.
 - (1) Basic Requirements (applicable in all cases):
 - (a) Must have a minimum width of 20 feet;
 - (b) Must abut and be within three feet in elevation of a sidewalk, so as to be visually and physically accessible;
 - (c) Must provide at least one sitting space for each 200 square feet of the perimeter setback area;
 - (d) May not be used for parking; vehicular access drives shall be kept to a minimum;
 - (e) Must be readily accessible to the public at all times;

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(f) Must include seasonal color in an amount of at least 10 percent of the perimeter setback area;

(g) Must utilize native species for at least 50 percent of the plantings located within the perimeter setback area.

(2) Supplemental Requirements:

(a) Alternative A:

- (i) Three deciduous trees, with a minimum caliper of three inches, per each 1,000 square feet of the perimeter setback area; and
- (ii) Two flowering trees, with a minimum caliper of two inches, per each 1,000 square feet of perimeter setback area; and
- (iii) Ten evergreen shrubs, minimum five-gallon size, per 1,000 square feet of the perimeter setback area; and
- (iv) Any paved surfaces shall be no more than 10 percent of the perimeter setback area; and
- (v) Planting area must either be raised or sloped. If raised, the planting area shall be surrounded by a wall with a minimum height of 18 inches and a maximum height of 24 inches to allow for sitting.

(b) Alternative B:

- (i) Three deciduous trees, with a minimum caliper of three inches, per each 1,000 square feet of the perimeter setback area; and
- (ii) Lawn greater than five feet in width or ground cover on at least 25 percent of the perimeter setback area; and
- (iii) Any paved surfaces shall be no more than 75 percent of the perimeter setback area; and
- (iv) Paved areas shall use pervious pavement, brick, stone or tile in a pattern and texture that is level and slip-resistant; and
- (v) Opportunities for pedestrian flow from the sidewalk shall be frequent and direct. Changes in grade between the linear buffer and sidewalk shall be accommodated by steps or terraces, rather than walls.

- iii. Where the Downtown boundary abuts property outside the Downtown other than right-of-way described in paragraph D.4.b.ii of this section, the minimum setback from the Downtown boundary (or perimeter property lines when the setback has been relocated pursuant to Note 10 of subsection 20.25A.090.D.2) shall be landscaped as follows:

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- (1) The entire setback (20 feet) shall be planted. No portion may be paved except for vehicular entrance drives and required mid-block pedestrian connections.
 - (2) The setback must incorporate a berm having a minimum height of three and one-half feet.
 - (3) The setback must be planted with:
 - (a) Evergreen and deciduous trees, with no more than 30 percent deciduous, a minimum of 10 feet in height, at intervals no greater than 20 feet on center; and
 - (b) Evergreen shrubs, a minimum of two-gallon in size, at a spacing of three feet on center; and
 - (c) Living ground cover so that the entire remaining area will be covered in three years.
- c. Street Trees. Street trees required by LUC 20.25A.060.C along Main Street, 100th Avenue NE or NE 12th Street must be at least four inches in caliper.

20.25A.110 Design Review Criteria

B. Downtown Patterns and Context.

[...]

4. Landscape Design

[...]

- B. ~~Encourage~~ Require retention of significant existing vegetation, where it can be incorporated into efficient site design and maintained in a safe and healthful condition.

Part 20.25B Transition Area Design District

20.25B.040 Development Standards

[...]

C. Landscaping, Open Space and Buffers

1. Landscaping. 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 and, in addition, may be used to modify up to 10 feet of required street frontage landscaping.
2. Buffer
 - a. A landscaped buffer, at least 20 feet in width, shall be provided along the entire street frontage where any portion of the street frontage is abutting a district receiving transition and along the interior property line abutting the district receiving transition. Where feasible, bioretention swales and planters may be located within landscape buffers.

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- b. All significant trees within 15 feet of the property line shall be retained as required by LUC 20.20.520.E.
- c. The buffer shall be planted with the following, and shall include at least 50 percent native species in the required plantings:
 - i. Evergreen and deciduous trees, of which no more than 40 percent can be deciduous. There shall be a minimum of five trees per 1,000 square feet of buffer area, which shall be a minimum of 10 feet high at planting, along with the evergreen shrubs and living groundcover as described in paragraphs C.2.c.ii and iii of this section to effectively buffer development from adjacent residential properties; and
 - ii. Evergreen shrubs, a minimum 42 inches in height at planting, at a spacing no greater than three feet on center; and
 - iii. Living groundcover planted to cover the ground within three years; and
 - iv. Alternatively, where the street frontage landscaping will be planted to buffer a building elevation and not a parking area, driveway or site development other than a building, a lawn no less than five feet in width may be substituted for the shrubs and groundcover required in paragraphs C.2.c.ii and iii of this section; provided, that the soil in the entire area of lawn is amended in accordance with LUC 20.20.520.F.8. This paragraph does not apply in LI and GC Districts.
- d. Where an LI, GC or CB zoned property abuts a residential district on an interior property line, an evergreen hedge a minimum of four feet in height at planting and capable of achieving a continued visual screen with a height of five feet within a three-year period or a combination of shrubs and fence shall be added within the required planting area to achieve the effect of a hedge.
- e. Patios and other similar ground level features and trails may be incorporated into the buffer area, except that no more than 20 percent of the area may be used for such features. Patios shall not be located within 10 feet of the property line.

[...]

Part 20.25D Bel-Red

[...]

20.25D.150 Design Guidelines

[...]

- B. Character and Site Guidelines.
Purpose

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These guidelines address the qualities that make the Bel-Red subarea unique. They consider what makes an area a special, distinct “place,” not simply a group of individual buildings and streets.

1. Integrate the Natural Environment.

a. Intent.

Reinforce linkages and orient buildings to the Bel-Red Subarea’s natural and landscaped features.

b. Guideline.

Site and building design should capitalize on significant elements of the natural environment, Highland Community Park and planned park and open space, riparian corridors and wetlands. Designs should incorporate open space amenities for residents, employees and visitors. Depending on the location, this may be accomplished through integration of the natural environment with new development or providing a smooth transition between the natural and built environments.

c. Recommended.

- i. Active and passive gathering places and walkways oriented toward parks and open, natural spaces.
- ii. Clear and convenient public access to open space amenities.
- iii. Elements that engage the natural environment where the sight, sound and feel of nature can be directly experienced.
- iv. Buildings sited to take maximum advantage of adjacent public amenities.
- v. Walkways and plazas paved with high-quality materials (such as brick or stone), and other architectural elements that use materials, colors and forms that are harmonious with the natural surroundings.

d. Not recommended.

- i. Buildings that turn their back on open space amenities.
- ii. Stands of “native” planting schemes within large, automobile-oriented parking lots.

[...]

4. Protect and Enhance Surface Water Resources.

a. Intent.

Conserve water quality, natural hydrology and habitat, and preserve biodiversity through protection of water bodies and wetlands.

b. Guideline.

Natural water systems regulate water supply, provide biological habitat and may provide recreational opportunities. Undeveloped ecosystems absorb the precipitation and convey only a small portion of rainfall as surface runoff. New and infill development should minimize disturbances to the on-site, adjacent, and regional natural water systems. Use of natural drainage practices are required unless infeasible.

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- c. Recommended.
 - i. Grading and plan layout that captures and slows runoff.
 - ii. Pervious or semi-pervious surfaces that allow water to infiltrate soil.
 - iii. ~~On-site landscape based water treatment methods that treat rainwater runoff from all surfaces, including parking lots, roofs and sidewalks.~~
- d. Not Recommended.
 - i. Buried, piped or culverted stream channels.
 - ii. Water quality enhancement projects that detract from the urban character of the area.

[...]

Part 20.25F Evergreen Highlands Design District

20.25F.040 Site and Design Requirements

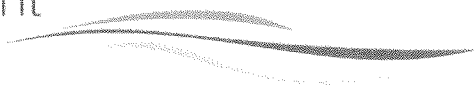
[...]

C. Design Requirements

[...]

- 2. Landscaping and Vegetation Preservation.
 - a. The applicant must provide landscaping between structures, as a setting for structures, and within and around parking areas. This landscaping must enhance the coordinated project design, and provide a pleasing environment between structures. All pervious surface must be landscaped, except those areas specified under other provisions of this Code for natural vegetation, or determined by the Technical Committee as desirable for retention in its natural state.
 - b. If landscaping is located between uses, the type and intensity of planting must reflect the variation in use category and intensity. The larger the variation, the more the planting must serve as a solid screen.
 - c. Particular attention must be given to street frontage landscaping which will visually separate the development from the street, and create a soft edge condition.
 - d. Landscaping shall create a setting which enhances pedestrian use of open space and which provides a sense of place and scale for the proposed development.
 - e. A significant number of trees at least 12 feet to 14 feet in height or two and one-half inches to three inches in caliper, in conformance with the American Standard for Nursery Stock, and predominantly evergreen, must be included in each planted area. Caliper is measured four feet above existing grade. Shrubs at least three and one-half feet in height along a parking area or site perimeter and at least two feet in height at any other location must be interspersed among the trees, and the majority of the remaining area planted with living ground cover so that the ground will be covered in three years.

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- f. Wherever practical and consistent with proposed site design, tree line and existing trees at least six inches in caliper must be retained. Caliper is measured four feet above existing grade. Tree protection techniques, approved by the Technical Committee must be utilized during construction. Where changes in grade have occurred, permanent tree preservation methods, approved by the Technical Committee must be utilized.
- g. The applicant must install street trees at least three inches in caliper along the street frontage. Caliper is measured four feet above existing grade. The location and species installed are subject to approval of the Technical Committee.
- h. The applicant must install interior parking area landscaping equal to at least 10 percent of the area devoted to parking and circulation. Planting areas must be at least 100 square feet and no more than 1,000 square feet. The minimum dimension in any direction is four feet. Each planting area must contain at least one tree combined with shrubs and ground cover which meet the minimum size requirements of paragraph C.2.e of this section.
- i. The provisions of LUC 20.20.520 do not apply in the Evergreen Highlands Design District, except for those requirements contained in LUC 20.20.520.K and L.

[...]

4. Drainage

The applicant must submit a drainage plan consistent with the development standards of the City of Redmond and the City of Bellevue which produce the more protective drainage system as determined by the Redmond Public Works Director and the Bellevue Utilities Director. The use of LID stormwater management techniques is required unless infeasible.

[...]

Part 20.25F1 Factoria 1

20.25F1.070 Sidewalks and Pedestrian Paths

A. Perimeter Sidewalks.

- 1. Minimum Width. The minimum width of perimeter street sidewalks shall be 12 feet inclusive of the planter strip plus six inches for curb, except as necessary to retain mature trees pursuant to paragraph A.2.e below.
- 2. Street Trees And Planter Strip Design.
 - a. Installation. The property owner shall install street trees and planter strips, in addition to any landscaping required by LUC 20.25F1.050, pursuant to the City of Bellevue Environmental Best Management Practices and Design Standards, now or as hereafter amended. Street tree and planter strips shall be irrigated. Appropriate tree species will be determined through the Master Development Plan process.

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- b. Location. The area in which planter strips are installed must be located between the street and the sidewalk unless precluded by existing utilities which cannot reasonably be relocated or as necessary to retain mature trees pursuant to paragraph A.2.e below.
 - c. Design. Required street trees should be placed in predominantly continuous planter strips together with shrubbery, ground cover and other plantings approved by the Director. The area in which street trees are planted must be at least four feet wide by six feet wide. Vegetation approved for a planter strip must be compatible with the F1 Design Guidelines for the development area within which the planter strip is located. A street planter strip may also include decorative paving and other plant materials except turf. Where feasible, bioretention swales and planters may be located within the planter strip.
 - d. Size and Spacing. Large growing deciduous street trees, at least three inches in caliper or as approved by the Director, shall be planted at least three feet from the street curb, and a maximum of 30 feet on center, and shall conform to the sight distance requirements of BCC 14.60.240.
 - e. Mature Tree Retention. The existing mature street trees located on the perimeter street frontages shall be maintained to the extent feasible. Sidewalks and planter strips may be reduced and/or relocated to the back of sidewalk if necessary to accommodate retention of the mature trees.
- B. On-Site Sidewalks.
- 1. Minimum Width. The minimum width of on-site street sidewalks shall be 12 feet inclusive of the street tree planting wells.
 - 2. Street Trees and Plantings.
 - a. Installation. The property owner shall install street trees and plantings, in addition to any landscaping required by LUC 20.25F1.050, pursuant to the City of Bellevue Environmental Best Management Practices and Design Standards, now or as hereafter amended. Street trees and required landscaping shall be irrigated. Appropriate tree species will be determined through the Master Development Plan process.
 - b. Location. Street trees shall be planted in a continuous, rhythmic pattern. Street trees must be located between the street and the sidewalk.
 - c. Design. Required street trees shall be planted in tree pits with grates. The area in which street trees are planted must be at least four feet wide by six feet wide. Where stormwater facilities are used in conjunction with tree pits, removable grates shall be utilized.
 - d. Size and Spacing. Small growing pedestrian-scale deciduous street trees, at least three inches in caliper or as approved by the Director, shall be planted at least three feet from the street curb, and a maximum of 25 feet on center, and shall conform to the sight distance requirements of BCC 14.60.240.

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C. Pedestrian Paths.

1. **Minimum Width.** The minimum width of pedestrian paths shall be 12 feet inclusive of the planter strip. Parking spaces adjacent to pedestrian paths must be designed to ensure that the minimum sidewalk width is maintained free of vehicle encroachments.
2. **Location.** Pedestrian path locations and phasing shall be determined through the Master Development Plan process consistent with the site design guidelines.
3. **Landscape Strips.**
 - a. **Installation.** The property owner shall install trees and plantings, in addition to any landscaping required by LUC 20.25F1.050, pursuant to the City of Bellevue Environmental Best Management Practices and Design Standards, now or as hereafter amended. Tree and planter strips shall be irrigated.
 - b. **Design.** Appropriate tree species and landscaping shall be determined through the Master Development Plan process. Street trees, shrubbery, ground cover and other plantings approved by the Director shall be provided in continuous planter strips along the length of a pedestrian path. The area in which street trees are planted must be at least four feet wide by six feet wide. Vegetation approved for a planter strip must be compatible with the F1 Design Guidelines for the development area within which the planter strip is located. (Ord. 5726, 3-19-07, § 3)

Part 20.25H Critical Areas Overlay District

20.25H.080 Performance standards.

D. General.

Development on sites with a type S or F stream or associated critical area buffer shall incorporate the following performance standards in design of the development, as applicable:

[...]

4. Toxic runoff from new impervious area shall be routed away from the stream.
5. Treated water may be allowed to enter the stream critical area buffer.
6. The outer edge of the stream critical area buffer shall be planted with dense vegetation to limit pet or human use. Preference shall be given to native species.

Part 20.25J Medical Institution District

20.25J.070 Streetscape Design Requirements

A. Sidewalks

[...]

2. **Street Trees and Plantings**
 - a. The property owner shall install street trees and plantings, in addition to any landscaping required by LUC 20.25J.060. Appropriate tree species will be determined

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- through the Master Development Plan or Design Review where Master Development Plan approval is not required.
- b. The area in which street plantings are installed must be located between the street and the sidewalk unless precluded by existing utilities which cannot reasonably be relocated. Required street trees together with shrubbery, groundcover and other approved plantings must be placed in a planter strip along the length of the frontage. Where feasible, bioretention swales and planters may be located within the planter strip. The planter strip must be at least four feet wide unless a smaller strip is approved by the Director. Vegetation included in the planter strip shall be urban in character, shall be compatible with other plantings within the property and along the same street, and shall reflect the character of the area in which they are planted. Designs should prioritize the selection of native plant species.
 - c. Street trees, at least three inches in caliper or as approved by the Director, must be planted at least three feet from the street curb, and a maximum of 25 feet on center, unless upon request of the applicant minor modification of this requirement is approved by the Director, and conforms to the sight distance requirements of BCC 14.60.240. A street tree planting area may also include decorative paving and other plant materials except turf.
 - d. Street trees and plantings shall be irrigated.

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Part 20.30D Planned Unit Development

20.30D.110 Scope.

This Part 20.30D establishes the procedure and criteria that the City will use in making a decision upon an application for a Planned Unit Development.

20.30D.115 Applicability.

- A. This part applies to each application for a Planned Unit Development.
- B. An applicant may submit an application for a Planned Unit Development for a residential or mixed residential and commercial use project.
- C. In no case may a Planned Unit Development include uses which are not permitted by the zoning of the subject property. For purposes of this Part 20.30D, however, a single-family dwelling as defined in LUC 20.50.016 includes dwellings attached by common walls, floors and ceilings. (Ord. 5089, 8-3-98, § 31; Ord. 4972, 3-3-97, § 42; Ord. 4816, 12-4-95, § 141)

20.30D.120 Purpose.

A Planned Unit Development is a mechanism by which the City may permit a variety in type, design, and arrangement of structures; and enable the coordination of project characteristics with features of a particular site in a manner consistent with the public health, safety and welfare. A Planned Unit Development allows for innovations and special features in site development, including the location of structures, conservation of natural land features, protection of critical areas and critical area buffers, the use of low impact development techniques, conservation of energy, and efficient utilization of open space. (Ord. 5682, 6-26-06, § 9)

20.30D.150 Planned Unit Development plan – Decision criteria.

The City may approve or approve with modifications a Planned Unit Development plan if:

- A. The Planned Unit Development is consistent with the Comprehensive Plan; and
- B. The Planned Unit Development accomplishes, by the use of permitted flexibility and variation in design, a development that is better than that resulting from traditional development. Net benefit to the City may be demonstrated by one or more of the following:
 - 1. Placement, type or reduced bulk of structures, or
 - 2. Interconnected usable open space, or
 - 3. Recreation facilities, or
 - 4. Other public facilities, or
 - 5. Conservation of natural features, vegetation and on-site soils, or
 - 5-6. Reduction in hard surfaces, or

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- ~~6.7.~~ Conservation of critical areas and critical area buffers beyond that required under Part 20.25H LUC, or
 - ~~7.8.~~ Aesthetic features and harmonious design, or
 - ~~8.9.~~ Energy efficient site design or building features, or
 - ~~9.10.~~ Use of low impact development techniques; and
- C. The Planned Unit Development results in no greater burden on present and projected public utilities and services than would result from traditional development and the Planned Unit Development will be served by adequate public or private facilities including streets, fire protection, and utilities; and
 - D. The perimeter of the Planned Unit Development is compatible with the existing land use or property that abuts or is directly across the street from the subject property. Compatibility includes but is not limited to size, scale, mass and architectural design of proposed structures; and
 - E. Landscaping within and along the perimeter of the Planned Unit Development is superior to that required by this code, LUC 20.20.520 and landscaping requirements applicable to specific districts contained in Chapter 20.25 LUC, and enhances the visual compatibility of the development with the surrounding neighborhood; and
 - F. At least one major circulation point is functionally connected to a public right-of-way; and
 - G. Open space, where provided to meet the requirements of LUC 20.30D.160.A.1, within the Planned Unit Development is an integrated part of the project rather than an isolated element of the project; and
 - H. The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and
 - I. That part of a Planned Unit Development in a transition area meets the intent of the transition area requirements, Part 20.25B LUC, although the specific dimensional requirements of Part 20.25B LUC may be modified through the Planned Unit Development process; and
 - J. Roads and streets, whether public or private, within and contiguous to the site comply with Transportation Department guidelines for construction of streets; and
 - K. Streets and sidewalks, existing and proposed, are suitable and adequate to carry anticipated traffic within the proposed project and in the vicinity of the proposed project; and
 - L. Each phase of the proposed development, as it is planned to be completed, contains the required parking spaces, open space, recreation space, landscaping and utility area necessary for creating and sustaining a desirable and stable environment. (Ord. 5876, 5-18-09, § 26; Ord. 5682, 6-26-06, § 10; Ord. 4972, 3-3-97, § 48; Ord. 4816, 12-4-95, § 147)

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20.30D.160 Planned Unit Development plan – Conservation feature and recreation space requirement.

A. General.

Within a Planned Unit Development including residential uses:

1. Through the conservation design features included in subsection B of this section, the proposal must earn square footage credit totaling at least 40 percent of the gross land area, which includes any critical area or critical area buffer; and
2. At least 10 percent of the gross land area, which includes any critical area or critical area buffer, of the subject property must be retained or developed as common recreation space as defined by LUC 20.50.044; provided, however, that the requirement for recreation space may be waived if the total of critical area and critical area buffer equals at least 40 percent of the gross land area; and
3. Recreation space as required by subsection A.2 of this section may be included within non-critical area conservation design features required by subsection A.1 of this section if:
 - a. The common recreation space does not interfere with the purposes and functions of the conservation design feature; and
 - b. At least 20 percent of the gross land area is nonrecreation open space. Provided, however, that recreation space may not occur in a critical area or a critical area buffer; and
4. The area of the site devoted to pedestrian trails shall not be included in the required common recreation space unless public trails are specifically required by the City; and
5. An outdoor children’s play area meeting the requirements of LUC 20.20.540 may be included in the above-described common recreation space requirement; and
6. For mixed use projects, the required open and recreation space shall be designed to meet the needs of both the residential and commercial uses.

B. Conservation Design Features.

To satisfy the requirements of subsection A of this section, a proposal shall include any combination of the following factors. The total square footage credit required in subsection A of this section is calculated by multiplying the square footage actually dedicated to the conservation design feature by the conservation factor set forth below. Where noted, certain conservation design features are not eligible to earn square footage credit unless the minimum size requirements are met. After the minimum size requirement is met, each square foot provided may be used to calculate the square footage credit earned by the feature.

Conservation Design Feature	Conservation Factor	Minimum Size of Retained Area Before Credit Earned
Critical area or areas placed in a tract	1.0	

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(connection between isolated critical areas credited as corridor below)		
Preservation of Westside lowland conifer hardwood forest not already in critical area and/or preservation of recommended forest habitat to protect species of local importance	1.2	20,000 sq. ft.
Designated wildlife corridor, trail or other essential connection set aside in a tract	1.2	
Critical area buffer increased by 15% or more and placed in tract	1.2	
Preservation of native soils and mature trees on required open space or combination of preservation with hydrologic enhancement (soil amendment and tree such that vegetative areas are connected to soil below)	1.1	10,000 sq. ft. canopy cover or amended and planted area
Site area set aside in separate tract to achieve bio-retention and runoff dispersion to natural areas or to soil layer below; e.g., community rain garden, downspout dispersion or similar LID techniques. Must serve more than one residence.	1.1	5,000 sq. ft. reserved for rain garden or dispersion
Landscaped or grass open space in separate tract for active or passive recreation but only partially connected to soil below	1.0	2,500 sq. ft. contiguous area
Paved but pervious open space; e.g., court yards and similar facilities	1.0	1,500 sq. ft.
Impervious paved court yards and similar facilities that meet minimum definition of open space	1.0	2,500 sq. ft.
Built Green certification for green communities	1.0	200 points earned under Built Green's "Site Design Criteria." For sites with critical areas, proposal must achieve all of the available points from the open space and habitat preservation sections as part of the total 200 points

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C. Maintenance.

In appropriate circumstances the City may require a reasonable performance or maintenance assurance device in conformance with LUC 20.40.490 to assure the retention and continued maintenance of all open and recreation space or conservation design feature in conformance with the Land Use Code and the Planned Unit Development plan approval. (Ord. 5682, 6-26-06, § 11; Ord. 4972, 3-3-97, § 50; Ord. 4816, 12-4-95, § 149; Ord. 3775, 5-26-87, § 20)

20.30D.165 Planned Unit Development plan – Request for modification of zoning requirements.

The applicant may request a modification of the requirements and standards of the Land Use Code as follows:

A. Density and Floor Area Ratio (FAR).

1. General. The applicant may request a bonus in the number of dwelling units permitted by the underlying land use district or the maximum FAR (see general dimensional requirements contained in LUC 20.20.010, and district-specific requirements contained in Chapter 20.25 LUC.
2. Bonus Decision Criteria. The City may approve a bonus in the number of dwelling units allowed by no more than 10 percent over the base density for proposals complying with this subsection A.2. Base density shall be determined on sites with critical areas or critical area buffers pursuant to LUC 20.25H.045. Base density on all other sites shall be determined based on the gross land area of the property excluding either that area utilized for traffic circulation roads or 20 percent, whichever is less. The bonus allowed by this section may be approved only if:
 - a. The design of the development offsets the impact of the increase in density; and
 - b. The increase in density is compatible with existing uses in the immediate vicinity of the subject property.
3. Senior Citizen Dwelling. An additional 10 percent density bonus may be approved for senior citizen dwellings if the criteria in subsection A.2 of this section are met and if the average dwelling unit size does not exceed 600 square feet.

B. Height.

The applicant may request a modification of height from that allowed by the land use district, provided topography and arrangement of structures does not unreasonably impair primary scenic views (e.g., mountains, lakes, unique skylines) of the surrounding area, as compared to lot-by-lot development. Proposals earning bonus density pursuant to this section or LUC 20.30D.167 may only receive an increase in height if the requirements of subsection A.2 of this section are met, considering the impact of increased height.

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- C. Zero Lot Line. This is a configuration where the house and/or garage is built up to one of the side lot lines, providing the opportunity for more usable space in the opposing side yard.
1. General. The applicant may request a reduction in the required side setback from that required by the land use district and district specific requirements. Zero lot line setbacks are not permitted for side yards along the perimeter of the PUD.
 2. Setback Reduction Decision Criteria. The City may approve a reduction in the setback of up to one side setback. The reduction in side setback shall be approved only if:
 - a. The opposing side setback shall be at least 10 feet.
 - b. In order to maintain privacy, no windows, doors, air conditioning units, or any other types of openings in the walls along the zero lot line wall, except for windows that do not allow for visibility into the side yard of the adjacent lot.

C.D. Other.

The City may approve a modification of any provision of the Land Use Code, except as provided in LUC 20.30D.170, if the resulting site development complies with the criteria of this part. (Ord. 5876, 5-18-09, § 27; Ord. 5682, 6-26-06, § 12; Ord. 5480, 10-20-03, § 24; Ord. 5089, 8-3-98, § 33; Ord. 4972, 3-3-97, § 51; Ord. 4816, 12-4-95, § 150; Ord. 4065, 10-23-89, § 6; Ord. 3690, 8-4-86, § 19)

20.30D.167 Planned Unit Development – Additional bonus density for large-parcel projects.

A. Purpose.

The City desires to offer incentives to property owners to develop multi-unit residential projects with site features and site designs that minimize impacts to critical area functions and values. Many of these techniques are new, and their effectiveness is uncertain. The City desires additional information about the impact of these design techniques and features, to determine the appropriate amount of density bonus and other incentives to offer for their use, and to determine what, if any, design features are required to offset the impact of the increased density. The projects allowed under this section are mechanisms to allow the City to gather such information prior to making additional density available to all projects.

B. Eligible Sites.

Projects will only be authorized on sites of five acres or more.

C. Applicable Procedure.

A project will be approved as part of the PUD approval for the underlying proposal.

D. Additional Bonus.

The City may authorize additional bonus density, up to 30 percent of the base density, for proposals including additional conservation design features above the amount required in LUC 20.30D.160.A. Base density shall be determined on sites with critical areas or critical area buffers pursuant to LUC 20.25H.045. Base density on all other sites shall be determined based on the gross land area of the property excluding either that area utilized for traffic circulation

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roads or 20 percent, whichever is less. Bonus density shall be based on the square footage credit earned divided by the minimum lot size of the underlying land use district. Bonus density may be approved only if the proposal meets the criteria of LUC 20.30D.165.A.2.a and A.2.b. (Ord. 5682, 6-26-06, § 13)

20.30D.170 Planned Unit Development plan – Limitation on authority to modify zoning.

The following provisions of the Land Use Code may not be modified pursuant to LUC 20.30D.165:

- A. Any provision of this Part 20.30D, Planned Unit Development; or
- B. Any provision of LUC 20.10.440, Land Use Chart, and district-specific requirements contained in Chapter 20.25 LUC, except where district-specific requirements would prohibit Zero Lot-Line development, as provided for in section 20.30D.165.C (Zero Lot-Line); or
- C. Any provision of Part 20.25E LUC, the Shoreline Overlay District; however, requests for modifications to the requirements of Part 20.25E LUC, where allowed under the provisions of that part, may be considered together with an application for a Planned Unit Development; or
- D. Any provision of the Land Use Code which specifically states that it is not subject to modification; or
- E. The procedural, enforcement and administrative provisions of the Land Use Code or any other applicable City Code; or
- F. Any provision of Part 20.25H LUC, the Critical Areas Overlay District, except as specifically provided for in that part; however, requests for modifications to the requirements of Part 20.25H LUC, where allowed under the provisions of that part, may be considered together with an application for a Planned Unit Development. (Ord. 5876, 5-18-09, § 28; Ord. 5682, 6-26-06, § 14; Ord. 5089, 8-3-98, § 34; Ord. 4972, 3-3-97, § 52; Ord. 4816, 12-4-95, § 151; Ord. 3775, 5-26-87, § 21)

20.30D.175 Planned Unit Development plan – Authorized activity.

Following approval of the Planned Unit Development plan, the applicant may begin any work that is specifically authorized in the Planned Unit Development approval and is not prohibited by any other applicable regulation. No other work may be done until the final development plan is approved. (Ord. 4972, 3-3-97, § 53; Ord. 4816, 12-4-95, § 152)

20.30D.195 Planned Unit Development plan – Merger with subdivision.

- A. General.
The applicant may request that the City process a preliminary plat in conjunction with a Planned Unit Development plan. Platting is required for all projects which involve or contemplate the subdivision of land.
- B. Procedure.

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The City may review and decide upon a preliminary plat at the same hearing as the preliminary development plan to the extent allowed by such procedures.

C. Plat Requirements.

The preliminary plat must comply with the procedures, standards and criteria of Chapters 20.45A and 20.45B LUC and must conform to the Planned Unit Development plan. (Ord. 5232, 7-17-00, § 12; Ord. 4972, 3-3-97, § 57; Ord. 4816, 12-4-95, § 156)

20.30D.200 Planned Unit Development plan – Effect of approval.

A. Recording Required.

The approval of the Planned Unit Development plan constitutes the City's acceptance of the general project, including its density, intensity, arrangement and design. Upon final Planned Unit Development approval that is not merged with a subdivision, the Development Services Department will forward an approved Planned Unit Development to the King County Department of Records and Elections for recording. No administrative approval of a Planned Unit Development is deemed final until the Planned Unit Development is recorded and proof of recording is received by the Development Services Department. See Chapter 20.45 LUC for recording requirements of Planned Unit Developments merged with subdivisions.

B. Planned Unit Development in the Critical Area Overlay District.

Where a Planned Unit Development within the Critical Area Overlay District is not merged with a subdivision, the Planned Unit Development recorded under this section shall have designated on the face of the final document a Native Growth Protection Easement(s) (NGPE). The NGPE(s) shall contain all critical areas, critical area buffers, and retained significant trees. The final Planned Unit Development shall contain the following restrictions for use, development and disturbance of the NGPE in a format approved by the City Attorney:

1. An assurance that: the NGPE will be kept free from all development and disturbance except where allowed or required for habitat improvement projects, vegetation management, and new or expanded city parks pursuant to LUC 20.25H.055; and that native vegetation, existing topography, and other natural features will be preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, buffering and protecting plants and animal habitat;
2. The right of the City of Bellevue to enter the property to investigate the condition of the NGPE upon reasonable notice;
3. The right of the City of Bellevue to enforce the terms of the NGPE; and
4. A management plan for the NGPE designating future management responsibility. (Ord. 5682, 6-26-06, § 15; Ord. 5481, 10-20-03, § 6; Ord. 4972, 3-3-97, § 58; Ord. 4816, 12-4-95, § 157)

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20.30D.250 Planned Unit Development plan – Phased development.

If developed in phases, each phase of an approved Planned Unit Development must contain the required number of parking spaces, the required open space, recreation space, landscaping, and utility areas necessary to create a desirable and stable environment pending completion of the total Planned Unit Development as approved. Each phase must also contain any of the approved conservation factor project design features necessary to support bonus density constructed in that phase. (Ord. 5682, 6-26-06, § 16; Ord. 4972, 3-3-97, § 68; Ord. 4816, 12-4-95, § 167)

20.30D.255 Planned Unit Development plan – Map designation.

A. General.

Upon approval of the development plan the City will place the file number of the Planned Unit Development on the location of the subject property on the City of Bellevue Zoning Map.

B. Effect.

Redevelopment of property for which a Planned Unit Development has been approved must be consistent with the Planned Unit Development plan and any amendments to that plan. (Ord. 4972, 3-3-97, § 69; Ord. 4816, 12-4-95, § 168)

20.30D.280 Merger with Binding Site Plan.

A. General.

The applicant may request that the site plan approved with the Planned Unit Development constitute a Binding Site Plan pursuant to Chapter 58.17 RCW.

B. Survey and Recording Required.

If a site plan is approved as a Binding Site Plan, the applicant shall provide a recorded survey depicting all lot lines and shall record the approved site plan and survey with the King County Department of Records and Elections. No document shall be presented for recording without the signature of each owner of the subject property.

C. Effect of Binding Site Plan.

Upon the approval and recording of a Binding Site Plan the applicant may develop the subject property in conformance with the approved and recorded Binding Site Plan and without regard to lot lines internal to the subject property. Any sale or lease of lots or parcels within the subject property shall be subject to the approved and recorded Binding Site Plan and the requirements of state law. (Ord. 4972, 3-3-97, § 74; Ord. 4816, 12-4-95, § 173; Ord. 3848, 11-16-88, § 3)

20.30D.285 Amendment of an approved Planned Unit Development.

- A. There are three ways to modify or add to an approved Planned Unit Development: process as a new decision, process as a Land Use Exemption, or process as an administrative amendment.
- B. Except as provided in subsections C and D of this section, modification of a previously approved Planned Unit Development shall be treated as a new application.
- C. Land Use Exemption for a Planned Unit Development.

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The Director may determine that a modification to a previously approved Planned Unit Development is exempt from further review under the administrative amendment process or as a new application, provided the following criteria are met:

1. The change is necessary because of natural features of the subject property; and
 2. The change will not have the effect of significantly reducing any area of landscaping, open space, natural area or parking; and
 3. The change will not have the effect of increasing the density of the Planned Unit Development; and
 4. The change will not add square footage that is more than 20 percent of the existing gross square footage of the Planned Unit Development; and
 5. If an addition or expansion has been approved within the preceding 24-month period, the combined additions will not add square footage that exceeds 20 percent of existing gross square footage of the Planned Unit Development; and
 6. The change will not result in any structure, circulation or parking area being moved significantly in any direction; and
 7. The change will not reduce any approved setback by more than 10 percent; and
 8. The change will not result in a significant increase in the height of any structure; and
 9. The change does not result in any significant adverse impacts beyond the site.
- D. Administrative Amendment of Planned Unit Development.
- The Director may approve modifications to an approved Planned Unit Development as an administrative amendment subject to the procedures set forth in LUC 20.35.200 et seq., if the following criteria are met:
1. The amendment maintains the design intent or purpose of the original approval; and
 2. The amendment maintains the quality of design or product established by the original approval; and
 3. The amendment is not materially detrimental to uses or property in the immediate vicinity of the subject property.
- E. The Director may impose conditions upon any administrative amendment to ensure the proposal complies with the decision criteria and the purpose and intent of the original approval. (Ord. 6197, 11-17-14, § 23; Ord. 5790, 12-3-07, § 2; Ord. 5481, 10-20-03, § 7; Ord. 4972, 3-3-97, § 75; Ord. 4816, 12-4-95, § 174)

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Chapter 20.50 DEFINITIONS

20.50.024 H definitions.

[...]

Hard Surface. An impervious surface, a permeable pavement, or a vegetated roof.

[...]

20.50.032 L definitions.

[...]

Landmark Tree. Certain significant trees are considered landmark trees based on their size, species, condition, cultural/historic importance or age. The Director shall specify thresholds for trees to be considered for landmark status.

20.50.046 S definitions.

[...]

Significant Tree. Any healthy evergreen or deciduous tree, ~~eight six inches or greater~~ in diameter at breast height (DBH) ~~or greater~~, Diameter at breast height shall be measured four and one half feet above existing grade. The Director of the Development Services Department may authorize the exclusion of any tree which for reasons of health, age or site development is not desirable to retain. (Ord. 4973, 3-3-97, § 202; Ord. 4816, 12-4-95, § 302; Ord. 4654, 6-6-94, § 82; Ord. 3498, 5-27-85, § 132)

[...]



MEMORANDUM

DATE: July 19, 2016

TO: Chair Capron and Members of the East Bellevue Community Council

FROM: Catherine A. Drews, Assistant City Attorney, 425-452-6134

SUBJECT: Discussion of Ordinance No. 6296 adopting official interim zoning controls prohibiting medical marijuana cooperatives and marijuana research uses, and imposing civil penalties for certain violations of the Medical Cannabis Act for a six-month period with the City drafts, considers, holds hearings and adopts permanent zoning regulations.

INTRODUCTION

On August 2, the East Bellevue Community Council (EBCC) will hold a public hearing to consider Ordinance No. 6296 which prohibits medical marijuana cooperatives and marijuana research uses, and imposing civil penalties for certain violations of the Medical Cannabis Act. The City Council adopted Ordinance 6296 and held the required public meeting on June 2016. A copy of Ordinance No. 6296 is included as Attachment A to this memorandum. The ordinance is not effective within the EBCC area until the EBCC votes to approve the ordinance or the EBCC fails to disapprove the ordinance within 60 days following its enactment by the City Council. LUC 20.35.450.A.

DISCUSSION

Council initially adopted interim regulations in 2013 to address the amendment to the state medical cannabis law, which, in part, allowed the establishment of medical marijuana collective gardens. Council's goal was to provide patients access to medical cannabis, while preserving neighborhood character. This was achieved by ensuring marijuana collective gardens were prohibited in residential neighborhoods. This trend of allowing access but ensuring that marijuana uses were not allowed in residential neighborhoods continued with the passage of I-502 and Council's adoption of interim regulations addressing recreational marijuana. In 2013, Council adopted project principles to guide the development of permanent marijuana regulations which are provided in Attachment B.

2015 CHANGES IN STATE LAW

At the July 6, 2015, Study Session, staff presented Council with information on three marijuana bills, the Cannabis Patient Protection Act (2SSB 5052), HB 2136 (Revenue Sharing); and HB 5121 (establishing a marijuana research license). The three new bills established the regulatory mechanism for medical marijuana, marijuana taxation, and revenue sharing, and refinements to the marijuana regulatory provisions. The bills also included new three new provisions of interest to the City: medical cannabis cooperatives; marijuana research licenses; and the authority to impose civil penalties

and undertake abatement actions for certain violations of the Medical Cannabis Act. A description of the three new provisions and Council's response follows.

Medical Marijuana Cooperatives. The Medical Cannabis Act allows up to four qualifying patients or their designated providers to share resources to grow medical marijuana. The cooperative must be registered with the LCB, may only be located *in the domicile* of one of the members, and cannot be located within one mile of a retail marijuana store. Cities are specifically authorized to prohibit cooperatives. This provision became effective on July 1. Consistent with prior Council action to provide access to medical marijuana while preserving neighborhood character, Ordinance No. 6296 prohibits cooperatives, which under state law are allowed only in residential neighborhoods. Factors influencing the Council's decision to prohibit marijuana cooperatives include the ability for patients to now access medical marijuana in retail marijuana stores and the ability to grow medical marijuana for their own use.

Marijuana Research Uses. In 2015, the legislature approved a new marijuana research license. This license would allow the holder to produce, process, and possess marijuana for limited research purposes (chemical potency and composition, efficacy and safety, clinical investigations of marijuana-derived drug products, or to conduct genomic or agricultural research). Licensed marijuana researchers may partner with the University of Washington or Washington State University to conduct research. Marijuana grown by a researcher may only be sold to other licensed marijuana researchers. Factors influencing the Council's decision to prohibit the use include the lack of program information from the state and the fact the City has not received any inquiries regarding this use. Council may reconsider this use in the future if program information becomes available and the City receives a request to site the use in the City.

Civil Penalties. Under the Act, jurisdictions are allowed to create and enforce civil penalties, including abatement procedures, for the growing or processing of medical marijuana and the keeping of marijuana plants beyond or otherwise not in compliance with the law. The Act provides that marijuana may only be grown where it cannot be seen or smelled. Creating and enforcing civil penalties and abatement procedures would require enforcement by the City's code enforcement division and establishment of an abatement fund. Council approved adding these civil enforcement provisions to provide an additional tool in the compliance tool box. Factors influencing this decision include allowing code compliance to work with citizens to first educate alleged violators, then initiate enforce when necessary. This provision will also assist the Bellevue Police Department by allowing code compliance to first respond to these types of calls. Code compliance would elevate any appropriate enforcement issues to the Bellevue Police Department.

ACTION REQUESTED OF THE EAST BELLEVUE COMMUNITY COUNCIL

Following review of Ordinance No. 6296, vote to approve Resolution No. 557 so that Ordinance 6296 becomes effective within the jurisdiction of the EBCC. Staff will be present at the August 2, 2016 hearing to answer any questions you may have.

Please contact me at 425-452-6134 or at cdrews@bellevuewa.gov if you have any questions before the August 2 meeting.

Exhibit A: Ordinance No. 6296

Exhibit B: Council Approved Planning Principles

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6296

AN ORDINANCE of the City of Bellevue, Washington, 1) adopting interim official zoning controls prohibiting medical marijuana cooperatives, marijuana research uses; 2) imposing civil penalties and abatement actions for violations of certain provisions of Chapter 69.51A RCW for a period of six months, to be in effect while the City drafts, considers, holds hearings and adopts permanent zoning regulations; 3) setting an effective date; and 4) scheduling a hearing on the maintenance of the interim zoning ordinance.

WHEREAS, in 2011, Washington adopted E2SSB 5073 amending Chapter 69.51A RCW (the Medical Cannabis Act), which in part authorized collective gardens that allowed certain qualifying patients to produce, grow, and deliver marijuana for medical use; and

WHEREAS, the City of Bellevue adopted an interim zoning control (Ordinance No. 6058) on May 7, 2012, prohibiting medical marijuana collective gardens from all land use districts except the General Commercial, Light Industrial, Bel-Red General Commercial, and Medical Institution Land Use Districts; and

WHEREAS, Washington voters approved Initiative 502 (I-502) on November 6, 2012. In relevant part, I-502 legalized the possession of small amounts of marijuana and marijuana-related products for persons age 21 and older, and directed the Washington State Liquor Control Board (LCB) to develop and implement rules to regulate and tax recreational marijuana producers, processors, and retailers by December 31, 2013; and

WHEREAS, the LCB rules became effective on November 16, 2013, and the LCB began accepting license applications for recreational marijuana uses beginning November 18, 2013; and

WHEREAS, on December 2, 2013, the Bellevue City Council approved project principles to guide the development of permanent regulations for marijuana uses that emphasized protecting neighborhood character by prohibiting marijuana uses in residential neighborhoods; and

WHEREAS, the LCB initially allocated four recreational marijuana retail licenses for the City of Bellevue, and there are no limits on the number of recreational marijuana producer and processor licenses to be issued; and

WHEREAS, after substantial work done by its Planning Commission and taking into consideration public testimony for and against permitting recreational marijuana production, processing and retail uses, the City of Bellevue adopted permanent regulations on August 3, 2015 in Ordinance No. 6253 (which is codified in Bellevue Land Use Code Chapter 20.20.535) providing for regulation of these businesses as permitted uses in the City of Bellevue, and prohibiting all marijuana uses from single-family and multi-family land use districts (R-1 through R-30; DNTN-R; BR-R); and

WHEREAS, there are currently three recreational marijuana retail businesses operating in the City of Bellevue located in separate subareas throughout the City and the City has not received complaints that residents have been unable to procure marijuana products due to unavailability from these retail outlets; and

WHEREAS, in July 2015, Washington State Legislature 2SSB 5052 went into effect, which authorized medical marijuana cooperatives; authorized jurisdictions to adopt civil penalties and abatement procedures for violations for growing, processing and possessing more than the allowed number of medical marijuana plants or medical marijuana; renamed the Liquor Control Board the "Liquor and Cannabis Board"; and directed the LCB to develop new regulations providing for alignment of the medical cannabis and recreational marijuana sales industries; and

WHEREAS, some of the recreational marijuana retail businesses in Bellevue have applied for medical marijuana endorsements with the LCB, which, if granted, will allow these businesses to sell medical marijuana in the city; and

WHEREAS, in July 2015, Washington State Legislature SB 5121 went into effect, establishing a marijuana research license and directing the LCB to establish rules for marijuana research uses; and

WHEREAS, in July 2015, Washington State Legislature 2E2SHB 2136 went into effect authorizing jurisdictions to prohibit the siting of medical marijuana cooperatives; and

WHEREAS, the provision in 2SSB 5052 authorizing medical marijuana cooperatives (which is codified at RCW 69.51A.250) and authorizing civil penalties and abatement procedures becomes effective on July 1, 2016; and

WHEREAS, the Bellevue City Code does not contain provisions for the civil enforcement and abatement of violations for the growing and possession, of medical marijuana consistent with 2SSB 5052 (which is codified at RCW 69.51A.260); and

WHEREAS, the establishment of medical marijuana cooperatives and marijuana research uses if applicable in Bellevue may allow new uses that are incompatible with nearby existing land uses and lead to erosion of community character and harmony; and

WHEREAS, marijuana is still classified as a schedule I controlled substance under federal law and crimes related to marijuana remain subject to prosecution under federal law; and

WHEREAS, On August 29, 2013, the United States Department of Justice, Office of the Attorney General ("DOJ"), released updated guidance regarding marijuana enforcement. The guidance reiterates that the DOJ is committed to using its limited investigative and prosecutorial resources to address the most significant threats to public safety related to marijuana crimes in "the most effective, consistent, and rational way." The guidance directs federal prosecutors to review potential marijuana-related charges on a case-by-case basis and weigh all information and evidence, including whether the operation is demonstrably in compliance with a strong and effective state regulatory system and if the conduct at issue implicates one or more of the eight stated federal enforcement priorities. The DOJ appears to not differentiate application of the guidance between medical cannabis and recreational marijuana; and

WHEREAS, despite providing the updated guidance in 2013, the DOJ continues to investigate and prosecute certain marijuana crimes under federal law, including prosecution of medical marijuana growers and dispensaries; and

WHEREAS, pursuant to RCW 36.70A.390, a public hearing must be held within 60 days of the passage of this ordinance; and

WHEREAS, establishment of interim regulations of six months in duration for banning the establishment of medical marijuana cooperatives and marijuana research uses and imposing civil penalties and abatement procedures will prevent substantial change until the land areas and the text of development standards applicable to marijuana uses is reviewed, and any needed revisions are made to city codes; now, therefore,

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

Section 1. Interim Regulation Adopted. Medical marijuana cooperatives authorized under RCW 69.51A.250 (now or as hereafter amended), are prohibited in the City of Bellevue.

Section 2. Marijuana research uses as authorized under RCW 69.50.372, now or as hereafter amended, are prohibited in the City of Bellevue.

Section 3. Civil Penalties and Abatement. Violation of RCW 69.51A.260 (now or as hereafter amended) shall constitute a civil violation as provided for in Chapter 1.18 BCC, for which a monetary penalty may be assessed and abatement may be required as provided therein. Civil enforcement under Ch. 1.18 BCC does not preclude the City from enforcement under the Penal Code, BCC Title 10.

Section 4. Duration and Scope of Interim Regulations. The interim regulations imposed by this ordinance shall become effective on the date herein, and shall continue in effect for an initial period of sixty (60) days, unless repealed, extended, or modified by the City Council after subsequent public hearings and the entry of additional findings of fact pursuant to RCW 35A.63.220.

Section 5. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council shall hold a public hearing on this ordinance within sixty (60) days of its adoption, or no later than August 19, 2016, so as to hear and consider public comment and testimony regarding this ordinance. Following such hearing, the City Council may adopt additional findings of fact, and may extend the interim regulations for a period of up to six (6) months. If a period of more than six months is required to complete consideration of any changes to city codes, the Council may adopt additional extensions after any required public hearing, pursuant to RCW 35A.63.220 and RCW 36.70A.390.

Section 6. Permanent Regulations. The City Council hereby directs the staff to develop for its review and adoption permanent regulations to adopt the interim regulations adopted herein, and to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 7. Severability. Should any provision of this ordinance or its application to any person or circumstance be held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 8. Effective Date. This ordinance shall take effect and be in force five (5) days after adoption and publication.

ORIGINAL

Passed by the City Council this 20th day of June, 2016 and signed in authentication of its passage this 21st day of June, 2016.

(SEAL)



John Stokes, Mayor


Approved as to form:

Lori M Riordan, City Attorney



Catherine A. Drews, Assistant City Attorney

Attest:



Kyle Stannert, City Clerk

Published June 23, 2016.

**Project Principles for the
Regulation of Recreational Marijuana Producers, Processors, and Retailers
Approved by the Bellevue City Council**

December 2, 2013

1. Bellevue Appropriate. Bellevue will establish appropriate land use zones for recreational marijuana producers, processors, and retailers (“recreational marijuana uses”). To the extent permitted, Bellevue will establish performance standards consistent with applicable provisions of Chapter 69.50 RCW and Chapter 314-55 WAC, now or as hereafter amended, that ensure these business represent the community values and goals set forth in the City’s Comprehensive Plan.
2. Neighborhood Character is Protected. Recreational marijuana uses shall not be located in residential land use districts. Recreational marijuana uses shall be separated by 1,000 feet from elementary or secondary schools (public or private), playgrounds, recreation center or facility; child care center; public park; public transit center; library; and game arcade where admission is not restricted to persons age twenty-one or older, or a medical cannabis collective garden. Recreational marijuana use shall use appropriate ventilation to ensure abutting uses or properties are not impacted by odor.
3. Security Measures are Required. Recreational marijuana uses must have sufficient security measures to protect the public. Recreational marijuana uses must conform to state requirements for security and secure usable marijuana consistent with state pharmacy requirements for securing controlled substances.
4. Regulations are Specific and Understandable. The permanent regulations should be specific about the requirements to locate and operate recreational marijuana uses so that qualified licensees understand what is expected under the regulation.
5. Administration and Enforcement is Straightforward. Ensure regulations are capable of being administered and enforced. Development Services and the Bellevue police department should collaborate in matters of approval of license applications and renewals and where appropriate, enforcement.
6. The Outcome is in Conformance with Applicable Law. The establishment and operation of recreational marijuana uses must conform with, and not frustrate, the purpose of state law. Recreational marijuana uses must conform to the applicable requirements of Chapter 69.50 RCW and Chapter 314-55 WAC, now or as hereafter amended.
7. Processing of the Amendment is Inclusive. The code amendment process for recreational marijuana uses should seek and include input from a wide range of stakeholders.

**EAST BELLEVUE COMMUNITY MUNICIPAL CORPORATION
OF THE CITY OF BELLEVUE, WASHINGTON**

Resolution No. 557

A RESOLUTION of the East Bellevue Community Council approving City Council Ordinance No. 6296, 1) adopting interim official zoning controls prohibiting medical marijuana cooperatives, marijuana research uses; 2) imposing civil penalties and abatement actions for violations of certain provisions of Chapter 69.51A RCW for a period of six months, to be in effect while the City drafts, considers, holds hearings and adopts permanent zoning regulations; 3) setting an effective date; and 4) scheduling a hearing on the maintenance of the interim zoning ordinance.

WHEREAS, on the 20th day of June 2016, the City Council of the City of Bellevue, Washington passed Ordinance No. 6296, 1) adopting interim official zoning controls prohibiting medical marijuana cooperatives, marijuana research uses; 2) imposing civil penalties and abatement actions for violations of certain provisions of Chapter 69.51A RCW for a period of six months, to be in effect while the City drafts, considers, holds hearings and adopts permanent zoning regulations; 3) setting an effective date; and 4) scheduling a hearing on the maintenance of the interim zoning ordinance; and

WHEREAS, the subject matter of said Ordinance falls within the jurisdiction of the East Bellevue Community Council pursuant to RCW 35.14.040; and

WHEREAS, following the public hearing held before the East Bellevue Community Council on August 2, 2016, the Community Council voted to approve Bellevue Ordinance No. 6296;

NOW, THEREFORE, BE IT RESOLVED by the Community Council of the East Bellevue Community Municipal Corporation of the City of Bellevue:

Section 1: Ordinance No. 6296 of the Bellevue City Council is hereby approved.

Section 2: The Clerk is hereby directed to certify the original of this Resolution, to file the same and to keep the same on file in her office. The Clerk is further directed to distribute certified and conformed copies of the Resolution to the Bellevue City Council, the Planning Department, and the Development Services Department.

Passed by a majority vote of the East Bellevue Community Council on the 2nd day of August, 2016, and signed in authentication of its passage this 2nd day of August, 2016.

(Seal)

William Capron, Chair

ATTEST

Charmaine Arredondo
Deputy City Clerk

East Bellevue Community Council
Summary Minutes of Regular Meeting

June 7, 2016
 6:30 p.m.

Lake Hills Clubhouse
 Bellevue, Washington

PRESENT: Chair Capron, Vice Chair Hummer, and Councilmembers Gooding, Hughes, and Kasner

ABSENT: None.

STAFF: None.

1. **CALL TO ORDER**

The meeting was called to order at 6:31 p.m. with Chair Capron presiding.

2. **ROLL CALL**

The Deputy City Clerk called the roll. All Councilmembers were present.

3. **FLAG SALUTE**

Chair Capron led the flag salute.

4. **COMMUNICATIONS: WRITTEN AND ORAL**

Keri Pravitz, Community Projects Manager, Puget Sound Energy (PSE), provided an update on the Energize Eastside project and the two new route options that bypass the East Bellevue Community Council jurisdiction. She reiterated PSE's invitation to meet with EBCC members, noting that Councilmember Kasner met with PSE staff, and Councilmember Hughes has scheduled a meeting for the near future.

Ms. Pravitz said PSE prefers to build the line along the existing utility corridor. However, it lies within the EBCC boundaries. She said the project is needed to serve Bellevue and other Eastside cities. She said PSE wants the community to understand the costs and impacts associated with the bypass routes.

Ms. Pravitz said the routes are located along SR 520 and wind through the BelRed corridor, Lake Bellevue, the Wilburton neighborhood, and Kelsey Creek Park area before rejoining the existing corridor to South Bellevue. Ms. Pravitz said PSE strongly prefers the Willow 2 route along the existing corridor because it presents the fewest impacts. She said it is important to keep the Energize Eastside project on schedule. PSE looks forward to continuing to work with the City of Bellevue, EBCC, and other Eastside communities to provide reliable power into the future. She

said PSE would like to meet with EBCC members individually and to provide an update during the August EBCC meeting.

5. REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS

(a) Community Council Business and New Initiatives

Chair Capron said he invited PSE to provide a presentation for the August EBCC meeting, but he prefers to not meet privately. He would like information to be shared in a public meeting. He noted an article in the *Bellevue Reporter* indicating that the EBCC initiated legal action and makes arbitrary decisions. He clarified that the EBCC did not start legal action and does not make arbitrary decisions. Mr. Capron said he contacted the reporter to let him know that he was not aware of any efforts to contact Chair Capron or other EBCC members. The reporter said he attempted to contact Councilmember Kasner.

Councilmember Kasner reported that he met with PSE staff and he would like to add an agenda item later to respond to the *Bellevue Reporter* article. He said Ms. Pravitz addressed the article before the City Council the previous evening.

Mr. Kasner said he was charged by the EBCC to work on future Capital Investment Program (CIP) projects within the community council's boundaries. He attended the Transportation Commission meeting and conveyed the EBCC's lack of support for the SE 16th Street project. He attended the May 21 neighborhood leaders conference sponsored by the City.

Mr. Kasner said he met with Dan Stroh, Planning Director, to talk about future subarea planning. He learned that the process will not begin for 6-9 months, and Northtowne will be the first area to be studied. Mr. Kasner said he has scheduled a meeting with Terry Cullen, the City's new Comprehensive Planning Manager. He met with Jim Maloney of Cosmos Development Company regarding the upcoming grand opening celebration at Lake Hills Village.

Mr. Kasner said he and Councilmember Hughes attended the Lake Hills Neighborhood Association meeting, which included a discussion about the neighborhood picnic on July 23. Mr. Kasner said he attended the most recent Movies that Matter night, and he met Police Chief Steve Mylett at the June 6 City Council meeting.

Councilmember Hughes said he attended the Planning Commission meeting, which included a discussion about a potential development site behind the Mormon Temple on 148th Avenue SE. He noted that the site includes a nesting area for Great Horned Owls.

Mr. Hughes said he has been coordinating with the local Islamic community to identify opportunities for networking and education.

Mr. Hughes expressed concern that low-income families at Highland Village, including 85 students in Bellevue schools, will be evicted this fall for redevelopment of the site.

Councilmember Hummer reported that she attended a meeting of the King Country Metro Long-Range Plan Community Advisory Group, of which she is a member. She referred the public to www.kcmetrovision.org for more information, including an interactive map demonstrating the long-range plan.

Councilmember Hummer said she attended the Low Impact Development (LID) community meeting in the Lakemont neighborhood. She attended a meeting coordinated by the City of Bellevue at Bellevue College to provide the opportunity for residents to meet the architect and builder of new student housing. The first of three proposed buildings will be built in the north parking lot.

Ms. Hummer encouraged the public to check the legal notices in *The Seattle Times* sports section for notices regarding public hearings and meetings. She referred residents to www.nextdoor.com as a resource to access and share neighborhood and community information. Ms. Hummer said Mindy Garner, a local realtor, supplied the signs placed on Lake Hills Boulevard to publicize the EBCC meetings.

Referring to the article in the *Bellevue Reporter* about the Energize Eastside project, Ms. Hummer said the East Bellevue Community Council took no legal action against Puget Sound Energy and did not arbitrarily deny PSE's permit application. Ms. Hummer invited PSE representatives to provide comments during the oral communications agenda item at EBCC meetings. She prefers to not meet with PSE individually.

Councilmember Hummer invited the public to contact her via EBCC@bellevuewa.gov with any questions, suggestions, or concerns and/or to meet with her. She referred the public to the City's web site for more information on the EBCC as well. She said residents may sign up for email alerts regarding Boards, Commissions, the weekly permit bulletin, and other topics.

Councilmember Gooding said he has been busy traveling and working.

Councilmember Hughes said the deadline for applying for the next Bellevue Essential class is July 15. Classes are held once a week for eight weeks in the fall. He said the course was both informative and fun, and each City Councilmember attends one of the classes to meet the participants and share information.

6. **APPROVAL OF AGENDA**

Councilmember Kasner moved to revise Agenda Item 8(b) to change "Administrative Conditional Use Permit" to "Design Review." Chair Capron seconded the motion, which carried unanimously.

Councilmember Kasner moved to add Agenda Item 12(e), Grand Opening Ceremony at Lake Hills Village. Councilmember Hughes seconded the motion, which carried unanimously.

The agenda was approved, as amended, by consensus.

7. **DEPARTMENT REPORTS:** None.

8. PUBLIC/COURTESY HEARINGS**(a) Courtesy Hearing regarding Kelsey Creek Building E Design Review**

Liz Stead, Urban Design Planning Manager, provided an update on the Kelsey Creek Building E project. The project involves a design review application and SEPA (State Environmental Policy Act) review. The building is in the northwest corner of Kelsey Creek Shopping Center and will include a medical office and retail space. The City will accept public comment until the Director issues a decision in approximately two months, at the earliest. There will be a two-week comment and appeal period following the decision.

Brian Franklin, PMF Investments, said the site was acquired last year and the company has worked with the EBCC to develop a project that can be supported by the community.

Michael Chen, Project Manager with Mackenzie, described the project, which is designed for two tenant spaces (i.e., medical and commercial) and includes 26 parking spaces. The project will utilize the existing driveways off Main Street and 148th Avenue. Mr. Chen presented and described drawings of the building and site. He said Mackenzie is working with the City's Transportation Department to address potential egress modifications.

Councilmember Hughes moved to open the courtesy hearing. Councilmember Hummer seconded the motion, which carried by a vote of 5-0.

Ken Seal expressed concern that the access point south of the building is too close to the corner, and that drivers might attempt a left turn onto 148th Avenue to go south.

Dwight Friesen thanked Community Councilmembers and everyone else involved in moving the project forward. He questioned the project timeline and whether it would be possible to provide interim activities at the corner.

Mr. Franklin said the project is in the design review phase with the City. Construction is anticipated to begin this year, with the businesses tentatively opening in March. He opined it would not be feasible to have a temporary use on the site.

Chair Capron thanked Ms. Stead for attending the meeting. Councilmember Hummer concurred and encouraged residents to take the opportunity to meet City staff and elected officials who attend the EBCC meetings. She said City Councilmember Robertson is the Council liaison to the EBCC.

Graham Siebe expressed concern about the traffic at the shopping center at the intersection of 148th Avenue and Main Street, noting that cars are cutting through the apartment complex parking lot.

Chair Capron said the traffic light replacement in the near future should help to better manage the traffic at the intersection. He observed that the shopping center generates a small percentage of the overall traffic flow on 148th Avenue.

Councilmember Kasner said he hopes that traffic and pedestrian impacts will be fully analyzed as part of the project review.

Councilmember Hughes encouraged visitors to the shopping center to use the driveway farther from 148th Avenue, which generally has light traffic usage.

Ms. Stead said the City will conduct a traffic analysis as part of the project process.

Chair Capron closed the courtesy hearing.

(b) Courtesy Hearing regarding Highland Village Townhomes Design Review

David Wong, Associate Land Use Planner, said the Highland Village Townhomes project involves a SEPA review and design review. The comment period is currently open and closes when the decision is issued. After the decision, there is a two-week appeal period.

Anna Thompson, Milbrandt Architects, said the site is located at NE 8th Street and 146th Avenue NE, and there are currently 12 residential buildings. The developer proposes a development of 19 buildings containing three to six units each. Ms. Thompson described the project elements, including the Northwest contemporary style buildings. The maximum building height is 30 feet.

Councilmember Hummer moved to open the courtesy hearing. Councilmember Kasner seconded the motion, which carried unanimously.

Responding to Irene Fernandes, Ms. Thompson said the housing units will be townhomes.

Scott Cates said he lives adjacent to the site. He is encouraged about the transformation of the rental property into private homes, which he believes will have a positive impact on surrounding property values. He expressed concern regarding privacy because the buildings will be taller and overlooking his yard.

Ms. Thompson said the City requires a transition zone, which is proposed as a 30-foot landscape buffer and screening. She said there will be only one unit facing his property.

Mr. Wong said the code requires plantings that create a storied effect with vegetation of different heights.

Mr. Cates questioned the plan for underground garages. Ms. Thompson said the goal is to eliminate surface parking and to optimize the use of the land.

Sarah Matthews said there have been concerns from current residents about the project. She said her best friend lives in the apartment complex with several family members in a one-bedroom apartment. The family is having a difficult time finding another affordable place to live.

Lis Soldano, Intracorp, said the residents have not yet been given notice to vacate the property.

Councilmember Hughes said there are few remaining affordable apartments in Bellevue. He expressed concern about the nearly 100 Bellevue School District students and their families who will be displaced. He said the City Council is beginning to develop an affordable housing strategy, and this is unfortunate timing with few or no affordable options. He said Bellevue College students also live in the apartments. Mr. Hughes said he is very concerned about the current residents.

Ms. Soldano said Intracorp has reached out to residents and provided a relocation specialist to help the individuals find affordable housing. She offered to provide contact information to residents who would like to meet with the specialist.

Paul Bell questioned whether the City's review process considers whether affordable housing can be replaced in another part of Bellevue. Mr. Wong said that is not part of the review process. However, he noted that A Regional Coalition for Housing (ARCH) has information on affordable housing units on the Eastside.

Councilmember Kasner said he is not comfortable with his neighbors leaving. He questioned whether there is an affordable housing component to the project. He opined that the project should be phased to allow individuals to move out gradually, and that it should include affordable units.

Responding to Councilmember Hughes, Ms. Soldano said Intracorp does not yet own the property and has not issued eviction notices. The current property owner also has not issued eviction notices. Intracorp is in the permitting and design review process.

Chair Capron noted that the courtesy hearing is focused on the project's design review, and the residents will work with the developers and others to resolve housing needs.

Responding to Councilmember Hummer, Mr. Wong said the City does not require affordable housing units as part of the project.

Ken Seal noted that the City does not control the housing market and does not own any affordable or subsidized housing.

Veronica Lechler, a Highland Village resident, said she received a letter indicating that the sale of the property would close in November.

Councilmember Kasner questioned the timing of the design review process and comment period.

Mr. Wong said the current comment period will close when the permit decision is issued, which is anticipated to occur in 2-4 months. He invited the public to call or email comments to him. Mr. Wong noted the City's heavy workload with current development and said the Highland Village

review will be fairly extensive as well. After the decision is issued, there will be a two-week appeal period.

In further response to Mr. Kasner, Mr. Wong said the property is currently zoned as R-20 (20 units per acre). Mr. Wong said design review does not address affordable housing unless it is proposed by the applicant. He said the permit is resolved by the Director's decision and does not go before the City Council.

Mr. Kasner said he would like a report of the timeline and where people can go to provide comments before and during design review.

Hearing no further comments, Chair Capron closed the courtesy hearing.

At 8:02 p.m., Mr. Capron declared a brief recess. The meeting resumed at 8:10 p.m.

(c) Courtesy Hearing regarding Eastgate Land Use Code Amendments

Trish Byers, Code Development Manager, provided the staff report on the Eastgate Land Use Code Amendments.

Responding to Chair Capron, Ms. Byers said two rezone parcels included in the amendments are in the EBCC jurisdiction. She announced an open house regarding the overall Eastgate Land Use Code Amendments to be held June 8. Three new districts are proposed to realize the Eastgate/I-90 Land Use Citizen Advisory Committee's (CAC) vision reflected in its report published in 2012.

Responding to Councilmember Kasner, Ms. Byers said the two parcels in the EBCC area are the Champion Center and the Shell Gas Station on 148th Avenue SE.

Continuing, Ms. Byers said the three districts proposed for the Eastgate area are transit-oriented development (Mixed Use), office and limited business (OLB 2) with neighborhood amenities such as dry cleaners and restaurants, and the neighborhood mix use (NMU) district at Eastgate Plaza where Albertson's grocery store is located.

Ms. Byers said Comprehensive Plan Amendments to enable the implementation of the land use plan were adopted in 2015. Needed transportation plan amendments are included in the 2016-2027 Transportation Facilities Plan (TFP) and in the 2015-2021 Capital Investment Program (CIP) Plan. She said the Planning Commission discussed the Land Use Code amendments during 10 meetings over 2015 and 2016.

Ms. Byers said tomorrow's open house would be held at City Hall from 5:00-7:30 PM. A public hearing on the Land Use Code amendments is scheduled for 6:30 PM on June 22 at Bellevue College, Room N-201.

The Champion Center is currently in the Professional Office zone, and the Shell station is in the Neighborhood Business (NB) district. Both are proposed to be rezoned to Community Business (CB). The CAC determined that it was important for Bellevue College to develop a more visible

entrance to the campus on 148th Avenue SE. The Champion Center requested the zoning change to accommodate its existing coffee shop.

Responding to Councilmember Kasner, Ms. Byers said Bellevue College officials support the proposed rezone.

Ms. Byers said the Community Business zone serves community markets and provides areas for the location of services and retail outlets, other than the Downtown. The Professional Office zone provides areas for low-intensity office uses. The Neighborhood Business zone is a small-scale mixed use commercial area with housing, retail and service businesses. The CB designation will allow more types of uses.

Ms. Byers said the OLB 2 designation anticipated for the Eastgate Plaza area allows an area of integrated complexes of offices, hotels/motels, eating and drinking establishments, and retail sales. The maximum building height is 75 feet and the floor-area ratio (FAR) is proposed at 1.0. The current FAR for the area is 0.5, and OLB districts do not include housing. However, the proposed NMU district provides a mix of retail, services, office and residential uses. The building height and FAR are the same as the OLB district. Ms. Byers said the CAC recommended adding pedestrian and bike facilities to the Eastgate area to provide connectivity and to balance the current automobile usage.

Responding to Councilmember Kasner, Ms. Byers said the Eastgate TOD is very different than the planned BelRed TOD nodes to meet the unique needs of each area. The Eastgate TOD proposes a 2.0 FAR and a maximum 160-foot building height. The FAR could be increased to 3.0 for developments including affordable housing, open space, or public restrooms. Parking garages are limited to a height of 45 feet.

Responding to Councilmember Kasner, Ms. Byers said a decision has not yet been made about whether the greenway included in the Eastgate Land Use Plan will be on the north or south side of I-90.

Ms. Byers said she would be back to provide an update as the project moves forward.

Councilmember Hummer moved to open the courtesy hearing. Councilmember Hughes seconded the motion, which carried unanimously.

Responding to Ms. Hummer, Ms. Byers said the transition area around Eastgate Plaza could shorten building heights compared to the rest of the site. In further response, Ms. Byers said the changes would allow a broader range of uses at the Shell station and Champion Center sites. The land use plan does not affect the Bellevue College campus.

Responding to Paul Bell in the audience, Ms. Byers said housing would be allowed in the Eastgate Plaza TOD and potentially in the NMU district if it is redeveloped.

Chair Capron said he would like to see the change for the Champion Center site to accommodate its coffee shop as a permitted use. He expressed support for an enhanced gateway to Bellevue College as well.

Responding to Alice Wang, Ms. Byers said marijuana business uses will not be allowed in any of the land use districts included in the Eastgate Plan.

Seeing no one else wishing to speak, Chair Capron closed the hearing.

- (d) Public Hearing to consider emergency Ordinance No. 6286 regarding Interim Zoning Controls regulating Recreational Marijuana Retailers.

Catherine Drews, Assistant City Attorney, reported that City Council Ordinance No. 6286 adopted on June 7 established interim zoning controls limiting the number of marijuana retailers to one in each of the following subareas: BelRed, Crossroads, Downtown, Wilburton, Eastgate and Factoria. The ordinance also requires a 100-foot separation between a marijuana retailer and a residential zone. A public hearing on Ordinance No. 6286 is scheduled for June 20, 2016 before the City Council.

Councilmember Hummer moved to open the public hearing. Councilmember Hughes seconded the motion, which carried unanimously.

Responding to Councilmember Kasner, Mr. Drews said there are no sites within the East Bellevue jurisdiction that would allow a marijuana business.

Alice Wang, representing Parents Against Marijuana Near Schools (PAMNS), expressed support for the ordinance.

Paul Bell said Bellevue College receives federal funding and marijuana usage is not allowed on campus or at college events.

Yumin Li questioned why the 100-foot separation is not wider. Ms. Drews said the interim ordinance is in place for six months, and staff will study the appropriate distance of the separation. She was not involved in proposing the 100-foot distance but said it could be based on the 100-foot transition zone between other uses. She said there are very few sites adjacent to residential zones.

Responding to Dwight Friesen, Ms. Drews said there are three marijuana producer-processors and three stores operating in Bellevue. She said there are currently two applications under review by the State Liquor Cannabis Board and the City, but no permits have been issued.

Councilmember Kasner encouraged the City Council to adopt permanent regulations without extending the interim controls for six additional months. Chair Capron concurred.

Hearing no further comments, Chair Capron closed the public hearing.

9. RESOLUTIONS

- (a) Consideration of Resolution No. 556 regarding City Council Ordinance No. 6286

Councilmember Hughes moved to adopt Resolution No. 556 approving City Council Ordinance No. 6286. Vice Chair Hummer seconded the motion, which carried unanimously.

10. **COMMITTEE REPORTS:** None.

11. **UNFINISHED BUSINESS:** None.

12. **NEW BUSINESS**

- (a) Potential Future Agenda Items

- Presentation regarding relaunch of MyBellevue App (August)
- PSE's Energize Eastside Presentation (August)
- Courtesy Hearing regarding Low Impact Development (LID) Principles (August)

There was no discussion.

- (b) Low Impact Development Principles Update

Ms. Drews provided a briefing on the Low Impact Development (LID) Principles project. The objective of LID is to mimic the pre-development conditions of the area with regard to vegetation and the management of stormwater runoff. The three primary principles are to minimize: 1) impervious surfaces, 2) the loss of native vegetation, and 3) stormwater runoff.

Responding to Chair Capron, Ms. Drews confirmed that Kelsey Creek shopping center and Lewis Creek Park are examples of LID principles.

Ms. Drews said discharges into the City's stormwater system must comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit. Staff is evaluating options, including suggestions from the public, for implementing LID principles. Ms. Drews said the program helps to enhance the City's tree canopy and supports the Environmental Stewardship Initiative (ESI), Downtown Livability Initiative, and the Eastgate/I-90 Plan.

Ms. Drews said public workshops were held at different locations within Bellevue on September 30, 2015; October 6, 2015; October 15, 2015; and December 9, 2015. Approximately 100 public comments have been received to date and are available on the City's web site. Open houses were held on May 17, 18 and 19, 2016.

Ms. Drews described examples of best management practices to implement LID including rain gardens, vegetation, permeable pavement, and others. She highlighted written materials in the meeting packet providing the Land Use Code proposals, LID project principles, and the City Council's Interest Statement. She said the regulations provide a certain level of flexibility if the

preferred BMPs are not possible on a specific site. The City will produce a citizen manual of the LID program. Ms. Drews said the Utilities Department has mapped Bellevue to provide a starting point for determining LID requirements for specific properties. She said the City will provide a list of recommended vegetation within the appropriate contexts.

Next steps include ongoing discussions with the Transportation Commission (June 9, 6:30 PM, City Hall), Planning Commission (June 22), and the City Council; with a courtesy hearing on August 2 before the EBCC. The City Council is scheduled to adopt regulations on November 21, and the final hearing before the EBCC is anticipated December 6.

Ms. Drews said all City documents related to the LID principles project are provided on the City's web site. The Land Use Code amendments must be in place by the end of this year.

Responding to Councilmember Hughes, Ms. Drews said the Highland Village Townhomes project is vested to current stormwater regulations if the permit is issued before December 31, 2016.

Chair Capron thanked Ms. Drews for the presentation.

(c) Discussion of Councilmember Requests

Chair Capron commented on the importance of making good use of staff support and suggested establishing a guideline for EBCC members.

Councilmember Hummer noted that her request for historical information on electric substations and power lines was intended as an individual public disclosure request, separate from her EBCC role.

Councilmember Kasner observed that requests are not typically urgent in nature. He suggested that EBCC members discuss their request with staff to reach an agreement on a feasible timeline for providing the requested information.

Chair Capron asked the Deputy City Clerk to prepare a memo summarizing that guideline. Ms. Hummer said she typically discusses potential requests with Mr. Capron before talking to anyone else.

(d) Capital Investment Program (CIP) Update regarding projects in EBCC jurisdictional boundaries.

Councilmember Kasner said he attended the meeting of the Transportation Commission, which was understanding and supportive of the EBCC's concerns about the SE 16th Street bike lane and sidewalk project. He said the project is currently in the Transportation Facilities Plan (TFP) but not in the Capital Investment Program (CIP) Plan. He said staff suggested addressing the project during the next TFP update. Mr. Kasner said he provided comments to the City Council on the project as well. He questioned whether an EBCC member would be interested in providing comments to the Parks and Community Services Board during a future meeting.

Responding to Chair Capron, Mr. Kasner said there is a project for \$6.8 million to enhance bike lanes throughout Bellevue. The SE 16th Street project is not funded. However, Mr. Kasner suggested it would be helpful to gain an understanding of the Parks Board's discussions about bike lanes.

Responding to Mr. Capron, the Deputy City Clerk said she would request a presentation from staff.

Councilmember Hummer said she spoke with a Transportation staff person in February about the bicycle implementation plan and requested a presentation to the EBCC.

(e) Grand Opening Ceremony for Lake Hills Village

Councilmember Kasner said the grand opening of Lake Hills Village is scheduled for July 9 and that he would try to attend if he is in town. Chair Capron said he would be out of town. Councilmember Hughes, Hummer and Gooding said they would try to attend the event.

(f) Puget Sound Energy Energize Eastside project – *Bellevue Reporter* Article

Chair Capron noted Councilmember Kasner's interest in discussing the *Bellevue Reporter* article about the Puget Sound Energy (PSE) bypass routes for the Energize Eastside project. Mr. Capron said he did not support providing an official EBCC response to the article. He said he emailed the reporter to highlight inaccuracies, and Councilmembers Kasner and Hughes met with the editor.

Councilmember Hughes said the 148th Avenue route identified for PSE's separate Lake Hills Transmission Line project, denied by the EBCC, is through an area without power lines. That matter is before the appeals court.

Mr. Hughes said the Energize Eastside project affects only a small section of four existing power poles within the EBCC jurisdiction. He observed that PSE should not assume that the EBCC would oppose the Energize Eastside project that replaces existing infrastructure.

Chair Capron concurred with Mr. Hughes.

Councilmember Hummer said it is disappointing that PSE sends representatives to EBCC meetings, but they do not take advantage of the public comment period during the meeting to provide information on their projects. She opined that PSE slandered the EBCC in the news article. She said EBCC members are volunteers doing the best they can to support their constituents.

Councilmember Kasner said he attended the recent City Council meeting to comment on the budget. A PSE representative spoke during the same meeting about the new bypass routes. He said certain City Councilmembers were uncomfortable that the alternatives were presented late in the public comment period.

Councilmember Kasner said comments in the *Bellevue Reporter* article that the EBCC's decision was "arbitrary and capricious" and that the EBCC created the litigation with PSE are slanderous. He said a court decision ruled that the EBCC had the legal authority and the necessary substantial evidence to support the decision. He said the EBCC responded to litigation initiated by Puget Sound Energy.

Councilmember Kasner moved to provide a formal EBCC response to PSE's comments and the *Bellevue Reporter* article. There was no second. Mr. Kasner said he would respond as an individual.

13. **CONTINUED COMMUNICATIONS:** None.

14. **EXECUTIVE SESSION:** None.

15. **APPROVAL OF MINUTES**

(a) Summary Special Meeting Minutes of April 5, 2016

Councilmember Hummer moved to approve the minutes of the April 5, 2016 Special Meeting, and Mr. Hughes seconded the motion. The motion carried unanimously.

(b) Summary Special Meeting Minutes of May 3, 2016

Councilmember Gooding moved to approve the minutes of the May 3, 2016 Special Meeting, and Chair Capron seconded the motion. The motion carried unanimously.

(c) Summary Regular Meeting Minutes of May 3, 2016

Councilmember Gooding moved to approve the minutes of the May 3, 2016 Regular Meeting, and Chair Capron seconded the motion. The motion carried unanimously.

16. **ADJOURNMENT**

At 9:53 p.m., Chair Capron declared the meeting adjourned.

Charmaine Arredondo
Deputy City Clerk

/kaw

