

EAST BELLEVUE COMMUNITY COUNCIL

Packet Materials for
REGULAR MEETING

September 5, 2017



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) 452-6806.

Agenda

CITY OF BELLEVUE
EAST BELLEVUE COMMUNITY COUNCIL
Regular Meeting

Lake Hills Clubhouse
15230 Lake Hills Boulevard, Bellevue WA

Tuesday, September 5, 2017 6:30 - 8:30 PM

	Page No.
1. Call to Order	
2. Roll Call	
3. Flag Salute	
4. Communications: Written and Oral	
(a) Islamic Center Presentation on Facility Rebuild	
5. Reports of City Council, Boards and Commissions	
(a) Community Council Business and New Initiatives	
6. Approval of Agenda	
7. Department Reports	
(a) Memo regarding Lake Hills Public Art Project – Final Update (For information only; no staff presentation)	<u>1</u>
(b) Memo regarding Single Family Dwelling Rentals (For information only; no staff presentation)	<u>3</u>
8. Public/Courtesy Hearings	
(a) Public Hearing to Consider Approving City Council Ordinance No. 6366 Relating to the Eastgate Land Use Code Amendments Creation of the Neighborhood Mixed Use (NMU) and Office Limited Business 2 (OLB 2) Districts	<u>25</u>
(b) Public Hearing to Consider Approving City Council Ordinance No. 6367 Relating to the Legislative Rezone of Two Parcels within the EBCC's Boundary, 2649 Landerholm Cir. SE and 2659 148 th Avenue SE, to Community Business District	
9. Resolutions	
(a) Resolution 562 approving City Council Ordinance No. 6366 amending the Land Use Code to approve the Neighborhood Mixed Use (NMU) and Office Limited Business 2 (OLB 2) Districts and associated use tables, dimension tables, development standards and design guidelines	<u>183</u>

- (b) Resolution 563 approving City Council Ordinance No. 6367 related to the rezone of two parcels within the EBCC's Boundary, 2649 Landerholm Cir. SE and 2659 148th Avenue SE, to Community Business District

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10. Committee Reports

11. Unfinished Business

12. New Business

- (a) Discussion Regarding Potential Future Agenda Items *

- Interim Official Controls Public Hearing
- Affordable Housing Strategy Presentation
- Larsen Lake Culvert Replacement Project

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

13. Continued Communications

14. Executive Session

15. Approval of Minutes

- (a) Summary Regular Meeting Minutes August 1, 2017

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16. Adjournment

DATE: August 25, 2017

TO: East Bellevue Community Council

FROM: Scott MacDonald, Associate Planner, 452-4852, smacdonald@bellevuewa.gov
Planning & Community Development

SUBJECT: Lake Hills – Delight in Green Public Art

INFORMATION

The Transportation Department has approved the siting of the artwork on the light pole located on 148th Avue SE at the Lake Hills Greenbelt Trail (location shown below). Initial analysis indicated that the proposed pole was the same model as the one where the artwork is currently sited in Downtown. Upon further analysis, this is a slightly smaller pole.



calculations that will allow staff to start working with fabricators on the new bracket.

Siting the artwork on this pole will require new engineering calculation be performed plus the fabrication of a new mounting bracket and approval of permits. Staff has engaged with the original engineer to update calculations that match the dimensions and load bearing capacity of the pole. The engineer estimates a very quick turnaround on the engineering

A new projection for completion of the bracket and installation is by the end of this year.



MEMORANDUM

DATE: August 29, 2017

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

FROM: Trisna Tanus, Legal Planner/Consulting Attorney, Development Services

SUBJECT: Implementation of City of Bellevue Ordinance No. 6223
Single Family Dwelling Rentals

I. INTRODUCTION

On September 5, 2017, the East Bellevue Community Council (EBCC) will discuss the implementation of the Single Family Dwelling Rental Ordinance, City of Bellevue Ordinance No. 6223. This Ordinance was adopted on April 6, 2015, making permanent regulations that were in place since September 23, 2013 through several interim ordinances, Ordinance Nos. 6128, 6152, 6172, and 6219. The purpose of Ordinance No. 6223 is to support the City Comprehensive Plan's objectives of maintaining and strengthening the vitality, quality, and character of Bellevue's residential neighborhoods, and providing housing choices and affordability. The Ordinance also seeks to address citizen concerns about the rental of multiple rooms in residential dwellings to unrelated individuals and under separate lease agreements, and the impacts of rental practices that threaten the vitality, quality, stability, and character of residential neighborhoods.

Earlier this year on January 11, 2017, staff presented a report to the Planning Commission regarding the implementation and enforcement of this Ordinance, including pertinent statistics for an 18-month period, April 14, 2015 through October 14, 2016. With staff's last briefing to the EBCC regarding this subject occurring over a year ago on May 3, 2016, staff is providing this Memorandum to update the EBCC regarding the City's experience with the single family dwelling rental regulations, through data collated for the Planning Commission report and supplemented with information from more recent events.

II. DISCUSSION OF DATA AND RECENT EVENTS

A. 18-Month Data of Code Enforcement Cases.

A list of complaints and their resolutions related to single family dwelling rentals for the 18-month period between April 14, 2015 through October 14, 2016 is provided in Attachment A (the "Case List"). The Case List is organized by Neighborhood Area. The geographic distribution of the cases is shown in Attachment B (the "Map of Ordinance 6223 Cases" or the "Map"). The Map reflects the status of each complaint/case as of the end of the survey period, or

October 14, 2016: Closed/No Violation; Closed/Complied (Voluntary Compliance); Closed/Complaint Withdrawn; and Open (still under investigation).

In summary, during the 18-month period surveyed, 108 complaints were received and investigations opened. In 50 of the 108 cases, the cases were closed after investigations found no violation (46.2%). In 25 of the 108 cases, the property owner voluntarily complied with the ordinance (23.1%). In 5 of the 108 cases, the complainant(s) withdrew their complaints and the cases were closed (4.6%). There were 28 of the 108 cases (25.9%) that remained open as of October 14, 2016 (the end of the survey period).

Finding of no violation (46.2%).

There are a variety of reasons for a finding of no violation. Complaints typically are made based on external observations of the property, such as more than four cars seen parked in the driveway or on the street in front of the subject house; several different vehicles associated with a house over a period of time; multiple different adults seen at the residence over a period of time; and declining property maintenance. For example, a common complaint is that more than four unrelated adults are living in a single-family residence, based on the kind of external observation described above. Further investigation is needed to independently verify whether there is in fact a violation.

In many cases, the investigation finds that there is a legitimate reason for the number of vehicles observed by neighbors (there is no legal limit on the number of vehicles that can be parked on the property or on the street in front of a residence), or that certain vehicles are not in fact associated with the subject property.

In other cases, a property owner or tenant may simply decline to provide information about the number of unrelated adults and the living arrangements in the house under investigation. Washington State Constitution accords strong privacy rights protections, and code compliance officers cannot compel owners or tenants to provide information or submit to inspections. When there is not sufficient evidence available from external observation (based on a minimum of three site visits) or other lawful sources to conclude, on a more-probable-than-not basis, that there is a violation of the ordinance, a finding of no violation is appropriate.

Voluntary compliance (23.1%)

The City Council has directed that property owners be provided with a reasonable opportunity to voluntarily comply with the ordinance before a case is taken to the Hearing Examiner per the Civil Violations Chapter (BCC 1.18.030). Compliance can be achieved in a number of ways depending on the specific violation, including reduction of the number of unrelated adult occupants, forming the functional equivalent of a family and single housekeeping unit through sharing of expenses and being on a single lease, and similar measures. The amount of time allowed to resolve a documented violation of the ordinance depends on a variety of factors,

including whether a related permit or registration process needs to be completed by the City or if there are other circumstances beyond the property owner's control.

For instance, a property owner may be in the process of properly permitting and registering an accessory dwelling unit to correct a rental violation, which may be dependent on the City's permit processing and review timeline. In this instance, a compliance schedule is often negotiated between the City and the parties responsible for a violation to ensure progress is made and compliance is achieved within a reasonable time frame.

Complaint withdrawn (4.6%).

In a handful of cases, the complainant(s) withdrew their complaints before the City reached a conclusion about the subject property. The reasons for withdrawal of complaints vary. In cases that do not involve serious life/health/safety or environmental issues, the investigation is suspended and the case is closed when a complaint is withdrawn.

Cases remaining open at end of survey period (25.9%).

Open cases may be still under investigation, in the process of moving towards voluntary compliance, or tied up with related building permits (e.g., accessory dwelling units) that are keeping the matter open.

B. Recent Events Related to the Ordinance.

Code Enforcement Hearings Held Before the Hearing Examiner for Violations of the Single Family Dwelling Rental Ordinance.

To date, and earlier this year, the City has brought three code enforcement cases to hearing before the Hearing Examiner for civil violations pursuant to the single family dwelling rental regulations. Case no. 1 concerns non-owner-occupied transient rentals of rooms occurring at 14424 SE 18th Street with four named responsible parties. Case no. 2 concerns non-owner-occupied transient rentals of the whole house occurring at 10608 SE 4th Street. Case no. 3 is a repeat violation and breach of a Voluntary Correction Agreement (VCA) that the parties entered into in Case no. 1. In all three cases, the Hearing Examiner's decisions are in favor for the City, finding that civil violations are or have occurred, and that the named parties are responsible for the violations.

In Case nos. 1 and 2, a VCA¹ was executed by the responsible parties and the City after the hearing, and entered into the record with the Hearing Examiner's permission. The executed

¹ A VCA includes the responsible party's acknowledgment that he/she is responsible for the violation and pledge to refrain from conducting the same or similar prohibited activity. The City is then no longer obligated to prove its case, and in exchange, the City agrees that if the responsible parties comply with all the terms of the VCA, all or part

VCA is incorporated fully in each of the Hearing Examiner's respective decision and order in these two cases. As of today, compliance of the VCA is maintained in Case no. 2.

However, Case no. 3 involves a repeat violation as defined in BCC, Chapter 1.18, and is also a violation of the VCA executed in Case no. 1. For this third case, the Hearing Examiner concurs that a violation of the VCA has been shown by a preponderance of the evidence, and as such, all agreed-to penalties are due and payable to the City. Two responsible parties have filed a Land Use Petition Act appeal of the Hearing Examiner's decision and order, and this appeal is now in Superior Court. This is the first and only appeal filed concerning this Ordinance.

Public Engagement and Information.

Beginning December 2016, basic information about new code enforcement cases of all types, including single-family rentals, is publicly available online through MyBuildingPermit.com (MBP). MBP is the online permitting system that the City already uses for most permit types. Information about code enforcement cases includes the case number, property address, violation type, Code Compliance Officer activity (site visit, Notice of Violation, etc.) and current status (e.g., Open, Closed/Complied). Interested parties may pursue more detailed information about a specific case through the Public Records Request process (<http://www.bellevuewa.gov/records-requests.htm>). Updated overview reports/maps may be published in the future at the Development Services website.

In parallel, and to ensure consistency of information provided to the public, land use planners have recently attended a refresher presentation of the single family dwelling rental regulations. Staff is also considering supplementing the currently posted single family dwelling rental handout (<https://development.bellevuewa.gov/zoning-and-land-use/zoning-requirements/single-family-dwelling-rentals/>) to address frequently asked questions and issues on this Ordinance.

III. FACTORS AFFECTING ENFORCEMENT OF THE ORDINANCE

A. Cooperation of Property Owner, Property Manager and/or Tenants.

Code Compliance Officers generally try to take a collaborative and educational approach to enforcement, since for many landlords and tenants, the single-family dwelling rental regulations are likely to be unfamiliar. Cultural and linguistic barriers to understanding regulations are an intrinsic part of our increasingly diverse city. Interpreter and translation needs can elongate a compliance schedule, but staff are committed to effective communication regarding legal requirements and voluntary compliance rights of the parties responsible for a violation. While we are able to gather some idea of the nature of living arrangements and the number of occupants from site visits or online research (e.g., rental ads), external observation alone does not always provide a preponderance of evidence that a violation exists. Some degree of cooperation

of the monetary penalties will not be imposed and the enforcement case closed. In other legal contexts, a VCA is akin to a settlement agreement for a civil matter, or a plea bargain in the criminal context.

from landlords and/or tenants is generally essential to building a case as well as to securing voluntary compliance.

B. Ongoing Legal Interpretation of the Ordinance.

The large number of different rental living arrangements possible with single-family houses, and the fact that this Ordinance was a new undertaking for the City, led to an extended series of discussions and training sessions with the City Attorney's Office during 2015, to ensure accurate and consistent application of the Ordinance to the variety of single-family dwelling rental situations reported. Thus, investigation and enforcement during 2016 and early 2017 reflect more confident application of the Ordinance. Nevertheless, the increase in types of transient rental uses and services like Airbnb and other online property rental sites means that regulation of single-family dwelling rentals is continually evolving.

City staff has adapted to the changing residential rental landscape, using established tools to increase our enforcement effectiveness. For example, late in 2016, staff issued a Land Use Code Interpretation determining that a non-owner-occupied single family dwelling that is rented on a transient basis would properly be classified as a Rooming House. As a result of this code interpretation, transient rentals for non-owner-occupied homes must comply with applicable land use code provisions for a Rooming House, including allowing this use only in multifamily and certain business districts. A copy of the Land Use Code Interpretation relating to transient rentals is included with this memorandum as Attachment C.

IV. CONCLUSION

Staff is aware that other jurisdictions have employed a range of strategies to address the impacts created by single family dwelling rentals. In Bellevue, this Ordinance significantly expanded the City's regulatory authority over the use of single-family houses for rental purposes. Additionally, Code Compliance is working, with support from the City Attorney's Office, to enforce the Ordinance as adopted by the City Council. The experience of this 18-month study and more recent code enforcement cases suggests that the Ordinance is having an effect in reducing the number of overcrowded rental houses, and the external impacts of overcrowded, transient rental houses in single-family neighborhoods is being managed and reduced. Staff are also constantly looking for ways to improve the effectiveness of code administration and compliance, including using code enforcement as a tool to achieve compliance and to expand proactive education regarding the code.

The growing demand for affordable housing in Bellevue, together with the ease of reaching a worldwide market provided by online platforms like Airbnb, means that single family neighborhoods will likely continue to experience pressure for rental arrangements. This relatively new Ordinance has proven to be an important mechanism to reduce the negative effects created by transient rental practices.

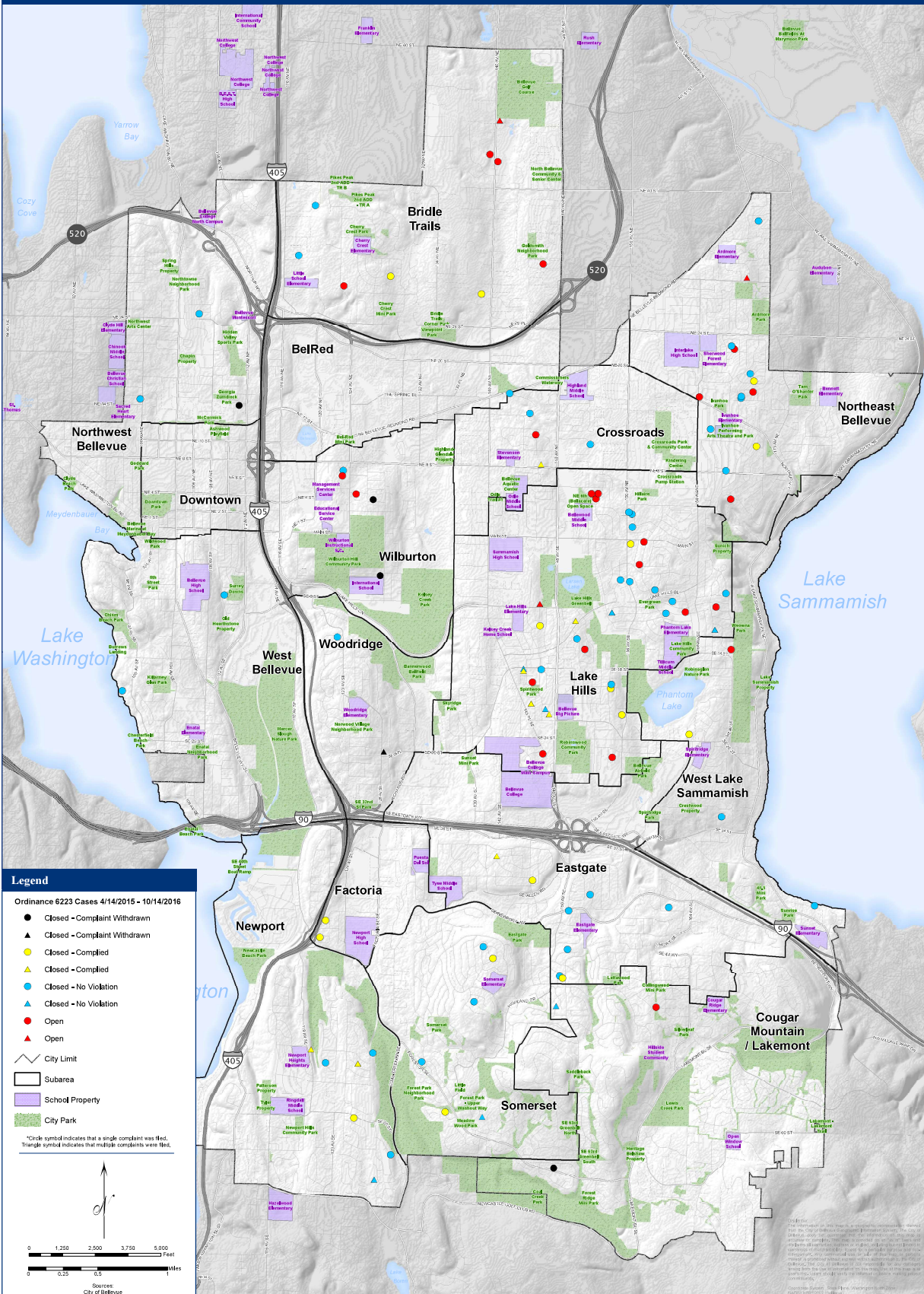
Ordinance 6233 Case List 4/4/2015 to 10/14/2016

Area	Enforcement Number	Address	Case Status	Multiple Complaints
Bridle Trails	15-112989	11720 NE 30th PI	Closed-No Violation	N
Bridle Trails	15-113807	2745 140th Ave NE	Closed-Complied	N
Bridle Trails	15-122579	14615 NE 32nd St	Open	N
Bridle Trails	15-124945	3660 116th Ave NE	Closed-No Violation	N
Bridle Trails	15-127223	2913 129th Ave NE	Closed-Complied	N
Bridle Trails	16-123760	2800 122nd PI NE	Open	N
Bridle Trails	16-123931	13835 NE 44th PI	Open	N
Bridle Trails	16-132412	4230 140th Ave NE	Open	N
Bridle Trails	16-143995	4734 140th Ave NE	Open	Y
CougarMtn/Lkmt	15-115495	4729 149th Ave SE	Closed-No Violation	Y
CougarMtn/Lkmt	15-115683	14913 SE 65th St	Closed-Complaint Withdrawn	N
CougarMtn/Lkmt	15-116474	4010 146th Ave SE	Closed-Complied	N
CougarMtn/Lkmt	16-123766	14907 SE 46th St	Closed-No Violation	N
CougarMtn/Lkmt	16-126536	15002 SE 44th PI	Closed-No Violation	N
CougarMtn/Lkmt	16-132783	4109 153rd Ave SE	Closed-No Violation	N
CougarMtn/Lkmt	16-135122	4605 150th Ave SE	Closed-Complied	N
CougarMtn/Lkmt	16-137035	15103 SE Newport Way	Closed-No Violation	N
CougarMtn/Lkmt	16-137716	16025 SE 47th Ln	Open	N
CougarMtn/Lkmt	16-140017	16130 SE 42nd St	Closed-No Violation	N
Crossroads	15-113677	303 157th Ave NE	Closed-No Violation	N
Crossroads	15-120546	310 156th Ave NE	Closed-No Violation	N
Crossroads	16-132657	1014 151st PI NE	Closed-No Violation	N
Crossroads	16-139262	15619 NE 1st St	Closed-No Violation	N
Crossroads	16-141097	485 150th PI NE	Open	N
Crossroads	16-141101	532 150th PI NE	Open	N
Crossroads	16-141102	452 150th PI NE	Open	N
Eastgate	15-120253	14212 SE 38th St	Closed-Complied	Y
Eastgate	15-130102	14551 SE 26th St	Open	N
Eastgate	16-124976	16236 SE 24th St	Closed-Complied	N
Eastgate	16-140052	2525 155th PI SE	Open	N
Factoria	15-118175	4235 122nd Ave SE	Closed-Complied	N
Factoria	15-120230	14138 SE 45th St	Closed-Complied	N
Factoria	15-122582	14008 SE 60th St	Closed-No Violation	Y
Factoria	15-123055	4335 130th PI SE	Closed-No Violation	Y
Factoria	15-125792	12105 SE 44th PI	Closed-Complied	N
Factoria	16-129402	4615 140th PI SE	Closed-No Violation	N
Factoria	16-136849	5217 Somerset Dr SE	Closed-No Violation	N
Factoria	16-137897	13610 SE 59th St	Closed-Complied	N
Factoria	16-141579	4453 141st Ave SE	Closed-No Violation	N
Lake Hills	15-113266	14680 SE 8th St	Open	Y
Lake Hills	15-113844	16620 SE 9th St	Open	N
Lake Hills	15-115370	14633 SE 21st St	Closed-Complied	Y
Lake Hills	15-117039	15610 SE 1st St	Closed-Complied	N
Lake Hills	15-118104	14604 SE 16th PI	Closed-No Violation	N
Lake Hills	15-118480	16726 SE 7th St	Closed-No Violation	N
Lake Hills	15-118859	1605 144th Ave SE	Closed-No Violation	Y
Lake Hills	15-121207	16213 SE 7th St	Closed-No Violation	N
Lake Hills	15-122336	1217 150th PI SE	Open	N
Lake Hills	15-125461	1662 154th Ave SE	Closed-No Violation	N
Lake Hills	15-127057	15921 SE 6th St	Closed-No Violation	N
Lake Hills	15-127219	1613 144th Ave SE	Closed-Complied	Y
Lake Hills	15-129451	15418 SE 9th St	Closed-No Violation	Y
Lake Hills	15-129754	1028 148th PI SE	Closed-Complied	Y
Lake Hills	15-129755	14510 SE 20th PI	Closed-Complied	Y
Lake Hills	16-122054	15448 SE 21st PI	Closed-Complied	N
Lake Hills	16-123329	456 156th Ave SE	Closed-No Violation	N
Lake Hills	16-123944	456 155th Ave SE	Closed-No Violation	N

Lake Hills	16-124690	1806 154th Ave SE	Closed-Complied	N
Lake Hills	16-126220	16015 SE 9th St	Closed-No Violation	N
Lake Hills	16-126883	1258 167th Ave SE	Open	N
Lake Hills	16-131441	1120 166th Ave SE	Closed-No Violation	Y
Lake Hills	16-134342	95 158th PI SE	Open	N
Lake Hills	16-134804	1014 145th PI SE	Closed-Complied	N
Lake Hills	16-139248	14424 SE 18th St	Open	N
Lake Hills	16-139416	5 158th PI SE	Open	N
Lake Hills	16-141106	1217 150th Ave SE	Closed-No Violation	N
Lake Hills	16-141414	1613 144th Ave SE	Open	Y
Lake Hills	16-141472	14610 SE 21st St	Closed-No Violation	Y
Lake Hills	16-141612	16242 SE 9th St	Open	N
NE Bellevue	15-113017	2219 167th PI NE	Closed-No Violation	N
NE Bellevue	15-113374	1318 165th Ave NE	Closed-No Violation	N
NE Bellevue	15-115196	17004 NE 18th St	Closed-Complied	N
NE Bellevue	15-122439	1027 170th PI NE	Closed-Complied	N
NE Bellevue	16-123425	1833 170th Ave NE	Closed-No Violation	N
NE Bellevue	16-123638	16405 NE 16th PI	Open	N
NE Bellevue	16-132587	16724 NE 22nd St	Open	N
NE Bellevue	16-132809	17103 NE 37th St	Closed-No Violation	N
NE Bellevue	16-136455	16935 NE 17th PI	Open	N
NE Bellevue	16-136462	1621 169th Ave NE	Closed-No Violation	N
NE Bellevue	16-136500	1627 169th Ave NE	Closed-No Violation	N
NE Bellevue	16-141566	16737 NE 5th PI	Open	N
NE Bellevue	16-142017	3011 169th Ave NE	Open	Y
NE Bellevue	16-143909	16715 NE 9th St	Closed-No Violation	N
Newport Hills	15-113635	5216 119th Ave SE	Closed-Complied	Y
Newport Hills	15-114914	6402 129th PI SE	Closed-No Violation	N
Newport Hills	15-120791	12536 SE 53rd St	Closed-Complied	Y
Newport Hills	16-102854	5264 120th Ave SE	Closed-No Violation	N
Newport Hills	16-124789	6633 128th Ave SE	Closed-No Violation	Y
Newport Hills	16-134158	12617 SE 60th St	Closed-Complied	N
Newport Hills	16-141104	5136 128th Ave SE	Closed-No Violation	N
NW Bellevue	16-126226	1417 100th Ave NE	Closed-No Violation	N
NW Bellevue	16-134011	10549 NE 25th St	Closed-No Violation	N
NW Bellevue	16-138043	11035 NE 14th St	Closed-Complaint Withdrawn	N
W Bellevue	15-115336	624 109th Ave SE	Closed-No Violation	N
W Bellevue	16-127197	1863 Killarney Way	Closed-No Violation	N
W. Lake Samm.	15-121004	16710 SE 34th St	Closed-No Violation	N
W. Lake Samm.	16-138969	17822 SE 40th PI	Closed-No Violation	N
Wilburton	15-111774	14612 NE 8th St	Closed-Complied	Y
Wilburton	15-118028	12411 NE 4th PI	Open	N
Wilburton	15-118858	706 123rd Ave NE	Closed-No Violation	N
Wilburton	15-119331	12622 NE 3rd St	Closed-Complaint Withdrawn	N
Wilburton	15-121062	14444 NE 11th PI	Open	N
Wilburton	15-126841	14430 NE 14th St	Closed-No Violation	N
Wilburton	16-134458	1603 143rd Ave NE	Closed-No Violation	N
Wilburton	16-140039	612 123rd Ave NE	Open	N
Wilburton	16-140042	12649 SE 4th PI	Closed-Complaint Withdrawn	N
Woodridge	15-122548	2558 128th Ave SE	Closed-Complaint Withdrawn	Y
Woodridge	15-126837	12145 SE 13th St	Closed-No Violation	N

Single Family Dwelling Rental Ordinance Cases

4/14/2015 - 10/14/2016



Legend

Ordinance 8223 Cases 4/14/2015 - 10/14/2016

- Closed - Complaint Withdrawn
- ▲ Closed - Complaint Withdrawn
- Closed - Completed
- ▲ Closed - Completed
- Closed - No Violation
- ▲ Closed - No Violation
- Open
- ▲ Open

City Limit
 Subarea
 School Property
 City Park

*Circle symbol indicates that a single complaint was filed.
 *Triangle symbol indicates that multiple complaints were filed.

0 1,250 2,500 3,750 5,000 Feet
 0 0.25 0.5 Miles

Sources:
 City of Bellevue

Date: 12/29/16 File Name: V:\gis\reports\ParcelCode\rental_ordinance_4\4_3.mxd

Ordinance 8223 was adopted on 10/14/2016. It requires a landlord to provide a written rental agreement to a tenant. The ordinance also requires a landlord to provide a written rental agreement to a tenant. The ordinance also requires a landlord to provide a written rental agreement to a tenant.

IT Department



**City of Bellevue
Development Services Department
Land Use Staff Report**

ATTACHMENT C

Proposal Name: **Transient Rentals of Single Family Homes Code Interpretation**

Proposal Address: City-wide

Proposal Description: The Applicant seeks a Formal Code Interpretation of the City of Bellevue's Land Use Code (LUC) regarding whether non-owner-occupied, transient rentals of single family homes in Bellevue are properly classified as Rooming Houses pursuant to LUC 20.50.044 and thus, should be regulated consistent with LUC 20.20.700 and other applicable provisions of the LUC.

File Number: **16-141664-DA**

Applicant: The City of Bellevue Code Compliance Section of the Development Services Department

Decisions Included: Interpretation of the LUC Rooming House provisions pursuant to LUC 20.50.044 and 20.20.700; (Process II, Part 20.30K LUC)

Legal Planner: **Trisna Tanus**

State Environmental Policy Act Threshold Determination: **EXEMPT**

Director's Decision: **Interpretation of the Land Use Code**
Michael A. Brennan, Director
Development Services Department

Carol V. Helland
Carol V. Helland, Land Use Director
Development Services Department

Application Date:	September 9, 2016
Notice of Application Publication Date:	October 13, 2016
Decision Publication Date:	November 10, 2016
Project Appeal Deadline:	November 28, 2016

For information on how to appeal a proposal, visit the Development Services Center at City Hall or call (425) 452-6800. Appeal of the Decision must be received in the City's Clerk's Office by 5 PM on the date noted for appeal of the decision.

**Interpretation of the Director
Bellevue File No. 16-141664-DA**

I. INTRODUCTION

The Applicant, the Code Compliance Section of the Development Services Department, seeks a Formal Code Interpretation of the classification of non-owner-occupied, transient rentals of single family homes in Bellevue. The Applicant seeks this interpretation of the applicable land use code regulations under Part 20.30K LUC. A Formal Code Interpretation is processed pursuant to Part 20.30K LUC, and the Director’s decision may be appealed as a Process II decision to the Hearing Examiner pursuant to Part 20.35 LUC.

Summary of the Interpretation Request:

The Applicant seeks an interpretation as to whether non-owner-occupied, transient rentals of single family homes in Bellevue are properly classified as Rooming Houses pursuant to LUC 20.50.044 and thus, should be regulated consistent with LUC 20.20.700 and other applicable provisions of the LUC.

Short Answer: Yes. Non-owner-occupied, transient rentals of single family homes in Bellevue are properly classified as Rooming Houses because (1) such rentals meet the definition of Rooming House pursuant to LUC 20.50.044 and (2) transient renters do not constitute “family” as defined in LUC 20.50.016 and thus are not permitted to occupy single family dwellings. As Rooming Houses, these rentals are allowed only in multifamily and certain business land use districts and must comply with the regulations of Rooming Houses under LUC 20.20.700 and other applicable provisions of the LUC.

II. INTERPRETATION

A. Factual Background.

In recent years, Bellevue’s citizens have raised safety concerns and complained of increases in on-street parking, traffic congestion, noise, a constant influx of strangers, and other negative impacts to Bellevue’s residential neighborhoods. These concerns were attributed to rentals of single family homes. In response, the Bellevue City Council adopted Ordinance No. 6223¹, amending the LUC, to regulate rental practices of single family homes.

Indeed, short-term transient rental websites, such as Airbnb, HomeAway, and FlipKey, have helped to proliferate the availability of these type of rentals in established residential neighborhoods², including in Bellevue. These sites have made it easier for homeowners to list and offer rooms in their homes or their entire houses for rent, albeit to help pay their monthly mortgages

¹ Ordinance No. 6223 was adopted on April 6, 2015, attached hereto as Exhibit A.

² Steve Butler, *Local Government Catching Up with Airbnb and Other Short-Term Transient Rental Businesses*, MRSC (February 12, 2016), <http://mrsc.org/Home/Stay-Informed/MRSC-Insight/February-2016/Local-Government-Catching-Up-with-Airbnb.aspx>.

or other motivations. At the time of this writing, a search on the Airbnb site for accommodations in Bellevue results in over 300 hits, with an average price of \$156 per night.³

With the adoption of Ordinance No. 6223, Bellevue's LUC addresses circumstances where homeowners reside in their homes while renting out some portions on a transient, short-term basis. This type of rental clearly falls under the LUC's definition of either a Bed and Breakfast or Boarding House.

This Formal Code Interpretation application pertains to transient rentals of single family homes where the homeowners do not reside in their homes. These homes are offered as transient lodging either (1) on a per room basis with multiple transactions at any given time or (2) in their entirety as single transactions for groups of people. The online search reference above indicates these homes are advertised to accommodate as many as 10 individuals.⁴ As to the rental period, durations typically range from as short as one night to as long as a few weeks.

B. Applicable Regulations.

Bellevue's LUC provides for three primary categories that allow for transient rentals of single family homes: (1) Bed and Breakfast; (2) Boarding House; and (3) Rooming House. The first two categories—Bed and Breakfast and Boarding House—are owner-occupied situations. The third—Rooming House—is when the homeowner does not live in the home. Homeowners who operate any of these rentals must comply with regulations specific to the category of rental and other applicable code provisions.

A Bed and Breakfast is defined as an owner-occupied dwelling which temporarily houses guests for profit. LUC 20.50.012. A Bed and Breakfast does not include a rooming house as defined in LUC 20.50.044. *Id.*

A Boarding House is defined as an owner-occupied dwelling in which individuals unrelated to the owner are housed and/or fed for profit. LUC 20.50.012. This definition includes transient lodging as defined in LUC 20.50.048. *Id.* A Boarding House does not include a rooming house as defined in LUC 20.50.044. *Id.*

³ Airbnb Home Rental Search in Bellevue, Washington (August 23, 2016), *available at* https://www.airbnb.com/s/Bellevue--Washington--United-States?checkin=09%2F09%2F2016&checkout=09%2F12%2F2016&page=1&ss_id=h25vp8i1&source=header&airbnb_plus_only=false&s_tag=5ZJskMKP, August 23, 2016. Note that although the search parameters include the City of Bellevue, a cursory scroll shows that some of the results are located in adjacent cities and not in the City proper.

⁴ Airbnb Home Rental Search in Bellevue, Washington (August 23, 2016), *available at* https://www.airbnb.com/s/Bellevue--Washington--United-States?checkin=09%2F09%2F2016&checkout=09%2F12%2F2016&guests=10&room_types%5B%5D=Entire+home%2Fapt&zoom=13&search_by_map=true&sw_lat=47.592388068417996&sw_lng=-122.2136667765418&ne_lat=47.6526841979335&ne_lng=-122.12680611980352&ss_id=h25vp8i1&page=1&source=map&airbnb_plus_only=false&s_tag=tJ_xwRr0.

An Owner is defined as “owners of fee title, mortgagees, and contract vendees.” LUC 20.50.038.

Transient lodging is lodging provided for a fee or charge in a hotel, motel, boarding house, bed and breakfast, short term stay use or other granting of any similar license to use real property for a period of less than thirty (30) days. LUC 20.50.048.

A single family dwelling is defined as a building containing but one kitchen, designed for and occupied exclusively by one family, except where a valid accessory dwelling unit registration has been approved. LUC 20.50.016.

A family is defined as:

Not more than four adult persons, unless all are related by blood, marriage, or legal adoption, living together as a single housekeeping unit. A group of related persons living in a household shall be considered a single housekeeping unit. Provided: a group of more than four unrelated adult persons living together in a dwelling unit may also be included within the definition of “family” if they demonstrate to the Director that they operate in a manner that is functionally equivalent to a family. Factors that shall be considered by the Director include whether the group of more than four unrelated persons:

- A. Shares the entire dwelling unit or acts as separate roomers;
- B. Includes minor, dependent children regularly residing in the household;
- C. Can produce proof of sharing expenses for food, rent, or ownership costs, utilities, and other household expenses;
- D. Shares common ownership of furniture and appliances among the members of the household;
- E. Constitutes a permanent living arrangement, and is not a framework for transient living;
- F. Maintains a stable composition that does not change from year to year or within the year;
- G. Is not a society, fraternity, sorority, lodge, organization or other group of students or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary; or
- H. Can demonstrate any other factors reasonably related to whether or not the group of persons is the functional equivalent of a family.

The Director shall issue a written determination of whether a group of more than four unrelated adult persons are operating in a manner that is functionally equivalent to a family.

For purposes of this definition and notwithstanding any other provision of this Code, children with familial status within the meaning of Title 42 United States Code, Section 3602(k) and persons with handicaps within the meaning of Title 42 United States Code, Section 3602(h) will not be counted as unrelated persons.

LUC 20.50.020.

A Single Housekeeping Unit is “one household where all the members have common access to and common use of all living, kitchen, and eating areas within the dwelling unit, and household activities and responsibilities such as meals, chores, expenses and maintenance of the premises are shared or carried out according to a household plan or other customary method. If the dwelling unit is rented, the household members must jointly occupy the unit under a single lease in order to be considered a single housekeeping unit.” LUC 20.50.046.

A Rooming House is defined as a non-owner-occupied dwelling that is subject to multiple leases or in which rooms are offered for rent or lease on an individual room basis. LUC 20.50.044.

Rooming Houses are allowed only in the following land use districts: Residential (R-10, R-15, R-20, and R-30); Business (OLB and CB); and Factoria (F1, F2, and F3). LUC 20.10.440. In addition, LUC 20.50.700 provides:

- A. Rooming houses, where permitted, shall comply with the following:
 - 1. The rooming house shall be located in a detached single-family dwelling on its own parcel; and
 - 2. The rooming house shall offer no more than four rooms for rent to not more than a total of five individuals at any one time; and
 - 3. All rooms offered for rent shall be legally established bedrooms; and
 - 4. An owner, landlord, or registered agent shall be identified as the party responsible and accountable for compliance with the provisions of this section. Said party shall be local, and the name and contact information for that party shall be filed with the City prior to establishing the rooming house; and
 - 5. Legal on-site parking exists or shall be provided in a quantity equal to the number of bedrooms leased or available for lease; and
 - 6. Appropriate provisions shall be made for maintenance of the property exterior; and
 - 7. Appropriate provisions shall be made for refuse collection, including trash, recycling, and yard waste.

- B. A rooming house shall comply with City of Bellevue noise and nuisance laws and health and safety codes, and with all other applicable City and State codes and regulations.

- C. The owner, landlord, or registered agent designated pursuant to subsection A.4 of this section shall be the “person responsible for the violation” in any civil violations proceedings under the terms of Chapter 1.18 BCC for failure to comply with this section. Tenants shall not be identified as responsible parties by virtue of signing a lease prepared by the owner, landlord, or registered agent for renting a room in a rooming house.

C. Analysis.

As a general matter, Bellevue’s LUC regulates rentals of single family homes, most recently through amendments adopted by Ordinance No. 6223. The LUC applies to situations where homeowners rent out portions or the entirety of their homes, while living in their homes or not, and on transient (short-term) or long-term basis. The provisions that govern the rentals are based on the facts and circumstances of each situation. Note that the LUC considers the operation of the rentals themselves, not the manner or means by which these rentals are procured, such as through using online services like Airbnb, HomeAway, or FlipKey, or by other services.

Non-owner-occupied, transient rentals of single family homes in Bellevue are properly classified as Rooming Houses pursuant to LUC 20.50.044. This classification applies to operations where a home is offered for rent on a per room basis with the potential of multiple agreements in place at any given time as well as those where the entire home is offered for rent to a party or a group of people under single transactions. As Rooming Houses, these rental properties may only be located in multifamily and certain business-oriented land use districts and must comply with Rooming House regulations pursuant to LUC 20.20.700 and other applicable provisions of the LUC.

It is important to note that this interpretation concerns *non-owner-occupied*, transient rentals of single family homes. As such, these rentals categorically do not constitute a Bed and Breakfast or Boarding House because both Bed and Breakfast and Boarding House are defined as an “owner-occupied dwelling.” See, LUC 20.50.012. Therefore, this interpretation excludes Bed and Breakfast and Boarding House in its discussion and analysis of the classification of non-owner-occupied, transient rentals of single family homes.

- i. Non-owner-occupied transient rentals for single family homes meet the definition of Rooming House pursuant to LUC 20.50.044.*

Under Bellevue’s LUC, a Rooming House is a non-owner-occupied dwelling that is subject to multiple leases or in which rooms are offered for rent or lease on an individual room basis. LUC 20.50.044. This definition provides for three important elements of a Rooming House: (1) a non-owner-occupied dwelling that is (2)(a) subject to multiple leases or (b) in which rooms are offered for rent or lease on an individual room basis. See, *Id.*

An owner is defined as “owners of fee title, mortgagees, and contract vendees.” LUC 20.50.038. In this case, where single family homes are offered for rent in their entirety, such homes are unquestionably non-owner-occupied as renters are not “owners of fee title, mortgagees, and contract vendees.” See, *Id.*

Having established that rentals of an entire home meet the non-owner-occupied condition in the definition of a Rooming House, transient rentals of such home must then be either (a) subject to multiple leases or (b) that the rooms are offered for rent on an individual room basis. See, LUC 20.50.044. Here, as discussed below, the scenarios of transient rentals of single family homes satisfy both or at least one of the remaining requisite elements. Transient lodging is defined as lodging provided for a fee or charge in a hotel, motel, boarding house, bed and breakfast, short term stay use or other granting of any similar license to use real property for a period of less than thirty (30) days. LUC 20.50.048.

First, where the entire home is offered for rent on a per room basis, this type of rental operation meets both requisite elements. Renting on a per room basis certainly subjects the property to multiple leases at any given time and collectively throughout a duration of time such as a week, a month, or a year. Moreover, in this operation, the rooms are offered for rent on an individual room basis. Here, the LUC treats transient and long-term rentals in the same way, both as a Rooming House.

In the second scenario where the entire home is offered for rent as transient lodging under a single transaction to one person or a group of people, this rental also constitutes a Rooming House. As noted above, online rental services such as Airbnb, HomeAway and FlipKey offer rental duration for as few as one night. The transient nature of the rentals (30 days or less, *see* LUC 20.50.048) subjects the home to multiple leases collectively in any given period of time such as in a week, a month, or a year. In contrast, non-transient or long-term rental of an entire home to a group of people pursuant to a single lease would not be considered a Rooming House. Such long-term rental to a group of people, if they meet the definition of family, would likely be consistent with a single family dwelling use.

- ii. *Transient renters of non-owner-occupied single family homes do not constitute “family” pursuant to LUC 20.50.016 and cannot occupy single family dwellings.*

A single family dwelling is defined as “a building containing but one kitchen, designed for and occupied exclusively by one family, except where a valid accessory dwelling unit registration has been approved.” LUC 20.50.016. Transient renters, taken together as a group of people, of a non-owner-occupied single family home do not constitute one “family” or household that functions as a “single housekeeping unit” and thus a single family dwelling cannot accommodate these transient renters. *See*, LUC 20.50.020; LUC 20.50.046.

A family is defined as “not more than four adult persons, unless all are related by blood, marriage, or legal adoption, **living together as a single housekeeping unit**. A group of related persons living in a household shall be considered a single housekeeping unit.” LUC 20.50.020 (emphasis added). A “Single Housekeeping Unit” is defined as “one household where all the members have common access to and common use of all living, kitchen, and eating areas within the dwelling unit, and household activities and responsibilities such as meals, chores, expenses and maintenance of the premises are shared or carried out according to a household plan or other customary method.” LUC 20.50.046. Land Use Code section 20.50.046 further provides that **if the dwelling unit is rented, the household members must jointly occupy the unit under a single lease to constitute a single housekeeping unit**. *Id.* (emphasis added). Similarly, a group of more than four unrelated adult persons living together may also be included within the definition of “family” if they demonstrate that they operate in a manner that is functionally equivalent to a family. LUC 20.50.020.

As explained above, there are two general types of transient rental operations for non-owner-occupied single family home: where the home is offered for rent on a per room basis and where the home is offered for rent in its entirety. First, in cases where rooms are offered for rent on a per room basis, renters of these rooms are presumably adults and are unrelated to each other. Rentals

would be accomplished through multiple leases (one per room) at any given time. These renters do not constitute a family or a single housekeeping unit because they do not occupy the unit under a single lease. *See*, LUC 20.50.046. Further, these individual renters would not function as a single housekeeping unit because they would not share and carry out household activities and responsibilities such as meals, chores, expenses, and maintenance of the home. As such, renters of individual rooms in a single family home do not constitute a “family” pursuant to LUC 20.50.020.

Second, in cases where the entire single family home is offered for rent to a group of people as transient lodging, renters of such a home also do not constitute a “family.” By its nature, transient lodging, which may range between one night to 30 days, results in multiple leases over a period of a week, a month, or a year. As discussed above, the manifestation of multiple leases in itself infringes upon the qualification of a single housekeeping unit or family. Additionally, in viewing this type of rental broadly, although each group may be composed of a family, all the renters (the household members) of the home collectively cannot satisfy the definition of family or show that they function as a single housekeeping unit. After all, each group would never occupy the home at the same time and as such, would not share household activities and responsibilities. Also just like guests in a hotel or motel, these renters would be provided linens, towels, and other similar services. Taken together, these renters do not constitute a “family” and cannot lawfully occupy a single family dwelling.

In addition, as mentioned above, there are listings for transient home rentals in Bellevue that advertise capacity for 10 people.⁵ Occupancy of more than four unrelated persons would trigger the requirement for the occupants to demonstrate and for the Director of the Development Services Department to determine whether the group may be considered a single housekeeping unit. LUC 20.50.020. The factors that the Director will use include whether the group:

- A. Shares the entire dwelling unit or acts as separate roomers;
- B. Includes minor, dependent children regularly residing in the household;
- C. Can produce proof of sharing expenses for food, rent, or ownership costs, utilities, and other household expenses;
- D. Shares common ownership of furniture and appliances among the members of the household;
- E. Constitutes a permanent living arrangement, and is not a framework for transient living;
- F. Maintains a stable composition that does not change from year to year or within the year;
- G. Is not a society, fraternity, sorority, lodge, organization or other group of students or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary; or
- H. Can demonstrate any other factors reasonably related to whether or not the group of persons is the functional equivalent of a family.

⁵ See FN 3.

Id.

These factors clearly focus on how the group of household members function together such that the group's effect and performance are akin to and compatible with single family use. Transient renters may share expenses for food and rent among their own group, but do not share any household expenses with other groups of renters. These renters also do not share in any ownership costs or have common ownership of furniture and appliances. As noted above, these renters are typically provided linens, towels, and other services, constituting a type of living arrangement that is in fact transitory rather than permanent, constantly changing within the year and from year to year. As such, transient renters of single family homes, per room or in entirety, do not constitute family or a single housekeeping unit and cannot occupy single family dwellings. Instead, a non-owner-occupied single family dwelling that offers transient lodging on a per room basis or in its entirety constitutes a Rooming House.

iii. Corresponding to their function and performance, Rooming Houses are permitted only in multifamily and certain business land use districts.

Rooming Houses are not permitted in single family land use districts and are only allowed in multifamily residential districts (R-10, R-15, R-20, and R-30); certain business districts (Office and Limited Business (OLB) and Community Business (CB)); and Factoria land use districts (F1, F2, and F3). LUC 20.10.440. This limitation and separation coincide with the above-described functional and performance differences between a Rooming House and a single family dwelling.

The siting confinement of Rooming Houses to multifamily and business-oriented land use districts also corresponds with the LUC's definition of Rooming House as a "non-owner-occupied dwelling" that is rented or leased out, rather than a single family dwelling. *See*, LUC 20.50.044. Because of its capacity to accommodate transient lodging, as evidenced by multiple leases, or to house multiple, unrelated persons on an individual room basis, Rooming Houses relate more closely to a business or multifamily situation, rather than a single family residence.

Additionally, Washington's lodging tax statutes support placing Rooming Houses in business-oriented land use districts because it is a taxable business. Washington statutes provide that "the legislative body of any county or any city, is authorized to levy and collect a special excise tax of not to exceed two percent on the sale of or charge made for the **furnishing of lodging that is subject to tax under chapter 82.08.**" RCW 67.28.180 (emphasis added). In turn, chapter 82.08 RCW states that the term 'sale' in chapter 82.04 RCW applies equally to the provisions of chapter 82.08 RCW. RCW 82.08.010(6). 'Sale' is defined to include "any transfer of the ownership of, title to, or possession of property for a valuable consideration and includes any activity classified as a 'sale at retail' or 'retail sale' under RCW 82.04.050. RCW 82.04.040(1). 'Sale at retail' or 'retail sale' is "the furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it is presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same." RCW 82.04.050(2)(f).

In parallel, Bellevue City Code imposes an excise tax of five percent on the sale or charge made for the furnishing of lodging that is subject to tax under Chapter 82.08 RCW. BCC 4.19.010. The tax applies to the sale or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel or trailer camp and the granting of any similar license to use real property as distinguished from the renting or leasing of real property. *Id.* This provision states that “it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same.” *Id.*

Transient rentals of single family homes—whether offered on a per room basis under multiple agreements at any given time or where the entire home is offered for rent to a group of people—constitute the furnishing of lodging per RCW 82.04.050(2)(f) and the BCC. These rentals represent the grant of license to use real property for short-term basis of less than a continuous period of one month or more, and such is not the same as the renting or leasing of real property. Transient rentals as contemplated herein are properly classified as ‘sale at retail’ or ‘retail sale’ pursuant to RCW 82.04.050(2)(f) and may be assessed lodging tax by the City of Bellevue as authorized by RCW 67.28.180 and BCC 4.19.010. Thus, the LUC’s limitation on the location of Rooming Houses to multifamily and business-oriented land use districts corresponds to Washington statutes and City regulations that consider these rentals as providing taxable ‘retail sale’.

- iv. *Non-owner-occupied, transient rentals of single family homes are Rooming Houses and must comply with the provisions for Rooming Houses in the LUC.*

In addition to allowing Rooming Houses to be located only in certain land use districts, the LUC provides for requirements that Rooming Houses must follow to allow a non-single family dwelling use to lawfully exist in a single family dwelling. Although a Rooming House must be located in “a detached single family dwelling” (LUC 20.50.700.A), the requirements acknowledge that a Rooming House is not the same as a single family dwelling and would have potentially negative impacts related to noise, traffic, parking, and safety. Thus, specifically, LUC 20.50.700.A focuses on limiting impacts to surrounding uses by providing that:

1. The rooming house shall be located in a detached single-family dwelling on its own parcel; and
2. The rooming house shall offer no more than four rooms for rent to not more than a total of five individuals at any one time; and
3. All rooms offered for rent shall be legally established bedrooms; and
4. An owner, landlord, or registered agent shall be identified as the party responsible and accountable for compliance with the provisions of this section. Said party shall be local, and the name and contact information for that party shall be filed with the City prior to establishing the rooming house; and
5. Legal on-site parking exists or shall be provided in a quantity equal to the number of bedrooms leased or available for lease; and
6. Appropriate provisions shall be made for maintenance of the property exterior; and
7. Appropriate provisions shall be made for refuse collection, including trash, recycling, and yard waste.

Further, the LUC explicitly references other laws and regulations that Rooming Houses must comply with, including the City's noise and nuisance laws and health and safety codes, as well as all other applicable City and State codes and regulations. LUC 20.50.700.B. The Land Use Code section 20.50.700.C also provides that the identified responsible party will be held accountable should there be violations of any part of the code. These additional requirements likewise reiterate the legislative intent to minimize negative impacts to surrounding properties from Rooming Houses in advocacy of public health and welfare.

D. Conclusion.

Non-owner-occupied, transient rentals of single family homes in Bellevue are properly classified as Rooming Houses and must comply with the regulations of Rooming Houses under LUC 20.10.440, 20.20.700, and other applicable provisions of the LUC.

III. FACTORS FOR CONSIDERATION

In making an interpretation of the provisions of the LUC, the Director shall take the following factors into consideration. LUC 20.30K.140.

A. Applicable Provisions of the Land Use Code.

The applicable LUC provisions considered in this formal code interpretation include the following:

1. LUC 20.10.440 Land use charts
2. LUC 20.20.140 Boarding houses and bed and breakfasts
3. LUC 20.20.700 Rooming houses
4. LUC 20.50.012 Definition of Bed and Breakfast; Definition of Boarding House
5. LUC 20.50.016 Definition of Dwelling, Single-Family
6. LUC 20.50.020 Definition of Family
7. LUC 20.50.038 Definition of Owner
8. LUC 20.50.044 Definition of Rooming House
9. LUC 20.50.046 Definition of Single Housekeeping Unit
10. LUC 20.50.048 Definition of Transient Lodging

B. The Impact of the Interpretation on other Provisions of the Land Use Code.

This interpretation impacts the application of the above referenced code provisions to non-owner-occupied, transient rentals of single family homes in Bellevue.

C. The Implications of the Interpretation for Development within the City as a whole.

This interpretation is consistent with the intent and purpose of Ordinance No. 6223, which amended the LUC to regulate rental practices of single family homes, including those that operate as Rooming Houses.

D. Applicable Provisions of the Comprehensive Plan and other Relevant Codes and Policies.

This interpretation is consistent with the purpose of land use districts, as provided in LUC 20.10.010:

The City is divided into land use districts established in this Code with the intent to provide for the geographic distribution of land uses as contemplated by the City's goals, policies, master plans and programs; to maintain stability in land use commitments through the provision of harmonious groupings of uses possessing compatible characteristics and levels of activity; to maintain commitments in public service facilities such as transportation systems, parks and utilities; and to provide an efficient and compatible relationship of land uses and land use districts.

This interpretation is consistent with Bellevue's Comprehensive Plan, Land Use Element Goal, which provides:

To develop and maintain a land use pattern that protects natural systems and retains trees and open space; maintains and strengthens the vitality, quality and character of Bellevue's neighborhoods; and focuses development activity in Downtown and other commercial and residential centers.

This interpretation is consistent with Bellevue's Comprehensive Plan, Land Use Element, Policies LU-11 and LU-14, which provide:

LU-11 Maintain stability and improve the vitality of residential neighborhoods through adherence to, and enforcement of, the city's codes.

LU-14 Protect residential areas from the impacts of nonresidential uses of a scale not appropriate to the neighborhood.

This interpretation is consistent with Bellevue's Comprehensive Plan, Housing Element Goal, which provides:

To maintain the vitality and stability of single family, multifamily and mixed use neighborhoods, and promote a variety of housing opportunities to meet the needs of all members of the community.

This interpretation is consistent with Bellevue's Comprehensive Plan, Housing Element, Policies HO-3 and HO-4, which provide:

HO-3 Maintain the character of established single family neighborhoods, through adoption and enforcement of appropriate regulations.

HO-4. Monitor and appropriately regulate room rentals in single family areas.

This interpretation is consistent with Bellevue's Comprehensive Plan, Transportation Element, Policies TR-1 and TR-2, which provide:

TR-1. Integrate land use and transportation decisions to ensure that the two mutually support the Comprehensive Plan.

TR-2. Strive to reduce congestion and improve mobility.

IV. EFFECT OF INTERPRETATION

Pursuant to LUC 20.30K.150, an interpretation of any Land Use Code provision issued under Chapter 20.30K LUC shall have the same effect as any provision of the Land Use Code. An interpretation of the Land Use Code remains in effect until or if rescinded in writing by the Director. LUC 20.30K.155.

V. APPEAL

An Interpretation of the Land Use Code under Chapter 20.35.015 is a Process II administrative land use decision made by the Director. Pursuant to LUC 20.35.250, Process II decisions may be appealed to the Hearing Examiner by providing a written statement of appeal and the appeal notification form (including payment of any applicable appeal fee) to the City Clerk not later than 5:00 p.m. on the 14th day following the date of publication of the decision of the Director.



MEMORANDUM

DATE: August 25, 2017

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

FROM: Trish Byers, Code Development Manager, Development Services,
(425) 452-4241

SUBJECT: Final Public Hearing, Eastgate Corridor Land Use Code Update

I. INTRODUCTION

On September 5, 2017, the East Bellevue Community Council (EBCC) will hold a public hearing to consider a Land Use Code Amendment (LUCA) that implements the vision of the Eastgate I-90 Land Use and Transportation Project Citizen Advisory Committee Final Report (CAC Report) and the associated legislative rezone in Ordinance No. 6367. Specifically, the EBCC will be asked to take action on the LUCA in Ordinance No. 6366, and on the legislative rezone in Ordinance No. 6367.

Ordinance No. 6366 created three new zones, two of which the EBCC will consider during its hearing. These two new districts are the Neighborhood Mixed Use and Office Limited Business 2 Districts. In addition, Ordinance No. 6367 rezoned two parcels within the EBCC jurisdiction to Community Business. The reason for this rezone was to create a gateway to Bellevue College, as provided in the CAC Report. Ordinances No. 6366 and 6367 are not effective within the EBCC area until the EBCC votes to approve the ordinance, or the EBCC fails to disapprove the ordinances within 60 days following enactment by the City Council. LUC 20.35.450.A.

II. DISCUSSION

A. The Topics before the EBCC

1. New Districts with Possible Citywide Application

The three new districts created by Ordinance No. 6366 are the Neighborhood Mixed Use (NMU), Office Limited Business 2 (OLB 2), and Eastgate Transit Oriented Development (EG-TOD). The EBCC will review the NMU and OLB 2 Districts along with the associated use charts, dimensional table, development standards and design guidelines because these districts can be applied to the EBCC area in the future.

The LUCA also provides amendments to the Transitional Area Design District that are applicable to the NMU and OLB 2. All of the information regarding these districts can be found in Ordinance No. 6366 and the Staff Report. See Attachments B and C. The EBCC will not review Part 20.25P LUC because the EG-TOD is not applicable to any

land within the EBCC boundary, nor is it possible that the EG-TOD will fall within the EBCC's jurisdiction in the future. The EG-TOD is specific to the site delineated in Eastgate.

Finally, the EBCC will only consider the creation of the NMU and OLB 2 Districts in the general sense, not as they are applied. That is, the NMU and OLB 2 are currently only applied in the Eastgate area outside of the EBCC boundary. As such, the EBCC does not have jurisdiction to review the NMU and OLB 2 District as they apply in Eastgate, but only as provided generally in Ordinance No. 6366.

2. Parcels within the EBCC Jurisdiction

The two parcels located at 2649 Landerholm Cir. SE and 2659-148th Ave. SE are the only parcels affected by the legislative rezone within the EBCC boundary. These parcels are zoned Professional Office and Neighborhood Business respectively. Currently, the Champions Centre and a gas station with a convenience store are built on these parcels. Because these two parcels fall within the EBCC's jurisdiction, the EBCC's review is limited to consideration of the legislative rezone on each parcel. See Attachment E. The rezone to Community Business would increase the array of uses that are available to the owner, particularly retail uses, as discussed below.

B. Background

1. CAC and Planning Commission

The work accomplished by the CAC and the Planning Commission is set forth in the attached Eastgate Staff Report. See Attachment B.

2. City Council

The City Council held six study sessions to consider the Eastgate LUCA beginning on September 19, 2016. Because community members had raised concerns about significant traffic congestion in the area that would be exacerbated by the proposed increase in density, the Transportation Department proposed two operational projects on the 148th / 150th Avenue SE Corridor. They included:

- 150th Avenue SE at Newport Way
 - Construct 600' southbound right turn pocket with new sidewalk.
- East-West at SE 37th St
 - Construct dual eastbound right turn lanes.
 - Install Full block left turn pockets on SE 37th Street
- Southbound Right Turn and Left Turn Lane Extensions
 - Construct right turn drop lane at SE 38th Street from 300 feet north of SE 37th Street
 - Extend southbound left turn lane at SE 37th Street

The Council sent these projects to the Transportation Commission to review during the first part of 2017. The Transportation Commission reviewed the projects in January and approved them on February 9, 2017.

Between the Planning Commission transmittal and the Council's adoption of the LUCA on August 7, 2017, amendments were made to the Land Use Code contained in the LUCA or the LUCA itself. Below are the amendments and the reason for each amendment.

1. Addition of marijuana land use classifications in LUC 20.10.440 - Council's adoption of the Permanent Marijuana Retailers and Uses Regulations Ordinance No. 6316, on November 7, 2016;
2. Addition of LID Standards, footnotes, and definitions to the dimension table of LUC 20.20.005, 20.50.026, and other sections of the Land Use Code - Council's adoption of the Low Impact Development (LID) ordinance, Ordinance No. 6323, on November 21, 2016; and
3. Inclusion of Council's adoption of a 1.0 FAR affordable housing exemption at a ratio of 2.5 market rate units to 1.0 affordable housing unit at 80 percent AMI – Council's adoption of Affordable Housing Strategy Report on June 5, 2017 which resulted in the inclusion of the exemption in the LUCA.¹ This exemption is applicable in the NMU and EG-TOD.
4. Removal of the "transient lodging" line in the Residential-Nonresidential use charts of LUC 20.10.440, once proposed for homeless shelters, so that the definition of "homeless shelter" or a similar phrase could be defined on a citywide basis. In the meantime, Council adopted an emergency ordinance which requires a conditional use permit for all homeless shelters in districts where they were previously allowed.

Subsequent to these amendments, Council adopted both ordinances on August 7, 2017. See Attachments C and D.

III. Comprehensive Plan

The Comprehensive Plan analysis is included in the Eastgate Staff Report. See Attachment B.

IV. Proposed Land Use Code Amendment and Legislative Rezone

A. Amendment Description

The Eastgate Staff Report contains the descriptions of the NMU and OLB 2 Districts. See Attachment B. The vision for NMU was to create an area that included residential with neighborhood serving retail. The CAC stated in its report: "Support the continued operation of Eastgate Plaza as a neighborhood-serving retail center. If the center redevelops in the future, prioritize retail and service uses that serve the surrounding residential neighborhoods, and allow upper-level residential uses." The NMU bridges

¹ The Planning Commission recommended a 1.0 FAR exemption for affordable housing in the NMU and EG-TOD without any ratio. It was removed by the Council to wait for the completion of the TAG's work on the Affordable Housing Strategy. When the work had been completed, the exemption was added back into the LUCA with the ratio of market rate units to affordable units.

the gap between Neighborhood Business and residential districts, providing mixed use development with residential uses on upper floors.

The OLB 2 District was created to be similar to the OLB District, but expands upon the uses allowed in the OLB District. The I-90 Office Park that was recently zoned OLB did not provide the services and retail to support office employees, thus the employees had to drive off-site for these amenities. The OLB 2 District offers greater integration of support retail and services into office environments, as well as better connectivity for pedestrians. The combination of more retail and services with better connectivity will provide the walkable office employment centers that the CAC envisioned. These areas are attractive to high tech and similar employers because they allow for larger floor plates, provide nearby amenities, and access to transportation for employees.

B. The Bellevue College Gateway (EBCC Parcels)

The CAC wanted to “[E]nhance Bellevue College’s visual presence in the corridor by offering integration opportunities with the transit-oriented development center and promoting college-related retail or other facilities to anchor the main entrance from 148th Ave SE.” By implementing this recommendation, the Planning Commission and Council agreed with the CAC.

As discussed earlier, there are two parcels within the EBCC jurisdiction located at 2649 Landerholm Cir. SE and 2659-148th Ave. SE. They are currently zoned Professional Office and Neighborhood Business, respectively. “Professional Office Districts provide areas for low-intensity office uses...The Professional Office District may act as a buffer between residential and more intensively developed properties.” LUC 20.10.240. The CAC recognized that the Champions Centre wanted a coffee shop that is not allowed in the Professional Office District, but would be allowed in the Community Business District. The CAC report stated that: “The committee’s recommended plan (to rezone the parcel) would support coffee shops or similar publicly-oriented uses at this location, in keeping with the college-related retail or other facilities envisioned at the college’s main entrance on 148th SE.”

Similarly, the gas station is zoned Neighborhood Business, but the CAC did not intend for this area to serve only the neighborhood. Rather, this area was envisioned as a gateway that would serve both the college and the neighborhood. Thus the Community Business District rezone is appropriate. It provides a broader array of retail uses than either the Professional Office District or Neighborhood Business District. “Community Business Districts provide community markets and provide areas for the location of services and retail outlets, other than Downtown.” LUC 20.10.360. Rezoning these two parcels would promote college-related retail at this gateway to Bellevue College and make the college more visible to those in the corridor as envisioned by the CAC, recommended by the Planning Commission, and adopted by the Council.

ACTION REQUESTED OF THE EAST BELLEVUE COMMUNITY COUNCIL

The EBCC is requested to approve both ordinances. Staff will be present at the September 5, 2017 hearing to answer any questions you may have.

Please contact me at 425-452-4241 or at pbyers@bellevuewa.gov, or Matt McFarland at 425-452-5284 or at MMcfarland@bellevuewa.gov if you have any questions before the September 5, 2017 meeting.

- Attachment A: Eastgate Zoning Map
- Attachment B: Eastgate Staff Report
- Attachment C: Ordinance No. 6366, Eastgate LUCA adopted August 7, 2017
- Attachment D: Ordinance No. 6367, Legislative Rezone and Concomitant Repeal adopted August 7, 2017
- Attachment E: Map of EBCC Jurisdiction and Proposed Rezone



Proposed Rezones

Eastgate Area

Parcel Boundary
 Current Zoning
Proposed Rezoning

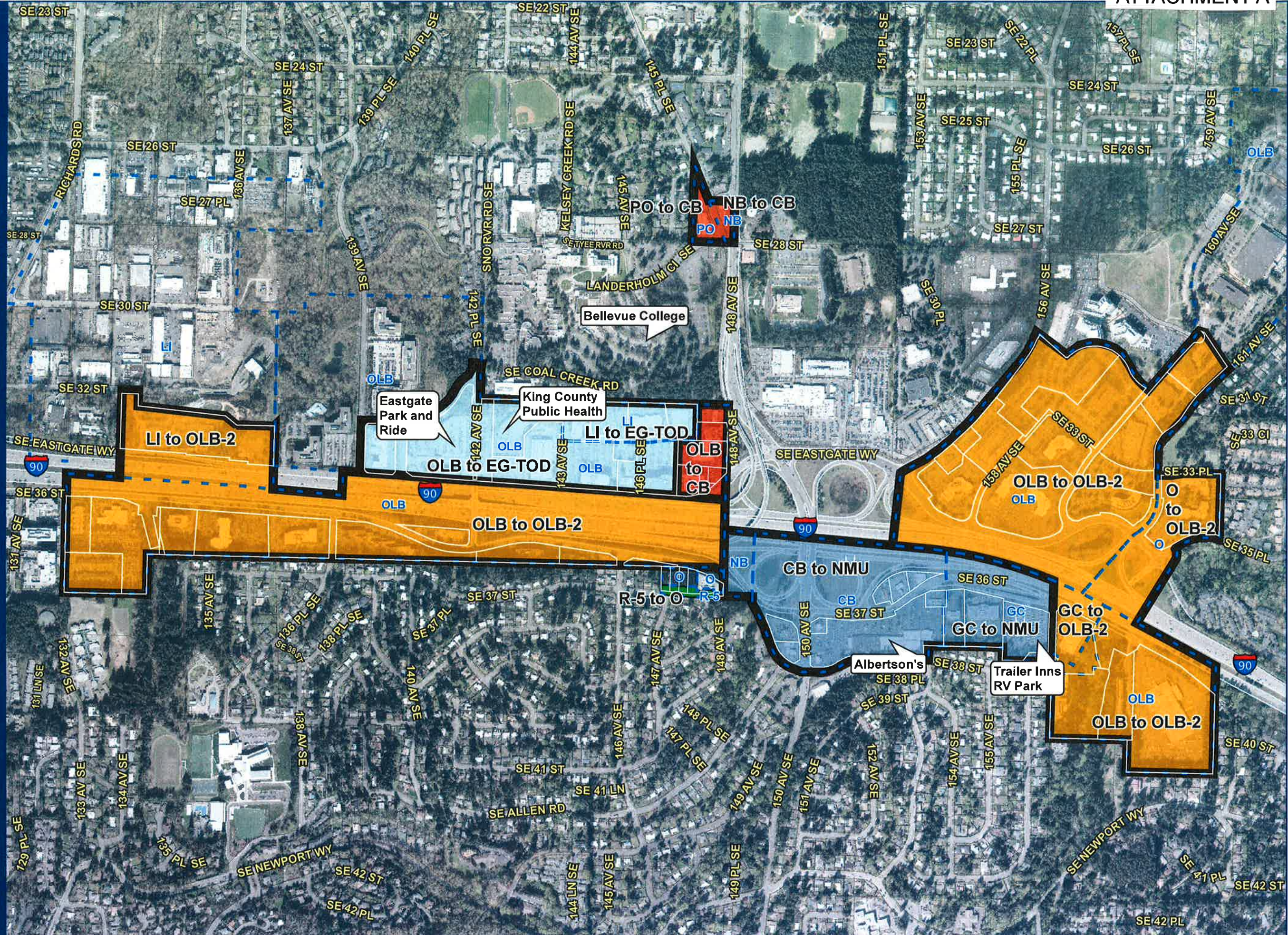
- CB
- EG-TOD
- NMU
- O
- OLB-2

0 425 Feet

Source: City of Bellevue

The City of Bellevue does not guarantee that the information on this map is accurate or complete. This data is provided on an "as is" basis and disclaims all warranties.

Coordinate System: State Plane, Washington North Zone, NAD83 NSRS2007 (Bellevue)





STAFF REPORT

DATE: June 2, 2016

TO: Planning Commission

FROM: Trish Byers, Code Development Manager 452-4241
Development Services Department
Terry Cullen, Comprehensive Planning Manager, 452-4070
Planning and Community Development

SUBJECT: Land Use Code Amendment from Eastgate/I-90 Land Use and Transportation Project implementing the Citizen Advisory Committee's recommendations to create three new districts including a transit-oriented development district, an expanded version of Office and Limited Business and a Neighborhood Mixed Use district. Use tables, dimensional requirements, development standards and design guidelines will be adopted for each new district. The recommendation also includes rezoning other areas to districts that already exist. Some concomitant agreements will be repealed with the rezoning effort. File No. 12-132861AD

I. BACKGROUND

A. Process.

The Eastgate/I-90 Land Use and Transportation Project was initiated to evaluate land use and transportation conditions, policies and regulation in the corridor and to produce a plan that builds on the area's assets. These assets include accessibility, visibility, job diversity and the stability of nearby residential neighborhoods. The area is home to a number of Fortune 500 companies, Bellevue College, and the Eastgate Park and Ride. In addition, the Mountains to Sound Greenway runs through the corridor, which offers multi-modal transportation opportunities to those who live, work, and play in the area.

The Eastgate /I-90 Citizen Advisory Committee (CAC) went through a planning process from November 2010 through April 2012. That process included monthly meetings, several public open houses, online surveys, stakeholder interviews, presentations to interest groups and website updates. The Council provided guidance to the CAC in the 9 principles specific to the Eastgate / I-90 Land Use and Transportation Project Initiative. See Attachment B. Using the year 2030 as the planning horizon, the CAC created a plan to:

- Provide a more coherent identity for the area,
- Improve its economic vitality and character and
- Ensure that that area has adequate transportation infrastructure and services to meet changing community needs.

To implement the CAC's vision, amendments to Bellevue's Comprehensive Plan, Transportation Plan and Land Use Code would be required. The Comprehensive Plan Update in August 2015 included updates to the Eastgate Subarea Plan that reflected the CAC's recommendations. In addition, the Transportation Facilities Plan 2016-2027 and Capital Improvements Plan 2015-

2021 were updated to reflect the recommendations necessary to address the CAC's transportation concerns.¹ This Land Use Code Amendment is the third piece necessary for implementation of the CAC's vision.

After the conclusion of the CAC's work, the Eastgate Subarea Plan was amended to reflect the CAC's vision. The updated subarea plan has the following characteristics:

- It builds on the success of the corridor as a major employment center by adding capacity for additional office growth and allowing a greater mix of support retail and service uses.
- It establishes a mixed-use Transit-Oriented Development center around the transit center and south of Bellevue College. A substantial portion of the future office and residential growth in the corridor is expected to occur at this location.
- It increases opportunities for residential development in the corridor, to add vibrancy to the area, provide housing in proximity to Bellevue College and places of work, benefit from existing transit service, and support nearby retail uses.
- It seeks to enhance Bellevue College's visual presence and connections to the adjacent community.
- It promotes the Mountains-to-Sound Greenway by supporting the development of the Mountains-to-Sound Greenway trail through Bellevue and by incorporating sustainable design and abundant natural landscaping into the built environment.
- It identifies modest but effective motorized and non-motorized transportation improvements that may be accomplished through partnerships with other agencies.
- It supports increased floor area ratios and building heights throughout the corridor to meet demand for continued job and economic growth.

The Eastgate Draft Land Use Code Amendments are based on the CAC's recommendations and the Comprehensive Plan. Refer to Attachment A for the Eastgate Draft Land Use Code Amendments.

After the CAC completed its work and a final report had been written, the Planning Commission scheduled five meetings in 2015 to discuss the land use code amendments. The first meetings with the Planning Commission oriented them to the work of the CAC, and included a walking tour of the area chosen for the transit oriented development. In 2016, the Planning Commission held five meetings to consider considered the following topics as they related to three new districts: Permitted uses, dimensional requirements, development standards, and design guidelines. They also discussed some of the concomitant agreements² that would be removed by rezoning parcels.

A list of public comments received by the Planning Commission in provided in Attachment C.

¹ A more detailed discussion of the transportation impacts can be found in the Planning Commission materials for March 23, 2016. <http://www.bellevuewa.gov/planning-commission-agendas-2016.htm>

² A concomitant agreement is a form of land use control that was applied prior to the authorization of the use of development agreements by the state legislature in 1995. By using a concomitant agreement, communities could condition development by applying property specific provisions at the time of zoning or rezoning. Development provisions within the agreement are applied to the property until the concomitant is amended or repealed.

B. Amendment Description

The draft Eastgate Land Use Code Amendments are included in Attachment A. The amendments are organized under the three new districts that that are summarized below. They are the Eastgate Transit Oriented Development Land Use District (EG-TOD), the Office Limited Business District 2 Land Use District (OLB 2), and the Neighborhood Mixed Use Land Use District (NMU):

1. Eastgate Transit Oriented Development Land Use District (EG-TOD). This district is not being considered by the EBCC.

a. Location. The EG-TOD will be located between Bellevue College and Eastgate Way adjacent to the Eastgate Park and Ride. See Attachment D.

b. CAC Recommendation. The CAC recommended a transportation oriented development center with a mixture of office residential and retail uses, true integration of transit services, inviting pedestrian environment, and a strong relationship with Bellevue College. Any development over .5 Floor Area Ratio (FAR) should have ground floor retail, a master plan, substantial residential component and the provide public benefit. The CAC recommended a maximum 2.0 FAR and a building height of 10-12 stories.

c. Description. The purpose of the TOD District is to provide an area for a mix of housing, retail, office, and service uses, with an emphasis on housing. The district is limited in area so that there is an appropriate level of density nearest the highest levels of transit service.

d. Uses. (Attachment A, proposed LUC section 20.25P.030)

Manufacturing.

- Microbreweries would be allowed when combined with an eating and drinking establishment which constitutes a majority of the use.
- Textiles and Apparel Manufacturing would be allowed when combined with retail store which constitutes a majority of the use.

Recreation, Culture, and Entertainment.

- Most recreational uses would be permitted outright or with an Administrative Conditional Use Permit (ACUP), except that public assembly uses would be limited to 20,000 square feet.

Residential.

- Most residential uses would be allowed in this district. Group quarters such as dormitories would require a Conditional Use Permit (CUP).
- Transient Lodging such as youth hostels or the YMCA would require an ACUP. The Council omitted transient lodging in the final version, but

passed another emergency ordinance that requires homeless shelters to be processed with a conditional use permit.

Resources.

- Veterinary Clinic and Hospital would be allowed. Boarding and commercial kennels are allowed as subordinate uses. Their operating hours would be from 7 a.m. to 10 p.m.

Services.

- Child Day Care Center would be allowed.
- Auto washing and detailing within a garage would be allowed.
- Medical Clinics would be allowed.
- Pet Grooming and Day Care would be allowed.
- Primary and Secondary Education would require an ACUP.

Transportation and Utilities.

- Some uses would require a CUP such as Essential Public Facilities, Regional Utility Systems, and Electrical Utility Facilities.

Wholesale and Retail.

- Eating and Drinking Establishments would be allowed outright, but drive-in windows would not be allowed.
- Miscellaneous Retail Trade would be allowed but drive through facilities such as drive-through pharmacies would only be allowed in a structured parking area.
- Pet Shops would be allowed.

e. Dimensional Requirements. (Attachment A, proposed LUC section 20.25P.060)

- Façade Separation – 10 feet
- Front Setback – 0 feet
- Side/Rear Yard - 5 feet
- FAR - 2.0 (Up to 1.0 FAR excepted for Affordable Housing, Open Space, Public Restrooms, Special Dedications and Transfers)
- Maximum Building Height-160 ft. except 45 ft. maximum for parking structures
- Maximum Lot Coverage by Structures -75%³
- Maximum Impervious Surface -75%⁴

These standards were amended consistent with the Low Impact Development Project. See Ordinance 6366, LUC 20.20.005

f. Development Standards. (Attachment A, proposed LUC section 20.25P.070-.090)

i. Landscaping

³ This percentage was modeled after BelRed, but will ultimately be aligned with the Low Impact Development project.

⁴ This percentage was modeled after BelRed, but will ultimately be aligned with the Low Impact Development project.

- The general landscaping requirements apply with respect to types of landscaping, species selection, and maintenance.
- Street trees/landscaping are proposed for the EG-TOD.
- Interior property line softened with landscaping.

ii. Fencing

- No sight obstruction.
- No barbed wire, electric or chain link (except construction or temporary use).

iii. Parking

- Requirements are modeled after nodes in Bel-Red which are essentially transit-oriented development.
- Requirements are reduced from those in other parts of the City as recommended by CAC. The idea behind transit oriented development is to provide other transportation opportunities so that fewer cars and less parking is necessary.
- Parking requirements may be modified by the Director if the applicant provides a parking demand analysis.

iv. Bicycle parking

- 1 per 10,000 net square feet (nsf) of nonresidential uses over 20,000 nsf.
- 1 per 10 dwelling units.
- 50% of spaces must be covered.

g. Design Guidelines. (Attachment A, proposed LUC section 20.25P.100.)

i. Integrate the Natural Environment. Development should provide:

- Access to open space.
- Views of urban elements against green backdrop.
- Access points to MTS Greenway.
- Architectural elements that harmonize with natural surroundings.
- MTS access points and complementary open spaces.
- Green walls and roofs, rain gardens.
- Promotion of environmental sustainability.

ii. Enhance Pedestrian System. Development should:

- Pedestrian hill climb and plaza that connects EG-TOD and Bellevue College.
- Pedestrian routes that are safely integrated with streets.
- Pedestrian access connections shall be linked to public right of way, EG Park and Ride and all areas of EG-TOD.
- Walkways should be sufficiently wide, unobstructed, offer visibility, paved with high quality materials, and lit with pedestrian scale lighting.

iii. Establish and Strengthen Gateways. Development should provide:

- Architectural treatments in buildings adjacent to gateways.
- Free standing architectural elements.

- Signage, landscaping, and lighting to identify gateways.
 - Markers or inlaid art in sidewalks.
- iv. Create a Variety of Activated Outdoor Spaces. Development should provide:
- Walkways and courtyards should be incorporated into residential and office development.
 - Courtyards and plazas should be adjacent to active ground floor uses.
 - Public spaces should be defined with materials such as furniture pavers, colored concrete.
 - Plantings and buildings can define the open space.
 - Easy access to outdoor spaces.
- v. Pedestrian Emphasis Guidelines. Development should provide:
- Building entrances that are accessible from the street level.
 - Transparent windows at street level.
 - Walls with visual interest through form and materials.
 - Selection and coordination of streetscape furnishing.
 - Signs and lighting at ground level at pedestrian scale.
- vi. Protect Pedestrians from the Elements. Development should provide continuous weather protection - metal canopies, marquees, canopies, awnings.
- vii. Integrate art. Development should:
- Incorporate art that relates to TOD characteristics.
 - Use art that emphasizes gateways.
 - Uses durable materials.
 - Ensures that the art will age well.
 - Uses art that is designed for the site and is functional or interactive.
- viii. Promote Architectural Compatibility.
- Architectural elements used at a scale and level of detailing proportionate to the size of the building.
 - Refuse/recycling receptacles should be inside the building.
- iv. Provide Interesting Building Massing.
- Long expanses of building frontage must be broken down vertically and horizontally (about 50 feet for nonresidential uses).
 - Tripartite façade division- base, middle, and top should be used for buildings over 5 stories.
 - Vertical articulation of windows columns and bays.
 - Building massing should maximize solar access to publicly accessible open spaces.
- v. Create Attractive Building Silhouettes and Rooflines. Development should have:
- If visible from I-90, a distinctive silhouette to announce entry into Bellevue.

- Vertical expression of important building functions.
 - Varied roof line heights.
 - Green roofs or rooftop terraces.
- vi. Foster Attractive Rooftops. Development should provide:
- Green roofs and rooftop terraces.
 - Reduce and treat stormwater runoff.
 - Rooftop mechanical equipment should not be visible and should be full screened and integrated in the buildings architectural style.
- v. Promote Welcoming Residential Entries. Lobby entries and ground floor individual entries should provide:
- Weather protection.
 - Transparent doors windows or glazing (and transom windows or side lights).
 - Double or multiple doors.
 - Visibility and security.

- vi. Design Inviting Retail, Office and Commercial Entries
 - Entries on street frontage and to each tenant space.
 - Doors with 50% window area or more.
 - Lighting that emphasizes entries.
 - Large café or restaurant doors that open to the street.
- vii. Activate and Emphasize Corners
 - Primary building entrance at corner
 - Weather protection, special paving and lighting
- viii. Provide Inviting Ground Floor Retail and Commercial Windows
 - Clear window glazing with visual access to activity.
 - Operable and transom windows.
- ix. Build Compatible Parking Structures and Surface Parking
 - Structures should have habitable ground floor space if fronting on a local street.
 - Structures visible from I-90 should have green walls or other screening.
 - Surface parking should be located behind building.
 - Parking areas should be screened by landscaping.
- x. Lighting Guidelines. (For this guideline and the following two guidelines, please refer to Attachment A)
- xi. Integrate Building Lighting.
- xii. Sign Guidelines.

2. Office Limited Business 2 (OLB 2).

a. Location. Parcels that will be rezoned to OLB 2 are located in three general areas: north of I-90 and east of 148th Ave. S.E., south of I-90 and east of Eastgate Plaza, and south of I-90 and west of 150th Ave. S.E. See Attachment D.

b. CAC Recommendation. The CAC recommendation focused on the I-90 Office Park which comprises the corridor's greatest concentration of office development and largest employment center. This district has an expanded mix of retail and service uses from Office and Limited Business to serve those who are employed in the area. The CAC recommended a maximum FAR of 1.0 and a maximum height of 4 to 6 stories.

c. Description. The purpose of the OLB 2 District is to provide an area of integrated complexes made up of offices, hotels, or motels, eating and drinking establishments, and retail sales within walking distance to support business and employees. The OLB 2 District has greater intensity and a larger mix of uses than the OLB District. Such districts are located in areas that abut and have convenient access to freeways, major highways, and transit. (Attachment A, proposed LUC section 20.10.285)

d. Uses (Attachment A, proposed LUC section 20.10.440)

Manufacturing.

- Microbreweries would be allowed when combined with an eating and drinking establishment which constitutes a majority of the use.

- Measuring, Analyzing and Controlling Instruments Manufacturing would be allowed when combined with retail store which constitutes a majority of the use.

Recreation, Culture, and Entertainment.

- Most recreational uses would be allowed except that public assembly uses would be limited to 20,000 square feet.

Residential.

- All residential uses would be permitted outright except for single family dwellings and nursing homes which would not be permitted.

Resources.

- Veterinary Clinics and Hospitals would be allowed and would be allowed to have boarding and commercial kennels as subordinate uses. They would be required to open to the public between 7 a.m. and 10 p.m.

Services.

- Finance Insurance, Personal Services, Child Day Care, Business Services, and Small Repair Services would all be allowed.
- Professional Services would be allowed.
- Pet Grooming and Pet Day Care would be allowed and boarding and commercial kennels would be allowed as a subordinate use.
- Some government services, secondary and primary educational uses would require an ACU.
- Religious Activities would be allowed.
- Social Service Providers would be allowed.

Transportation and Utilities.

- Utility Facility, Essential Public Facility, and Regional Utility Systems would require a CUP.
- Commercial Parking Lots would require a CUP and could only be located west of 142nd Ave. S.E.

Wholesale and Retail.

- Hardware, Variety, Food, Apparel and Furniture Stores would all be allowed.
- Retail auto, truck, RB and boat showrooms would be allowed through a development agreement. No outdoor storage of autos, trucks, boats and RVs would be allowed.
- Motorcycle sales would be allowed, however outdoor storage would not be permitted.
- Eating and Drinking Establishments would be allowed, but drive through windows would not be allowed.

e. Dimensional Requirements. (Attachment A, LUC section 20.20.010)

- Front Setback – 0
- FAR – 1.0
- Maximum Building Height (feet) – 75
- Maximum Lot Coverage by Structure – 40%⁵
- Maximum Impervious Surface – 80%⁶ These standards were changed in the final ordinance. Please see Ordinance No. 6366, LUC 20.20.005.

f. Development Standards.

i. Landscaping (Attachment A, LUC 20.20.520) Perimeter landscaping is a Type III⁷, 10 foot wide landscape buffer applies on street frontage and interior property lines unless the Transitional Area Design District applies because the parcel is adjacent to a residential district. (See Attachment A, LUC Part 20.25B)

ii. All other Development Standards. Since the OLB 2 is a district that could be applied citywide, all of the other citywide development standards would apply including landscaping, parking, and circulation.

g. Design Guidelines. (Attachment A, Part 20.25C LUC)

i. Integrate the Natural Environment

- Protect and incorporate natural environments and connections.
- Maximize retention of existing vegetation
- Promote environmental sustainability in features such as LID, green walls, and green roofs.

⁵ This provision may change with the Low Impact Development Project.

⁶ This percentage may decrease to 60% with the Low Impact Development Project.

⁷ Type III landscaping is intended to provide visual separation of uses from streets, and visual separation of compatible uses so as to soften the appearance of streets, parking areas and building elevations. It is comprised of deciduous and evergreen trees and shrubs.

- ii. Promote Architectural Compatibility (with the quality and character of the area)
 - Architectural elements at a scale and level of detailing proportionate to building.
 - Elements should be sensitive to and enhance surrounding area.
 - Multi-site development should have a unity of design.
 - Fences, walls refuse and receptacles should be consistent with scale and architectural design of primary structure.
- iii. Promote Community Gathering
 - Incorporate outdoor gathering spaces near active ground floor uses.
 - Landscaping should defined spaces, walkways and amenities.
 - Incorporate public art.
- iv. Build Compatible Parking Structures and Lots
 - Surface parking located behind building.
 - Parking areas should be designed to minimize pedestrian/car conflicts.
 - Parking areas should be landscaped.
 - Parking areas along street or pathway must be screened.
 - Bicycle parking shall be provided.
- v. Design Welcoming Entries
 - Street frontage should have entries.
 - Entrances at frequent intervals for retail.
 - Weather protection.
 - Transparent doors.
 - Double or multiple doors.
 - Visibility and security.
 - Lighting that emphasizes entrances.
- iv. Promote Visually Interesting and Inviting Windows

3. Neighborhood Mixed Use (NMU).

a. Location. The parcels that will be rezoned NMU are located in or near Eastgate Plaza. See Attachment D.

b. CAC Recommendation Many different uses are encouraged including office, retail, eating and drinking establishments, general commercial, lodging and multi-family residential. All of these uses are to serve the surrounding neighborhoods. The vision for the district is to feature a highly visible and attractive multistory mixed use development with structured or inconspicuously located parking. The CAC recommended a maximum FAR of 1.0 with 4 to 6 stories if the surrounding single family residences can be protected from development impacts.

c. Description. The purpose of the NMU District is to provide an area with a mix of retail, service, office and residential uses with an emphasis on neighborhood retail and service uses. This district is designed to be compatible with nearby neighborhoods and is easily accessible from the nearby office and residential uses. (See Attachment A, proposed LUC section 20.10.350).

d. Uses.

Manufacturing.

- Microbreweries would be allowed when combined with an eating and drinking establishment which constitutes a majority of the use.
- Handcrafted Products Manufacturing would be allowed when combined with retail store which constitutes a majority of the use.

Recreation, Culture, and Entertainment.

- Most recreational uses would be allowed except that public assembly uses would be limited to 20,000 square feet.

Residential.

- Most residential uses are allowed except for single family residences.
- Group quarters such as dormitories would require a conditional use permit.
- Multi-family dwellings and senior citizen dwellings are allowed only if located on the second floor and above the permitted ground floor nonresidential use.

Resources.

- Veterinary Clinics and Hospitals would be allowed and would be allowed to have boarding and commercial kennels as subordinate uses. They would be required to open to the public between 7 a.m. and 10 p.m.

Services.

- Finance Insurance, Personal Services, Child Day Care, Business Services, and Small Repair Services would all be allowed.
- Professional Services would be allowed.
- Pet Grooming and Pet Day Care would be allowed and boarding and commercial kennels would be allowed as a subordinate use.
- Some government services, secondary and primary educational uses would require an ACUP.
- Religious Activities would be allowed.
- Social Service Providers would be allowed.

Transportation and Utilities.

- Utility Facility, Essential Public Facility, and Regional Utility Systems would require a CUP.
- Commercial Parking Lots and Garages would not be permitted.

Wholesale and Retail.

- Hardware, Variety, Food, Apparel and Furniture Stores would all be allowed.
- Eating and Drinking Establishments would be allowed, but drive through windows would not be allowed.

e. Dimensional Requirements. (See Attachment A, LUC section 20.10.010)

- Front Setback – 0
- FAR – 1.0 (up to 1.0 FAR is excepted for Affordable Housing)
- Maximum Building Height (feet) – 75
- Maximum Lot Coverage by Structure – 40%⁸
- Maximum Impervious Surface – 80%⁹ These standards were changed in the final ordinance. Please see Ordinance No. 6366, LUC 20.20.005.

f. Development Standards.

i. Landscaping (Attachment A, LUC section 20.20.520). Perimeter landscaping is a Type III¹⁰, 10 foot wide landscape buffer on the street frontage and a Type III, 10 foot wide on interior property lines unless the Transitional Area Design District applies because the parcel is adjacent to a residential district. (See Attachment A, LUC Part 20.25B LUC)

ii. All other Development Standards. Since the NMU is a district that could be applied citywide, all of the other citywide development standards would apply including landscaping, parking, and circulation.

g. Design Guidelines. (Attachment A, LUC Part 20.25I LUC)

NMU is incorporated into the Community Retail Design District (CRDD). The CRDD already has building and site design guidelines and design standards. The proposed design guidelines are NMU-specific and are in addition to those applied to other districts in the CRDD.

i. Integrate the Natural Environment

- Orient open spaces and walkways around parks and open, natural spaces.
- Convenient access to open space.
- Access points to local and regional trails.
- Maximize retention of existing vegetation.
- Promote environmental sustainability in design features-green roofs, LID, green walls.

ii. Promote Community Gathering

- Incorporate outdoor gathering spaces near active ground floor uses.
- Landscaping should defined spaces, walkways and amenities.

⁸ This percentage may change to be aligned with the recommendations of the Low Impact Development Project.

⁹ This percentage may decrease to 60% with the Low Impact Development Project.

¹⁰ Type III landscaping is intended to provide visual separation of uses from streets, and visual separation of compatible uses so as to soften the appearance of streets, parking areas and building elevations. It is comprised of deciduous and evergreen trees and shrubs.

- Incorporate public art.
- iii. Build Compatible Parking Structures and Lots
 - Surface parking located behind building (see also design requirements for actual structure).
 - Parking areas should be designed to minimize pedestrian/car conflicts.
 - Parking areas should be landscaped.
 - Parking areas along street or pathway must be screened.
- iv. Enhance the Pedestrian System
 - Minimal curb cuts.
 - Safe convenient pleasant pedestrian connections to transit.
 - Traffic and emergency access and evacuation.
 - Direct walking routes.
 - Internal streets shall have street trees and sidewalks.
 - Weather protection of building walkway at entrances.
- v. Provide Interesting Building Massing
 - Break down long masses of building frontage both vertically and horizontally.
 - Buildings over 5 stories shall have vertically articulated tripartite façade division - base, middle and top
 - Vertical articulation of windows, columns and bays
- vi. Create Attractive Building Silhouettes and Rooflines
 - Visible from I-90 should have distinctive silhouette.
 - Incorporate a combination of:
 - Vertical expressions of important building functions.
 - Varied roof line heights.
 - Well detailed cornices.
- vii. Promote Welcoming Residential Entries
 - Ground related individual entries should have a clear transition from public realm.
 - Lobby entries to multi-family buildings should provide:
 - Weather protection at entries.
 - Transparent doors and windows.
 - Double or multiple doors
- viii. Promote Visually Interesting Upper Floor Residential Windows
- ix. Design Inviting Retail and Commercial Entries
 - Street frontage should include public entrances.
 - In retail areas with high-use pedestrian areas, entrances should be provided at least every 50 feet to generate pedestrian activity.
 - Doors with 50% window area or more.
 - Lighting that emphasizes entries.
 - Large café or restaurant doors that open to the street.

- x. Design Inviting Ground Floor Retail and Commercial Windows
 - Clear window glazing that provides visual access should be provided on ground floor facades.

II. REVIEW PROCESS

The review process began with the CAC as discussed in the Background, Section I, above. The CAC completed its final report and the Eastgate land use code amendments were referred to the Planning Commission. The Planning Commission conducted a walking tour of the EG-TOD area on September 9, 2015. The Planning Commission also scheduled numerous study sessions to discuss the land use code amendments. The 2015 dates included: June 10, July 22, October 14 and December 9. The 2016 dates include: January 27, February 24, March 23, April 27, and May 25. The public hearing is scheduled to be held on June 22, 2016, after which the Planning Commission will hold a study session and make its recommendation to the City Council.

III. PUBLIC NOTICE

Notice of the Application for the Land use Code Amendment and associated review pursuant to the State Environmental Policy Act (SEPA), was published on May 19, 2016. Notice of the public hearing was published on June 2, 2016 in the Weekly Permit Bulletin. Notice of the SEPA threshold determination is expected on June 9, 2016.

Pursuant to the Washington State Growth Management Act, state agencies must be given 60 days to review and comment on proposed amendments to the Land Use Code. A copy of the proposed amendment was provided to state agencies on June 2, 2016. City Council final action can be taken anytime on or after August 3, 2016.

The balance of this Staff Report analyzes the decision criteria in the Land Use Code that must be met to support adoption of a Land Use Code Amendment.

IV. DECISION CRITERIA

LUC 20.30J.135 establishes the decision criteria for an application to amend the text of the Land Use Code. Those criteria, and the relationship of the proposal to them, are discussed below:

A. The amendment is consistent with the Comprehensive Plan; and

The proposed amendments are supported by the following Comprehensive Plan policies:

POLICY S-EG-1. Focus Eastgate growth into a mixed use center adjacent to the Eastgate Transit Center with greater height and intensity than the surrounding area.

POLICY S-EG-2. Establish a pedestrian-oriented street that provides a community plaza and allows for connections between Bellevue College, the Eastgate Park and Ride, and the office, retail, and residential development in the transit-oriented development center.

POLICY S-EG-3. Encourage office and retail land uses that take advantage of freeway access, transit service, and non-motorized transportation alternatives without adversely impacting residential neighborhoods.

Discussion: Intense office development can generate adverse traffic impacts and block residential views. Site design also can impact residential quality. To support this policy, office and retail development should be well designed so that it is compatible with surrounding neighborhoods and be oriented around a multi-modal transportation system that reduces vehicular congestion and traffic impacts.

POLICY S-EG-4. Encourage the integration of restaurants and other commercial uses that serve local workers into and adjacent to office development to enhance the mix of uses within walking distance of employment areas.

Discussion: The reason for encouraging restaurants and other commercial services within office developments is to reduce vehicular traffic between the office parks and retail areas. Retail areas are intended to serve primarily local needs.

POLICY S-EG-10. Multifamily housing may be appropriate to separate office and retail land uses from single-family neighborhoods or as a part of mixed use developments where there is close proximity to transit or neighborhood-serving commercial uses, with a special emphasis on meeting the housing needs of Bellevue College.

POLICY S-EG-11. Encourage more opportunities for affordable housing in the Subarea by maintaining and rehabilitating existing housing stock.

POLICY S-EG-13. Consider allowing a reduction in parking requirements where it is possible to do so because of proximity to transit.

POLICY S-EG-14. Improve safety, convenience, and access by ensuring that internal circulation systems are integrated with the street system to improve multimodal mobility within and between developments.

POLICY S-EG-17. Improve connectivity within the subarea for pedestrians and bicycles where opportunities exist by integrating land uses, improving roadway safety for all modes of travel, and linking commercial, office, parks, and public spaces with trails and pathways.

POLICY S-EG-19. Reinforce the area's location on the Mountains to Sound Greenway, accentuate Eastgate as a major entry into Bellevue, and emphasize the emerging urban character of the Eastgate I-90 corridor through the application of land use regulations, public amenity incentives, and design guidelines.

POLICY S-EG-20. Provide graceful edges and transitions between more intense development and existing residential land uses by maximizing the use of existing vegetation and topography to buffer and maintain compatibility between different land uses through land use regulations.

POLICY S-EG-21. Consider design review for commercial, office, and mixed use development that promotes pedestrian-friendly design, ensures quality and a sense of permanence, promotes environmental sustainability and creates a distinct identity.

POLICY S-EG-22. Preserve the view amenities of adjacent single-family neighborhoods as development and redevelopment occurs.

POLICY S-EG-24. Support the overall sustainability and green identity of the I-90 corridor consistent with the Mountains to Sound Greenway by including visibly recognizable natural features in public and private development. Examples include, but are not limited to green walls, façade treatments, green roofs, retained native vegetation, and abundant natural landscaping,

POLICY S-EG-25. Diminish the effect of rooftop equipment on views from residential areas by requiring rooftop equipment to be low-profiled and screened to match the building's exterior color, building materials, and styles.

POLICY S-EG-26. Maintain the Subarea's predominantly treed skyline and encourage preservation of existing stands of trees and landscaping.

POLICY S-EG-28. Create community character in commercial, office, and mixed use development through the use of standards and incentives that support public art, street lighting, landscaping, distinctive building design, and pedestrian-oriented site design.

POLICY S-EG-29. Encourage the development of a dynamic public realm by integrating publicly accessible plazas, open spaces, and other gathering spaces within private development in commercial, office, and mixed use areas.

POLICY S-EG-31. Create and encourage an interconnected system of nonmotorized trails as a part of public and private development within the subarea that will link community amenities, provide recreational opportunities, and offer transportation benefits.

POLICY S-EG-32. Develop local connections to the Mountains to Sound Greenway through the subarea in order to enhance the trail as a local and regional recreational asset.

POLICY S-EG-42. Encourage a mixed use area between Bellevue College and I-90 into a walkable, transit-oriented center at the level of intensity needed to create a vibrant mix of offices, residences, and locally-serving shops and restaurants that are urban in character.

POLICY S-EG-43. Retain neighborhood-serving commercial uses through flexible zoning that allows a rich combination of neighborhood retail and services.

Finding: These code amendments will provide the necessary regulatory framework in the Land Use Code to implement the policies contained in the Eastgate Subarea Plan. Proposed Land Use Code amendments necessary to implement the CAC direction and the Subarea Plan policies are discussed in greater detail in Section I.B above.

B. The amendment enhances the public health, safety or welfare; and

Finding: The amendment will enhance the public health, safety, and welfare by ensuring that development in the Eastgate corridor includes appropriate permitted uses, dimensions, development standards and design guidelines. The Eastgate Land Use Code Amendment will enhance the health, safety, and welfare of the public by providing safe and pleasant places to live, work, and visit in Eastgate.

C. The amendment is not contrary to the best interest of the citizens and property owners of the City of Bellevue.

Finding: The amendment is consistent with the best interest of the citizens and property owners. It will allow for a variety of business and residential housing opportunities in the Eastgate/I-90 Corridor while preserving the quality and character of each Eastgate District with standards to help ensure that policy of the Comprehensive Plan is implemented through application of the LUC to new development and to redevelopment.

V. STATE ENVIRONMENTAL POLICY ACT

An optional Determination of Non-Significance (DNS) has been issued for this code amendment, and a DNS is expected to be issued on June 9, 2016.

VI. RECOMMENDATION

The requested Land Use Code Amendment included in Attachment A is consistent with the decision criteria required for adoption of a Land Use Code Amendment. Staff recommends that the Planning Commission hold a public hearing on the draft amendment, and following consideration of the testimony provided at the hearing transmit a recommendation approving all of the draft amendments.

CITY OF BELLEVUE, WASHINGTON
ORDINANCE NO. 6366

AN ORDINANCE amending the Land Use Code and Bellevue City Code relating to zoning, planning and land use, amending portions of Title 20 (the Bellevue Land Use Code) of the Bellevue City Code to advance the Eastgate/I-90 Land Use and Transportation Project, improve clarity and usability, ensure consistency with State Law, and correct inaccuracies and outdated footnotes, which includes the following amendments: adding the Office/Limited Business 2 (OLB 2), Neighborhood Mixed Use (NMU), and Eastgate Transit Oriented Development (EG-TOD) as new districts; adding OLB 2 and NMU to the general use charts in LUC 20.10.440; amending the permitted uses and footnotes in the general use charts; adopting dimensional standards for the OLB 2 and NMU Districts; amending the landscape standards in LUC 20.20.520 to include OLB 2 and NMU; amending the Transitional Area Design District, (Part 20.25B) to include OLB 2 and NMU; amending Part 20.25C to include design standards for OLB 2; amending the Community Retail Design District (Part 20.25I) to include design guidelines for the NMU District; adding a new Part 20.25P to Title 20 that includes use charts, dimensional requirements, street standards and design guidelines for the EG-TOD.

WHEREAS, the Council adopted the Eastgate / I-90 Corridor Land Use and Transportation Project Principles adopted on February 1, 2010, and these principles served as guidance for work accomplished by the Eastgate/I-90 Land Use and Transportation Citizen Advisory Committee (CAC); and

WHEREAS, the Council appointed the Eastgate Citizens Advisory Committee (CAC) in October 2010; and

WHEREAS, the CAC began its work on the Eastgate / I-90 Corridor Land Use and Transportation Project (Eastgate Project) in November 2010 by conducting public outreach such as open houses, online surveys, stakeholder interviews, presentations to interest groups, and website updates; and

WHEREAS, the CAC went through a planning process for one and a half years, completed its work, and issued *The Eastgate / I-90 Land Use and Transportation Project Citizen Advisory Committee Final Report* (Eastgate CAC Report) on April 5, 2012; and

WHEREAS, within its final report, the CAC recommended amendments to the Comprehensive Plan, Land Use Code, Zoning Map, and Transportation Facilities Plan that would implement the vision set forth in the City Council's principles and issued its final report; and

WHEREAS, on April 23, 2012, the City Council accepted the Eastgate CAC Report, initiated the recommended Comprehensive Plan amendments, and directed the Planning and Transportation Commissions to review and implement the CAC's recommendations that would further the goals of the Eastgate Project; and

WHEREAS, the Planning Commission recommended and the Council adopted those Comprehensive Plan amendments necessary to implement the policy framework for the Eastgate Project in August 2015; and

WHEREAS, the recommended transportation projects were incorporated into the Transportation Facilities Plan of 2013-2024; and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and the City's Environmental Procedures Code, (Chapter 22.02 BCC) by integrating environmental review into the Eastgate Project and by publishing a determination of nonsignificance issued on June 9, 2016; and

WHEREAS, the Planning Commission held a total of 13 study sessions between June 2016 and July 2017, received public comment, and held a public hearing on the proposed amendments on June 22, 2016 after providing legally required public notice; and

WHEREAS, the Planning Commission, determined that the draft land use regulations are consistent with the Council's guiding principles, the Eastgate CAC Report, and the Comprehensive Plan; and

WHEREAS, the Planning Commission, after holding the required public hearing, recommended that the City Council approve the draft land use code amendments; and

WHEREAS, the City Council held additional study sessions and, hearing the citizen concerns regarding traffic, referred the project to the Transportation Commission for consideration of two operational Transportation projects that would alleviate congestion on the 150th Ave SE Corridor between SE 37th Street and SE Newport Way; and

WHEREAS, the Transportation Commission held two study sessions, received public comment, and recommended the two projects to the Council; and

WHEREAS, the Council modified the Planning Commission recommendation to exclude the transient lodging use from the new OLB-2, NMU and EG-TOD land use districts in order to pursue a Citywide effort to address homeless shelter-related issues; to include development phasing language in Part 20.25P LUC; and to formulate an affordable housing ratio for use with the Planning Commission recommended exemption from the calculation of floor area ratio; and

WHEREAS, the Council finds that this ordinance is consistent with Eastgate Principles and the Eastgate CAC Report; and

WHEREAS the City Council finds that the draft land use code amendments meet the decision criteria of LUC 20.30J.135 and are consistent with the Comprehensive Plan, enhance the public safety and welfare, and are not contrary to the best interest of the citizens and property owner of the City of Bellevue, as more completely analyzed in the Staff Report for the amendments dated June 22, 2016; now, therefore,

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

Section 1. Section 20.10.020 of the Bellevue Land Use Code, is hereby amended as follows:

20.10.020 Establishment of land use districts.

Land use districts in the City are hereby established as follows:

1600-ORD
8/3/2017

District	Designation
Single-Family Residential Estate	R-1
	R-1.8
Single-Family Residential	R-2.5
	R-3.5
	R-4
	R-5
	R-7.5*
Multifamily Residential	R-10
	R-15
	R-20
	R-30
Professional Office	PO
Office	O
Office and Limited Business	OLB
Office and Limited Business 2	OLB 2
Office and Limited Business-Open Space	OLB-OS
Light Industrial	LI
General Commercial	GC
Neighborhood Business	NB
Neighborhood Mixed Use	NMU
Community Business	CB
Eastgate Transit Oriented Development	EG-TOD
Downtown	
Office District 1	DNTN-O-1
Office District 2	DNTN-O-2
Multiple Use District	DNTN-MU

1600-ORD
8/3/2017

Residential District	DNTN-R
Old Bellevue District	DNTN-OB
Office and Limited Business District	DNTN-OLB
Evergreen Highlands Design District	EH
Performance Area A	EH-A
Performance Area B	EH-B
Performance Area C	EH-C
Performance Area D	EH-D
Factoria Land Use District 1	F1
Factoria Land Use District 2	F2
Factoria Land Use District 3	F3
Medical Institution District	MI
Bel-Red	
Bel-Red-Medical Office	Bel-Red-MO
Bel-Red-Medical Office Node	Bel-Red-MO-1
Bel-Red Office/Residential	BR-OR
Bel-Red-Office/Residential Node 1	Bel-Red-OR-1
Bel-Red-Office/Residential Node 2	Bel-Red-OR-2
Bel-Red-Residential/Commercial Node 1	Bel-Red-RC-1
Bel-Red-Residential/Commercial Node 2	Bel-Red-RC-2
Bel-Red-Residential/Commercial	Bel-Red-RC-3
Bel-Red-Commercial/Residential	Bel-Red-CR
Bel-Red-Residential	Bel-Red-R
Bel-Red-General Commercial	Bel-Red-GC
Bel-Red-Office/Residential Transition	Bel-Red-ORT

Camp and Conference Center

CCC

Section 2. Chapter 20.10 of the Bellevue Land Use Code is hereby amended to add a new section 20.10.285 as follows:

20.10.285 Office Limited Business District 2 (OLB 2)

The purpose of the OLB 2 District is to provide an area of integrated complexes made up of offices, hotels, or motels, eating and drinking establishments, and retail sales within walking distance to support business and employees. The OLB 2 District has greater intensity and a larger mix of uses than the OLB District. Such districts are located in areas that abut and have convenient access to freeways, major highways, and transit.

Section 3. Chapter 20.10 of the Bellevue Land Use Code is hereby amended to add a new section 20.10.350 as follows:

20.10.350 Neighborhood Mixed Use District (NMU)

The purpose of the NMU District is to provide an area with a mix of retail, service, office and residential uses with an emphasis on neighborhood retail and service uses. This district is designed to be compatible with nearby neighborhoods and is easily accessible from the nearby office and residential uses.

Section 4. Chapter 20.10 of the Bellevue Land Use Code is hereby amended to add a new section 20.10.365 as follows:

20.10.365 Transit Oriented Development District (TOD)

The purpose of the TOD District is to provide an area for a mix of housing, retail, office, and service uses, with an emphasis on housing. The district is limited in area so that there is an appropriate level of density nearest the highest levels of transit service.

Section 5: Section 20.10.440 is hereby amended as follows:

**20.10.440 Land use charts.
Chart 20.10.440**

Uses in land use districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Manufacturing – Residential Districts											
		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	
2 and 3	Manufacturing (1,4)												
21	Food and Beverage Products Mfg.												
22	Textile Products Mfg.												
23	Apparel, Fabric, Accessories and Leather Goods Mfg.												

STD
LAND
USE
CODE
REF

Manufacturing – Residential Districts

LAND USE CLASSIFICATION	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
24 Lumber and Wood Products Mfg.											
25 Furniture and Fixtures Mfg.											
26 Paper Products Mfg.											
27 Printing, Publishing and Allied Industries											
28 Chemicals and Related Products Mfg.											
31 Rubber Products Mfg.											
314 Misc. Plastic Products Mfg.											
321 Light Stone, Clay, and Glass Products Mfg.;											
322 Mfg.; Glass, Pottery and China Ceramic											
324 Products, Stone Cutting and Engraving											
325											
327											
329 Handcrafted Products Mfg.											
3427 Computers, Office Machines and Equipment Mfg.											
3433 Electrical Equipment Mfg.; Appliances,											
3434 Lighting, Radio, TV Communications,											
3435 Equipment and Component Parts											
3436											
3437											
3491 Fabricated Metal Products Mfg.;											
3492 Containers, Hand Tools, Heating											
3493 Equipment, Screw Products, Coating and											
3495 Plating											
3497											
35 Measuring, Analyzing and Controlling Instruments, Photographic, Medical and Optical Goods; Watches and Clocks Mfg.; Computer Software											
3997 Signs and Advertising Display Mfg.											
3999 Misc. Light Fabrication Assembly and Mfg. Not Elsewhere Classified											

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.

Permitted uses in the Office and Limited Business-Open Space District (OLB-OS) are listed in LUC 20.25L.020.

Permitted uses in the Medical Institution District are listed in LUC 20.25J.020.

Permitted uses in the Bel-Red District (BR) are listed in LUC 20.25D.070.

Permitted uses in the Camp and Conference Center District (CCC) are listed in LUC 20.25N.040.

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

Chart 20.10.440

Uses in land use districts

Manufacturing – Nonresidential Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/ Limited Business	Office/ Limited Business 2	Light Industry	General Com- mercial	Neighbor- hood Business	Neighbor- hood Mixed Use	Com- munity Business	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3
		PO	O	OLB	OLB 2	LI	GC	NB	NMU	CB	F1	F2	F3
2 and 3	Manufacturing (1,4)												
21	Food and Beverage Products Mfg.				P 6	P 5	S 5	S	P6	S	S		
22	Textile Products Mfg.					P							
23	Apparel, Fabric, Accessories and Leather Goods Mfg.					P	S			S	S		
24	Lumber and Wood Products Mfg.					S	S			S	S		
25	Furniture and Fixtures Mfg.					P	S			S	S		
26	Paper Products Mfg.					S 2							
27	Printing, Publishing and Allied Industries					P	P			S	S		
28	Chemicals and Related Products Mfg.					S 3							
31	Rubber Products Mfg.					C							
314	Misc. Plastic Products Mfg.					P	P			S	S		
321 322 324 325 327	Light Stone, Clay, and Glass Products Mfg.; Glass, Pottery and China Ceramic Products, Stone Cutting and Engraving					P	P			S	S		
329	Handcrafted Products Mfg.					P	P		P 7	P	P		
3427	Computers, Office Machines and Equipment Mfg.					P	P						
3433 3434 3435	Electrical Equipment Mfg.; Appliances, Lighting, Radio, TV					P	S			S	S		

Manufacturing – Nonresidential Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/ Limited Business	Office/ Limited Business 2	Light Industry	General Com- mercial	Neighbor- hood Business	Neighbor- hood Mixed Use	Com- munity Business	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3
		PO	O	OLB	OLB 2	LI	GC	NB	NMU	CB	F1	F2	F3
3436 3437	Communications, Equipment and Component Parts												
3491 3492 3493 3495 3497	Fabricated Metal Products Mfg.; Containers, Hand Tools, Heating Equipment, Screw Products, Coating and Plating					P	S			S	S		
35	Measuring, Analyzing and Controlling Instruments, Photographic, Medical and Optical Goods; Watches and Clocks Mfg.; Computer Software	P	P	P	P 7	P	S			S	S	P	P
3997	Signs and Advertising Display Mfg.					P	S			S	S		
3999	Misc. Light Fabrication Assembly and Mfg. Not Elsewhere Classified					P	S			S	S		

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.

Permitted uses in the Office and Limited Business-Open Space District (OLB-OS) are listed in LUC 20.25L.020.

Permitted uses in the Medical Institution District are listed in LUC 20.25J.020.

Permitted uses in the Bel-Red District (BR) are listed in LUC 20.25D.070.

Permitted uses in the Camp and Conference Center District (CCC) are listed in LUC 20.25N.040.

Permitted uses in the Eastgate Transit Oriented Development District (EG-TOD) are listed in LUC 20.25P.050.

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

Notes: Uses in land use districts – Manufacturing

(1) Manufacturing uses exclude concrete batch plants and primary metal industries such as foundries, smelters, blast furnaces and rolling mills.

(2) Paper products manufacturing excludes paper and pulp manufacturing in LI Districts.

- (3) Manufacture of flammable, dangerous or explosive materials is excluded in LI Districts.
- (4) An office is permitted if accessory and subordinate to a manufacturing use.
- (5) Food and beverage public tasting rooms are permitted only as a subordinate use to the manufacturing use.
- (6) Permitted only when combined with an eating and drinking establishment which constitutes a majority of the use.
- (7) Permitted only when combined with a retail store which constitutes a majority of the use.

Chart 20.10.440

Uses in land use districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Recreation – Residential Districts											
		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	
7	Cultural Entertainment and Recreation												
711	Library, Museum			C 1	C 1	C 1	C 1	C 1	C 1	C 1	C 1	C 1	
7113	Art Gallery			C	C	C	C	C	C	C	C	C	
712	Nature Exhibitions: Aquariums, Botanical Gardens and Zoos												
7212 7214 7222 7231 7232	Public Assembly (Indoor): Sports, Arenas, Auditoriums and Exhibition Halls but Excluding School Facilities												
7212 7214 7218	Motion Picture, Theaters, Night Clubs, Dance Halls and Teen Clubs												
7213	Drive-In Theaters												
	Adult Theaters (7)												
7223 73	Public Assembly (Outdoor): Fairgrounds and Amusement Parks, Miniature Golf, Golf Driving Ranges, Go-Cart Tracks, BMX Tracks and Skateboard Tracks												
73	Commercial Amusements: Video Arcades, Electronic Games												
7411 7413 7422 7423 7424 7441 7449	Recreation Activities: Golf Courses, Tennis Courts, Community Clubs, Athletic Fields, Play Fields, Recreation Centers, Swimming Beaches and Pools (2,11)	C	C	C	C	C	C	C	C	C	P	P	P
744	Marinas, Yacht Clubs	C	C	C	C	C	C	C	C	C	C	C	C
7413 7414 7415	Recreation Activities: Skating, Bowling, Gymnasiums, Athletic Clubs, Health Clubs, Recreation Instruction												

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Recreation – Residential Districts										
		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
7417 7425												
7491 7515	Camping Sites and Hunting Clubs	C	C	C	C	C	C	C	C	C	C	C
76	Private Leisure and Open Space Areas Excluding Recreation Activities Above	C	C	C	C	C	C	C	C	P	P	P
	Public/Private Park	C	C	C	C	C	C	C	C	P	P	P
	Stables and Riding Academies	C										
	Boarding or Commercial Kennels	C										
	City Park* (10)	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.

Permitted uses in the Office and Limited Business-Open Space District (OLB-OS) are listed in LUC 20.25L.020.

Permitted uses in the Medical Institution District are listed in LUC 20.25J.020.

Permitted uses in the Bel-Red District (BR) are listed in LUC 20.25D.070.

Permitted uses in the Camp and Conference Center District (CCC) are listed in LUC 20.25N.040.

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

Chart 20.10.440

Uses in land use districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Recreation – Nonresidential Districts										
		Professional Office	Office	Office/Limited Business	Office/Limited Business 2	Light Industry	General Commercial	Neighborhood Business	Neighborhood Mixed Use	Community Business	Factoria Land Use District 1	Factoria Land Use District 2
		PO	O	OLB	OLB 2	LI	GC	NB	NMU	CB	F1	F2
7	Cultural Entertainment and Recreation											
711	Library, Museum	P	P	P	P				P	P	P	P
7113	Art Gallery	P	P	P	P				P	P	P	P

712	Nature Exhibitions: Aquariums, Botanical Gardens and Zoos	C	C	C		C	C			C	C	C	C
7212 7214 7222 7231 7232	Public Assembly (Indoor): Sports, Arenas, Auditoriums and Exhibition Halls but Excluding School Facilities			P	A 8				A 8	P	P	P	P
7212 7214 7218	Motion Picture, Theaters, Night Clubs, Dance Halls and Teen Clubs			P	A				A	P	P	P	P
7213	Drive-In Theaters					C	C			C	C		
	Adult Theaters (7)			P	P					P	P	P	P
7223 73	Public Assembly (Outdoor): Fairgrounds and Amusement Parks, Miniature Golf, Golf Driving Ranges, Go-Cart Tracks, BMX Tracks and Skateboard Tracks						C		A 8	C	C		
73	Commercial Amusements: Video Arcades, Electronic Games				P		A		P	A	A		
7411 7413 7422 7423 7424 7441 7449	Recreation Activities: Golf Courses, Tennis Courts, Community Clubs, Athletic Fields, Play Fields, Recreation Centers, Swimming Beaches and Pools (2,11)	C	C	C	A 8		C	C	A 8	C	C	C	C
744	Marinas, Yacht Clubs												
7413 7414 7415 7417 7425	Recreation Activities: Skating, Bowling, Gymnasiums, Athletic Clubs, Health Clubs, Recreation Instruction		C 3	C		P 3	P 3	A 9	A 9	P	P	C	C
7491 7515	Camping Sites and Hunting Clubs	C	C	C		C	C	C		C	C	C	C
76	Private Leisure and Open Space Areas Excluding Recreation Activities Above	P	P	P		P	P	P		P	P	P	P
	Public/Private Park	P	P	P		P	P	P		P	P	P	P

	Stables and Riding Academies												
	Boarding or Commercial Kennels												
	City Park*	P/C (10)	P/C (10)	P/C (10)	P	P/C (10)	P/C (10)	P/C (10)	P/A/C (10) (12)	P/C (10)	P/C (10)	P/C (10)	P

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.

Permitted uses in the Office and Limited Business-Open Space District (OLB-OS) are listed in LUC 20.25L.020.

Permitted uses in the Medical Institution District are listed in LUC 20.25J.020.

Permitted uses in the Bel-Red District (BR) are listed in LUC 20.25D.070.

Permitted uses in the Camp and Conference Center District (CCC) are listed in LUC 20.25N.040.

Permitted uses in the Eastgate Transit Oriented Development District (EG-TOD) are listed in LUC 20.25P.050.

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

Notes: Uses in land use districts – Recreation

(1) Cultural activities include only branch libraries in R-2.5, R-3.5, R-4, R-5, R-7.5, R-10, R-15, R-20 and R-30 Districts.

(2) For carnivals, see LUC 20.20.160.

(3) Recreation activities do not include athletic clubs in O, LI and GC Districts.

(4) Limited to a maximum of 2,000 gross square feet per establishment.

(5) Intentionally deleted.

(6) Excludes zoos.

(7) Adult theaters are subject to the regulations for adult entertainment uses in LUC 20.20.127.

(8) Public assembly uses in this land use district shall not exceed 20,000 square feet.

(9) Recreation activities are restricted to health clubs, recreation instruction, and gymnasiums, and an administrative conditional use is not required for these uses when less than 8,000 square feet.

(10) City parks are generally permitted in all zones. However, the following types of uses or facilities in City parks in single-family or R-10 zones require conditional use approval: lighted sports and play fields, sports and play fields with amplified sound, community recreation centers, motorized boat ramps, and beach parks on Lake Washington, Lake Sammamish, Phantom Lake and Larson Lake. Nonrecreation uses in City parks in all zones outside the Downtown require conditional use approval, except that the permit requirements for wireless communication facilities shall be as set forth in LUC 20.20.195. For purposes of this requirement, “nonrecreation use” means a commercial, social service or residential use located on park property but not functionally related to City park programs and activities.

(11) See LUC 20.20.190 for additional regulations.

(12) Outdoor recreation facilities that include lighted sports and play fields or sports and play fields with amplified sound require administrative conditional use approval.

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

Chart 20.10.440

Uses in land use districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Residential – Residential Districts										
		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
1	Residential											
	Single-Family Dwelling (3)	P	P	P	P	P	P	P	P	P	P	P
	Two to Four Dwelling Units Per Structure (6)	PD	PD	PD	PD	PD	PD	PD	P	P	P	P
	Five or More Dwelling Units Per Structure (6)	PD	PD	PD	PD	PD	PD	PD	P	P	P	P
12	Group Quarters: Dormitories, Fraternal Houses, Excluding Military and Correctional Institutions and Excluding Secure Community Transition Facilities (16)								C	P	P	P
	Rooming House (17)								P	P	P	P
	Senior Citizen Dwellings (4,7*)	PD 5	PD 5	PD 5	PD 5	PD 5	PD 5	PD 5	P	P	P	P
13 15	Hotels and Motels											
	Congregate Care Senior Housing (4,7*,16)								P	P	P	P
6516	Nursing Home (7*,16)								C	P	P	P
	Assisted Living (4,7*)								C	P	P	P
	Accessory Dwelling Unit (9)	S	S	S	S	S	S	S	S	S	S	S

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.

Permitted uses in the Office and Limited Business-Open Space District (OLB-OS) are listed in LUC 20.25L.020.

Permitted uses in the Medical Institution District are listed in LUC 20.25J.020.

Permitted uses in the Bel-Red District (BR) are listed in LUC 20.25D.070.

Permitted uses in the Camp and Conference Center District (CCC) are listed in LUC 20.25N.040.

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

Chart 20.10.440

Uses in land use districts

Residential – Nonresidential Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/ Limited Business	Office/ Limited Business 2	Light Indus-try	General Com- mercial	Neigh- bor- hood Business	Neighborhood Mixed Use	Com- munity Business	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3
		PO	O	OLB	OLB 2	LI	GC	NB	NMU	CB	F1	F2	F3
1	Residential												
	Single-Family Dwelling (3)	P 15	P 1	S		S	S	P 8		S	S	S	S
	Two to Four Dwelling Units Per Structure (6)		P 1	P	P			P 8	P 8	P 6	P	P	P
	Five or More Dwelling Units Per Structure (6)		P 1	P	P			P 8	P 8	P 6	P	P	P
12	Group Quarters: Dormitories, Fraternal Houses, Excluding Military and Correctional Institutions and Excluding Secure Community Transition Facilities (16)				P				C	C	C		
	Rooming House (17)			P	P				P	P	P	P	P
	Senior Citizen Dwellings (4,7*)	P	P	P	P			P 8	P 8	P	P	P	P
13 15	Hotels and Motels			P	P				P	C	C	P	P
	Congregate Care Senior Housing (4,7*,16)	P	P	P	P			P	P	P	P	P	P
6516	Nursing Home (7*,16)	C	P	P				C		P	P	P	P
	Assisted Living (4,7*)	C	P	C	P			C	P	P	P	C	C
	Accessory Dwelling Unit (9)	S	S	S		S	S	S		S	S	S	S

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.

Permitted uses in the Office and Limited Business-Open Space District (OLB-OS) are listed in LUC 20.25L.020.

Permitted uses in the Medical Institution District are listed in LUC 20.25J.020.

Permitted uses in the Bel-Red District (BR) are listed in LUC 20.25D.070.

Permitted uses in the Camp and Conference Center District (CCC) are listed in LUC 20.25N.040.

Permitted uses in the Eastgate Transit Oriented Development District (EG-TOD) are listed in LUC 20.25P.050.

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

Notes: Uses in land use districts – Residential

(1) No more than 50 percent of the gross floor area of the structure shall be devoted to residential use in O Districts, unless Conditional Use Permit approval is obtained and the applicable Comprehensive Plan policies do not discourage multifamily uses.

(2) Intentionally deleted.

(3) A boardinghouse or bed and breakfast is permitted in a single-family dwelling, provided the requirements of LUC 20.20.140 are met.

(4) An agreement must be recorded with the King County Recorder's Office, or its successor agency, and filed with the Bellevue City Clerk, restricting senior citizen dwellings, congregate care senior housing, or assisted living to remain for the life of the project.

(5) Through the planned unit development process, senior citizen dwellings may include common dining and recreation facilities.

(6) Multifamily development in Planning Districts A and B of the Crossroads Subarea is not allowed. Multifamily development in Planning District E of the Crossroads Subarea north of NE 8th Street may be allowed through a Council-approved development agreement that is consistent with Chapter 36.70B RCW and includes design guidelines that are consistent with the vision of Comprehensive Plan Policies S-CR-79 and S-CR-81 regarding the creation of mixed-use developments with pedestrian connections, park connections where appropriate, and public open space. Refer to the Crossroads Subarea Planning District Guidelines of the Comprehensive Plan for Planning Districts A, B and E.

(7) In Planning Districts A and B of the Crossroads Subarea and in Planning District E of the Crossroads Subarea north of NE 8th Street, existing legal nonconforming multifamily uses can be converted to senior citizen housing, congregate care senior housing, assisted living or nursing homes. Refer to the Crossroads Subarea Planning District Guidelines of the Comprehensive Plan for Planning Districts A, B and E.

(8) These residential uses are permitted in NB and NMU Districts only if located on the second floor and above the permitted ground floor nonresidential uses.

(9) Accessory dwelling units are permitted only as subordinate to single-family dwellings and are subject to the provisions of LUC 20.20.120.

(10) Intentionally deleted.

(11) The Director may allow a departure from the requirement to provide ground floor neighborhood serving (nonresidential) uses in multifamily developments, provided that the departure is necessary to mitigate an economic hardship that would preclude project viability. A departure may be granted where the applicant demonstrates that:

- (a) The required neighborhood serving uses do not front on an arterial;
- (b) Visual and physical access to the required neighborhood serving uses is limited by topography or other site specific obstacles; and,
- (c) The required neighborhood serving uses would not be visible from other development located in the NMU district, adjacent neighborhoods, nearby arterials or highways.

A departure may be allowed for all sides of the building or some portion thereof, provided that the approved departure is consistent with the NMU land use district definition included in the Comprehensive Plan and LUC 20.10.350. If a departure is granted, ancillary residential uses such as a meeting room, leasing office, kitchen, daycare and work-live space is preferred over occupied residential living space.

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(12) Intentionally deleted.

(13) Intentionally deleted.

(14) Intentionally deleted.

(15) One single-family dwelling unit, occupying no more than 25 percent of the floor area of the structure, is permitted in the PO District.

(16) See LUC 20.20.190 for additional regulations.

(17) See LUC 20.20.700 for general development requirements for rooming house.

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

Chart 20.10.440

Uses in land use districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Resources – Residential Districts										
		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
8	Resource Production (Minerals, Plants, Animals Including Pets and Related Services)											
81	Agriculture, Production of Food and Fiber Crops, Dairies, Livestock and Fowl, Excluding Hogs	P	P	P 1	P 1	P 1	P 1	P 1	P 1	P 1	P 1	P 1
	Marijuana Production											
8192	Other Horticultural Specialties: Medical Cannabis Collective Gardens (4)											
821	Agricultural Processing											
	Marijuana Processing											
	Medical Marijuana Cooperative (7)											
8221	Veterinary Clinic and Hospital (5)											
8222	Poultry Hatcheries											
83	Forestry, Tree Farms and Timber Production	P	P	C	C	C	C	C	C	C	C	C
8421	Fish Hatcheries											
85	Mining, Quarrying (Including Sand and Gravel), Oil and Gas Extraction	C	C	C	C	C	C	C	C	C	C	C

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.

Permitted uses in the Office and Limited Business-Open Space District (OLB-OS) are listed in LUC 20.25L.020.

Permitted uses in the Medical Institution District are listed in LUC 20.25J.020.

Permitted uses in the Bel-Red District (BR) are listed in LUC 20.25D.070.

Permitted uses in the Camp and Conference Center District (CCC) are listed in LUC 20.25N.040.

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

Chart 20.10.440

Uses in land use districts

Resources – Nonresidential Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/ Limited Business	Office/ Limited Business 2	Light Industry	General Com- mercial	Neighbo- rhood Business	Neighbor- hood Mixed Use	Com- munity Business	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3
		PO	O	OLB	OLB 2	LI	GC	NB	NMU	CB	F1	F2	F3
8	Resource Production (Minerals, Plants, Animals Including Pets and Related Services)												
81	Agriculture, Production of Food and Fiber Crops, Dairies, Livestock and Fowl, Excluding Hogs	P 1	P 1	P 1		P 1	P 1	P 1	P 1	P 1	P 1	P 1	P 1
	Marijuana Production					A 6							
8192	Other Horticultural Specialties: Medical Cannabis Collective Gardens (4)												
821	Agricultural Processing					P 2							
	Marijuana Processing					A 6							
	Medical Marijuana Cooperative (7)												
8221	Veterinary Clinic and Hospital (5)	P	P		P 8	P	P	P 3	P 8	P	P		
8222	Poultry Hatcheries					P	P						
83	Forestry, Tree Farms and Timber Production	C	C	C		C	C	C		C	C	C	C
8421	Fish Hatcheries					P							
85	Mining, Quarrying (Including Sand and Gravel), Oil and Gas Extraction	C	C	C		C	C	C		C	C	C	C

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.

Permitted uses in the Office and Limited Business-Open Space District (OLB-OS) are listed in LUC 20.25L.020.

Permitted uses in the Medical Institution District are listed in LUC 20.25J.020.

Permitted uses in the Bel-Red District (BR) are listed in LUC 20.25D.070.

Permitted uses in the Camp and Conference Center District (CCC) are listed in LUC 20.25N.040.

Permitted uses in the Eastgate Transit Oriented Development District (EG-TOD) are listed in LUC 20.25P.050.

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Notes: Uses in land use districts – Resources

(1) In the R-2.5, R-3.5, R-4, R-5, R-7.5, R-10, R-15, R-20, R-30, NB, PO, O, OLB, F1, F2, F3, LI, GC and CB Districts agriculture is limited to the production of food and fiber crops.

(2) Agriculture processing excludes grain mill products manufacturing and slaughtering in LI Districts.

(3) Veterinary clinics and hospitals are limited to 5,000 square feet per use in NB Districts.

(4) Medical cannabis collective gardens are prohibited in Bellevue. See LUC 20.20.535 for general requirements applicable to marijuana uses.

(5) See LUC 20.20.130.E for additional regulations.

(6) See LUC 20.20.535 for general development requirements for marijuana uses.

(7) Medical Marijuana Cooperatives, as authorized under RCW 69.51A.250, now or as hereafter amended, are prohibited in Bellevue. See LUC 20.20.535 for general requirements applicable to marijuana uses.

(8) Boarding and commercial kennels are permitted as a subordinate use to a veterinary clinic / hospital, veterinary clinic / hospital and kennel hours shall only be open to the public between 7 a.m. and 10 p.m.

Chart 20.10.440

Uses in land use districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Services – Residential Districts										
		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
6	Services											
61	Finance, Insurance, Real Estate Services											
62	Personal Services: Laundry, Dry Cleaning, Barber and Beauty, Photography Studio and Shoe Repair											
6241	Funeral and Crematory Services											
6262	Cemeteries	C	C	C	C	C	C	C	C	C	C	C
629	Child Care Services (3,4)											
	Family Child Care Home in Residence	P	P	P	P	P	P	P	P	P	P	P

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Services – Residential Districts										
		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
	Child Day Care Center								C	C	P	P
63	Business Services, Duplicating and Blue Printing, Steno, Advertising (Except Outdoor), Travel Agencies and Employment											
634	Building Maintenance and Pest Control Services											
637	Warehousing and Storage Services, Excluding Stockyards											
639	Rental and Leasing Services: Cars, Trucks, Trailers, Furniture and Tools											
641	Auto Repair and Washing Services (26)											
649	Repair Services: Watch, TV, Electrical, Upholstery											
	Professional Services: Medical Clinics and Other Health Care Related Services											
	Professional Services: Other											
6513	Hospitals											
66	Contract Construction Services: Building Construction, Plumbing, Paving and Landscape											
671	Governmental Services: Executive, Legislative, Administrative and Judicial Functions					C 15						
672 673	Governmental Services: Protective Functions and Related Activities Excluding Maintenance Shops	C	C	C	C	C	C	C	C	C	C	C
	Limited Governmental Services: Protective Functions (21)								P	P	P	P
	Limited Governmental Services: Executive and Administrative, Legislative and Protective Functions (22)											
674 675	Military and Correctional Institutions (27)	C	C	C	C	C	C	C	C	C	C	C
	Secure Community Transition Facility (23,24)											
681	Education: Primary and Secondary (25,27)	A/C	A/C	A/C	A/C	A/C	A/C	A/C	A/C	A/C	A/C	A/C
682	Universities and Colleges (27)	C	C	C	C	C	C	C	C	C	C	C
683	Special Schools: Vocational, Trade, Art, Music, Driving, Barber and Beauty Schools											
691	Religious Activities (27)	C	C	C	C	C	C	C	C	C	C	C
692 (A)	Professional and Labor Organizations Fraternal Lodge											
692 (B)	Social Service Providers	A 14	A 14	A 14	A 14	A 14	A 14	A 14	A 14	A 14	A 14	A 14
	Administrative Office – General											
	Computer Program, Data Processing and Other Computer-Related Services											

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STD LAND USE CODE REF	LAND USE CLASSIFICATION	Services – Residential Districts										
		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
	Research, Development and Testing Services											
	Marijuana Research (28)											

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.

Permitted uses in the Office and Limited Business-Open Space District (OLB-OS) are listed in LUC 20.25L.020.

Permitted uses in the Medical Institution District are listed in LUC 20.25J.020.

Permitted uses in the Bel-Red District (BR) are listed in LUC 20.25D.070.

Permitted uses in the Camp and Conference Center District (CCC) are listed in LUC 20.25N.040.

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Chart 20.10.440

Uses in land use districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Services – Nonresidential Districts											
		Professional Office	Office	Office/Limited Business	Office/Limited Business 2	Light Industry	General Commercial	Neighborhood Business	Neighborhood Mixed Use	Community Business	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3
		PO	O	OLB	OLB 2	LI	GC	NB (16)	NMU	CB	F1	F2	F3
6	Services												
61	Finance, Insurance, Real Estate Services	P	P	P	P	P 1	P	P	P	P	P	P	P
62	Personal Services: Laundry, Dry Cleaning, Barber and Beauty, Photography Studio and Shoe Repair			S	P	P 2	P	P	P	P	P	S	S
6241	Funeral and Crematory Services	C	C	C								C	C
6262	Cemeteries	C	C	C		C	C	C		C	C	C	C
629	Child Care Services (3,4)												

Services – Nonresidential Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/ Limited Business	Office/ Limited Business 2	Light Industry	General Com- mercial	Neighbo- rhood Business	Neighbo- rhood Mixed Use	Com- munity Business	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3
		PO	O	OLB	OLB 2	LI	GC	NB (16)	NMU	CB	F1	F2	F3
	Family Child Care Home in Residence 3	P	P	P		P	P	P		P	P	P	P
	Child Day Care Center 3,4	P	P	P	P	P	P	P	P	P	P	P	P
63	Business Services, Duplicating and Blue Printing, Steno, Advertising (Except Outdoor), Travel Agencies and Employment	P	P	P	P	P 5	P	P 17	P	P	P	P	P
634	Building Maintenance and Pest Control Services				P 31	P	P			P	P		
637	Warehousing and Storage Services, Excluding Stockyards					P	P			S	S		
639	Rental and Leasing Services: Cars, Trucks, Trailers, Furniture and Tools			S		P 6	P	A 18	P	P 7	P 7	S	S
641	Auto Repair and Washing Services (26)					P	P	A 19	P	P	P		
649	Repair Services: Watch, TV, Electrical, Upholstery				P 31	P	P	P	P 31	P	P		
	Professional Services: Medical Clinics and Other Health Care Related Services	P	P	P	P 30		P	P	P 30	P	P	P	P
	Professional Services: Other	P	P	P	P	P 9	P		P	P	P	P	P
	Pet Grooming and Day Care 29				P				P				
6513	Hospitals	C	C	C		C	C			C	C	C	C
66	Contract Construction Services: Building Construction, Plumbing, Paving and Landscape					P	P						

Services – Nonresidential Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/ Limited Business	Office/ Limited Business 2	Light Industry	General Com- mercial	Neighbo- rhood Business	Neighbo- rhood Mixed Use	Com- munity Business	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3
		PO	O	OLB	OLB 2	LI	GC	NB (16)	NMU	CB	F1	F2	F3
671	Governmental Services: Executive, Legislative, Administrative and Judicial Functions	C	C	C	A				A	C	C	C	C
672 673	Governmental Services: Protective Functions and Related Activities Excluding Maintenance Shops	C	C	C	A	C 10	C 10	C	A	C	C	C	C
	Limited Governmental Services: Protective Functions (21)												
	Limited Governmental Services: Executive and Administrative, Legislative and Protective Functions (22)	P	P	P	P		P	P	P	P	P	P	P
674 675	Military and Correctional Institutions	C	C	C		C	C	C		C	C	C	C
	Secure Community Transition Facility (23,24)					C	C						
681	Education: Primary and Secondary (25)	A	A	A	A	A	A	A	A	A	A	A	A
682	Universities and Colleges	P	P	P	P	P	P	C	P	P	P	P	P
683	Special Schools: Vocational, Trade, Art, Music, Driving, Barber and Beauty Schools	P	P	P	P	P	P		P	P	P	P	P
691	Religious Activities (27)	P	P	P	P	P	P	C	P	P	P	P	P
692 (A)	Professional and Labor Organizations Fraternal Lodge	C	C	P	P		P		P	P	P	P	P
692 (B)	Social Service Providers	C	C	P	P	P	P	P	P	P	P	P	P

Services – Nonresidential Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/ Limited Business	Office/ Limited Business 2	Light Industry	General Com- mercial	Neighbo- rhood Business	Neighbo- rhood Mixed Use	Com- munity Business	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3
		PO	O	OLB	OLB 2	LI	GC	NB (16)	NMU	CB	F1	F2	F3
	Administrative Office – General	P	P	P	P	P 5	P	P	P	P	P	P	P
	Computer Program, Data Processing and Other Computer- Related Services	P	P	P	P	P 5	P		P			P	P
	Research, Development and Testing Services	P	P	P	P	P 5	P		P			P	P
	Marijuana Research (28)												

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.

Permitted uses in the Office and Limited Business-Open Space District (OLB-OS) are listed in LUC 20.25L.020.

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Permitted uses in the Eastgate Transit Oriented Development District (EG-TOD) are listed in LUC 20.25P.050.

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

Notes: Uses in land use districts – Services

- (1) Finance, insurance, real estate services are permitted only if commercially or industrially related in LI Districts.
- (2) Personal services are permitted in LI Districts only if located in a multiple function building or complex.
- (3) Refer to Chapter 20.50 LUC for definitions of child care service, family child care home, and child day care center.
- (4) A child care service may be located in a community facility in any land use district pursuant to LUC 20.20.170.E.

- (5) These uses are permitted in LI Districts only if located in a multiple function building or complex.
- (6) Automobile rental and leasing services require administrative conditional use approval and are subject to the decision criteria in LUC 20.20.135.
- (7) Rental services are restricted to autos and furniture in CB and F1 Districts and to truck, trailer, and tool rentals, provided the site has two street frontages.
- (8) Auto repair and washing services are permitted only if washing services are a subordinate use to a permitted or special use in Downtown-MU Districts.
- (9) Professional services are permitted in LI Districts only if located in a multiple function building or complex.
- (10) Governmental services include maintenance shops in LI and GC Districts.
- (11) Limited to a maximum of 1,500 gross square feet per establishment.
- (12) Nonresidential uses are permitted in Downtown-R Districts only if developed in a building which contains residential uses.
- (13) Drive-in facilities may be permitted through Design Review, Part 20.30F LUC, at any location in the Downtown-O-2 District, or within 200 feet of NE 4th Street or NE 8th Street in the Downtown-O-1 District; but only if all the following criteria are met:
 - (a) On-site capacity for vehicle stacking of 10 spaces for one drive-up station and 20 spaces for two or more drive-up stations must be provided.
 - (b) The design of the vehicular access is compatible with high volume pedestrian walkways and parking access. The vehicular access will not disrupt established retail or service frontages designed to serve pedestrians, nor can the vehicular access lanes be located between the street and the main pedestrian access to the buildings.
 - (c) The vehicle stacking lanes must be contained within a structured parking area, or be otherwise screened.
 - (d) Landscaping or screening must be provided to mitigate any adverse effects on nearby property. Perimeter walkways and sidewalks must conform to the requirements of LUC 20.25A.060.
 - (e) Walk-up banking service, whether manned or electronically activated customer service stations, must be provided on-site during regular daytime business hours for pedestrian business when there is no interior banking service.
- (14) These uses are permitted only in Bellevue School District schools, whether under control of the School District or the City.
 - (a) In the review of the proposed use or uses under the Administrative Conditional Use Permit application, Part 20.30E LUC, the following criteria shall be considered:
 - (i) Consistency of the proposal with the goals and policies of the Comprehensive Plan.
 - (ii) Extent to which the physical environment will be modified by the proposal.
 - (iii) Ability to provide on-site parking facilities to accommodate intended uses under the proposal.

- (iv) Extent of additional demand on public utilities and public services resulting from the proposal.
- (v) Noise impacts of the proposal.
- (vi) Traffic volumes and street classifications in the area of the proposal.
- (vii) Compatibility of the proposal with surrounding land uses.
- (viii) Impact of the proposal on the visual and aesthetic character of the neighborhood.

In addition, the proposed use or uses shall not be more intensive than if the school were being used as a school.

(b) A master Conditional Use Permit listing a range of permissible uses from those permitted in the land use district as listed in LUC 20.10.440 can be obtained for the entire school by using the conditional use process, Part 20.30B or Part 20.30C LUC. Uses listed in the permit shall be permitted outright and uses not listed but permitted as conditional uses shall obtain a Conditional Use Permit.

(15) Permitted in inactive elementary school facilities. The following criteria shall be considered:

- (a) Subsections a.i – viii of Note 14 – Uses in land use districts – Services.
- (b) Hours of operation.
- (c) Proposed signing.

(16) Other than administrative office use, each individual service use in NB Districts is limited to 5,000 square feet. Administrative office use is limited as follows: when located on the first floor of a building, administrative office use is limited to 5,000 square feet or 25 percent of the first floor footprint, whichever is less; when located above the first floor of a building, administrative office use is allowed without a limit on total aggregate square footage, so long as each individual administrative office use is limited to 5,000 square feet. In no event may administrative office uses exceed more than 50 percent of the total building square footage. Administrative conditional use approval is required for hours of operation between 12:00 midnight and 6:00 a.m. The applicant must meet the decision criteria for an Administrative Conditional Use Permit set forth in Chapter 20.30E LUC, and must demonstrate that: (a) the use will meet the requirements of the Noise Control Ordinance, Chapter 9.18 BCC; and (b) the use will meet the lighting standards of the Community Retail Design District for all lighting fixtures on the premises that would be lit between the hours of 12:00 midnight and 6:00 a.m. Businesses operating between the hours of 12:00 midnight and 6:00 a.m. on the effective date of City of Bellevue Ordinance No. 4422 are exempt from the ACUP requirements.

(17) Only travel agencies are permitted in NB Districts.

(18) Rental services limited to truck, trailer and tool rentals are permitted in NB Districts with administrative conditional use approval, provided the site has two street frontages.

(19) Auto repair and washing services are permitted with administrative conditional use approval only in NB sites that have two street frontages.

(20) Personal services are permitted only when functionally integrated within a building or complex used primarily as a hotel or motel; office building; university or college; charitable, social service, professional or labor organization; or recreational facility.

(21) Uses are limited to neighborhood community police stations of 1,000 square feet or less.

(22) Uses are limited to 1,000 square feet, except for protective functions which are limited to community police stations of 1,500 square feet or less.

(23) No portion of a property on which a Secure Community Transition Facility is proposed to be located may be within 300 feet of the boundary of any land use district within which the SCTF use is prohibited. The required 300 feet shall be measured in accordance with the policy guidelines established by the Department of Social and Health Services pursuant to RCW 71.09.285(4), now or as hereafter amended.

(24) Secure Community Transition Facilities are subject to the regulations for Secure Community Transition Facilities in LUC 20.20.750.

(25) Primary and secondary educational facilities are an administrative conditional use in all land use districts; provided, that in all residential land use districts and the DNTN-R District a Conditional Use Permit is required for:

(a) The siting of such educational facility on a site not previously developed with an educational facility; or

(b) The addition to or modification of a site previously developed with an educational facility where that addition or modification involves:

(i) An increase of 20 percent or more in the number of students occupying the school. The increase shall be measured against the number of students for which the school was designed prior to the addition or modification, without regard to temporary structures that may have been added to the site over time. If there is no information establishing the number of students for which the school was originally designed, then the increase shall be measured against the average number of students occupying the school in the three academic years immediately preceding the proposed addition or modification; or

(ii) A change in the age group of students occupying the school, or the addition of an age group where such age group was not previously served at the school, except that the addition of students younger than kindergarten age consistent with the definition of school in LUC 20.50.046 shall not be considered a change in the age group of students or an addition of an age group for purposes of this subsection. For purposes of this subsection, age group refers to elementary, middle, junior or high school, as defined and used by the school district operating the school; or

(iii) The addition of facilities or programs that may result in impacts not anticipated at the time the original school was developed, including, for example: development of lighted ballfields or the addition of lighting to existing ballfields; development of an exterior sound amplification system; development of fixed outdoor seating; or a proposal to increase the height of the facility pursuant to LUC 20.20.740.A.3.b.

(26) Battery Exchange Stations are ancillary to Auto Repair and Washing Services, and are permitted through the applicable review process as a component of that use. Operators of Battery Exchange Stations must comply with federal and state law regulating the handling, storage, and disposal of batteries.

(27) See LUC 20.20.190 for additional regulations.

(28) Marijuana Research uses, as authorized under RCW 69.50.372, now or as hereafter amended, are prohibited in Bellevue. See LUC 20.20.535 for general requirements applicable to marijuana uses.

(29) Boarding and commercial kennels are permitted as a subordinate use to a pet grooming or pet day care provided that the criteria of LUC 20.20.130 are met.

(30) Stand-alone emergency rooms shall not be permitted.

(31) Outdoor storage of materials is prohibited.

Chart 20.10.440

Uses in land use districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Transportation and Utilities – Residential Districts										
		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
4	Transportation, Communications and Utilities											
41	Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops	C	C	C	C	C	C	C	C	C	C	C
42 4291	Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters											
4214 422	Motor Vehicle Transportation: Maintenance Garages and Motor Freight Services (23)											
43	Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage and Maintenance	C 11	C 11	C 11	C 11	C 11	C 11	C 11	C 11	C 11	C 11	C 11
	Accessory Parking (6) (24)	P 3	P 3	P 3	P 3	P 3	P 3	P 3	P 3	P 3	P 3	P 3
46	Auto Parking: Commercial Lots and Garages (24)											
	Park and Ride (5) (24)	C	C	C	C	C	C	C	C	C	C	C
475	Radio and Television Broadcasting Studios											
485	Solid Waste Disposal (19)											
	Highway and Street Right-of-Way (24)	P	P	P	P	P	P	P	P	P	P	P
	Utility Facility	C	C	C	C	C	C	C	C	C	C	C
	Local Utility System	P	P	P	P	P	P	P	P	P	P	P
	Regional Utility System	C	C	C	C	C	C	C	C	C	C	C
	On-Site Hazardous Waste Treatment and Storage Facility (7)											
	Off-Site Hazardous Waste Treatment and Storage Facility (8)											
	Essential Public Facility (20)	C	C	C	C	C	C	C	C	C	C	C
	Regional Light Rail Transit Systems and Facilities (25)	C/P	C/P	C/P	C/P	C/P	C/P	C/P	C/P	C/P	C/P	C/P
	Wireless Communication Facility (WCF): (without WCF Support Structures)	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21
	Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding)	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Transportation and Utilities – Residential Districts										
		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
	Satellite Dishes (18)	P	P	P	P	P	P	P	P	P	P	P
	Electrical Utility Facility (22)	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.

Permitted uses in the Office and Limited Business-Open Space District (OLB-OS) are listed in LUC 20.25L.020.

Permitted uses in the Medical Institution District are listed in LUC 20.25J.020.

Permitted uses in the Bel-Red District (BR) are listed in LUC 20.25D.070.

Permitted uses in the Camp and Conference Center District (CCC) are listed in LUC 20.25N.040.

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

Chart 20.10.440

Uses in land use districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Transportation and Utilities – Nonresidential Districts											
		Professional Office	Office	Office/Limited Business	Office/Limited Business 2	Light Industry	General Commercial	Neighborhood Business	Neighborhood Mixed Use	Community Business	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3
		PO	O	OLB	OLB 2	LI	GC	NB	NMU	CB	F1	F2	F3
4	Transportation, Communications and Utilities												
41	Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops	C	C	C		C	C	C	C	C	C	C	C
42 4291	Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters					P	P			P	P		
4214 422	Motor Vehicle Transportation: Maintenance Garages and Motor Freight Services (23)					P	C						
43	Aircraft Transportation: Airports, Fields, Terminals, Heliports,	C 11	C 12	C 12	C 12	C 12	C 12	C 11	C 11	C 12	C 12	C 12	C 12

Transportation and Utilities – Nonresidential Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/ Limited Business	Office/ Limited Business 2	Light Industry	General Com- mercial	Neighbor- hood Business	Neighbor- hood Mixed Use	Com- munity Business	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3
		PO	O	OLB	OLB 2	LI	GC	NB	NMU	CB	F1	F2	F3
	Storage and Maintenance												
	Accessory Parking (6) (24)	P	P	P	P	P	P	P	P	P	P	P	P
46	Auto Parking: Commercial Lots and Garages (24)			C	C 26	C	C			C	C	C	C
	Park and Ride (5) (24)	C	C	C	C	C	C	C	C	C	C	C	C
475	Radio and Television Broadcasting Studios	P	P	P	P	P 10	P 10			P	P	P	P
485	Solid Waste Disposal (19)					C							
	Highway and Street Right-of-Way (24)	P	P	P	P	P	P	P	P	P	P	P	P
	Utility Facility	C	C	C	C	C	C	C	C	C	C	C	C
	Local Utility System	P	P	P	P	P	P	P	P	P	P	P	P
	Regional Utility System	C	C	C	C	C	C	C	C	C	C	C	C
	On-Site Hazardous Waste Treatment and Storage Facility (7)			A	A	A	A	A		A	A	A	A
	Off-Site Hazardous Waste Treatment and Storage Facility (8)					C							
	Essential Public Facility (20)	C	C	C	C	C	C	C	C	C	C	C	C
	Regional Light Rail Transit Systems and Facilities (25)	C/P	C/P	C/P	C/P	C/P	C/P	C/P	C/P	C/P	C/P	C/P	C/P
	Wireless Communication Facility (WCF): (without WCF Support Structures)	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21
	Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding)	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16

Transportation and Utilities – Nonresidential Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/ Limited Business	Office/ Limited Business 2	Light Industry	General Com- mercial	Neighbor- hood Business	Neighbor- hood Mixed Use	Com- munity Business	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3
		PO	O	OLB	OLB 2	LI	GC	NB	NMU	CB	F1	F2	F3
	Satellite Dishes (18)	P	P	P	P	P	P	P	P	P	P	P	P
	Electrical Utility Facility (22)	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.

Permitted uses in the Office and Limited Business-Open Space District (OLB-OS) are listed in LUC 20.25L.020.

Permitted uses in the Medical Institution District are listed in LUC 20.25J.020.

Permitted uses in the Bel-Red District (BR) are listed in LUC 20.25D.070.

Permitted uses in the Camp and Conference Center District (CCC) are listed in LUC 20.25N.040.

Permitted uses in the Eastgate Transit Oriented Development District (EG-TOD) are listed in LUC 20.25P.050.

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

Notes: Uses in land use districts – Transportation and Utilities¹

- (1) Intentionally deleted.
- (2) Intentionally deleted.
- (3) Accessory parking is not permitted in residential land use districts as accessory to uses which are not permitted in these districts.
- (4) The location of an off-site parking facility must be approved by the Director of the Development Services Department. See LUC 20.25A.050H.
- (5) Park and Ride. A park and pool lot or other carpool facility is regulated as a park and ride. A park and ride providing no more than 50 parking spaces, and utilizing the parking area of an existing use shall be regulated as an accessory use under LUC 20.20.200. Any other park and ride requires a Conditional Use Permit.
- (6) Accessory parking requires approval through the review process required for the primary land use which it serves pursuant to LUC 20.10.440.
- (7) On-site hazardous waste treatment and storage facilities as defined by LUC 20.50.024 are only permitted as administrative conditional use approvals as a subordinate use to a permitted or special use. These facilities must comply with the state siting criteria as adopted in accordance with RCW 70.105.210.

- (8) Off-site hazardous waste treatment and storage facilities as defined by LUC 20.50.024 must comply with the state siting criteria as adopted in accordance with RCW 70.105.210.
- (9) (Deleted by Ord. 5086).
- (10) These uses are permitted only if located in a multiple function building or complex.
- (11) Aircraft transportation is limited in these districts to government heliports used exclusively for emergency purposes and regulated pursuant to the terms of LUC 20.20.450.
- (12) Aircraft transportation is limited in these districts to government and hospital heliports used exclusively for emergency purposes and regulated pursuant to the terms of LUC 20.20.450.
- (13) Design Review approval, Part 20.30F LUC, or a Change of Use Permit is required to establish a commercial parking facility. Refer to LUC 20.25A.050E for additional development requirements.
- (14) Wireless communication facilities (WCFs) are not permitted on any residential structure, undeveloped site located in a residential land use district, or site that is developed with a residential use. This note does not prohibit locating WCF: a) on any residential structure or undeveloped site in R-20 or R-30 Land Use Districts; or b) on any nonresidential structure (i.e., churches, schools, public facility structures, utility poles, etc.) or in public rights-of-way in any residential land use district.
- (15) Intentionally deleted.
- (16) Refer to LUC 20.20.195 for general requirements applicable to wireless communication facilities and other communication, broadcast and relay facilities.
- (17) Intentionally deleted.
- (18) Refer to LUC 20.20.730 for general requirements applicable to Large Satellite Dishes.
- (19) Refer to LUC 20.20.820 for general requirements applicable to solid waste disposal facilities.
- (20) Refer to LUC 20.20.350 for general requirements applicable to Essential Public Facilities (EPF).
- (21) Antenna and associated equipment used to transmit or receive fixed wireless signals when located at a fixed customer location are permitted in all land use districts and are exempt from the requirements of LUC 20.20.010, 20.20.195 and 20.20.525 so long as the antenna and equipment comply with 47 C.F.R. 1.400, now or as hereafter amended. A building permit may be required to ensure safe installation of the antenna and equipment.
- (22) For the definition of electrical utility facility, see LUC 20.50.018, and for reference to applicable development regulations relating to electrical utility facilities, see LUC 20.20.255. For new or expanding electrical utility facilities proposed on sensitive sites as described by Figure UT.5a of the Utilities Element of the Comprehensive Plan, the applicant shall obtain Conditional Use Permit approval under Part 20.30B LUC, complete an alternative siting analysis as described in LUC 20.20.255.D and comply with decision criteria and design standards set forth in LUC 20.20.255. For expansions of electrical utility facilities not proposed on sensitive sites as described by Figure UT.5a, the applicant shall obtain Administrative Conditional Use Permit approval under Part 20.30E LUC and comply with decision criteria and design standards set forth in LUC 20.20.255.
- (23) Battery Exchange Stations are ancillary to Motor Vehicle Transportation, and are permitted through the applicable review process as a component of that use. Operators of Battery Exchange

Stations must comply with federal and state law regulating the handling, storage, and disposal of batteries.

(24) Electric Vehicle Infrastructure, excluding Battery Exchange Stations, is ancillary to motor vehicle parking and highways and rights-of-way, and is permitted through the applicable review process as a component of that use.

(25) Refer to Part 20.25M LUC, Light Rail Overlay District, for specific requirements applicable to EPF defined as a regional light rail transit facility or regional light rail transit system pursuant to LUC 20.25M.020. A conditional use permit is not required when the City Council has approved a regional light rail transit facility or regional light rail transit system by resolution or ordinance, or by a development agreement authorized by Chapter 36.70B RCW and consistent with LUC 20.25M.030.B.1.

(26) Auto parking, commercial lots, and garages are only allowed in the OLB 2 District if they are west of 142nd Avenue SE.

Chart 20.10.440

Uses in land use districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Wholesale and Retail – Residential Districts											
		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	
5	Trade (Wholesale and Retail) (39)												
51	Wholesale Trade: General Merchandise, Products, Supplies, Materials and Equipment except the following: (1)												
5111 5156 5157 5191 5192	Wholesale Trade: Motor Vehicles, Primary and Structural Metals, Bulk Petroleum (2)												
5193	Scrap Waste Materials, Livestock												
	Recycling Centers	C	C	C	C	C	C	C	C	C	C	C	C
521 522 523 524	Lumber and Other Bulky Building Materials Including Preamsembled Products (3)												
5251	Hardware, Paint, Tile and Wallpaper (Retail)												
5252	Farm Equipment												
53	General Merchandise: Dry Goods, Variety and Dept. Stores (Retail)												

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Wholesale and Retail – Residential Districts											
		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	
54	Food and Convenience Store (Retail) (27)												
5511	Autos (Retail)												
	Trucks, Motorcycles, Recreational Vehicles (Retail)												
	Boats (Retail)												
552	Automotive and Marine Accessories (Retail)												
553	Gasoline Service Stations (40)												
56	Apparel and Accessories (Retail)												
57	Furniture, Home Furnishing (Retail)												
58	Eating and Drinking Establishments (37)												
59	Misc. Retail Trade: Drugs, Liquor, Antiques, Books, Sporting Goods, Jewelry, Florist, Photo Supplies, Video Rentals and Computer Supplies												
	Adult Retail Establishments (31)												
59	Marijuana Retail Outlet												
5961	Farm Supplies, Hay, Grain, Feed and Fencing, etc. (Retail)												
596	Retail Fuel Yards												
5996	Garden Supplies, Small Trees, Shrubs, Flowers, Ground Cover, Horticultural Nurseries and Light Supplies and Tools												
5999	Pet Shop (Retail and Grooming)												
	Computers and Electronics (Retail)												

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.

Permitted uses in the Office and Limited Business-Open Space District (OLB-OS) are listed in LUC 20.25L.020.

Permitted uses in the Medical Institution District are listed in LUC 20.25J.020.

Permitted uses in the Bel-Red District (BR) are listed in LUC 20.25D.070.

Permitted uses in the Camp and Conference Center District (CCC) are listed in LUC 20.25N.040.

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

Chart 20.10.440

Uses in land use districts

Wholesale and Retail – Nonresidential Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/ Limited Business	Office/ Limited Business 2	Light Industry	General Com- mercial	Neigh- bor- hood Business	Neigh- bor- hood Mixed Use	Com- munity Business	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3
		PO	O	OLB	OLB 2	LI	GC	NB (5)	NMU	CB (36*)	F1	F2	F3
5	Trade (Wholesale and Retail) (39)												
51	Wholesale Trade: General Merchandise, Products, Supplies, Materials and Equipment except the following: (1)					P	P						
5111 5156 5157 5191 5192	Wholesale Trade: Motor Vehicles, Primary and Structural Metals, Bulk Petroleum (2)					P	C						
5193	Scrap Waste Materials, Livestock												
	Recycling Centers					P	P	P	P	P	P		
521 522 523 524	Lumber and Other Bulky Building Materials Including Preassembled Products (3)					P 35	P			P	P		
5251	Hardware, Paint, Tile and Wallpaper (Retail)				P	S 35	P	P	P	P	P		
5252	Farm Equipment					P 35							
53	General Merchandise: Dry Goods, Variety and Dept. Stores (Retail)				P				P	P	P		
54	Food and Convenience Store (Retail) (27)				P		P	P	P	P	P		
5511	Autos (Retail)			P 6	43	A 4, 35	P		P 6	C	C		
	Trucks, Motorcycles, Recreational Vehicles (Retail)			P 25	P 25, 43	P 7, 35	P						
	Boats (Retail)				43	P 35	P						
552	Automotive and Marine Accessories (Retail)					P 35	P			P	P		
553	Gasoline Service Stations (40) (34)			A 34	A	P 34, 35	P	P	P	P	P	A 34	A 34
56	Apparel and Accessories (Retail)			S	P		P		P	P	P	S	S

Wholesale and Retail – Nonresidential Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/ Limited Business	Office/ Limited Business 2	Light Industry	General Com- mercial	Neighbor- hood Business	Neigh- borhood Mixed Use	Com- munity Business	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3
		PO	O	OLB	OLB 2	LI	GC	NB (5)	NMU	CB (36*)	F1	F2	F3
57	Furniture, Home Furnishing (Retail)				P	P 11, 35	P		P	P	P		
58	Eating and Drinking Establishments (37)		P 13	P 14	P 28	P 15, 29, 35	P	P 16, 28	P 28	P	P	P 14	P 14
59	Misc. Retail Trade: Drugs, Liquor, Antiques, Books, Sporting Goods, Jewelry, Florist, Photo Supplies, Video Rentals and Computer Supplies		P 17	S	P		P	P 19	P	P	P	S	S
	Adult Retail Establishments (31)			S						P	P	S	S
59	Marijuana Retail Outlet						A 41, 42			A 41,42	A 41,42		
5961	Farm Supplies, Hay, Grain, Feed and Fencing, etc. (Retail)					P 35	P						
596	Retail Fuel Yards					P 35	P						
5996	Garden Supplies, Small Trees, Shrubs, Flowers, Ground Cover, Horticultural Nurseries and Light Supplies and Tools					P 35	P	P 20		P 20	P 20		
5999	Pet Shop (Retail and Grooming)				P	P 26, 35	P 26	P	P	P	P		
	Computers and Electronics (Retail)				P	P 12, 35	P 12		P	P	P		

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.

Permitted uses in the Office and Limited Business-Open Space District (OLB-OS) are listed in LUC 20.25L.020.

Permitted uses in the Medical Institution District are listed in LUC 20.25J.020.

Permitted uses in the Bel-Red District (BR) are listed in LUC 20.25D.070.

Permitted uses in the Camp and Conference Center District (CCC) are listed in LUC 20.25N.040.

Permitted uses in the Eastgate Transit Oriented Development District (EG-TOD) are listed in LUC 20.25P.050.

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

Notes: Uses in land use districts – Wholesale and Retail

- (1) Wholesale trade includes sales offices for these goods.
- (2) Wholesale trade of motor vehicles, primary and structural metals, and bulk petroleum includes sales offices for these goods and excludes tank farms.
- (3) Bulk retail includes sales offices for these goods.
- (4) Automobile (retail) is subject to the decision criteria in LUC 20.20.135.
- (5) Each individual wholesale and retail use in NB Districts, except retail food stores and miscellaneous retail trade, is limited to 5,000 square feet. Wholesale and retail uses intending to operate between the hours of 12:00 midnight and 6:00 a.m. must obtain administrative conditional use approval. The applicant must meet the decision criteria for an Administrative Conditional Use Permit set forth in Chapter 20.30E LUC, and must demonstrate that: 1) the use will meet the requirements of the Noise Control Ordinance, Chapter 9.18 BCC; and 2) the use will meet the lighting standards of the Community Retail Design District for all lighting fixtures on the premises that would be lit between the hours of 12:00 midnight and 6:00 a.m. Businesses operating between the hours of 12:00 midnight and 6:00 a.m. on the effective date of the ordinance codified in this chapter are exempt from the ACUP requirements.
- (6) Retail auto sales are permitted only in the following locations:
 - a. The west side of 116th Avenue NE between NE 8th Street and the SE 8th Street off-ramp from northbound I-405;
 - b. Along SE 36th Street west of the ravine located at the approximate alignment of 133rd Avenue SE and east of 132nd Avenue SE; and
 - c. Fronting on SE 37th Street in the NMU District where the subject property was zoned General Commercial prior to the adoption of Ordinance No. [INSERT ORDINANCE NUMBER] on [INSERT EFFECTIVE DATE].
- (7) Motorcycle (retail) requires administrative conditional use approval in LI Districts.
- (8) Intentionally deleted.
- (9) Intentionally deleted.
- (10) Intentionally deleted.
- (11) Furniture and home furnishings are limited to uses with on-site warehousing in LI Districts.
- (12) Computer supplies are permitted as a subordinate use to computer sales in LI and GC Districts.
- (13) Eating and drinking establishments are excluded in transition areas in O Districts.
- (14) Eating and drinking establishments are permitted in the OLB, F2 and F3 Districts subject to the following criteria:
 - (a) Such uses are physically integrated within a structure primarily used as a hotel or motel; office building; charitable, social, professional and labor organization; fraternal lodge; recreational facility or institution such as a public assembly (indoor).
 - (b) Such uses do not exceed 20 percent of the gross floor area of the structure or structures.
 - (c) The entire site complex has a unity of design in terms of wall and roof materials, roof slopes and window patterns.

- (15) Eating and drinking establishments are permitted in LI Districts only if located in a multiple function building or complex.
- (16) Eating and drinking establishments may include liquor sales only if operated under a Class A or C liquor license issued by the Washington State Liquor Control Board. Eating and drinking establishments with other classes of liquor licenses require administrative conditional use approval.
- (17) Other retail trade is limited to drugstores only in O Districts.
- (18) Intentionally deleted.
- (19) Except for drugstores, all miscellaneous retail uses combined cannot exceed 10,000 square feet and each individual use cannot exceed 3,000 square feet.
- (20) Garden supplies excludes items such as large trees, rock and bulk supplies which require special handling equipment in NB, CB, F1 and Downtown-MU Districts.
- (21) Limited to a maximum of 1,500 gross square feet per establishment.
- (22) Limited to a maximum of 3,000 gross square feet per establishment, except for food, retail.
- (23) Nonresidential uses are permitted in Downtown-R Districts only when developed within the same project limit and simultaneously with an equal or greater amount of floor area devoted to residential uses.
- (24) No on-site outdoor display or inventory storage.
- (25) Only retail sales of motorcycles is a permitted use and outdoor storage is prohibited.
- (26) Only pet grooming is permitted in the LI and GC Districts.
- (27) Food and convenience stores (retail) must contain at least 75 percent square footage of retail food sales not for consumption on premises.
- (28) Drive-in windows are not permitted.
- (29) No more than one eating and drinking establishment is permitted in any building.
- (30) Limited to a maximum of 15,000 gross square feet per establishment or up to 25,000 gross square feet through a conditional use.
- (31) Adult retail establishments are subject to the regulations for adult entertainment uses in LUC 20.20.127.
- (32) (Reserved).
- (33) (Deleted by Ord. 5089).
- (34) Gasoline service stations may include subordinate convenience stores.
- (35) Any business which combines two or more permitted retail sales uses and also includes subordinate retail sales uses shall be limited in size to 50,000 square feet.
- *(36) Retail uses in CB Districts in the following subareas, as designated in the Comprehensive Plan, are limited in size to 100,000 gross square feet or less: Bridle Trails, Evergreen Highlands, Newcastle, North Bellevue, Northeast Bellevue, Richards Valley, South Bellevue, Southeast Bellevue, and Wilburton; provided, that in CB Districts in the Wilburton Subarea, retail uses may

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be allowed to exceed 100,000 gross square feet through a Council-approved development agreement that is consistent with Chapter 36.70B RCW and includes design guidelines that (a) address the potential impacts of that scale of retail use, and (b) are consistent with the vision of Comprehensive Plan Policy S-WI-3 regarding the creation of a "retail village" on the commercial area west of 120th Avenue NE.

(37) Microbrewery manufacturing is permitted subordinate to an eating and drinking establishment; provided, that the manufacturing use occupies not more than 50 percent of the total square footage of the combined establishment.

(38) Eating and drinking establishments and retail uses are permitted in the Downtown-OLB District, provided the following criteria are met:

(a) The uses are functionally integrated within a building or complex primarily used as a hotel or motel; office building; university or college; charitable, social service, professional or labor organization; or recreation facility.

(b) The uses do not exceed 30 percent of the total floor area of the building or complex.

(c) Each individual retail use is limited to 15,000 gross square feet in area.

(d) The entire complex achieves a unity of design through the use of similar exterior building materials, colors, and window patterns.

(39) All wholesale and retail uses, which offer shopping carts to customers, shall (a) designate a shopping cart containment area as defined in BCC 9.10.010; (b) display signage around shopping cart corrals and at the perimeter of the shopping cart containment area that provides notice that unauthorized removal of a shopping cart from the premises constitutes theft under RCW 9A.56.270 and unauthorized abandonment of a shopping cart more than 100 feet away from the parking area of a retail establishment or shopping cart containment area is a Class 3 civil infraction as defined in RCW 7.80.120; and (c) display information on each shopping cart that is consistent with the labeling requirements of RCW 9A.56.270 and includes a 24-hour toll-free phone number to report abandoned shopping carts. Abandoned shopping carts or shopping carts located outside of a shopping cart containment area constitute a public nuisance under BCC 9.10.030(H) and may be abated through the provisions of Chapter 1.18 BCC.

(40) Battery Exchange Stations are ancillary to Gasoline Service Stations, and are permitted through the applicable review process as a component of that use. Operators of Battery Exchange Stations must comply with federal and state law regulating the handling, storage, and disposal of batteries.

(41) See LUC 20.20.535 for general development requirements for marijuana uses.

(42) Marijuana Retail Outlet excludes Medical Marijuana Cooperative, Medical Marijuana Cooperatives, as authorized under RCW 69.51A.250, now or as hereafter amended, are prohibited in Bellevue. See LUC 20.20.535 for general requirements applicable to marijuana uses.

(43) In the OLB 2 District, retail auto, truck, RV and boat showrooms may be allowed through a development agreement. No outdoor storage of autos, trucks, boats and RVs is allowed.

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

Section 6. Section 20.20.005 of the Bellevue Land Use Code is hereby amended as follows:

20.20.005 Chart of dimensional requirements described.

Chart 20.20.010 sets forth the dimensional requirements for each land use district except: the Downtown Land Use Districts, the Evergreen Highlands Design District, the Evergreen Highlands Subarea Transportation Improvement Overlay District, the Medical Institution District, the OLB-OS Land Use District, and the Bel-Red Land Use Districts. All structures and activities in the City not located in the above districts shall conform to the dimensional requirements in Chart 20.20.010. Dimensional requirements for the Downtown Land Use Districts are found in LUC 20.25A.020. Dimensional requirements for the Evergreen Highlands Design District are found in Part 20.25F LUC. Dimensional requirements for the Evergreen Highlands Subarea Transportation Improvement Overlay District are found in Part 20.25G LUC. Dimensional requirements for the Medical Institution District are found in Part 20.25J LUC. Dimensional requirements for the OLB-OS Land Use District are found in LUC 20.25L.030. Dimensional requirements for the Bel-Red Land Use Districts are found in LUC 20.25D.080. Dimensional requirements for the Eastgate Transit Oriented Development Land Use District are found in 20.25P.060A. Additional special dimensional requirements for designated areas of the City are contained in other parts of the Code as follows:

- A. Part 20.25B LUC – Transition Areas;
- B. Part 20.25C LUC – OLB Districts;
- C. Part 20.25E LUC – Shoreline Overlay District;
- D. Part 20.25H LUC – Critical Areas Overlay District;
- E. Part 20.45A LUC – Platting and Subdivisions;
- F. Part 20.45B LUC – Short Plats and Short Subdivisions.

Section 7. Section 20.20.010 of the Bellevue Land Use Code is hereby amended as follows:

Uses in land use districts Dimensional Requirements

LAND USE CLASSIFICATION	Professional Office		Office		Offices/Limited Business		Offices/Limited Business		Light Industry		General Commercial		Neighborhood Business		Neighborhood Mixed Use		Community Business		Factory Land Use District		Factory Land Use District		Factory Land Use District	
	PO	O	OLB	OLB 2	LI	GC	NIB	NMTU	CB	F1	F2	F3	F1	F2	F3	F1	F2	F3	F1	F2	F3	F1	F2	F3
Minimum setbacks of Structures (feet)	(21)	(21)	(21)	(21)	(21)	(21)	(21)	(21)	(21)	(21)	(21)	(21)	(21)	(21)	(21)	(21)	(21)	(21)	(21)	(21)	(21)	(21)	(21)	(21)
Front Yard (18) (20)	30	30	50	0	15	15	0	0	15	15	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rear Yard (17) (18)	25	25	50	0	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Side Yard (17) (18)	20	20	30	0	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)
2 Side Yards (17) (18)	40	40	60	0	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Floor Area Ratio	(8)	(50)(8)	(8)	1	(8)	(8)	(8)	(8)	(8)	(8)	(8)	(8)	(8)	(8)	(8)	(8)	(8)	(8)	(8)	(8)	(8)	(8)	(8)	(8)
Minimum Lot Area Acres (A) or Thousands of Sq. Ft. (3)			2A																					
Dwelling Units per Acre (15)(22)	10 (23)	20 (23)	30 (23)								15 (23)													
Minimum Dimensions (feet)			200																					
Width of Street Frontage			200																					
Width Required in Lot (4)			200																					
Depth Required in Lot (4)																								
Maximum in Building Height (feet) (10)	20	30	45	75	45	30	20 (25)	75	45	30	20 (25)	75	45	30	20 (25)	75	45	30	20 (25)	75	45	30	20 (25)	75
Maximum Lot Coverage by Structures (percent)(13)(14)(16)	35 (24)	35 (24)	35 (24)	35	30	35 (24)	35	35 (24)	30	35 (24)	35 (24)	35 (24)	35 (24)	35 (24)	35 (24)	35 (24)	35 (24)	35 (24)	35 (24)	35 (24)	35 (24)	35 (24)	35 (24)	35 (24)
Maximum Hard Surface Coverage (37)	85	85	85	85	90	85	85	85	90	85	80	85	85	85	85	85	85	85	85	85	85	85	85	85
Maximum Impervious Surface (percent) (35)	60	60	60	60	65	65	60	60	65	65	60	60	65	65	60	60	65	65	65	65	65	65	65	65
Alternative Maximum Impervious Surface (percent)(35)(37)(39)	80	80	80	80	85	85	80	80	85	85	80	80	85	85	80	80	85	85	85	85	85	85	85	85

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

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

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

Dimensional Requirements for Medical Institution District (MI) are found in Part 20.25J LUC.

Dimensional Requirements for Bel-Red Land Use Districts are found in Part 20.25D LUC.

Dimensional Requirements for Eastgate Transit Oriented Development District is found in Part 20.25F LUC.

Notes: Uses in land use districts – Dimensional requirements

- (1) Side yard setback in R-30 Districts increases to 20 feet on any side yard where structure exceeds 30 feet above finished grade.
- (2) All rear and side yards shall contain landscaping as required by LUC 20.20.520.
- (3) See LUC 20.20.012.
- (4) See LUC 20.20.015.
- (5) Except in Transition Areas, the maximum allowable building height in R-20 Districts may be increased to 40 feet if ground floor or underground parking for that building is provided and occupies a minimum of 75 percent of the building footprint.
- (6) The maximum allowable building height is 75 feet on any property designated OLB which lies within 475 feet of the right-of-way of I-405, between I-90 and SR-520.
- (7) Intentionally deleted.
- (8) Any office building or any office portion of a building in the PO, O, OLB, LI, GC, NB, CB or F1 Districts shall comply with the following limitations on Floor Area Ratio:
 - (a) At 0.5 FAR, no office building or office portion of a building may exceed 50,000 square feet of gross floor area; and
 - (b) For any office building or office portion of a building greater than 50,000 square feet in gross floor area, the following sliding scale shall be observed as interpolated and extrapolated below:
 - (i) At 0.3 FAR, no office building or office portion of a building may exceed 100,000 square feet of gross floor area; and
 - (ii) At 0.1 FAR, no office building or office portion of a building may exceed 150,000 square feet of gross floor area.
 - (c) In an O District, north of Factoria Mall and directly adjacent to an F2 District, any office building or any office portion of a building may have a Floor Area Ratio greater than 0.50, not to exceed a Floor Area Ratio of 0.75 FAR. In this district, the sliding FAR scale does not apply.

This footnote 8 shall not apply to sites in the Critical Areas Overlay District. Density/intensity on sites in the Critical Areas Overlay District is calculated pursuant to LUC 20.25H.045.

(9) The maximum building height may be exceeded upon approval of the Director of the Development Services Department. Requests for such approval shall be processed in accordance with the administrative conditional use procedure of Part 20.30E LUC. Before granting any such approval, the Director of the Development Services Department must find that:

- (a) The height increase is only to accommodate equipment, structures or buildings that contain special equipment primarily related to light manufacturing, wholesale, trade and distribution use, and is not for office or bulk retail use; and
- (b) There is functional need for a height increase; and
- (c) The overall site development will minimize adverse impacts caused by the height increase. Notwithstanding the provisions of this note, no height increase is permitted within a Transition Area as defined in Part 20.25B LUC.

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

(11) The LUC contains enhanced setback requirements for churches, clubs, and institutions (refer to LUC 20.20.190) and schools (refer to LUC 20.20.740) located in residential land use districts.

(12) For each square foot of lot area devoted to open space in excess of 30 percent of the total lot area, one square foot is added to the lot area for the purpose of calculating density.

(13) Lot coverage is calculated after subtracting all 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.

(15) Except for sites in the Critical Areas Overlay District, if there is a conflict between the minimum lot area and the permitted number of dwelling units per acre, the minimum lot area controls. Density/intensity on sites in the Critical Areas Overlay District is calculated pursuant to LUC 20.25H.045

(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.
- (17) If the setback abuts a street right-of-way, access easement or private road, the minimum dimension is 10 feet unless a greater dimension is specified.
- (18) See LUC 20.20.030 for designation and measurement of setbacks.
- (20) See LUC 20.25H.035 for additional critical area setbacks.
- (21) See LUC 20.25H.045 for calculation of density/intensity on sites in the Critical Areas Overlay District.
- (22) Density for senior citizen dwelling, congregate care senior housing, and assisted living is calculated as follows: units less than 600 square feet count as one-half unit and units 600 square feet or greater count as one unit.
- (23) This residential density may be in addition to FAR only for senior citizen dwellings, assisted living and congregate care senior housing.
- (24) Lot coverage may be increased to 50 percent if congregate care senior housing, senior citizen dwellings, assisted living or nursing homes are constructed on site; provided, however, that coverage for the nonresidential portions of the development cannot exceed the maximum limits indicated. Lot coverage within NB and NMU Districts may be increased to 50 percent for mixed use development which includes residential uses comprising at least one-half the square footage of the building footprint. Underground parking in excess of 50 percent of the site area shall not be included in lot coverage calculations.
- (25) The maximum building height for structures is increased to 30 feet only if residential uses or administrative office uses are provided on the second floor, and provided the structure does not exceed two stories. For purposes of this note, a story is defined pursuant to the International Building Code, Section 202, as adopted and amended by the City of Bellevue.
- (26) See LUC 20.20.125 for specific requirements applicable to detached accessory structures.
- (27) Lot coverage for schools located in residential land use districts is limited to 35 percent of the site area (refer to LUC 20.20.740).
- (28) Dimensional requirements for the F1 Land Use District are listed in LUC 20.25F1.040.
- (29) (Repealed by Ord. 5726).
- (30) (Repealed by Ord. 5726).
- (31) Any office building or any office portion of a building in the F2 District may not exceed a Floor Area Ratio of 0.75 FAR.
- (32) The maximum FAR for the combined properties in the F3 Land Use District, regardless of use, shall be 1.26 FAR; provided, that individual parcels or portions of property lying within the F3 Land Use District may have FAR for those individual parcels or portions which exceed an FAR of 1.26; provided, that the FAR calculated for the entire aggregated property within the F3 Land Use District shall not exceed 1.26. The maximum FAR permitted herein is

based on a maximum total development, including existing and new development of 950,000 square feet, calculated in the same manner as provided for in the calculation of FAR. In the event of an inconsistency between the FAR maximum of 1.26 and the maximum total development amount of 950,000 square feet, the latter shall control.

(33) In no event shall building height exceed 324 feet above sea level, based on North American Vertical Datum, 1988 (NAVD – 88).

(34) Maximum building height south of the F3 Land Use District Separation Line shall be 135 feet, with structural elements not intended for habitation above 135 feet, so long as structural elements do not exceed 275 feet above sea level based on NAVD – 88.

(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.

(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.

(38) Certain non-critical area setbacks on sites in the Critical Areas Overlay District may be modified pursuant to LUC 20.25H.040.

(39) These dimensional standards may be modified through an approved conservation subdivision, LUC 20.45A.060 or conservation short subdivision, LUC 20.45B.055.

(40) The greenscape requirements of this section shall be imposed any time a permit, approval, or review, including land alteration or land development for Single-Family Land Use Districts, is required by the Bellevue City Code or Land Use Code. Existing single-family front yard setbacks legally established on a site prior to January 1, 2008, which do not meet the minimum greenscape requirements set forth in Chart 20.20.010 shall not be considered nonconforming. The City shall not, however, approve proposals to decrease the greenscape percentage set forth in Chart 20.20.010 where a site already falls below the minimum greenscape requirements. Where an existing site falls below the minimum requirements set forth in Chart 20.20.010, the removal of greenscape shall not be approved unless an equal amount of existing impervious surface, pervious surface, or hardscape is removed, such that the net amount of greenscape is unchanged. The Director may modify the requirements of Chart 20.20.010 for nonconforming lots, corner lots, or lots with unique sizes and shapes. See LUC 20.50.022 for the definition of greenscape.

(41) See LUC 20.20.900.F for significant tree retention requirements relating to Single-Family Districts excluding, however, the R-1 Land Use District in the Bridle Trails Subarea which is otherwise governed by LUC 20.20.900.E.

(42) Dimensional requirements for the Bel-Red Land Use Districts are found at LUC 20.25D.080.

(43) Floor Area Ratio (FAR) Threshold: Development which exceeds a gross Floor Area Ratio (FAR) threshold of 0.5 shall comply with the following requirements:

- (a) Applicability: FAR threshold requirements are applicable to new single-family homes and additions to existing homes that result in a 20 percent or greater increase in gross square feet.
- (b) Maintain a minimum structure setback of 7.5 feet for each side yard; and, incorporate either daylight plane standards or a second story stepback of not less than 5 feet on each side of the building facing a side yard property line.
- (c) Exemptions: New single-family homes constructed as part of a subdivision pursuant to Part 20.45A LUC or planned unit development pursuant to Part 20.30D LUC are not subject to FAR threshold requirements. The Director may modify the FAR threshold requirements on either side of the structure where it can be demonstrated that the adjacent structure has been constructed at an FAR that exceeds the 0.5 threshold and the adjacent structure is built to dimensions which exceed the requirements noted in subsection (b) of this note.
- (44) Maximum building height for single-family uses in single-family residential land use districts is 30 feet measured from the average elevation of the existing grade around the building to the highest point of a flat roof, or 35 feet to the ridge of a pitched roof. Refer to LUC 20.50.012 for definition of Building Height – Single-Family Uses in Single-Family Land Use Districts.
- (45) For new single-family residential homes and additions in single-family land use districts, the maximum height of any individual building facade is 40 feet measured from the existing grade at the building wall to the ridge of a pitched roof or top of a flat roof. New single-family homes constructed as part of a subdivision pursuant to Part 20.45A LUC or planned unit development pursuant to Part 20.30D LUC are exempt from this requirement.
- (46) Maximum building height in CB districts of the Wilburton Subarea that are located between 116th Ave NE and the BNSF Corridor is 75 feet.
- (47) See LUC 20.20.425 for exceptions and performance standards relating to hard surfaces.
- (48) Maximum impervious surface limit only for sites where the use of permeable surfacing techniques is determined to be infeasible according to the criteria in the 2014 Department of Ecology Stormwater Management Manual for Western Washington, now or as hereafter amended.
- (49) Up to 1 FAR of floor area dedicated to on-site affordable housing shall not be counted for the purposes of calculating the FAR of a project, provided that:
 - (a) The ratio of affordable housing is 2.5 market rate units to 1.0 affordable housing unit at 80 percent AMI;
 - (b) The general development requirements contained in LUC 20.20.128 do not apply.
 - (c) The bedroom mix and exterior finishes shall be comparable to the market rate units, but interior design, unit size, amenities and interior finishes may vary; and
 - (d) An agreement in a form approved by the City will be executed by the applicant and recorded with the King County Record's Office, or its successor organization, requiring the affordable housing to remain for the life of the project. This agreement shall be a covenant running with the land, binding on assigns, heirs, and successors of the applicant.
- (50) Office-designated properties in the Eastgate Subarea annexed into the City with the Eastgate annexation (May 2012) shall not be considered nonconforming with respect to FAR if the development thereon was legally established prior to the date of annexation.

Section 8. Section 20.20.520 of the Bellevue Land Use Code shall be amended as follows:

...

F. Site Landscaping.

1. **Perimeter Landscaping Requirements for Use Districts.** The applicant shall provide site perimeter landscaping either according to the following chart and subject to paragraphs F.2 and F.6 of this section; or in conformance with subsection J of this section.

Perimeter Landscaping Requirements for Use Districts

	Street Frontage (Type and Minimum Depth)	Interior Property Lines (Type and Minimum Depth)¹
R-10, 15, 20, 30	Type III, 10' but if located in a Transition Area, and directly abutting S/F ² , see Part 20.25B LUC for requirements.	Type III, 8' but if located in a Transition Area, and directly abutting S/F ² , see Part 20.25B LUC for requirements.
NB, PO, O, OLB, OLB 2, OLB-OS	Type III, 10' but if located in a Transition Area, and directly abutting S/F ² , R-10, 15, 20 or 30, see Part 20.25B LUC for requirements. ⁴	Type III, 10' but if located in a Transition Area, and directly abutting S/F ² , R-10, 15, 20 or 30, see Part 20.25B LUC for requirements. ⁴
LI, GC, CB, NMU	Type III, 10' but if located in a Transition Area, and directly abutting S/F ² , R-10, 15, 20 or 30, see Part 20.25B LUC for requirements.	Type III, 8' but if located in a Transition Area, and directly abutting S/F ² , R-10, 15, 20 or 30, see Part 20.25B LUC for requirements.

...

H. Limitation of Landscaping Requirements.

1. Except in a Transition Area, the total Buildable Area of the subject property which is required to be landscaped is limited as follows. The location of this landscaping within the Buildable Area must meet the purpose and intent of paragraphs A, F.1 and G of this section.

- a. Twenty percent of the Buildable Area in an NB, PO, O, OLB, or OLB 2 Land Use District;
- b. Fifteen percent of the Buildable Area in an LI, GC, NMU, or CB Land Use District;
- c. Twenty percent of the Buildable Area of the Development Area in an OLB-OS Land Use District.

Section 9. Part 20.25B of the Bellevue Land Use Code shall be amended as follows:

20.25B.010 Purpose.

The Transition Area Design District provides a buffer between residential uses in a residential land use district and a land use district which permits development of higher intensity. Where multifamily development is planned adjacent to single-family residential uses or commercial development is planned adjacent to residential uses, such development should incorporate elements in the site design and building design to soften its impact and to result in a compatible transition.

20.25B.020 Applicability.

A. General.

This chapter applies to any portion of property located in a district designated on the chart below as “Districts providing transition” which is located within 300 feet of property located in a district designated on the chart as “Single-family districts receiving transition” or within 150 feet of property located in a district designated on the chart as “Multifamily districts receiving transition.”

B. Limitations.

1. Where a transition area abuts a portion of I-90, I-405, SR 520, Burlington Northern Railroad right-of-way, or power transmission line which is located in a single-family or multifamily district, the City shall include that portion as part of the required width of the transition area.
2. If the applicant establishes that a minimum 150-foot width of greenbelt or native growth protection easement is permanently dedicated for nonbuildable purposes and is located in a single-family or multifamily district, the City shall include that portion as part of the required width of the transition area.
3. Development within any Downtown Land Use District is not subject to Transition Area Design District requirements (refer to LUC 20.25A.090, Perimeter Design District).
4. Development within the F1 Land Use District is not subject to Transition Area Design District requirements.
5. Development within the OLB-OS Land Use District is not subject to Transition Area Design District requirements where that property receiving transition is developed in a nonresidential use.
6. Development of a wireless communications facility is not subject to Transition Area Design District requirements.
7. Development within the Medical Institution Land Use District is not subject to Transition Area Design District requirements.
8. Development within the Bel-Red Land Use Districts is not subject to the Transition Area Design District requirements unless specifically made applicable pursuant to Part 20.25D LUC.
9. Where a transition area abuts a single-family or multifamily district and all properties that would receive transition are developed with legally permitted nonresidential uses, the requirements of this Part 20.25B shall not apply.
10. Development within the Camp and Conference Center Land Use District is not subject to Transition Area Design District requirements.

CHART – DISTRICTS RECEIVING TRANSITION

Districts Providing Transition	Districts Receiving Transition											SINGLE-FAMILY	MULTIFAMILY
	SINGLE-FAMILY							MULTI-FAMILY					
	R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	*** R-7.5	R-10	R-20	R-30			LUC OC*
R-10	x	x	x	x	x	x	x					x	
R-15	x	x	x	x	x	x	x					x	
R-20	x	x	x	x	x	x	x					x	
R-30	x	x	x	x	x	x	x					x	
PO	x	x	x	x	x	x	x	x	x	x		x	x
O	x	x	x	x	x	x	x	x	x	x		x	x
OLB/ OLB-OS**** OLB 2	x	x	x	x	x	x	x	x	x	x		x	x
LI	x	x	x	x	x	x	x	x	x	x		x	x
GC	x	x	x	x	x	x	x	x	x	x		x	x
NB	x	x	x	x	x	x	x	x	x	x		x	x
NMU	x	x	x	x	x	x	x	x	x	x		x	x
CB	x	x	x	x	x	x	x	x	x	x		x	x
F2	x	x	x	x	x	x	x	x	x	x		x	x
F3	x	x	x	x	x	x	x	x	x	x		x	x

- * A land use district outside of the City boundaries which permits no more than five dwelling units per acre, and which is classified as a residential district
- ** A land use district outside of the City boundaries which permits no more than five dwelling units per acre, and which is classified as a residential district
- *** Not effective within the jurisdiction of the East Bellevue Community Council
- **** See LUC 20.25B.020.B.5
- x Areas of transition

20.25B.030 Design Review requirements.

All development within a Transition Area Design District must be reviewed by the Director using the Design Review Process, Part 20.30F LUC. If any portion of a building is within a transition area, only that portion is subject to transition area development standards; however, the entire building is subject to Design Review and site design guidelines. If any portion of a site is within a transition area, only that portion of the site is subject to transition area development standards, site design guidelines and Design Review. However, if the portion includes part of the street frontage, the entire street frontage is subject to the transition area buffer requirements.

20.25B.040 Development standards.

Pursuant to LUC 20.25B.030, all development activity within a transition area must comply with the following:

A. Building Height.

1. **Definition.** In a Transition Area, building height shall be measured from average existing grade around the building to the highest point of a flat roof or to the mean height between the tallest eave and tallest ridge of a pitched roof. Mechanical equipment and satellite dish antennas are included in building height calculations, except that mechanical equipment may be located within the upper one-half of a pitched roof form not to exceed 10 feet above maximum building height. This additional 10 feet is for equipment or screening purposes only and not to obtain additional habitable space. Specifically excluded from this definition are parapet walls designed solely, and only to the extent necessary, to screen mechanical and elevator equipment, and slender structural elements not intended for human habitation and not exceeding 10 feet above the maximum building height including chimneys, smoke ventilation stacks, omni-directional antennas, and flagpoles. This definition supersedes the building height definition in LUC 20.50.012 for purposes of this chapter only.

2. **Maximum Height.** The following chart sets forth the height limitation of any building within a transition area and the maximum height which may be achieved through bonuses as indicated in paragraph A.3 of this section:

Zone	Basic Height w/out Bonuses	Maximum Height w/Bonuses Limitation
R-10	30'	30'
R-15	30'	30'
R-20	30'	40'
R-30	30'	40'
PO	20'	30'
O	30'	40'
OLB	30'	45'
OLB-OS	30'	45'
OLB 2	45'/75' (1)	45'/75' (1)
LI	30'	45'
GC	30'	40'
NB	20'/30' (2)	35' (3)
NMU	45'/75' (1)	45'/75' (1)

CB	30'	45'
F2	75'	75'
F3	75'/135 (4)	75'/135' (4)

(1) In the OLB 2 and NMU Districts, the 45-foot basic height may be achieved through adherence to the Transition Area Design District development standards (LUC 20.25B.040) and the design guidelines (LUC 20.25B.050). The maximum height shall include mechanical equipment embedded within the building structure via a mechanical room. Maximum height up to 75 feet shall not exceed the maximum height for the district receiving transition when measured from the existing grade at the property line of the district receiving transition.

(2) In the NB District, the 30-foot height limit may be achieved only when the development is in compliance with LUC 20.20.010, Note (25).

(3) The 35-foot height limit may be achieved only when the development is in compliance with LUC 20.20.010, Note (25), and achieves a five-foot height bonus as indicated in paragraph A.3 of this section.

(4) In the F3 District, the 135-foot height limit may be achieved only on properties south of the F3 Land Use District Separation Line and when the development is in compliance with LUC 20.20.010, Note (34).

3. Allowable Height Increase. Except in an R-10 or R-15 District, the height limitation may be increased up to maximum height with bonuses limitation indicated in paragraph A.2 of this section only if one or more of the following items is provided, the decision criteria for Administrative Design Review are met, and the intent of the Transition Area Design District is maintained.

Item	Increase Allowed
a. Underbuilding parking:	5-foot increase
b. Basement parking:	10-foot increase
c. Pitched roof:	5-foot increase
d. Top floor setback on all sides of at least 10 feet:	5-foot increase
e. No mechanical equipment on the roof:	5-foot increase
f. Existing grade at the proposed building line is at 10 feet below the existing grade at the property line of the property receiving transition:	5-foot increase

4. Modification to Height. Except in the OLB 2, NMU, and F3 district, the maximum building height allowed in paragraph A.2 of this section may be modified through the Administrative Design Review process only if the following conditions are met:

a. When the location of the building pad is at least 20 feet below the existing grade at the property line of the property receiving transition; and

- b. The modified building height does not exceed the maximum height permitted by the underlying land use district for properties outside transition areas; and
- c. The project, with the height modification, will provide the same or better transition to the property receiving transition as with the maximum height permitted in paragraph A.2 of this section.

B. Setbacks.

- 1. **Setback for Primary Structures.** Primary structures must be located a minimum of 30 feet from the property line of the district receiving transition.
- 2. **Distance Between Primary Structures.** Primary structures must be located a minimum of 20 feet from other primary structures; provided, that this separation requirement may be modified pursuant to LUC 20.25H.040 on sites in the Critical Areas Overlay District.

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.
 - 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.

D. Site Design Standards.

1. Surface parking lots shall be screened from street level views and from ground level views of an abutting residential district of a lower intensity by berms, hedges, walls or combinations thereof. In appropriate circumstances, surface parking lots should be located away from adjacent residential properties.

2. Site features such as fences, walls, refuse enclosures, light fixtures, carports and storage units shall be designed to be integrated with the architectural design of the primary structure.

E. Mechanical Equipment.

Except in the OLB 2 and NMU Districts, mechanical equipment which is located on the roof shall be incorporated into the pitched or stepped roof form, and not appear as a separate penthouse or box. In the OLB 2 and NMU Districts, the roof top mechanical equipment shall be fully screened and accommodated within the maximum height limit.

F. Refuse Containers.

All refuse and recycling containers shall be contained within structures enclosed on all four sides and utilize lids made of molded plastic or other sound buffering material.

G. Signs.

Building design shall provide for architecturally integrated signage consistent with the scale and architecture of the building. Signs shall meet the requirements of Chapter 22B.10 BCC, Bellevue Sign Code.

20.25B.050 Design guidelines.

Pursuant to LUC 20.25B.030, all development activity within a transition area must comply with the following guidelines:

A. Site Design Guidelines.

1. Whenever possible, vehicular access should be designed so that traffic is not directed through an abutting residential district of lower intensity.

2. Loading and refuse collection areas should be on the side of a building facing away from an abutting residential district of a lower intensity, but not in a front yard setback.

3. In addition to the minimum requirements of LUC 20.20.520, site development should maximize the retention of existing significant vegetation in order to soften the visual impact on adjacent residential uses.

4. Surrounding vegetation, topography, street patterns, parking configuration and building massing should be considered in order to result in a compatible fit between the proposed development and existing residential development.

B. Building Design Guidelines.

1. Building surfaces facing abutting residential districts should be clad with materials which are similar to or compatible with surrounding uses, and which minimize reflected lighting.

2. Building facades should incorporate elements such as stepbacks, offsets, angled facets, deep roof overhangs, recesses and other architectural features which serve to break down the scale. The larger the building, the greater the number and variety of such elements that may be necessary to achieve the effect of diminishing scale.

3. Except in the OLB 2 and NMU Districts, pitched roof forms are preferred in order to enhance the compatibility with nearby residential areas. However, under certain circumstances, a stepped roof form could achieve a similar effect.

4. In the OLB 2 and NMU Districts, roof top elements (including roof shape, surface materials, colors, and mechanical equipment) should be integrated into the overall building design.

5. Communication dishes greater than one meter (3.28 feet) in diameter should not be visible from adjacent residential districts.

6. Materials and colors used on the building facades should be compatible with nearby residential buildings and the surrounding natural environment; however, colors and materials used for the purpose of accent may be approved.

Section 10. Part 20.25C of the Bellevue Land Use Code shall be amended as follows:

Part 20.25C Office and Limited Business (OLB) and Office and Limited Business 2 (OLB 2)

Districts

20.25C.010 Applicability of site development and design standards.

All new development and substantial remodels are subject to the applicable site development and design standards of this Part 20.25C.

20.25C.020 Area and dimensional requirements in the OLB District.

Only one structure may occupy a site of not less than the minimum lot size (two acres). Two structures may occupy a site of four acres and for each increment of minimum lot size (two acres), an additional structure may be added. Structures on four acres or more may be clustered. All structures shall conform to these requirements.

20.25C.030 Minimum yard dimensions in the OLB District.

A. In the OLB District, required side yards may be reduced equally to permit building on 50 percent of the total property dimension measured from one side property line to the other.

B. The combined dimension of the rear and front yards need not be more than 50 percent of the total property dimension measured from front to rear property line, and may be adjusted as follows:

1. Where the required front and rear yard dimensions combined is more than 50 percent of the total property dimension, measured from front to rear, the location of the rear building line may first be adjusted by measuring from the required front building line a dimension equal to 50 percent of the total property dimension.
2. Where the required front yard dimension is greater than 50 percent of the total property dimension, measured from front to rear and after making the maximum adjustment of the rear yard, the location of the front yard building line may be adjusted by measuring from the rear property line a dimension equal to 50 percent of the total property dimension, and no rear yard shall be required.

20.25C.040 Design standards in the OLB Districts.

A. Building Design Standards.

1. The entire site complex shall have a unity of design by use of similar wall and roof materials, roof slopes and window patterns, in order to reduce adverse visual impacts to those on and along major access routes and to mitigate adverse impacts from major access routes on nearby, less intensive uses.
2. Rooftop equipment shall be visually screened pursuant to LUC 20.20.525. The design and color of rooftop mechanical screening should be integrated with the building architectural style.
3. The building should include architectural elements that provide weather protection such as overhangs and recesses at building entrances.

B. Landscaping Design Standards.

1. The provisions of LUC 20.20.520, Landscape development, except as they conflict with this section, shall apply to development in the OLB District.
2. Except for retail auto sales uses, a minimum of 15 percent of the property area of each site shall be in landscaped open space. For each percent that a structure's ground floor area exceeds 15 percent, the landscaping requirements for that site shall be increased by 0.5 percent to a maximum of 20 percent of the property area of the site.
3. Service yards and at-grade mechanical equipment shall be sight-screened from adjoining property or streets or highways by a solid planting of evergreen trees and shrubs at least as high as the equipment or use being screened within two years from the time of planting.
4. Except for retail auto sales uses, parking areas shall include plantings using trees of three inches caliper or 14 to 16 feet high and 42-inch-high shrubs at approximately 35 feet on-center parallel to the aisle, or shall be screened as a service yard using similar materials. Other parking lot landscaping shall meet LUC 20.20.590 requirements for Type V landscaping. Plantings shall include a minimum of 50 percent native species. Noxious species, as designated by the Director in submittal requirements, are prohibited.
5. When property abuts the right-of-way for I-90, I-405, or SR 520 highways, or abuts parallel frontage roads of said highways, plant material shall be planted and spaced in a planting area a minimum of 10 feet wide. Deciduous trees shall have a minimum caliper of three inches, evergreen trees shall have a minimum height of 14 to 16 feet tall and shall be at intervals of no greater than 35 feet on-center along the right-of-way. No more than 30 percent of the trees shall be deciduous. Trees shall have a minimum mature height of 45 feet. Shrubs shall be a minimum of 42 inches high.

6. Trees installed as part of general site landscaping shall be a minimum of one and one-half inches in caliper or eight to 12 feet high.
7. Accessible outdoor gathering areas should be provided for the employees, general public and visitors to the site.
8. Outdoor display of vehicles for retail auto sales uses shall meet the requirements of LUC 20.20.520 for Type V landscaping for auto display areas and LUC 20.20.520.F.2.c for vehicle storage yards.

C. Signs.

All signs shall be an integral part of the architectural design consistent with the scale and architecture of the building. Signs shall meet the requirements of Chapter 22B.10 BCC, Bellevue Sign Code.

20.25C.050 Standards and Design Guidelines in the OLB 2 District

A. Character and Site Guidelines.

Purpose.

These guidelines address the qualities that make the OLB 2 District unique. They describe what makes an area a special, distinct “place,” not simply a group of individual buildings and streets.

1. Integrate the Natural Environment

a. Intent.

Integrate new landscape areas, natural drainage/LID features, sustainable design elements and green open spaces into site design. Reinforce existing linkages and orient buildings to the existing natural and landscaped features of the surrounding area.

b. Guideline.

Site and building design should capitalize on existing elements of the natural environment, such as parks and open spaces, trails, and critical areas. Designs should also integrate new natural features, such as street trees, natural drainage systems and 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. The following existing natural environments and connections should be protected and incorporated into new development or redevelopment:
 - Active and passive gathering places and walkways oriented toward parks and open, natural spaces.
 - Clear and convenient public access to open space amenities.
 - Open spaces and/or access points to local and regional trails, especially as relates to the Mountains to Sound Greenway.
 - For properties that can be seen from I-90, views of urban elements against a green, forested back-drop.

- ii. The minimum landscape development requirements of LUC 20.20.520 apply, and site development should maximize the retention of existing vegetation. Trees installed as a part of general site landscaping shall be a minimum of 2.5 inches in caliper or as approved by the Director, and eight to 12 feet high.
- iii. Developments and design features that promote environmental sustainability such as natural drainage techniques, preservation and enhancement of critical areas, green walls, and green roofs are encouraged.

2. Promote Architectural Compatibility.

a. Intent.

New buildings should contribute to the quality and character of the area.

b. Guideline.

Buildings should relate to nearby buildings, with similar design characteristics. Some degree of variation in architectural elements is encouraged to create a sense of growth and development over time. The building's form, materials and colors should enhance the area's overall character.

c. Recommended.

- i. Architectural elements used at a scale and level of detailing proportionate to the size of the building.
- ii. The design of buildings should incorporate elements such as special architectural details, distinctive color schemes, special art and other features, which are sensitive to and enhance the surrounding area and serve to differentiate the development from other developments in the city.
- iii. Any multi-site development should have a unity of design through the use of similar architectural elements, such as roof form, exterior building materials, colors, and window pattern.
- iv. Site features, such as fences, walls, refuse receptacles and recycle enclosures and light fixtures should be consistent with the scale and architectural design of the primary structure.
- v. Rooftop and mechanical equipment should be fully screened, accommodated within the maximum height limit, and integrated into the building design. At-grade mechanical equipment should not be permitted.
- vi. Building design should provide for architecturally integrated signage. Signs should be in proportion to the development and oriented to the main direction access and to pedestrian movement. Signs should meet the requirements of Chapter 22B.10 BCC, Bellevue Sign Code.

3. Promote Community Gathering

a. Intent.

A comfortable, well designed site provides an inviting and attractive area for community gathering.

b. Guideline.

Gathering spaces are well-defined, inviting, secure, and attractive. They provide space for both active use, and areas of respite for employees, general public and visitors to the site. They provide space to enjoy the natural environment with weather protection. All gathering spaces should be easily and safely linked with pedestrian access from and through the development.

c. Recommended.

- i. Outdoor gathering spaces should be incorporated into areas near active ground floor uses to provide opportunity for a variety of activities as well as areas for stopping, sitting, and viewing. Spaces should be accessible, safe, and usable in all seasons.
- ii. Trees, shrubs, and plants should define walkways, gathering spaces, and amenities.
- iii. Site features such as fences, walls, refuse and recycling enclosures, and light fixtures should be designed and located to contribute to the pedestrian environment and community gathering spaces.
- iv. Incorporate public art the design of which:
 - Responds or relates to the unique characteristics of the surrounding area;
 - Utilizes durable, vandal-resistant materials; and
 - Is designed to age well.

4. Build Compatible Parking Structures and Lots

a. Intent.

Use design elements to enhance the compatibility of parking structures with the urban streetscape.

b. Guideline.

Parking structures should be designed so that their streetscape interface has a consistent form, massing and use of materials with the vision for the area. Preference is given to parking structures that do not face public sidewalks. However, if due to site constraints there are sidewalk facing parking structures, the frontages facing the sidewalk should be designed to appear like any other occupied buildings in the area. The horizontal garage form can be broken down by adding more wall surface and usable retail space, while retaining adequate garage ventilation as defined by Mechanical Code.

c. Recommended.

- i. Surface parking must be located behind the building and accessible via an internal street, alley or shared driveway (if applicable) to minimize curb cuts.
- ii. Parking structures should feature the following elements:

- Small openings that may be glazed to function as windows.
 - Stairways, elevators and parking entries and exits that occur at mid-block.
 - Single auto exit/entry control point to minimize number and width of driveway openings (entry and exit points may be separated).
 - Vertical expression of building structure.
 - Cladding to disguise sloped floors from the outside view.
- iii. Parking areas should be designed to minimize conflicts between pedestrian and vehicular movements. Parking area landscaping should be used to define and separate parking, vehicular access, and pedestrian areas within parking lots.
- iv. Loading areas should not be located between the building and the street unless there is no alternative location possible. Loading areas, if located between the building and the street, should be oriented away from the street and screened to minimize views of the loading area from the street and sidewalk. Loading areas should not be located on the side of a building which faces toward a residential use.
- v. Parking areas shall include planting trees of two and a half inches caliper or 14 to 16 feet high and 42-inch high shrubs at approximately 35 feet on-center parallel to the aisle, or shall be screened as a service yard using similar materials. Other parking lot landscaping shall meet LUC 20.20.520 requirements for Type V landscaping.
- vi. Any parking areas located along a street or pathway must be screened with shrubs that are 42-inches high or as approved by the Director.
- vii. Bicycle racks shall be provided on-site. Facilities for a minimum of 10 bicycles shall be provided for developments having 100 or fewer parking stalls. For each 100 additional stalls, facilities for five additional bicycles should be provided.

B. Pedestrian Emphasis Guidelines.

Purpose.

The pedestrian emphasis guidelines promote an environment where pedestrians are a priority. The highest consideration should be given to the ease and comfort of pedestrian movement and gathering places.

1. Enhance the Pedestrian System.

a. Intent.

Prioritize the pedestrian by eliminating barriers and ensuring that walking routes are convenient, direct and pleasant.

b. Guideline.

Pedestrian routes should be attractive, easy to use and encourage walking and activity. Sidewalks should be continuous, avoiding interruptions such as vehicle curb cuts or changes in direction or grade. The portion of the sidewalk dedicated to walking should be free of barriers such as utility poles, newspaper boxes, café tables and chairs, permanent planters, tree grates, waste and recycling receptacles, mechanical equipment, or other obstructions and clutter.

c. Recommended.

- i. The pedestrian network should include:
 - Direct pedestrian routes.
 - Minimal curb cuts along pedestrian routes for pedestrian safety and comfort. Internal drives between sites should be continuous.
 - Pedestrian routes that are safely integrated with the street system.
 - Maintain pedestrian access where rights-of-way have traditionally been located.
- ii. In multiple-building complexes, buildings should be located to facilitate safe and comfortable pedestrian movement between buildings. Building location should be chosen to facilitate pedestrian and vehicular connections to buildings on adjacent properties.
- iii. The landscape design for the site should include plantings which emphasize the major points of pedestrian and vehicular access to the site.
- iv. Parking areas should include pedestrian walkways and be designed to minimize conflicts between pedestrian and vehicular movements. Parking area landscaping should be used to define and separate parking, access, and pedestrian areas within parking lots.
- v. Vehicle access connections between properties are required except in instances where the Director of Transportation determines they are infeasible or undesirable.
- vi. Opportunities should be found for safe, convenient, and pleasant pedestrian connections to existing transit facilities. Where needed, shelters and lay-bys for transit vehicles should be incorporated into the site development.
- vii. Frequent and attractive connections between destinations through a well-connected network of streets and pathways must be provided and include the following:
 - Planned streets that connect with surrounding streets to permit the convenient movement of traffic and to facilitate emergency access and evacuation.
 - An integrated and connected network of streets to provide “direct” walking route options, orientation, a sense of place, and multiple travel route options.
- viii. Internal streets must meet the following requirements:
 - Street trees and sidewalks must be included on all internal access streets (i.e., through vehicle access connections on sites with any dimension 400 feet or greater).

- Planter strips shall be included on all internal access streets and will be at least 5 feet in width.
- ix. Pedestrian walkways should meet the following requirements:
- Landscape allows visibility and access and does not block pathway.
 - Walkways, of six feet in width minimum, shall be provided from the public sidewalk or right-of-way to the building. At a minimum, walkways should be located to connect focus points of pedestrian activity such as transit stops and street crossings to the major building entry points.
 - Walkways should be provided to connect with walkways or potential walkway locations on adjoining properties in the district to create an integrated internal walkway system along the desired lines of pedestrian travel. The width of the walkway should be commensurate with the anticipated level of pedestrian activity along the connecting walkway.
 - Walkway surfaces should be designed to be visually attractive and distinguishable from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort.
 - Continuous weather protection of the building walkway should be provided at the entrance area.

C. Architectural Guidelines.

Purpose.

The architecture guidelines promote high quality development while reinforcing the area's sense of place by encouraging innovative design, construction techniques and materials that reflect local character.

1. Provide Interesting Building Massing.

a. Intent.

Use architectural features to break down the mass and scale of buildings to create a comfortable sense of enclosure with an uninterrupted street edge.

b. Guideline.

The length and breadth of a building should be friendly in scale and inviting to the pedestrian. Portions of a large building mass should be broken into smaller, appropriately scaled modules, with changes in plane indicated by projections and indentations. This allows an overly large building to appear as multiple smaller, side-by-side buildings. Vertical and horizontal elements should be used to create a human scale and form a coherent pattern providing visual interest to the public.

c. Recommended.

- i. Long expanses of building frontage must be broken down both horizontally and vertically. Buildings with non-residential uses on the ground floor must have articulation features along the street front to create a pattern of smaller spaces.
- ii. Buildings should feature a vertically articulated tripartite facade division – base, middle and top for buildings over five stories.
- iv. Vertical articulation of windows, columns and bays is encouraged.

2. Create Attractive Building Silhouettes and Rooflines.

a. Intent.

Building rooflines should enliven the pedestrian experience, provide visual interest with details that create forms and shadows, and create a distinct identity.

b. Guideline.

A building's silhouette should be compatible with the intended character of the area and enhance the streetscape. In some cases, it may be appropriate to mark an entryway with a distinct form to emphasize the significance of the building entry. Roof massing should be simple, yet contain elements of architectural detailing and have some level of articulation.

c. Recommended.

- i. Buildings visible from I-90 should have a distinctive silhouette to create a unique identity within Eastgate and announce the entry into Bellevue.
- ii. Buildings should incorporate a combination of the following elements:
 - Vertical architectural expressions of important building functions such as entries.
 - Varied roof line heights.
 - Well-detailed cornices that have significant proportions (height and depth) and create visual interest and shadow lines. Green roof or roof-top terraces are encouraged.

3. Design Welcoming Entries.

a. Intent.

Design entries appropriate to their purpose that contribute to the graceful transition between public and private realms.

b. Guideline.

Architectural detail should be used to help emphasize the purpose of the building entry and to bring life and vitality to the street.

c. Recommended.

- i. The sides of a building which face a public street should include public entrances to the building.
- ii. Where retail uses are provided, entrances should be provided at frequent intervals to generate pedestrian activity.
- iii. Where residential uses are provided:
 - Weather protection at building entries.
 - Transparent doors, windows, or glazing near the door.
 - Double or multiple doors.
 - Visibility and security. Entrances should be visible from the street or pedestrian path and located in areas with high pedestrian activity or where residents can view the entry.
 - Building name and address.
- iii. Entrances should feature some of the following elements:
 - Building lighting that emphasizes entrances.
 - Doors combined with special architectural detailing and hardware.

4. Promote Visually Interesting and Inviting Windows

a. Intent.

Windows should create an open and inviting atmosphere that adds visual interest and enhances the experience of the building both inside and out.

b. Guideline.

Windows should add activity and variety at the street level, providing views both in and out. Their size and detailing should be of a human scale with regular spacing and a rhythm of similarly shaped windows.

c. Recommended.

- i. Vision glass that provides visual access to the activity within the building should be provided at the ground floor façade in retail areas. In other areas, commercial ground floors should feature a substantial amount of vision glass on the ground floor façade between 2 and 8 feet above grade.

Section 11. Part 20.25I of the Bellevue Land Use Code is hereby amended as follows:

Part 20.25I Community Retail Design District

20.25I.010 Purpose.

The purpose of the Community Retail Design District (CRDD) is to ensure that development within the retail districts outside the Downtown exhibits a high quality of design in support of their role as the retail/service centers of the surrounding residential areas. Development in the district should incorporate

architectural, landscape and pedestrian features, which are compatible with and provide identification for the surrounding area.

20.25I.020 Community Retail Design District defined.

The Community Retail Design District includes all properties located within Community Business Districts, all Neighborhood Mixed Use Districts, and all properties within Neighborhood Business Districts.

20.25I.030 Design Review required.

All development activity within the Community Retail Design District must be reviewed by the Director of the Development Services Department using the Design Review Process, Part 20.30F LUC.

20.25I.040 Design guidelines.

The following design guidelines apply to development in the Community Retail Design District:

A. Building Design Guidelines.

1. All buildings within a multi-building complex should achieve a unity of design through the use of similar architectural elements, such as roof form, exterior building materials, colors, and window pattern.
2. Individual buildings should incorporate similar design elements, such as surface materials, color, roof treatment, windows and doors, on all sides of the building to achieve a unity of design.

B. Site Design Guidelines.

1. Where a perimeter landscape area required under LUC 20.20.520.F may be relocated under Note (1) of that section, some or all of the relocated area should be used to provide a landscaped courtyard. Any relocated landscape area should be visible from the public street. The courtyard should be protected from wind on two sides and in sun during part of the day. Seating shall be provided.
2. Parking areas should be designed to minimize conflicts between pedestrian and vehicular movements. Parking area landscaping should be used to define and separate parking, access, and pedestrian areas within parking lots.
3. The landscape design for the site should include plantings which emphasize the major points of pedestrian and vehicular access to the site.
4. Site features such as fences, walls, refuse and recycle enclosures, and light fixtures should be designed to be consistent with the scale and architectural design of the primary structure(s). Such site features should be designed and located to contribute to the pedestrian environment of the site development.
5. Loading areas should not be located between the building and the street unless there is no alternative location possible. Loading areas, if located between the building and the street, should be oriented away from the street and screened to minimize views of the loading area from the street and sidewalk. Loading areas should not be located on the side of a building which faces toward a residential use.
6. In multiple-building complexes, buildings should be located to facilitate safe and comfortable pedestrian movement between buildings. On sites which are adjacent to other properties within the Community Retail Design District, building location should be chosen to facilitate pedestrian and vehicular connections to buildings on those adjacent properties.

7. In locations and districts specifically described in the Comprehensive Plan Urban Design Element Figure UD.1, consideration should be given to locating buildings closer to the public street with entrances to the buildings from the public sidewalk, with no intervening parking or driving area. Corner locations are particularly appropriate for this treatment.

8. Opportunities should be found for safe, convenient, and pleasant pedestrian connections to existing transit facilities. Where needed, shelters and lay-bys for transit vehicles should be incorporated into the site development.

20.25I.050 Design standards.

A. Special Corner Feature.

If the property is located at the intersection of two arterial streets, the site development shall incorporate a special corner feature at the corner of the site. A special corner feature can be a landscape feature, seasonal color planting area, sculpture or water feature. The feature should provide a visual landmark and some amount of seating area. If the property is not located at an intersection, a similar feature should be considered in conjunction with a transit stop or at the primary access point to the site.

B. Building Design Standards.

1. The design of buildings shall incorporate elements such as special architectural details, distinctive color schemes, special art and other features, which are sensitive to and enhance the surrounding area and serve to distinguish the complex from other retail complexes in the City.
2. The sides of a building which face toward a public street shall include public entrances to the building and windows to provide visual access to the activity within the building.
3. The sides of a building which face toward an adjoining property, but not toward a public street, shall include elements such as windows, doors, color, texture, landscaping or wall treatment to provide visual interest and prevent the development of a long continuous blank wall.
4. Building design shall provide for architecturally integrated signage. Signs shall be in proportion to the development and oriented to the main direction access and to pedestrian movement. Signs shall meet the requirements of Chapter 22B.10 BCC, Bellevue Sign Code.

C. Internal Walkways.

The following design standards apply within the Community Retail Design District:

1. Walkways, of six feet in width minimum, shall be provided from the public sidewalk or right-of-way to the building. At a minimum, walkways shall be located to connect focus points of pedestrian activity such as transit stops and street crossings to the major building entry points.
2. Walkways shall be provided to connect with walkways or potential walkway locations on adjoining properties in the district to create an integrated internal walkway system along the desired lines of pedestrian travel. The width of the walkway should be commensurate with the anticipated level of pedestrian activity along the connecting walkway.

On the sides of the building which provide public access into the building, the walkway should be wide enough to allow for sidewalk seating area or window gazing as well as pedestrian travel. Weather protection of the building walkway should be provided at a minimum at the entrance area and, if appropriate, along the entire building walkway.

3. Internal walkway surfaces shall be designed to be visually attractive and distinguishable from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort.

D. Other Development Standards.

1. Rooftop equipment shall be visually screened pursuant to LUC 20.20.525. The design and color of rooftop mechanical equipment should be integrated with the building architectural style.

2. The outdoor display of building materials and similar bulky products shall be screened from views from the public street, sidewalk, and properties outside the district with a durable, solid wall or fence, or an evergreen hedge or a combination of the above. The screening requirement does not apply to the display of seasonal products of a decorative nature such as bedding plants, Halloween pumpkins, and holiday greens.

3. Bicycle racks shall be provided on-site. Facilities for a minimum of 10 bicycles shall be provided for developments having 100 or fewer parking stalls. For each 100 additional stalls, facilities for five additional bicycles shall be provided.

20.25I.060 Additional Design Guidelines for the Neighborhood Mixed Use District

The following design guidelines apply to development in the Neighborhood Mixed Use (NMU) District in addition to the CRDD guidelines contained in LUC 20.25I.040 and the standards contained in LUC 20.25I.050.

A. Site Development Guidelines

Purpose. These site development guidelines address the qualities that make the Neighborhood Mixed Use District unique. They describe what makes an area a special, distinct “place,” not simply a group of individual buildings and streets.

1. Integrate the Natural Environment.

a. Intent.

Integrate new landscape areas, natural drainage/LID features, sustainable design elements and green open spaces. Reinforce existing linkages and orient buildings to the existing natural and landscaped features of the surrounding neighborhood.

b. Guideline.

Site and building design should capitalize on existing significant elements of the natural environment, such as parks and open spaces, trails, riparian corridors and wetlands. Designs should also integrate new natural features, such as street trees, natural drainage systems and 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.

- iv. The following existing natural environments and connections should be protected and incorporated into new development or redevelopment:

- Active and passive gathering places and walkways oriented toward parks and open, natural spaces.
 - Clear and convenient public access to open space amenities.
 - Open spaces and/or access points to local and regional trails.
- v. The minimum landscape development requirements of LUC 20.20.520 apply, and site development should maximize the retention of existing vegetation.
- vi. Where a perimeter landscape area required under LUC 20.20.520.F may be relocated under Note (1) of that section, some or all of the relocated area should be used to provide a landscaped courtyard. Any relocated landscape area should be visible from the public street. The courtyard should be protected from wind on two sides and in sun during part of the day. Seating should be provided.
- vii. Developments and design features that promote environmental sustainability such as natural drainage techniques, preservation and enhancement of critical areas, green walls and green roofs are encouraged.

2. Promote Community Gathering

a. Intent.

A comfortable, well designed site provides an inviting and attractive area for community gathering.

b. Guideline.

Gathering spaces are well-defined, inviting, secure, and attractive. They provide space for both active use, and areas of respite for employees, general public and visitors to the site. All areas should be welcoming to pedestrians and provide space for special events.

c. Recommended.

- i. Outdoor gathering spaces should be incorporated into areas near active ground floor uses to provide opportunity for a variety of activities as well as areas for stopping, sitting, and viewing. Spaces should be accessible, safe, and usable in all seasons.
- ii. Trees, shrubs, and plants should define walkways, gathering spaces, and amenities.
- iii. Site features such as fences, walls, and light fixtures should be designed and located to contribute to the pedestrian environment and community gathering spaces. Refuse and recycling enclosures should be designed in a manner consistent with the architecture of the adjacent buildings, and not be located adjacent to public gathering spaces or walkways.
- iv. Incorporate public art the design of which:
 - Responds or relates to the unique characteristics of the surrounding area;
 - Utilizes durable, vandal-resistant materials; and
 - Ensures that the art will age well.

3. Build Compatible Parking Structures and Lots

a. Intent.

Use design elements to enhance the compatibility of parking structures with the urban streetscape.

b. Guideline.

Parking structures should be designed so that their streetscape interface has a consistent form, massing and use of materials with the vision for the area. Preference is given to parking structures that do not face public sidewalks. However, if due to site constraints, there are sidewalk-facing parking structures, those frontages facing the sidewalk should be designed to appear like other occupied buildings in the area. The horizontal garage form can be broken down by adding more wall surface and usable retail space, while retaining adequate garage ventilation.

c. Recommended.

- i. Parking structures should include space at the street level to accommodate uses when located adjacent to pedestrian walkways or public open space. In other areas, active ground floor uses facing streets or walkways are strongly encouraged.
- ii. Surface parking must be located behind the building and accessible via an internal street, alley or shared driveway to minimize curb cuts.
- iii. Parking structures should feature the following elements:
 - Small openings that may be glazed to function as windows;
 - Stairways, elevators and parking entries and exits that occur at mid-block;
 - Single auto exit/entry control point to minimize number and width of driveway openings (entry and exit points may be separated);
 - Vertical expression of building structure; and
 - Cladding to disguise sloped floors from the outside view.
- iv. Parking areas should be designed to minimize conflicts between pedestrian and vehicular movements. Parking area landscaping should be used to define and separate parking, vehicular access, and pedestrian areas within parking lots.
- v. Parking lot landscaping should meet LUC 20.20.520 requirements for Type V landscaping. Any parking areas located along a street or pathway should be buffered by 5' of Type III landscaping per LUC 20.20.520.

B. Pedestrian Emphasis Guidelines.

Purpose.

The pedestrian emphasis guidelines promote an environment where pedestrians are a priority. The highest consideration should be given to the ease and comfort of pedestrian movement and gathering places.

1. Enhance the Pedestrian System.

a. Intent.

Prioritize the pedestrian by eliminating barriers and ensuring that walking routes are convenient, direct and pleasant.

b. Guideline.

Pedestrian routes should be attractive, easy to use and encourage walking. Sidewalks should be continuous, avoiding interruptions such as vehicle curb cuts or changes in direction or grade. The portion of the sidewalk dedicated to walking should be free of barriers such as utility poles, newspaper boxes, café tables and chairs, permanent planters, tree grates, mechanical equipment, waste and recycling receptacles or other obstructions and clutter.

c. Recommended.

- i. The pedestrian network should include:
 - Direct pedestrian routes;
 - Minimal curb cuts along pedestrian routes for pedestrian safety and comfort; Internal drives between sites should be continuous;
 - Pedestrian routes that are safely integrated with the street system; and
 - Maintain pedestrian access where rights-of-way have traditionally been located.
- ii. In multiple-building complexes, buildings should be located to facilitate safe and comfortable pedestrian movement between buildings. Building location should be chosen to facilitate pedestrian and vehicular connections to buildings on adjacent properties.
- iii. The landscape design for the site should include plantings which emphasize the major points of pedestrian and vehicular access to the site.
- iv. Parking areas should include pedestrian walkways and be designed to minimize conflicts between pedestrian and vehicular movements. Parking area landscaping should be used to define and separate parking, access, and pedestrian areas within parking lots.
- v. Vehicle access connections between properties are required except in instances where the Director determines they are infeasible or undesirable.
- vi. Frequent and attractive connections between destinations through a well-connected network of streets and pathways must be provided and include the following:
 - Planned streets that connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods and to facilitate emergency access and evacuation.
 - An integrated and connected network of streets to provide “direct” walking route options, orientation, a sense of place, and multiple travel route options.

- Where a proposed development abuts land that may be subdivided, provide street stubs that extend the street system into the surrounding area.
- vii. Internal streets must meet the following requirements:
- Street trees and sidewalks must be included on all internal access streets (i.e., through vehicle access connections on sites with any dimension 400 feet or greater).
- viii. Pedestrian walkways should meet the following requirements:
- Landscape allows visibility and access and does not block pathway.
 - Walkways, of six feet in width minimum, should be provided from the public sidewalk or right-of-way to the building. At a minimum, walkways should be located to connect focus points of pedestrian activity such as transit stops and street crossings to the major building entry points.
 - Walkways should be provided to connect with walkways or potential walkway locations on adjoining properties in the district to create an integrated internal walkway system along the desired lines of pedestrian travel. The width of the walkway should be commensurate with the anticipated level of pedestrian activity along the connecting walkway.
- ix. Weather protection of the building walkway should be provided at the entrance.

C. Architectural Guidelines.

Purpose.

The architecture guidelines promote high quality development while reinforcing the area's sense of place by encouraging innovative design, construction techniques and materials that reflect local character.

1. Provide Interesting Building Massing.

a. Intent.

Use architectural features to break down the mass and scale of buildings to create a comfortable sense of enclosure with an uninterrupted street edge.

b. Guideline.

The length and breadth of a building should be friendly in scale and inviting to the pedestrian. Portions of a large building mass should be broken into smaller, appropriately scaled modules, with changes in plane indicated by projections and indentations. This allows a large building to appear to be multiple smaller, side-by-side buildings. Vertical and horizontal elements should be used to create a human scale and form a coherent pattern providing visual interest to the public.

c. Recommended.

- i. Long expanses of building frontage must be broken down both horizontally and vertically. Buildings with non-residential uses on the ground floor must have articulation features at least every 50 feet along the street front to create a pattern of small storefronts.
- ii. Buildings should feature a vertically articulated tripartite facade division – base, middle and top for buildings over five stories.
- iii. Vertical articulation of windows, columns and bays is encouraged.

2. Create Attractive Building Silhouettes and Rooflines.

a. Intent.

Building rooflines should enliven the pedestrian experience, provide visual interest with details that create forms and shadows, and create a distinct identity.

b. Guideline.

A building's silhouette should be compatible with the intended character of the area and enhance the streetscape. In some cases, it may be appropriate to mark an entryway with a distinct form to emphasize the significance of the building entry. Roof massing should be simple yet contain elements of architectural detailing and have some level of articulation.

c. Recommended.

- i. Buildings visible from I-90 should have a distinctive silhouette to create a unique identity within Eastgate and announce entry into Bellevue.
- ii. Buildings should incorporate a combination of the following elements:
 - Vertical architectural expressions of important building functions such as entries
 - Varied roof line heights.
 - Well-detailed cornices that have significant proportions (height and depth) and create visual interest and shadow lines.
 - Green roofs or rooftop terraces.

3. Promote Welcoming Residential Entries.

a. Intent.

Residential entries should provide a graceful transition between the public and private realms.

b. Guideline.

Residential entries should be substantial enough to suggest privacy yet welcoming to those who approach and enter.

c. Recommended.

i. Ground-related individual unit entries should be provided on ground floor space not used by storefronts or a multifamily lobby. Where there are ground-related individual entries, a clear transition between public, semi-private, and private space should be delineated with a combination of the following techniques:

- Moderate change of grade (2 to 5 feet is preferred) from sidewalk level to entry.
- Provision of a porch or deck at least 6 feet wide by 4 feet deep. A covered porch is preferred.
- Private open space at least 10 feet wide.
- A low fence, rail, or planting 2 to 4 feet high. (This option is recommended in combination with any of the above.)
- Other transition design measure(s) that adequately protects the privacy and comfort of the residential unit and the attractiveness and usefulness of the pathway at least as effectively as a combination of the above, as determined by the Director.

ii. Lobby entries to multifamily buildings should provide:

- Weather protection at building entries.
- Transparent doors, windows, or glazing near the door.
- Double or multiple doors.
- Visibility and security. Entrances should be visible from the street or pedestrian path and located in areas with high pedestrian activity or where residents can view the entry.

iii. Entries are encouraged to feature the following:

- Doors combined with transom windows or side lights.
- Durable, high-quality metal door hardware.
- Doors accessed from canopy-covered entries.

4. Promote Visually Interesting Upper Floor Residential Windows.

a. Intent.

Upper floor residential windows should create an open and inviting atmosphere that adds visual interest and enhances the experience of the building both inside and out.

b. Guideline.

The windows of a residential building should be pleasing and coherent. Their size and detailing should be of a human scale with regular spacing and a rhythm of similarly shaped windows.

c. Recommended.

i. Windows should feature the following:

- Multiple window lights) or divisions;
- Operable windows;
- Trim around framed openings; and
- Windows recessed from building facade, not flush.

5. Design Inviting Retail and Commercial Entries.

a. Intent.

Design retail and commercial entries should create an open atmosphere that draws customers inside.

b. Guideline.

Primary entries to retail and commercial establishments should be frequent and transparent, allowing pedestrians to see the activity within the building and bring life and vitality to the street. Architectural detail should be used to help emphasize the building entry.

c. Recommended.

- i. The sides of a building-facing a public street should include public entrances to the building.
- ii. In retail areas within high-use pedestrian areas, entrances should be provided at least every 50 feet on average to generate pedestrian activity.
- iii. Entrances should feature some of the following elements:
 - Doors with a minimum of 50 percent window area.
 - Building lighting that emphasizes entrances.
 - Doors combined with special architectural detailing and hardware.
 - Large cafe or restaurant doors that open the street to the interior by pivoting, sliding or rolling up overhead.

6. Provide Inviting Ground Floor Retail and Commercial Windows.

a. Intent.

Use transparency to enhance visual interest and to draw people into retail and commercial uses.

b. Guideline.

Retail and commercial uses should use unobstructed windows that add activity and variety at the street level, inviting pedestrians into retail and commercial uses and providing views both in and out.

c. Recommended.

- i. Clear window glazing that provides visual access to the activity within the building should be provided on ground floor façades.

Section 12. Title 20 of the Bellevue Land Use Code shall be amended to add a new Part 20.25P as follows:

Part 20.25P Eastgate Transit Oriented Development Land Use District

20.25P.010 General.

A. Applicability.

1. This Part 20.25P, Eastgate Transit Oriented Development Land Use District (EG-TOD), contains requirements, standards, and guidelines that apply to development and activity within the EG-TOD. Except to the extent expressly provided in this Part 20.25P and as referenced in subsection A.2 of this section, the provisions of the Land Use Code, other development codes, the City development standards, and all other applicable codes and ordinances shall apply to development and activities in the EG-TOD. Except within the Critical Areas Overlay District (Part 20.25H LUC), where there is a conflict between the EG-TOD regulations and the Land Use Code and other City ordinances, the EG-TOD regulations shall govern. Where there is a conflict between EG-TOD regulations and the Critical Areas Overlay District, the Critical Areas Overlay District shall govern. Where the requirements of the EG-TOD exceed those of the Land Use Code and other City ordinances, the EG-TOD regulations shall govern.

2. The following general development requirements of Chapter 20.20 LUC do not apply in the EG-TOD:

- a. LUC 20.10.400;
- b. LUC 20.10.440;
- c. LUC 20.20.005;
- d. LUC 20.20.010;
- e. LUC 20.20.012;
- f. LUC 20.20.015;
- g. LUC 20.20.017;
- h. LUC 20.20.018;

- i. LUC 20.20.060;
- j. LUC 20.20.070;
- k. LUC 20.20.125
- j. LUC 20.20.128
- k. LUC 20.20.135;
- m. LUC 20.20.400;
- n. Part 20.25B LUC;
- o. Part 20.25I LUC; and
- p. LUC 20.30V.170.

B. Purpose.

The purpose of the EG- TOD District is to provide an area for a mix of housing, retail, office, and service uses, with an emphasis on housing. The district is limited in area so that there is an appropriate level of density nearest the highest levels of transit service.

20.25P.020 Review Required.

A. Applicable Review and Guidelines.

The Director shall use this Part 20.25P LUC as currently adopted or subsequently amended or superseded in reviewing an application for Master Development Plan or design review approval in the EG-TOD.

B. Master Development Plan.

1. **Scope of Approval.** Master Development Plan review (Part 20.30V LUC) is a mechanism by which the City shall ensure that the site development components of a multiple building or phased single building proposal are consistent with the Comprehensive Plan and meet all applicable site development standards and guidelines. Design, character, architecture and amenity standards and guidelines shall be met as a component of the design review (Part 20.30F LUC). Master Development Plan approvals required pursuant to subsection B.2 of this section shall identify proposed building location(s) within the project limit and demonstrate compliance with the following site development requirements, standards, and guidelines:

a. **Residential Requirement in EG-TOD.** The Master Development Plan shall establish a residential phasing requirement for the project limit to ensure that the intended housing emphasis of the EG-TOD area is met. The residential phasing requirements shall provide that no office development in excess of 600,000 square feet may approved in the EG-TOD until at least 100 residential dwelling units are under construction.

b. **Phasing.**

i. The first phase of any Master Development Plan for the EG-TOD shall include the pedestrian street required to support that phase; a minimum of 20,000 square feet of retail,

services, and financial service uses fronting on the pedestrian street; and a maximum of 600,000 square feet of office development; and

ii. The second phase of any Master Development Plan for the EG-TOD shall include a minimum of 300 units of multi-family housing.

c. Dimensional requirements pursuant to LUC 20.25P.060 as listed below:

i. Setbacks;

ii. Maximum impervious/lot coverage;

iii. Building height for each building identified in subsection B.1 of this section;

iv. Floor area ratio for each building identified in subsection B.1 of this section

(1) At a minimum square footage excepted from FAR pursuant to 20.25P.060B shall be identified.

(2) Uses may vest pursuant to the vesting provisions applicable to the underlying Master Development Plan if the specific uses are identified pursuant to LUC 20.25P.050.A;

d. Landscape development pursuant to LUC 20.25P.070;

e. Parking, circulation, and internal walkway requirements pursuant to LUC 20.25P.080;

f. EG-TOD street development standards pursuant to LUC 20.25P.090; and

g. Site development guidelines pursuant to LUC 20.25P.100.B.

2. When Required.

a. A master development plan shall be required when an applicant proposes to develop more than one building under a single ownership.

b. A master development plan shall be required where the applicant proposes to build a single building on one parcel that is adjacent to any street depicted on the figure in LUC 20.25P.090.A.3.

3. For the purposes of this section, the project limit may be drawn to encompass a right-of-way that bisects a site, provided the Director finds that the following connectivity criteria can be met:

a. A system of corner and mid-block crossings shall be provided to functionally connect on-site pedestrian paths across the bisecting right-of-way within the proposed project limit;

b. Pedestrian paths shall be provided to connect all buildings and right-of-way crossings located within the proposed project limit;

c. Visual connections shall be provided between all buildings located within the project limit by minimizing topographic variation and through use of vegetation and outdoor spaces; and

- d. Only a right-of-way meeting the requirements of LUC 20.25P.060.B.4 may be included in the land area located within the proposed project limit for the purpose of computing maximum FAR.

C. Design Review.

1. Scope of Approval. Design review is a mechanism by which the City shall ensure that the design, character, architecture and amenity components of a proposal are consistent with the Comprehensive Plan and any approved Master Development Plan, and meet all applicable standards and guidelines contained in City Codes. Design Review is a mechanism by which the City shall ensure that the site development components of a proposal are consistent with the Comprehensive Plan and meet all applicable standards and guidelines contained in City Codes when site development components were not approved as part of a Master Development Plan.
2. When Required. All development within the EG - TOD shall be reviewed by the Director through Design Review (Part 20.30F LUC).
3. Compliance with an applicable Master Development Plan. In addition to the decision criteria in LUC 20.30F.145, each structure and all proposed site development shall comply with any approved Master Development Plan applicable to the project limit described in a Design Review application. If the application for design review contains elements inconsistent with an applicable Master Development Plan, the Director shall not approve the Design Review unless the Master Development Plan is amended to include those elements.

D. Procedural Merger.

Within the EG-TOD, any administrative decision required by this Part 20.25P LUC or by the Land Use Code, including but not limited to the following, may be applied for and reviewed as a single Process II Administrative Decision, pursuant to LUC 20.35.200 through 20.35.250:

1. Master Development Plan, Part 20.30V LUC;
2. Administrative Conditional Use Permit, Part 20.30E LUC;
3. Design Review, Part 20.30F LUC;
4. Variance, Part 20.30G LUC; and
5. Critical Areas Land Use Permit, Part 20.30P LUC.

20.25P.030 Permitted Uses.

A. Permitted Uses.

Specific categories of uses are listed in Chart 20.25P.050. Subsection B of this section explains Chart 20.25P.050 and describes the applicable review procedures. The use chart description and interpretation provisions of LUC 20.10.400 do not apply to the EG-TOD.

B. Use Chart Described.

In Chart 20.25P.050, land use classifications and standard Land Use Code reference numbers are listed on the vertical axis. City of Bellevue land use districts are shown on the horizontal axis.

1. If no symbol appears in the box at the intersection of the column and the row, the use is not allowed in that district, except for short-term uses, which are regulated under Part 20.30M LUC (Temporary Use Permits), subordinate uses which are regulated under LUC 20.20.840, and non-conforming uses which are regulated under LUC 20.20.560.
2. If the symbol "P" appears in the box at the intersection of the column and row, the use is permitted subject to applicable general requirements of Chapter 20.20 LUC for the use and the district-specific requirements of this Part 20.25P LUC.
3. If the symbol "C" appears in the box at the intersection of the column and the row, the use is permitted subject to the Conditional Use provisions specified in Part 20.30B in addition to any applicable general requirements for the use and land use district.
4. If the symbol "A" appears in the box at the intersection of the column and the row, the use is permitted subject to the Administrative Conditional Use provisions as specified in Part 20.30E LUC in addition to any applicable general requirements for the use and land use district.
5. If a number appears in the box at the intersection of the column and the row, the use is permitted through the applicable review process and subject to the special limitations indicated in the corresponding Notes.

20.25P.040 [RESERVED]

20.25P.050 Land Use Chart.

The following charts apply to EG-TOD. The use charts contained in LUC 20.10.440 do not apply within the EG-TOD.

Chart 20.25P.050.A

Manufacturing Uses in EG-TOD

STD LAND USE CODE REF	Manufacturing – EG-TOD	Eastgate Transit Oriented Development Land Use District
	LAND USE CLASSIFICATION	EG-TOD
21	Food and Beverage Products Mfg.	P 1
22	Textile Products Mfg.	P 2
23	Apparel, Fabric, Accessories and Leather Goods Mfg.	P 2
24	Lumber and Wood Products Mfg.	
25	Furniture and Fixtures Mfg.	
26	Paper Products Mfg.	
27	Printing, Publishing and Allied Industries	
28	Chemicals and Related Products Mfg.	
31	Rubber Products Mfg.	

STD LAND USE CODE REF	Manufacturing – EG-TOD	Eastgate Transit Oriented Development Land Use District
	LAND USE CLASSIFICATION	EG-TOD
314	Misc. Plastic Products Mfg.	
321 322 324 325 327	Light Stone, Clay, and Glass Products Mfg.; Glass, Pottery and China Ceramic Products, Stone Cutting and Engraving	
329	Handcrafted Products Mfg.	
3427	Computers, Office Machines and Equipment Mfg.	
3433 3434 3435 3436 3437	Electrical Equipment Mfg.; Appliances, Lighting, Radio, TV Communications, Equipment and Component Parts	
3491 3492 3493 3495 3497	Fabricated Metal Products Mfg.; Containers, Hand Tools, Heating Equipment, Screw Products, Coating and Plating	
35	Measuring, Analyzing and Controlling Instruments, Photographic, Medical and Optical Goods; Watches and Clocks Mfg.; Computer Software	P 2
3997	Signs and Advertising Display Mfg.	
3999	Misc. Light Fabrication Assembly and Mfg. Not Elsewhere Classified	

Notes: Uses in Eastgate Transit Oriented Development Land Use District – Manufacturing

- (1) Permitted only when combined with an eating and drinking establishment which constitutes a majority of the use.
- (2) Permitted only when combined with a retail store which constitutes a majority of the use.

Chart 20.25P.050

Recreation Uses in Eastgate Transit Oriented Development Land Use District

	Recreation - Eastgate Transit Oriented Development Land Use District	
STD LAND USE CODE REF	LAND USE CLASSIFICATION	Eastgate Transit Oriented Development Land Use District EG - TOD
7	Cultural Entertainment and Recreation	
711	Library, Museum	P
7113	Art Gallery	P
712	Nature Exhibitions: Aquariums, Botanical Gardens and Zoos	
7212 7214 7222 7231 7232	Public Assembly (Indoor): Sports, Arenas, Auditoriums and Exhibition Halls but Excluding School Facilities	A 5
7212 7214 7218	Motion Picture, Theaters, Night Clubs, Dance Halls and Teen Clubs	A
7213	Drive-In Theaters	
	Adult Theaters	P 2
7223 73	Public Assembly (Outdoor): Fairgrounds and Amusement Parks, Miniature Golf, Golf Driving Ranges, Go-Cart Tracks, BMX Tracks and Skateboard Tracks	
73	Commercial Amusements: Video Arcades, Electronic Games	P
411 7413 7422 7423 7424 7441 7449	Recreation Activities: Golf Courses, Tennis Courts, Community Clubs, Athletic Fields, Play Fields, Recreation Centers, Swimming Beaches and Pools	A 1, 4, 5

7413 7414 7415 7417 7425	Recreation Activities: Skating, Bowling, Gymnasiums, Athletic Clubs, Health Clubs, Recreation Instruction	A 3
7491 7515	Camping Sites and Hunting Clubs	
76	Private Leisure and Open Space Areas Excluding Recreation Activities Above	
	Public/Private Park	
	Stables and Riding Academies	
	Boarding or Commercial Kennels	
	City Park	P

Notes: Uses in Eastgate Transit Oriented Development Land Use District – Recreation

- (1) For carnivals, see LUC 20.20.160.
- (2) Adult theaters are subject to the regulations for adult entertainment uses in LUC 20.20.127.
- (3) Recreation activities are restricted to health clubs, recreation instruction, and gymnasiums, an administrative conditional use is not required for these uses when less than 8,000 square feet.
- (4) See LUC 20.20.190 for additional regulations applicable to churches, clubs and similar use structures.
- (5) Public assembly uses in this Land Use District shall not exceed 20,000 square feet,

Chart 20.25P.050

Residential Uses in Eastgate Transit Oriented Development Land Use District

Residential – Eastgate Transit Oriented Development Land Use District		
STD LAND USE CODE REF	LAND USE CLASSIFICATION	Eastgate Transit Oriented Development Land Use District EG - TOD
1	Residential	
	Single-Family Dwelling	

	Residential – Eastgate Transit Oriented Development Land Use District	
STD LAND USE CODE REF		Eastgate Transit Oriented Development Land Use District
	LAND USE CLASSIFICATION	EG - TOD
	Two to Four Dwelling Units Per Structure	P 5
	Five or More Dwelling Units Per Structure	P 5
12	Group Quarters: Dormitories, Fraternal Houses, Excluding Military and Correctional Institutions and Excluding Secure Community Transition Facilities	C 2
	Rooming House	P 3
	Senior Citizen Dwellings	P 1
13 15	Hotels and Motels	P
	Congregate Care Senior Housing	P 1, 2
6516	Nursing Home	
	Assisted Living	P 1

Notes: Uses in Eastgate Transit Oriented Development Land Use District – Residential

- (1) An agreement must be recorded with the King County Recorder’s Office, or its successor agency, and filed with the Bellevue City Clerk, restricting senior citizen dwellings, congregate care senior housing, or assisted living to remain for the life of the project.
- (2) See LUC 20.20.190 for additional regulations.
- (3) See LUC 20.20.700 for general development requirements for rooming houses.

Chart 20.25P.050

Resource Uses in Eastgate Transit Oriented Development Land Use District

	Resources – Eastgate Transit Oriented Development Land Use District	
STD LAND USE CODE REF		Eastgate Transit Oriented Development Land Use District
	LAND USE CLASSIFICATION	EG-TOD
8	Resource Production (Minerals, Plants, Animals Including Pets and Related Services)	
81	Agriculture, Production of Food and Fiber Crops, Dairies, Livestock and Fowl, Excluding Hogs	
	Marijuana Production	
8192	Other Horticultural Specialties: Medical Cannabis Collective Gardens	
821	Agricultural Processing	
	Marijuana Processing	
	Medical Marijuana Cooperatives 3	
8221	Veterinary Clinic and Hospital	P 1, 2
8222	Poultry Hatcheries	
83	Forestry, Tree Farms and Timber Production	
8421	Fish Hatcheries	
85	Mining, Quarrying (Including Sand and Gravel), Oil and Gas Extraction	

Notes: Uses in Eastgate Transit Oriented Development Land Use District – Manufacturing

- (1) See LUC 20.20.130.E for additional regulations applicable to animal keeping and service uses.
- (2) Boarding and commercial kennels are permitted as a subordinate use to a veterinary clinic / hospital, and veterinary clinic / hospital and kennel hours shall only be open to the public between 7 a.m. and 10 p.m.
- (3) Medical Marijuana Cooperatives, as authorized under RCW 69.51A.250, now or as hereafter amended, are prohibited in Bellevue. See LUC 20.20.535 for general requirements applicable to marijuana uses.

Chart 20.25P.050

Service Uses in Eastgate Transit Oriented Development Land Use District

	Services – Eastgate Transit Oriented Development Land Use District (9)	
STD LAND USE CODE REF	LAND USE CLASSIFICATION	Eastgate Transit Oriented Development Land Use District EG - TOD
6	Services	
61	Finance, Insurance, Real Estate Services	P 9
62	Personal Services: Laundry, Dry Cleaning, Barber and Beauty, Photography Studio and Shoe Repair	P
6241	Funeral and Crematory Services	
6262	Cemeteries	
624410	Family Child Care Home in Residence	
624410	Child Day Care Center	P 1, 2
63	Business Services, Duplicating and Blue Printing, Steno, Advertising (Except Outdoor), Travel Agencies and Employment	P
634	Building Maintenance and Pest Control Services	
637	Warehousing and Storage Services, Excluding Stockyards	
639	Rental and Leasing Services: Cars, Trucks, Trailers, Furniture and Tools	
641	Auto Repair and Washing Services	P 4, 8
649	Repair Services: Watch, TV, Electrical, Upholstery	P 7
	Professional Services: Medical Clinics and Other Health Care Related Services	P 6
	Professional Services: Other	P
	Pet Grooming and Pet Day Care	P 10
6513	Hospitals	
66	Contract Construction Services: Building Construction, Plumbing, Paving and Landscape	
671	Governmental Services: Executive, Legislative, Administrative and Judicial Functions	A

	Services – Eastgate Transit Oriented Development Land Use District (9)	
STD LAND USE CODE REF	LAND USE CLASSIFICATION	Eastgate Transit Oriented Development Land Use District EG - TOD
672 673	Governmental Services: Protective Functions and Related Activities Excluding Maintenance Shops	A
	Limited Governmental Services: Protective Functions	P 11
	Limited Governmental Services: Executive and Administrative, Legislative and Protective Functions	P 12
674 675	Military and Correctional Institutions	
	Secure Community Transition Facility	
681	Education: Primary and Secondary	A
682	Universities and Colleges	P
683	Special Schools: Vocational, Trade, Art, Music, Driving, Barber and Beauty Schools	P
691	Religious Activities	P 5
692 (A)	Professional and Labor Organizations Fraternal Lodge	P
692 (B)	Social Service Providers	P
	Administrative Office – General	P
	Computer Program, Data Processing and Other Computer-Related Services	P
	Research, Development and Testing Services	P
	Marijuana Research 13	

Notes: Uses in Eastgate Transit Oriented Development Land Use District – Services

(1) Refer to Chapter 20.50 LUC for definitions of child care service, family child care home, and child day care center.

- (2) A child care service may be located in a community facility in any Land Use District pursuant to LUC 20.20.170.E.
- (4) Battery Exchange Stations are ancillary to Auto Repair and Washing Services, and are permitted through the applicable review process as a component of that use. Operators of Battery Exchange Stations must comply with federal and state law regulating the handling, storage, and disposal of batteries.
- (5) See LUC 20.20.190 for additional regulations applicable to churches, club, and similar uses.
- (6) Stand-alone emergency rooms shall not be permitted.
- (7) Outdoor storage of materials is prohibited.
- (8) Only car washing and detailing within a garage is allowed. No auto repair is allowed in the EG-TOD district.
- (9) Drive-in and drive-through facilities are permitted as a subordinate use pursuant to LUC 20.20.840 only if located within a structured parking area and not adjacent to any publicly accessible space.
- (10) Boarding and commercial kennels are permitted as a subordinate use to a pet grooming or pet day care meeting the criteria of LUC 20.20.130.
- (11) Uses are limited to neighborhood community police stations of 1,000 square feet or less.
- (12) Uses are limited to 1,000 square feet, except for protective functions which are limited to community police stations of 1,500 square feet or less.
- (13) Marijuana Research uses, as authorized under RCW 69.50.372, now or as hereafter amended, are prohibited in Bellevue. See LUC 20.20.535 for general requirements applicable to marijuana uses.

Chart 20.25P.050

Transportation and Utilities in Eastgate Transit Oriented Development Land Use District

Transportation and Utilities - Eastgate Transit Oriented Development Land Use District		
STD LAND USE CODE REF	LAND USE CLASSIFICATION	Eastgate Transit Oriented Development Land Use District EG - TOD
41	Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops	
42 4291	Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters	
4214 422	Motor Vehicle Transportation: Maintenance Garages and Motor Freight Services	
43	Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage and Maintenance	

Transportation and Utilities - Eastgate Transit Oriented Development Land Use District		
STD LAND USE CODE REF	LAND USE CLASSIFICATION	Eastgate Transit Oriented Development Land Use District EG - TOD
	Accessory Parking	P 1, 3, 10
46	Auto Parking: Commercial Lots and Garages	
	Park and Ride	C 2, 10
475	Radio and Television Broadcasting Studios	P
485	Solid Waste Disposal	
	Highway and Street Right-of-Way	P 10
	Utility Facility	C
	Local Utility System	P
	Regional Utility System	C
	On-Site Hazardous Waste Treatment and Storage Facility	
	Off-Site Hazardous Waste Treatment and Storage Facility	
	Essential Public Facility	C 7
	Regional Light Rail Transit Systems and Facilities	C/P 11
	Wireless Communication Facility (WCF): (without WCF Support Structures)	4, 5, 8
	Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding)	4, 5
	Satellite Dishes	P 6
	Electrical Utility Facility	A/C 9

Notes: Uses in Eastgate Transit Oriented Development Land Use District – Transportation and Utilities

- (1) The location of an off-site parking facility must be approved by the Director of the Development Services Department. See LUC 20.25P.080.C.
- (2) Park and Ride. A park and pool lot or other carpool facility is regulated as a park and ride. A park and ride providing no more than 50 parking spaces, and utilizing the parking area of an existing use shall be regulated as an accessory use under LUC 20.20.200. Any other park and ride requires a Conditional Use Permit.

- (3) Accessory parking requires approval through the review process required for the primary land use which it serves pursuant to LUC 20.25P.050. Accessory surface parking is not permitted between the front building setback line and back of sidewalk.
- (4) Wireless communication facilities (WCFs) are not permitted on any residential structure, undeveloped site located in a residential land use district, or site that is developed with a residential use. This note does not prohibit locating WCF: a) on any residential structure or undeveloped site in R-20 or R-30 land use districts; or b) on any nonresidential structure (i.e., churches, schools, public facility structures, utility poles, etc.) or in public rights-of-way in any residential land use district.
- (5) Refer to LUC 20.20.195 for general requirements applicable to wireless communication facilities and other communication, broadcast and relay facilities.
- (6) Refer to LUC 20.20.730 for general requirements applicable to Large Satellite Dishes.
- (7) Refer to LUC 20.20.820 for general requirements applicable to solid waste disposal facilities.
- (8) Antenna and associated equipment used to transmit or receive fixed wireless signals when located at a fixed customer location are permitted in all land use districts and are exempt from the requirements of LUC 20.20.010, 20.20.195 and 20.20.525 so long as the antenna and equipment comply with 47 C.F.R. 1.400, now or as hereafter amended. A building permit may be required to ensure safe installation of the antenna and equipment.
- (9) For the definition of electrical utility facility, see LUC 20.50.018, and for reference to applicable development regulations relating to electrical utility facilities, see LUC 20.20.255. For new or expanding electrical utility facilities proposed on sensitive sites as described by Figure UT.5a of the Utilities Element of the Comprehensive Plan, the applicant shall obtain Conditional Use Permit approval under Part 20.30B LUC, complete an alternative siting analysis as described in LUC 20.20.255.D and comply with decision criteria and design standards set forth in LUC 20.20.255. For expansions of electrical utility facilities not proposed on sensitive sites as described by Figure UT.5a, the applicant shall obtain Administrative Conditional Use Permit approval under Part 20.30E LUC and comply with decision criteria and design standards set forth in LUC 20.20.255.
- (10) Electric Vehicle Infrastructure, excluding Battery Exchange Stations, is ancillary to motor vehicle parking and highways and rights-of-way, and is permitted through the applicable review process as a component of that use.
- (11) Refer to Part 20.25M LUC, Light Rail Overlay District, for specific requirements applicable to EPF defined as a regional light rail transit facility or regional light rail transit system pursuant to LUC 20.25M.020. A conditional use permit is not required when the City Council has approved a regional light rail transit facility or regional light rail transit system by resolution or ordinance, or by a development agreement authorized by Chapter 36.70B RCW and consistent with LUC 20.25M.030.B.1.

Chart 20.25P.050

Wholesale and Retail in Eastgate Transit Oriented Development Land Use District

Wholesale and Retail – Eastgate Transit Oriented Development Land Use District (1)		
STD LAND USE CODE REF	LAND USE CLASSIFICATION	Eastgate Transit Oriented Development Land Use District EG - TOD
5	Trade (Wholesale and Retail)	
51	Wholesale Trade: General Merchandise, Products, Supplies, Materials and Equipment except the following:	
5111 5156 5157 5191 5192	Wholesale Trade: Motor Vehicles, Primary and Structural Metals, Bulk Petroleum	
5193	Scrap Waste Materials, Livestock	
	Recycling Centers	P
521 522 523 524	Lumber and Other Bulky Building Materials Including Preassembled Products	
5251	Hardware, Paint, Tile and Wallpaper (Retail)	
5252	Farm Equipment	
53	General Merchandise: Dry Goods, Variety and Dept. Stores (Retail)	P
54	Food and Convenience Store (Retail)	P 2
5511	Autos (Retail)	
	Trucks, Motorcycles, Recreational Vehicles (Retail)	
	Boats (Retail)	
552	Automotive and Marine Accessories (Retail)	
553	Gasoline Service Stations	
56	Apparel and Accessories (Retail)	P
57	Furniture, Home Furnishing (Retail)	P
58	Eating and Drinking Establishments	P 3, 4

	Wholesale and Retail – Eastgate Transit Oriented Development Land Use District (1)	
STD LAND USE CODE REF		Eastgate Transit Oriented Development Land Use District
	LAND USE CLASSIFICATION	EG - TOD
59	Misc. Retail Trade: Drugs, Liquor, Antiques, Books, Sporting Goods, Jewelry, Florist, Photo Supplies, Video Rentals and Computer Supplies	P 5
	Adult Retail Establishments	P 6
59	Marijuana Retail Outlet	
5961	Farm Supplies, Hay, Grain, Feed and Fencing, etc. (Retail)	
596	Retail Fuel Yards	
5996	Garden Supplies, Small Trees, Shrubs, Flowers, Ground Cover, Horticultural Nurseries and Light Supplies and Tools	
5999	Pet Shop (Retail and Grooming)	P
	Computers and Electronics (Retail)	P

Notes: Uses in EG-TOD– Wholesale and Retail

(1) All wholesale and retail uses, which offer shopping carts to customers, shall (a) designate a shopping cart containment area as defined in BCC 9.10.010; (b) display signage around shopping cart corrals and at the perimeter of the shopping cart containment area that provides notice that unauthorized removal of a shopping cart from the premises constitutes theft under RCW 9A.56.270 and unauthorized abandonment of a shopping cart more than 100 feet away from the parking area of a retail establishment or shopping cart containment area is a Class 3 civil infraction as defined in RCW 7.80.120; and (c) display information on each shopping cart that is consistent with the labeling requirements of RCW 9A.56.270 and includes a 24-hour toll-free phone number to report abandoned shopping carts. Abandoned shopping carts or shopping carts located outside of a shopping cart containment area constitute a public nuisance under BCC 9.10.030(H) and may be abated through the provisions of Chapter 1.18 BCC.

(2) Food and convenience stores (retail) must contain at least 75 percent square footage of retail food sales not for consumption on premises.

(3) Microbrewery manufacturing is permitted subordinate to an eating and drinking establishment; provided, that the manufacturing use occupies not more than 50 percent of the total square footage of the combined establishment.

(4) Drive-in windows are not permitted.

(5) Drive-in and drive-through facilities are permitted as a subordinate use pursuant to LUC 20.20.840 only if located within a structured parking area and not adjacent to any publicly accessible space.

(6) Adult retail establishments are subject to the regulations for adult entertainment uses in LUC 20.20.127.

20.25P.060 Dimensional Requirements.

A. General.

This subsection (Chart 20.25P.060.A, Dimensional Requirements in Eastgate Transit Oriented Development Land Use District) sets forth the dimensional requirements for the district. The Dimensional Requirements of Chart 20.20.010 do not apply in the EG - TOD. Each structure, development, or activity in the EG-TOD shall comply with these requirements except as otherwise provided in this section. If a number appears in a box at the intersection of a column and a row, the dimensional requirement is subject to the special limitation indicated in the corresponding Note.

Chart 20.25P.060.A Dimensional Requirements in Eastgate Transit Oriented Development District

	EastgateTransit Oriented Development Land Use District
LAND USE CLASSIFICATION	EG-TOD
DIMENSIONS	(1)
Minimum Setbacks of Structures (feet) Front Yard	0 (2)(3)(4)
Minimum Façade Separation (feet) (Setback/Stepback)	10 (5)
Rear Yard (feet)	5 (2) (3) (4)
Side Yard (feet)	5 (2) (3) (4)
2 Side Yards	
Floor Area Ratio	2.0 (1)
Maximum in Building Height (feet)	160/ 55 (6)
Maximum Lot Coverage by Structures (percent) (7) (8) (9) (14)	35
Maximum Hard Surface Coverage (11) (12)	85
Maximum Impervious Surface (percent) (10) (11)	60
Alternative Maximum Impervious Surface (percent) (10) (11)(13)	80

Notes: Chart 20.25P.060.A Dimensional Requirements in Eastgate Transit Oriented Development Land Use District

(1) See LUC 20.25H.045 for calculation of density/intensity on sites in the Critical Areas Overlay District.

- (2) See LUC 20.20.030 for designation and measurement of setbacks.
- (3) See LUC 20.25H.035 for additional critical area setbacks.
- (4) If the setback abuts a street right-of-way, access easement or private road, the minimum dimension is 10 feet unless a greater dimension is specified.
- (5) Façade Separation. Where building height exceeds 45 feet, the façade of any building that fronts on the streets shown on the figure in LUC 20.25P.090A.3 shall have a minimum façade separation of 10 feet that shall be measured from the back of the required sidewalk dimension to all portions of the building located above 40 feet.
- (6) Stand-alone parking garages shall have a maximum building height of 55 feet.
- (7) 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.
- (8) Maximum lot coverage by structures is determined after public right-of-way and private roads are subtracted from the gross land area.
- (9) 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.
- (10) See LUC 20.20.460 for exceptions and performance standards relating to impervious surface.
- (11) 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.
- (12) See LUC 20.20.425 for exceptions and performance standards relating to hard surfaces.
- (13) Maximum impervious surface limit only for sites where the use of permeable surfacing techniques is determined to be infeasible according to the criteria in the 2014 Department of Ecology Stormwater Management Manual for Western Washington, now or as hereafter amended.
- (14) Lot coverage within EG-TOD Districts may be increased to 50 percent for mixed use development which includes residential uses comprising at least one-half the square footage of the building footprint. Underground parking in excess of 50 percent of the site area shall not be included in lot coverage calculations.

B. Exceptions to Dimensional Requirements

1. Impervious Surface. See LUC 20.20.460 for exceptions and performance standards relating to impervious surface.

2. Floor Area Ratio. A maximum of 1.0 FAR floor area ratio may be excepted for affordable housing, public restrooms, open space, and special dedications as provided below. Provided, neither the combination nor the singular use of any of these methods shall exceed an exception of 1.0 FAR. Underground buildings as defined in LUC 20.50.050 are not structures for the purpose of calculating floor area.

a. In the EG-TOD land use district, up to 1.0 FAR of floor area dedicated to on-site affordable housing shall not be counted for the purposes of calculating the FAR of a project, provided that:

- i. The affordable housing is provided at a ratio of 2.5 market rate units to 1 affordable unit at 80 percent AMI;
- ii. The bedroom mix and exterior finishes shall be comparable to the market rate units, but interior design, unit size, amenities and interior finishes may vary; and
- iii. An agreement in a form approved by the City will be executed by the applicant and recorded with the King County Record's Office, or its successor organization, requiring the affordable housing to remain for the life of the project. This agreement shall be a covenant running with the land, binding on assigns, heirs, and successors of the applicant.

b. In the EG-TOD land use district, up to 1.0 FAR of floor area dedicated to on-site public restrooms shall not be counted for the purposes of calculating FAR of a project, provided that,

- i. The restrooms are open to the public during regular business hours.
- ii. An agreement in a form approved by the City will be executed by the applicant and recorded with the King County Record's Office, or its successor organization, requiring the public restrooms to remain for the life of the project. This agreement shall be a covenant running with the land, binding on assigns, heirs, and successors of the applicant.

c. Floor Area Earned from Special Dedications and Transfers

i. General. Land that is dedicated to the City of Bellevue for right-of-way or to accommodate the linear alignment of an RLRT system, or open space, without compensation to the owner, may be used for the purpose of computing maximum FAR notwithstanding the definition of floor area ratio in LUC 20.50.020; provided, that the requirements of subsection c.ii or c.iii of this section are met. The Director shall calculate the amount of square footage earned for transfer. Transferable floor area shall only be used in the EG-TOD.

ii. Right-of-Way and Linear Alignment of an RLRT System Special Dedications. The special dedication provisions of LUC 20.30V.170.B do not apply in the EG-TOD.

(1) Eligible Right-of-Way Identified in an Adopted Plan or Document. A property owner may make special dedication by conveying land identified for right-of-way or linear alignment of an RLRT system acquisition in a Transportation Facilities Plan of the Comprehensive Plan, the Transportation Facilities Plan adopted by the City Council, the Capital Investment Program Plan or the street development standards of 20.25P.090 by an instrument approved by the City Attorney.

(2) Eligible Right-of-Way Not Otherwise Identified. A property owner may make a special dedication by conveying land identified by the Director of Transportation as

necessary for safety or operational improvement projects by an instrument approved by the City Attorney.

(3) Floor Area Earned. The floor area available to transfer shall be equal to maximum FAR limits that apply to the square footage of the area to be dedicated in conformance with this subsection c.ii and shall be included in the project limit for the purpose of computing maximum FAR. The transfer FAR shall be calculated based on applicable land use district regulations for the dedication area.

iii. Open Space Transfers.

(1) Eligible Open Space identified within the Eastgate Subarea Plan. A property owner may earn floor area for transfer to a different site by conveying land identified for open space in the Eastgate Subarea Plan by an instrument approved by the City Attorney.

(2) Floor Area Earned. The floor area available to transfer shall be equal to that permitted through the FAR limits that apply to the square footage of the area to be dedicated in conformance with this subsection c.iii and shall be added to the allowed floor area of the project for the purpose of computing maximum FAR. The transfer FAR shall be calculated based on applicable land use district regulations for the dedication area.

20.25P.070 Landscape Development and Fence Standards

A. General.

1. Applicability. The provisions of LUC 20.20.520.A, D, E, G, I, J, K, and L apply to development in the EG-TOD in addition to the provisions contained in this Section.

2. Review Required. The Director shall review the proposed landscape development, outdoor storage, retail display, and fencing and may approve a proposed structure, alteration, site development, use, or occupancy only if the requirements of this section are met.

B. Street Frontage Landscape Development Requirements.

1. Purpose/Intent. Landscape development as required by this section is necessary to maintain and protect property values, to enhance the visual appearance of the EG-TOD, 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, to provide a better transition between the various land use districts in the Eastgate Subarea and to enhance the pedestrian environment.

2. Street Trees and Landscaping – Perimeter.

a. Street Tree Species.

i. On the A street on the figure in LUC 20.25P.090 A.3, Tulip Trees (*Liriodendron tulipifera*) shall be planted.

ii. On the B streets on the figure in LUC 20.25P.090 A.3 street trees shall be planted. The street tree species may be selected from one of the following: Triumph Elm – *Ulmus 'Morton Glossy,'* Katsura tree - *Katsura japonica*, or Yellowwood - *Cladrastis kentukea*.

iii. If the tree species listed above are impracticable to install because of disease or because they are unavailable, the Director may approve a comparable substitute species during the Design Review process.

b. Installation. Street trees, at least 2.5 inches in caliper or as approved by the Director, shall be planted at least 3 feet from the face of the street curb, and spaced a maximum of 30 feet apart. A street tree planter area may also include decorative paving and other 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 planter strip landscaping located in a required planter strip. 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.

D. Interior Property Line Development.

1. Purpose/Intent. The landscape development required by this section is necessary to provide visual separation of uses so as to soften the appearance of parking areas and building elevations.

2. Where Required. A 10-foot landscape buffer shall be provided along an interior property not regulated elsewhere.

3. Applicable Standard.

a. Evergreen and deciduous trees, with no more than 50 percent being deciduous, a minimum of six feet in height, and planted at intervals no greater than 30 feet on center; and

b. If planted to buffer a building elevation, shrubs, a minimum of three and one-half feet in height, and living ground cover planted so that the ground will be covered within three years;
or

c. If planted to buffer a parking area, access, or site development other than a building, any of the following alternatives may be used unless otherwise noted:

i. Shrubs, a minimum of three and one-half feet in height, and living ground cover must be planted so that the ground will be covered within three years.

ii. Earth-mounding, an average of three and one-half feet in height, planted with shrubs or living ground cover so that the ground will be covered within three years.

- iii. A combination of earth-mounding and shrubs to produce a visual barrier at least three and one-half feet in height.

E. Tree Retention and Replacement.

LUC 20.20.900.A, B, C, D and G shall apply in the EG-TOD.

F. Fences.

1. No fence shall be permitted to violate the sight obstruction restrictions at street intersections. (See BCC 14.60.240, as now or hereafter amended.)
2. No fences shall be allowed at street frontage.
3. Prohibited Fences. The following types of fences are prohibited:
 - a. Barbed wire.
 - b. Electric fences.
 - c. Chain link fences are not permitted on any street frontage in the EG-TOD except as follows:
 - i. To secure a construction site or area during the period of construction, site alteration, or other modification;
 - ii. In connection with any approved temporary or special event use; or
 - iii. As a component of an existing development pursuant to LUC 20.25P.030.

20.25P.080 Parking, Circulation, and Internal Walkway Requirements.

A. General.

1. General. The provisions of LUC 20.20.590.C, E, G, H, I, and K apply to development in the EG-TOD in addition to the provisions contained in this section.
2. Review Required. The Director shall review the proposed parking, circulation, and walkways and may approve the proposed structure, alteration, site development, use, or occupancy only if the requirements of this section are met.

B. Minimum/Maximum Parking Requirements by Use – Specified Uses.

1. Number of Parking Stalls. The requirements of this section for the number of parking stalls apply to each new use and to each new tenant.
2. Parking Standards for EG – TOD Land Use District – Chart 20.25P.080.B.2.

Chart 20.25P.080.B.2 – PARKING STANDARDS FOR EASTGATE TRANSIT ORIENTED DEVELOPMENT LAND USE DISTRICT (6) (7)

Use	Unit of Measure	EG-TOD	
		Min.	Max.
a. Financial institution	Per 1,000 nsf	2.0	3.0/3.5 (1)
b. Manufacturing/assembly	Per 1,000 nsf	1.0	2.0
c. Home furnishing retail and major appliances retail	Per 1,000 nsf	1.5	3.0
d. Manufacturing/assembly (other than high technology/light industry)	Per 1,000 nsf	1.0	1.5
e. Office: Business services/professional services/general office	Per 1,000 nsf	2.0	3.0/3.5 (1)
f. Office: Medical/dental/health-related services	Per 1,000 nsf	3.5	4.0/4.5 (1)
g. Residential	Per unit	0.75(5)	2.0
h. Restaurant and bar (3)	Per 1,000 nsf	5.0 (4)	15.0
i. Retail, personal service, shopping center	Per 1,000 nsf	2.5 (4)	4.5
j. Retail and personal service in mixed-use development (2, 3)	Per 1,000 nsf	2.0	3.5
k. Senior housing: Nursing home	Per patient bed	0.25	0.75
l. Senior housing: Senior citizen dwelling or congregate care	Per living unit	0.25	1.0
m. Wholesale, warehouse	Per 1,000 nsf	1.5	2.0

Notes applicable to parking standards for EG - TOD (Chart 20.25P.080.B.2):

(1) The maximum parking ratio for financial institutions and office uses in Chart 20.25P.080.B.2.a and e may be increased from 3.0 to 3.5 per 1,000 nsf and in Chart 20.25P.080.B.2.f from 4.0 to 4.5 per 1,000 nsf as follows:

- a. For off-site parking, the additional 0.5 per 1,000 nsf increment shall be provided in an interim surface parking configuration no more than 500 feet away from the site. The interim parking will have a sunset clause of 10 years, or such other period approved through a phasing plan, Part 20.30V LUC; or

- b. For on-site parking, the additional 0.5 per 1,000 nsf increment may be constructed on-site if it is part of an approved phasing plan, Part 20.30V LUC, and dedicated for a portion of the parking requirement for a future phase of the project.
- (2) If retail and personal service space in a mixed-use development exceeds 25 percent of the net square footage of the development, the retail, personal service, and shopping center parking requirements in Chart 20.25P.080.B.2.i apply to the entire retail and personal service space.
- (3) If restaurant and/or bar uses exceed 25 percent of the total net square footage of a retail, shopping center, or mixed-use development, the restaurant and bar requirements in Chart 20.25P.080.B.2.h apply to the entire restaurant and/or bar space.
- (4) No parking is required for retail and restaurant and/or bar uses under 2,000 nsf when the use is: directly adjacent to a public on-street parking supply of at least 20 spaces within 500 feet, or within 1,000 feet of a public parking garage, or within 500 feet of a light rail or bus rapid transit station.
- (5) The minimum requirement for up to and including one bedroom apartment units available to persons earning 60 percent or less than the median income as determined by the United States Department of Housing and Urban Development for the Seattle Metropolitan Statistical Area is 0.25 stalls per unit. An agreement to restrict the rental or sale of any such units to an individual earning 60 percent or less of the median income shall be recorded with King County.
- (6) Vanpool/Carpool Facilities. The applicant shall provide a vanpool/carpool loading facility that is outside of required driveway or parking aisle widths and that is contained within the required parking and circulation areas. The facility shall be adjacent to an entrance door to the structure served by the parking, or as nearly so as possible after barrier-free access parking has been provided, and shall be consistent with all applicable design guidelines.
- (7) Tandem/Stacked Parking Stalls. The applicant may use tandem/stacked parking stalls to exceed the minimum parking requirement, so long as the maximum parking requirement is not exceeded.

C. Parking Structure Performance Standards.

The Director may approve a proposal for a parking structure through design review if the following criteria are met:

1. Exposed parking on the roof of a structure shall not be permitted;
2. Unfinished ceilings visible from the public right-of-way shall be substantially screened from view;
3. Lighting shall utilize cut-off shields to prevent spillover upon adjacent uses and the right-of-way and to conceal the light source;
4. Parking structures shall include ground floor habitable space if fronting on a local street or public open space. In other areas, active ground floors facing streets or walkways are strongly encouraged;
5. Parking garages shall be constructed with horizontal floors; and
6. Design Guidelines of LUC 20.25P.100 shall be met.

D. Phased Parking.

The property owner may install the required parking spaces in phases pursuant to a phasing plan, Part 20.30V LUC. Each phased parking installation must include the approved minimum to meet the parking requirements for the completed phases of the development for which the parking is provided. The phasing schedule must specifically indicate when all parking approved pursuant to this section will be provided.

1. Location. Phased parking may be located off site if the criteria of subsection C of this section are met.
2. Assurance Device. The Director may require an assurance device pursuant to LUC 20.40.490 to ensure compliance with the requirements and intent of subsection C of this section.

E. Director's Authority to Modify Required Parking.

1. The Director may modify the minimum or maximum parking ratio for any use identified in LUC 20.25P.080.B as follows:
 - a. The modified parking ratio is supported by a parking demand analysis including but not limited to:
 - i. Documentation supplied by the applicant regarding actual parking demand for the proposed use; or
 - ii. Evidence in available planning and technical studies relating to the proposed use; or
 - iii. Required parking for the proposed use as determined by other comparable jurisdictions.
 - b. The proposal does not result in any adverse impact beyond the site; and
 - c. A shared parking agreement is executed pursuant to LUC 20.20.590.I, for any Shared Use of Parking.
2. Periodic Review. The Director may require periodic review of the reduced parking supply to ensure the terms of the approval are being met.

F. Bicycle Parking.

Bicycle parking is required for all uses permitted in the EG-TOD Land Use District pursuant to the following standards:

1. Ratio.
 - a. One space per 10,000 nsf. for nonresidential uses greater than 20,000 nsf.
 - b. One space per every 10 dwelling units for residential uses.
2. Location. Minimum bicycle parking requirement shall be provided on site.
3. Covered spaces. At least 50 percent of required parking shall be protected from rainfall by cover.
4. Racks. The rack(s) shall be securely anchored and a bicycle six feet long can be securely held with its frame supported so the bicycle cannot be pushed or fall in a manner that will damage the wheels or components.

5. **Size Requirement.** Each required bicycle parking space shall be accessible without moving another bicycle.

G. Unspecified Uses.

The Director shall establish the minimum number of parking spaces required and may establish the maximum number of parking spaces allowed for any use not specified in LUC 20.25P.080.B. The Director may consider but is not limited to the following in establishing parking requirements for an unspecified use:

1. Documentation supplied by the applicant regarding actual parking demand for the proposed use; or
2. Evidence in available planning and technical studies relating to the proposed use; or
3. Required parking for the proposed use as determined by other comparable jurisdictions.

20.25P.085 Required Ground Floor Uses

A. Required Ground Floor Uses.

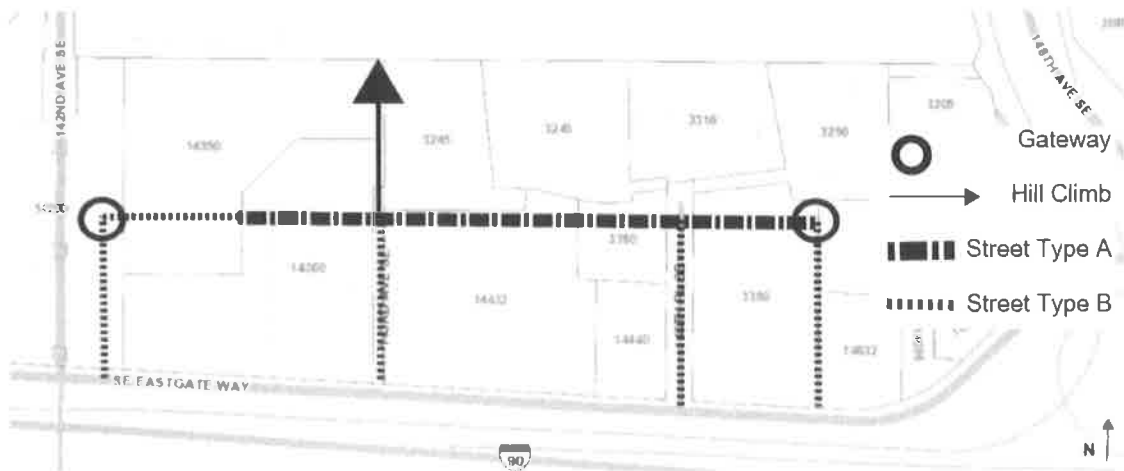
1. **Purpose/Intent.** Ground floor wholesale, retail and service uses are an essential component of active and vital streets as well as transit station areas. Ground floor uses create a vibrant “18-hour” pedestrian environment where neighborhood services are within an easy walk, bike or transit trip.
2. **Where Required.** Figure LUC 20.25P.090.A.3 identifies that street on which ground floor wholesale, retail and services uses are required for building frontages. The wholesale, retail and service uses can be found in LUC 20.25P.030.
3. **Applicable Standards for Ground Floor Uses.**
 - a. Ground floor uses shall satisfy the intent of subsection A.1 of this section and include uses such as:
 - i. Eating and drinking establishments;
 - ii. Merchandise sales (including but not limited to grocery, food retail, art, and clothing); or
 - iii. Personal services (including but not limited to laundry and beauty services).

- b. Continuous retail storefronts shall be provided for 100 percent of the building frontage on a designated street.
- c. Interruptions in storefronts shall be limited to residential lobbies and required emergency access. Lobby interruptions shall be limited to 25 percent of the building frontage.
- d. All other uses are prohibited on the ground floor.

20.25P.090 Eastgate Transit Oriented Development Land Use District Street Standards

A. Required Streets.

- 1. Purpose. The intent of the local street grid is to introduce a public right-of-way system that improves mobility by increasing access for multi-modal traffic throughout the EG-TOD Land Use District.
- 2. Where required. Figure 20.25P.090A.3. identifies the general location of new streets. The Director may approve modifications to the street grid through a Master Development Plan to respond to specific site conditions, property ownership, and phasing considerations; provided the street grid satisfies the purpose above in A.1 and meets the applicable standards below.
- 3. Street Diagram.



4. Applicable Standards.

- a. The total perimeter distance of a block shall not exceed 1,200 feet. For the purpose of measuring this dimension, a block may be bordered by a right-of-way, an alley with pedestrian facilities, a private roadway with pedestrian facilities, or a pedestrian street.
- b. All streets shall be accessible to the public at all times. Gates or other means of restricting access are prohibited.

c. Street and parking design details, including roadway sections and engineering, shall receive all approvals required pursuant to City codes and standards, including but not limited to transportation and utility codes and development standards, as now or hereafter adopted.

B. Sidewalks – Perimeter.

1. Minimum Width- Sidewalks for Segment A (Retail Street). See LUC 20.25P.090.A.3.
 - a. Sidewalk – 8 feet.
 - b. Planter Strip – 5 to 8 feet.
 - c. Curb – 6 inches.
2. Minimum Width – Sidewalks for Segment B. See LUC 20.25P.090.A.3.
 - a. Sidewalk – 8 feet.
 - b. Planter Strip – 5 feet.
 - c. Curb – 6 inches.

C. Parking.

1. Purpose and Intent. On-street parking can contribute to the pedestrian environment, be a great benefit to retail uses, and enhance elements of neighborhood character.
2. Where required. Short term parking is required on Segment A. See LUC 20.25P.090.A.3.

20.25P.100 Design Guidelines.

A. Introduction.

The Eastgate Design Guidelines support and complement the community vision described in the Eastgate Subarea Plan that is part of the City’s adopted Comprehensive Plan. The Design Guidelines offer a flexible tool for quality and innovative development. They do not prescribe specific design solutions or make rigid requirements. Each guideline must be met, but there are many ways to achieve the outcome intended by a particular guideline. The guidelines are a descriptive template for promoting and improving the urban character of the area without dictating or prescribing a specific style or theme.

Each individual guideline provides the following detail:

- Intent: An initial concise statement of the objective of the guideline.
- Guideline: Explanatory text describing the details of the guideline.
- Recommended: Standards and textual and photographic examples of development consistent with the intent of the guideline.

Visual examples are included as models for design and review purposes. They are intended to provide a means to effectively judge a building or project relative to the design criteria; they are not intended to be specific examples to be replicated.

B. Character and Site Guidelines.

Purpose.

These guidelines address the qualities that make the EG-TOD unique. They describe what makes the area a special, distinct “place,” not simply a group of individual buildings and streets. As a gateway for the

City of Bellevue, with visibility from the I-90 corridor, Eastgate demonstrates both the urban and the green elements of the City in a Park theme, and is important to achieving the vision of the Mountains to Sound Greenway. A sense of arrival, and views of urban development against a green forested backdrop, characterize the area.

1. Integrate the Natural Environment.

a. Intent.

Integrate new landscape areas, sustainable design elements, natural drainage/LID features, and green open spaces. Reinforce existing linkages, and orient buildings to Eastgate's natural and landscaped features.

b. Guideline.

Site and building design should capitalize on existing elements of the natural environment, such as habitat corridors, the Mountains to Sound Greenway (MTS), and other trail connections with Bellevue College, the Eastgate Park and Ride and other points of interest.

Designs should also integrate new natural features, such as pedestrian connections, street trees, natural drainage systems and 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. The following existing natural environments and connections should be protected and incorporated into new development or redevelopment:
 - Clear and convenient public access to open space amenities.
 - Views of urban elements against the green, forested backdrop of the hillside.
 - Open spaces and/or access points to the Mountains to Sound Greenway trail.
- ii. The landscape development requirements of LUC 20.25P.070 shall apply.
- iii. New buildings should be sited to take maximum advantage of adjacent community facilities and natural areas and open spaces.
- iv. Architectural elements should use materials, colors and forms that are harmonious with the natural surroundings.
- v. The MTS trail should be identified as an asset to new development and redevelopment through the provision of complementary open spaces and access points, signage and other design elements that raise awareness and use of the trail.
- vi. Green walls, green roofs, rain gardens and abundant landscaping are encouraged on and around buildings visible from the I-90 corridor, to promote Eastgate's natural character.

- vii. Rain gardens, modular wetlands, and stormwater planters pursuant to Bellevue Utilities Department Engineering Standards Chapter D9, now or as hereafter amended are encouraged.
- viii. Developments and design features that promote environmental sustainability such as low impact development, preservation and enhancement of critical areas, and energy efficiency are encouraged.

2. Enhance the Pedestrian System.

a. Intent.

Prioritize the pedestrian by eliminating barriers and ensuring that walking routes are convenient, direct and pleasant.

b. Guideline.

Pedestrian routes should be attractive, easy to use and encourage walking and activity. Sidewalks should be continuous, avoiding interruptions such as vehicle curb cuts or changes in direction or grade. The portion of the sidewalk dedicated to walking should be free of barrier such as utility poles, newspaper boxes, café tables and chairs, permanent planters, mechanical equipment, waste and recycling receptacles, tree grates or other obstructions and clutter.

c. Recommended.

- i. The pedestrian network should include:
 - Required local streets meeting the standards of LUC 20.25P.090. Refer to the figure in LUC 20.25P.090.A.3.
 - The pedestrian hill climb and plaza that connects the EG-TOD to Bellevue College.
 - Pedestrian routes that are safely integrated with the street system.
 - Limited curb cuts along pedestrian routes for pedestrian safety and comfort.
 - Pedestrian access that maintain travel routes where rights-of-way have traditionally been located.
- ii. Parking structures shall be linked to the public right-of-way, include pedestrian walkways and comply with the parking structure performance standards of 20.25P.080.
- iii. Pedestrian access connections to the Eastgate Park and Ride area should be coordinated with and connect to all areas of the EG-TOD.
- iv. Pedestrian walkways should meet the following requirements:
 - Proposed pathway is sufficiently wide to accommodate the intended number of users.
 - Landscape allows visibility and access and does not block pathway.
 - Walkways paved with high-quality, durable materials, such as brick or stone.
 - Pedestrian-scale lighting should be provided on all sidewalks and pathways.

3. Establish and Strengthen Gateways.

a. Intent.

Use architectural and landscape elements to mark transitions and entrances.

b. Guideline.

Eastgate serves as a gateway into Bellevue. Entrances should be celebrated at many levels. Pedestrians, cyclists, transit passengers, and motorists should experience a sense of “entering” or moving into the area. Some of the key gateways are listed below, although additional areas not listed here may also receive a gateway treatment.

Key gateways in Eastgate include specific locations and corridors that provide physical and visual access as describe below:

- The intersection of 142nd Place SE with Eastgate Way and with the required streets. Refer to the figure in LUC 20.25P.090.A.3.
- Visual connections from I-90, where Eastgate serves as a gateway into Bellevue.
- Visual and physical connections to the Mountains to Sound Greenway.
- Visual and physical connections to Bellevue College.

c. Recommended.

i. The following types of gateway treatments are encouraged:

- Adjacent buildings designed to emphasize presence and importance of gateways. Use special architectural treatment to further provide prominence to open spaces associated with gateways.
- Architectural free standing elements to emphasize the gateways in any identified plazas and open spaces. Structural elements using artistic elements to elevate the importance of the identified gateways.
- Signage, landscaping, and lighting, used to identify visual and physical gateways.
- Markers or inlaid art treatment in sidewalk paving to strengthen sense of entry into the EG-TOD area.
- Design elements that indicate a change or separation in transportation modes, such as a change from auto to pedestrian areas.

4. Create a Variety of Activated Outdoor Spaces.

a. Intent.

Provide comfortable and inviting outdoor spaces for a variety of activities during all hours and seasons.

b. Guideline.

Inviting outdoor gathering spaces that maximize opportunities for use should be incorporated throughout the EG-TOD area. Outdoor spaces should be spatially well-defined, inviting, secure, and easy to maintain. They should provide space for both active and passive recreation for residents and visitors to the area. All areas should be welcoming to pedestrians and designed to accommodate special events.

c. Recommended.

- i. A variety of open space types should be incorporated into the EG-TOD area.
- ii. Pedestrian walkways and courtyards should be incorporated into residential or office development areas.
- iii. Courtyards, squares and plazas should be adjacent to active ground floor uses wherever possible.
- iv. Public spaces should be defined with materials such as pavers, street furniture, textural materials and colored concrete.
- v. Trees, shrubs and plants should be used to define walkways, create transitions from the plaza to the street and provide visual interest.
- vi. Buildings may surround green spaces to provide visual definition and vitality generated by active ground floor uses.
- vii. Structures, pavilions and seating areas should be easily accessible and feel safe and secure during both day and evening hours. Spaces that are usable and inviting in all seasons are encouraged.
- viii. Spaces should be designed to consider solar orientation throughout different times of the year. Spaces should be oriented to optimize exposure to winter sun, while providing areas of relief from summer sun exposure. Vegetation placed in these spaces should be suited to the anticipated level of solar access.

C. Pedestrian Emphasis Guidelines.

Purpose.

The pedestrian emphasis guidelines promote an environment where pedestrians are a priority. The highest consideration should be given to the ease and comfort of pedestrian movement and creation of desirable gathering places.

1. Define the Pedestrian Environment.

a. Intent.

Building and streetscape designs should provide a continuous, visually rich pedestrian experience along ground floor street frontages.

b. Guideline.

The most important part of a building to a pedestrian is its ground floor – the lowest 20 feet of the facade, which a person experiences walking past or entering the building. This pedestrian experience zone should provide a continuous and comfortable street edge for the pedestrian.

Ground floor building transparency should foster interaction between the public and private realms.

c. Recommended.

- i. The following design elements should be incorporated into buildings that front on required local streets. Refer to the figure in LUC 20.25P.090.A.3.
 - Building entrances that are directly accessible from the public street.
 - Transparent windows or window displays at the street level.
- ii. Buildings and streetscapes should incorporate the following elements to better define the pedestrian environment:
 - Continuous buildings along a street front that frame the pedestrian portion of the right-of-way
 - Walls that use a variety of forms, colors and compatible cladding materials to create visual interest and street detail and avoid uniform treatment of the entire block face.
 - Facades that provide a rhythm by using bays, columns, pilasters or other articulation at the street level.
 - Careful selection and coordination of streetscape furnishings, materials, and fixtures to create a cohesive streetscape design that relates to surrounding architectural details.
 - Signs and lighting at the ground level that complement the human scale.

2. Protect Pedestrians from the Elements.

a. Intent.

Provide pedestrians with weather protection on routes between the Eastgate Park and Ride and development in the TOD.

b. Guideline.

Awnings, canopies, and marquees are encouraged along the ground floor of buildings to protect pedestrians from rain and snow and to provide shade in summer.

c. Recommended

The design of weather protection should be an integral component of the building facade. Awnings should be in proportion to the building and sidewalk, and not so large as to impact street trees, light fixtures or other street furniture. Continuity of overhead protection is encouraged, particularly along high pedestrian travel routes.

- i. Weather protection should be continuous. Pedestrian weather protection should include at least one of the following:
 - Fabric awnings,
 - Marquees
 - Horizontal metal canopies, especially if transom or clerestory windows are above storefront glazing.

- Glazed canopies.
- ii. Weather protection should follow the pattern of storefronts.

3. Integrate Art.

a. Intent.

Art in the EG-TOD area should complement the context and character of a site, building or the district as a whole. Art should be integrated at gateways.

b. Guideline.

Large scale art in both public and private applications should bring focus to an outdoor space while small scale pieces should bring detail to the pedestrian realm surrounding a building or site. At any scale, art should not overwhelm outdoor spaces or render buildings mere backdrops. Art should not be used as advertising.

c. Recommended.

- i. Incorporate public art the design of which:
 - Responds or relates to the unique characteristics of the EG-TOD area;
 - Emphasizes the presence and location of gateways;
 - Utilizes durable, vandal-resistant materials; and
 - Ensures that the art will age well.



- ii. The following types of public art should be incorporated:
 - Art which is designed for the building or site and
 - Functional or interactive artwork.

4. Provide Places for Stopping and Viewing.

a. Intent.

Provide comfortable and inviting places where people can stop to sit, rest and visit.

b. Guideline.

Seating, resting and viewing opportunities should be incorporated into open space, streetscapes and pathways to enhance vitality of the urban environment. People-watching, socializing and eating are restful and pleasurable activities for the pedestrian; providing special places where they can do these activities increases the pedestrian's sense of enjoyment. Seating should be located in open, well-designed areas with access to natural light and sun in order to receive the most use. The preservation of existing views from public spaces is highly encouraged.

c. Recommended.

- i. The following elements should be incorporated into public spaces:
 - Formal benches and informal seating such as wide steps, edges of landscape planters and low walls;
 - More seating near active retail establishments such as outside eating and drinking establishments and food vendors.
 - Seating adjacent to pedestrian walkways;
 - Places for stopping and viewing adjacent to and within open spaces, plazas, and courtyards; and
 - A sense of separation from vehicular traffic.

- ii. The following open space amenities should be incorporated into public spaces in a manner that relates to the surrounding context and meet the needs of expected users:
 - Protection from noise, access to sun, and places to sit and eat lunch;
 - Play spaces, gathering and event spaces and seating for retail shoppers; and
 - Ground level open spaces that are open to the public and visually and physically accessible from streets and occupied buildings.

D. Architectural Guidelines.

Purpose.

The architecture guidelines promote high quality development while reinforcing the area's sense of place and Northwest provenance. They do this by encouraging innovative design, construction techniques and materials that reflect Eastgate's relationship with the Mountains-to-Sound Greenway Trail, role as a gateway into the City and the emerging urban character of the area.

1. Use High Quality Materials.

a. Intent.

Create a sense of permanence and bring life and warmth to the EG-TOD area through the use of high quality building materials, while promoting the use of locally sourced and sustainable building materials.

b. Guideline.

Wall and building materials must enhance the street environment while maintaining compatibility with adjacent buildings. Materials should show depth, quality and durability. It should be apparent that the materials have substance and mass, and are not artificially applied only to the building's surface. Durable, high quality materials are particularly important at the base of buildings where storefronts face sidewalks or open space.

c. Recommended.

i. The following materials or measures should be incorporated:

- Durable, natural materials such as brick, stone, terra cotta, and wood, and other high quality materials, such as finished concrete and cement stucco. Local materials are preferred;
- Varied, yet compatible cladding materials; and
- Articulated window and storefront trim.

ii. Concrete, masonry, or other durable material is required within 18 inches of grade when adjacent to a public sidewalk, path, or drive aisle to provide a durable surface where damage is most likely.

2. Promote Architectural Compatibility.

a. Intent.

New buildings should contribute to the quality and character of the character and context of the area.

b. Guideline.

Buildings should relate to nearby buildings, with similar design characteristics. However, some degree of variation in architectural elements and design is encouraged to avoid visual monotony. The building's form, materials and colors should enhance, not detract from, the area's overall character. Development that is visible from I-90 should incorporate the wooded corridor adjacent to Bellevue College by using striking forms and elements that highlight these natural features.

c. Recommended.

i. Buildings should exhibit the following:

- Architectural elements used at a scale and level of detailing proportionate to the size of the building.

- Forms, proportions, rhythms, materials, colors and architectural motifs that are suggested by and complement adjacent buildings and the natural environment of the adjacent habitat.
- Site features, such as fences, walls, and light fixtures should be consistent with the scale and architectural design of the primary structure.
- Refuse and recycling receptacles should be enclosed within the building. If enclosing in the building is not feasible, then the receptacles should be wrapped or complementary to street furnishings.

3. Provide Interesting Building Massing.

a. Intent.

Use architectural features to break down the mass and scale of buildings to create a comfortable sense of enclosure with an uninterrupted street edge.

b. Guideline.

The length and breadth of a building should be friendly in scale and inviting to the pedestrian. Portions of a large building mass should be broken into smaller, appropriately scaled modules, with changes in plane indicated by projections and indentations. This allows an overly large building to appear as multiple smaller, side-by-side buildings. Vertical and horizontal elements should be used to create a human scale and form a coherent pattern providing visual interest to the public.

c. Recommended.

- i. Long expanses of building frontage should be broken down both horizontally and vertically. Buildings with non-residential uses on the ground floor should have articulation features at approximately 50 feet or less along the street front to create a pattern of small storefronts.
- ii. Buildings should feature a vertically articulated tripartite facade division – base, middle and top for buildings over five stories.
- iii. Vertical articulation of windows, columns and bays is encouraged.
- iv. Building massing should maximize solar access to publicly accessible open spaces, especially for lunchtime sunlight. Building massing should also utilize solar orientation to maximize winter passive heating gains and minimize summer cooling needs.

4. Create Attractive Building Silhouettes and Rooflines.

a. Intent.

Building rooflines should enliven the pedestrian experience, provide visual interest with details that create forms and shadows, and create a distinct identity for the EG-TOD area.

b. Guideline.

A building's silhouette should be compatible with the intended character of the area and enhance the streetscape.

c. Recommended.

- i. Buildings visible from I-90 should have a distinctive silhouette to create a unique identity within Eastgate and announce the entry into Bellevue.
- ii. Buildings should incorporate a combination of the following elements:
 - Vertical architectural expression of important building functions as entries;
 - Varied roof line heights;
 - Green roofs or rooftop terraces; and
 - Well-detailed cornices that have significant proportions (height and depth) and create visual interest and shadow lines.

5. Foster Attractive Rooftops.

a. Intent.

Integrate rooftop elements into the building design, treat stormwater runoff and connect to the natural environment on the roof, and create an activated roof form.

b. Guideline.

Roof shape, surface materials, colors, and penthouse functions should all be integrated into the overall building design. The roof should take inspiration from the Mountains to Sound Greenway and treed corridor between Bellevue College and the TOD by addressing environmental needs and making use of views of natural environmental elements. Telecommunications equipment, including satellite dishes, cell-phone towers or antennas, should not be visible from public spaces or adjacent residential districts.

c. Recommended.

- i. A green roof or rooftop terraces and gardens should be provided and should:
 - Reduce and treat stormwater runoff, and
 - Provide habitat for local species.
- ii. Rooftop mechanical equipment should be fully screened, accommodated within the maximum height limit and integrated into the building's architectural style.

6. Promote Welcoming Residential Entries.

a. Intent.

Residential entries should provide a graceful transition between the public and private realms.

b. Guideline.

Residential entries should be substantial enough to suggest privacy yet welcoming to those who approach and enter.

c. Recommended.

i. Lobby entries to multifamily buildings and individual units at the street-level should provide:

- Pedestrian weather protection entries.
- Transparent doors, windows, or glazing near the door.
- Double or multiple doors.
- Visibility and security. Entrances should be visible from the street or pedestrian path and located in areas with high pedestrian activity or where residents can view the entry.

ii. Entries are encouraged to feature the following:

- Doors combined with transom windows or side lights.
- Durable, high-quality metal door hardware.
- Doors accessed from weather protected entries.

7. Promote Visually Interesting Upper Floor Residential Windows.

a. Intent.

Upper floor residential windows should create an open and inviting atmosphere that adds visual interest and enhances the experience of the building both inside and out.

b. Guideline.

The windows of a residential building should be pleasing and coherent. Their size and detailing should be of a human scale with regular spacing and a rhythm of similarly shaped windows.

c. Required or Recommended.

i. Windows should be:

- Operable.
- Recessed from building facade, not flush.
- Broken into multi-planes.

8. Design Inviting Retail, Office, and Commercial Entries.

a. Intent.

Design retail, office, and commercial entries to create an open atmosphere that draws customers inside.

b. Guideline.

Primary entries to retail and commercial establishments should be frequent along the street front and transparent, allowing passersby to see the activity within the building and bring life and vitality to the street. Architectural detail should be used to help emphasize the building entry.

c. Recommended.

- i. The sides of a building which face a public street should include public entrances to the building.
- ii. Entrances should be provided to each tenant space and should create activity for the pedestrian at frequent intervals along the building frontage.
- iii. Entrances should feature some of the following elements:
 - Doors with a minimum of 50 percent window area.
 - Building lighting that emphasizes entrances.
 - Doors combined with special architectural detailing and door hardware.
 - Double or multiple door entries.
 - Large cafe or restaurant doors that open the street to the interior by pivoting, sliding or rolling up overhead

9. Activate and Emphasize Corners.

a. Intent.

Use corner entries to reinforce intersections as important places for pedestrian interaction and activity.

b. Guideline.

Locate entry doors on the corners of retail buildings wherever possible. Entries at 45-degree angles and free of visual obstructions are encouraged.

c. Recommended.

- i. Primary building entrance located at corner is recommended.
- ii. The following architectural elements should emphasize the corner entry:
 - Weather protection, special paving and building wall lighting.

- Architectural detailing such as materials, colors, and finishes as long as such details do not provide visual and physical obstructions.

10. Provide Inviting Ground Floor Retail and Commercial Windows.

a. Intent.

Use transparency to enhance visual interest and to draw people into retail and commercial uses.

b. Guideline.

Retail and commercial uses should use unobstructed windows that add activity and variety at the street level, inviting pedestrians into retail and commercial uses and providing views both in and out.

c. Recommended.

- i. Clear window glazing that provides visual access to the activity within the building should be provided on the ground floor building façades facing required local streets and public open space. On other internal streets, commercial ground floors should feature some amount of transparent windows on the ground floor façades.

The following window types are encouraged:

- Operable windows that open by pivoting, sliding or shuttering for restaurants and cafes.
- Painted wood, metal, and tile- or stone-clad panels below windows.
- Transom windows.

11. Build Compatible Parking Structures and Surface Parking.

a. Intent.

Use design elements to enhance the compatibility of parking structures with the TOD streetscape.

b. Guideline.

Any sidewalk facing parking garage frontage should be designed to appear like any other occupied building in the area. The ground floor façade should retain a high degree of transparency into occupied space. The horizontal garage form can be broken down by adding more wall surface and habitable space, while retaining adequate garage ventilation.

c. Recommended.

- i. Surface parking should be located behind the building and accessible via an alley or shared driveway (if applicable) to minimize curb cuts.

ii. Parking structure facades visible from I-90, high-use pedestrian areas, or adjacent residential zones but not fronting on a local street or public open space should feature green walls or other screening devices for the wall mass as approved by the Director.

iii. Parking structures should feature the following elements:

- Small openings that may be glazed to function as windows.
- Stairways, elevators and parking entries and exits that occur at mid-block.
- Single auto exit/entry control point to minimize number and width of driveway openings (entry and exit points may be separated).
- Vertical expression of building structure.

iv. Parking areas should be designed to minimize conflicts between pedestrian and vehicular movements. Parking area landscaping should be used to define and separate parking, vehicular access, and pedestrian areas within parking lots.

v. Parking areas shall include plantings using trees of 3 inches caliper or 14 to 16 feet high and shrubs no taller than 42 inches high at approximately 35 feet on-center parallel to the aisle, or shall be screened using similar materials. Other parking lot landscaping shall meet LUC 20.20.520 requirements for Type V landscaping.

vii. Any parking areas located along a street or pathway should be screened with shrubs that are 42" high or as approved by the Director.

E. Lighting Guidelines.

Purpose.

The lighting of buildings and open spaces should provide security, promote environmental sustainability and contribute to the character and overall sense and vitality of the area.

1. Orient Lighting toward Sidewalks and Public Spaces.

a. Intent.

Pedestrian-scaled lighting should be used to highlight sidewalks, street trees and other features, and harmonize with other visual elements in the district.

b. Guideline.

Pedestrian-scaled lighting should be provided along pedestrian walkways and public open spaces. A single fixture type should be used throughout an area with slight variations allowed to identify smaller districts. Fixtures should be visually quiet as to not overpower or dominate the streetscape. Lighting may also be used to highlight trees and similar features within public and private plazas, courtyards, walkways and other similar outdoor areas to create an inviting and safe ambiance.

c. Recommended.

- i. Lighting within commercial plazas or office areas should direct lighting to the interior of the site.
- ii. The following lighting elements and strategies are recommended:
 - Light poles and fixtures should accommodate both pedestrians and vehicles wherever possible.
 - Lighting designs should promote even, consistent lighting of streets and pedestrian areas.
 - Lighting of landscape areas and open spaces should meet public safety needs, but be minimized to control light pollution.
- iii. The following lighting strategies are encouraged:
 - Incorporation of artistic elements on light poles.
 - Integration or concealment of light fixtures into the design of buildings or landscape walls and stairways.
 - Application of lights that are no brighter than necessary and only placed where necessary.
 - Incorporation of adjustable lighting to respond to site conditions;
 - Incorporation of footlights that illuminate walkways and stairs.
 - Incorporation of energy-efficient lighting.
 - Incorporation of bollard lighting that is directed downward toward walking surfaces.

2. Integrate Building Lighting.

a. Intent.

Architectural lighting should enhance and help articulate building design, including illumination of cornices and entries.

b. Guideline.

Exterior lighting of buildings should be an integral component of the facade composition. Lighting should be used to create effects of shadow, relief and outline that add visual interest and highlight aspects of the building. Lighting should not cast glare into residential units or onto adjacent parcels or streets in any way that decreases the safety of pedestrians and vehicles. Lighting should also not cast glare onto natural areas or be used for advertising.

c. Recommended.

- i. The following lighting elements and strategies are encouraged:
 - Wall-washing lighting fixtures.

- Decorative wall sconces and similar architectural lighting fixtures.
- Screened upright fixtures on buildings or within the landscape.
- Lighting that provides natural color.
- Adjustable intensity for brightness.
- Energy-efficiency.

F. Sign Guidelines.

Purpose.

Signs may provide an address, identify a place of business, locate residential buildings or generally offer directions and information. Regardless of their function, signs should be architecturally compatible with and contribute to the character of the district. Signs should not compete with each other or dominate the setting due to inconsistent height, size, shape, number, color, lighting or movement. Signs can contribute significantly to a positive retail and pedestrian environment, improve public safety perceptions and reinforce a sense of place.

1. Consider Size and Placement of Wall Signs.

a. Intent.

Signs should be sized and placed so that they are compatible with a building's architectural design and contribute to the character of the building and the broader district.

b. Guideline.

Signs should not overwhelm the building or its special architectural features. Signs should not render the building a mere backdrop for advertising or building identification. Signs should be scaled and designed for their environment and intended reader.

c. Recommended.

- i. Signs should be scaled and oriented to pedestrian movement.
- ii. Signs should be architecturally integrated into the building design and meet requirements of Chapter 22.10 BCC. The following sign types exemplify ways to accomplish this standard:
 - Signs incorporated into the building architecture as embossing, low relief casting or application to wall surfaces.
 - Signs that are painted or made with applied metal lettering and graphics.
 - Signs made of durable materials.
 - Signs incorporating lighting as part of their design.
 - Signs located above storefronts, on columns or on walls flanking doorways.

2. Orient Hanging Signs to Pedestrians.

a. Intent.

Hanging signs can contribute significantly to a positive retail and pedestrian environment and reinforce a sense of place.

b. Guideline.

Signs should not overwhelm the streetscape. They should be compatible with and complement the building's architecture, including its awnings, canopies, lighting and street furniture.

c. Recommended.

i. Hanging signs should incorporate the following features:

- Sign lighting that is integrated into the facade of the building.
- Signs constructed of high-quality materials and finishes.
- Signs attached to the building in a durable fashion.

Section 13. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 14. Effective Date. This ordinance shall take effect and be in force five (5) days after adoption and legal publication.

Passed by the City Council this 7th day of August, 2017 and signed in authentication of its passage this 8th day of August, 2017.

(SEAL)




John Stokes, Mayor

Approved as to form.


Matthew McFarland, Assistant City Attorney
Attest:


Kyle Stannert, City Clerk

Published: August 10, 2017

CITY OF BELLEVUE, WASHINGTON
ORDINANCE NO. 6367

AN ORDINANCE amending the selected land use designations in the Eastgate subarea for consistency with revisions to the Comprehensive Land Use Plan; repealing ordinances and concomitant agreements where the conditions have been met or are no longer necessary; and establishing an effective date.

WHEREAS, the City Council initiated the Eastgate/I-90 Land Use and Transportation Project in 2010 for the purposes of addressing the economic presence of this aging economic area and reexamining land use in the corridor in light of economic and growth challenges facing Bellevue in the years ahead as identified in the 2015 Update of the Comprehensive Plan; and

WHEREAS, the City Council established nine Council principles for the Eastgate/I-90 Land Use and Transportation Project in order to work with the community to plan and manage change rather than accommodate inevitable change in a haphazard way; and

WHEREAS, the City Council envisions Eastgate in 2030 as an area that is unique within the city, where thriving businesses will be adjacent to, and sometimes mixed with, livable neighborhoods, all served by a multi-modal transportation-system that connects the area to the greater city and region; that the area will also be distinguished by environmental and community amenities serving residents and employees in the area, as well as residents from surrounding neighborhoods and the entire city; and that the area will transition gracefully over time, with existing businesses being accommodated while new types of development occur as conditions warrant.

WHEREAS, the City has engaged in a multi-year planning process for Eastgate area that has included the work of the Eastgate Citizens Advisory Committee, the Planning Commission and other City boards and commissions that culminated in adoption of amendments to the City's Comprehensive Land Use Map to support the vision developed in the CAC Report and nine Council Principles; and

WHEREAS, the vision includes a concentration of the majority of growth in the Eastgate Subarea into a mixed-use, pedestrian-friendly and transit-oriented development adjacent to the Eastgate Park and Ride; and

WHEREAS, the City's Land Use Code establishes that area-wide amendments to the City's zoning designations shall be processed as legislative rezones through Process IV; and

WHEREAS, the Planning Commission held a public hearing on June 22, 2016 with regard to the Eastgate Subarea and associated zoning map and designations; and

WHEREAS, the City Council has considered the proposed zoning map and land use designations throughout the Eastgate Subarea; and

WHEREAS, the City Council finds that the proposed land use designations are consistent with the City's Comprehensive Land Use Map and the criteria of LUC Section 20.30A.140; and

WHEREAS, parcels that are being rezoned are also the subject of concomitant zoning agreements that were adopted by ordinance; and

WHEREAS, concomitant zoning agreements were adopted to guide development in these districts; and

WHEREAS, some ordinances adopted separate concomitant zoning agreements by reference and other ordinances included concomitant zoning agreement provisions within the body of the ordinance;

WHEREAS, the City Council finds that these concomitant agreements and their ordinances should be repealed because the conditions of the concomitant agreements have been met or the impacts from more intense development will be mitigated by other code provisions; and

WHEREAS, the City of Bellevue has complied with the requirements of the State Environmental Policy Act (Chapter 43.21C RCW) and the City Environmental Procedures Code (Chapter 22.02 BCC), including preparation of the Determination of Nonsignificance dated June 9, 2016, now, therefore,

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

Section 1. The property legally described in "Zoning Description EG-TOD" and given Clerk's Receiving No. _____ is hereby rezoned to Eastgate Transit-Oriented Development.

Section 2. The property legally described "Zoning Description NMU" and given Clerk's Receiving No. _____ is hereby rezoned to Neighborhood Mixed Use.

Section 3. The property legally described in "Zoning Description OLB 2" and given Clerk's Receiving No. _____ is hereby rezoned to Office/Limited Business 2.

Section 4. The property legally described in "Zoning Description O" and given Clerk's Receiving No. _____ is hereby rezoned to Office.

Section 5. The property legally described in "Zoning Description CB" and given Clerk's Receiving No. _____ is hereby rezoned to Community Business.

Section 4. Ordinance No. 2225, which adopted Concomitant Zoning Agreements Nos. 3592, 3593, 3594 and 3595, are hereby repealed.

Section 5. Ordinance No. 2818, which adopted Concomitant Zoning Agreement No. 6015, is hereby repealed.

Section 6. Ordinance No. 3063, which adopted Concomitant Zoning Agreement No. 7419, is hereby repealed.

Section 7. Ordinance No. 3135, which adopted Concomitant Zoning Agreement No. 7847, is hereby repealed.

Section 8. Ordinance No. 3162, which adopted Concomitant Zoning Agreement No. 7930, is hereby repealed.

Section 9. Ordinance No. 3276, which adopted Concomitant Zoning Agreement No. 8532, is hereby repealed.

Section 10. Ordinance No. 3666, which adopted Concomitant Zoning Agreement No. 11390, is hereby repealed.

Section 11. Ordinance No. 3677, which adopted Concomitant Zoning Agreement No. 11427, is hereby repealed.

Section 12. Ordinance No. 3920, which did not have a separate concomitant agreement, is hereby repealed.

Section 13. Ordinance No. 3963, which did not have a separate concomitant agreement, is hereby repealed.

Section 14. Ordinance No. 4482, which adopted Concomitant Zoning Agreement No. 18767, is hereby repealed.

Section 15. Ordinance No. 4914, which did not have a separate concomitant agreement, is hereby repealed.

Section 16. Ordinance No. 5355, which purports to expand Concomitant Zoning Agreement No. 3995 adopted by Ordinance No. 2225, but actually expands Concomitant Zoning Agreement No. 3595, is hereby repealed.

Section 17. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 18. Effective Date. This ordinance shall take effect and be in force five (5) days after adoption and legal publication.

Passed by the City Council this 7th day of August, 2017 and
signed in authentication of its passage this 8th day of August, 2017.


(SEAL)






John Stokes, Mayor

Approved as to form:
Lori M. Riordan, City Attorney



Matthew McFarland, Assistant City Attorney

Attest:



Kyle Stannert, City Clerk

Published: August 10, 2017

Zoning Description
OLB 2

That portion of Section 11, and 14, Township 24 North, Range 5 East, W.M., described as follows:

Beginning at the intersection of the centerline of 156th Ave SE and the northwesterly extension of the northerly line of Parcel 1, BLA No. 03-114869LW, recorded under King County Recording No. 20040713900001; thence southeasterly, along said northwesterly extension and northerly line of said Parcel 1, and continuing southeasterly along the northerly line of Parcel 2 of said BLA No. 03-114869LW and its southeasterly extension, to the centerline of 160th Ave SE; thence northeasterly, along said centerline, to the northerly margin of said 160th Ave SE; thence southeasterly, along said margin and northerly line of Parcel 8 of aforesaid BLA and the southeasterly extension of said Parcel 8, to the centerline of 161st Ave SE; thence southwestwardly, along said centerline, to the easterly extension of the north line of Lot 2, Block 1, CC&F I-90 Bellevue Business Park Division 1, volume 121 of plats, page 01, records of King County WA.; thence southerly, continuing along said centerline, to the westerly extension of the south line of Spirit Ridge Park, as described in Statutory Warranty Deed recorded under King County Recording No. 8203170666; thence easterly, along said westerly extension and south line, to the east line of the northwest quarter of the southeast quarter of aforesaid Section 11; thence southerly, along said east line, to the centerline of SE 35th Pl SE, formerly known as Vasa Park Road; thence westerly, along said centerline, to the Turn-back Line located at VPROC Station 41+51.18, as shown on sheet 7 of SR 90 Plans, Richards Road to Lake Sammamish (M.P. 7.71 to M.P. 11.73), dated June 12, 1969; thence southeasterly, along said Turn-back line, to the southeasterly margin of said Vasa Park Road and the northerly margin of FR 9 Line of said SR 90 Plans; thence southerly, along said northerly margin of FR 9 Line to an angle point therein, being FR 9 Station 10+75, Lt. 75 feet; thence southeasterly, along said northerly margin, to FR 9 Turn-back Line, being FR 9 Station 11+18.54, Lt. 75 feet; thence southwestwardly, along said FR 9 Turn-back line, to an angle point therein, being FR 9 Station 11+18.54, Rt. 30 feet; thence southwestwardly, perpendicular to the LL Line of aforesaid SR 90 Plans, to said LL Line; thence southeasterly, along said LL Line, to the east line of the west one half of the southeast quarter of aforesaid Section 11; thence southerly, along said east line to the southeast corner of said west one half; thence continuing, southerly along the east line of the west one half of the northeast quarter of aforesaid Section 14, also being the east line of Lot 1, Martindale Addition No. 2, volume 45 of plats, page 43, records of King County, Washington, to the south line of the north 260 feet of said Lot 1; thence westerly, along said south line of Lot 1 and the south line of the north 260 feet of Lots 2 through 7 of aforesaid plat of Martindale Addition No. 2, to the west line of said Lot 7; thence northerly, along said west line, to the south line of aforesaid west one half; thence westerly, along said south line, to the west line of said west one half; thence northerly, along said west line, to aforesaid LL line; thence westerly along said LL Line, to a line which bears southerly and perpendicular to the intersection of the FR-2 centerline and Rel. 156th Ave SE centerline, being FR-2 Station 506+51.02 P.O.C. and Rel. 156th Ave SE Station 506+51.01 P.O.T; thence northerly, along said perpendicular line, to aforesaid intersection of FR-2 centerline and

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Rel. 156th Ave SE centerline; thence northeasterly, along said centerline , to the end of Rel. 156th Ave SE; thence continuing northeasterly, along the centerline of 156th Ave SE as aligned per aforesaid BLA No. 03-114869LW, to the Point of Beginning.

Zoning Description
OLB 2

That portion of the southwest quarter and the southeast quarter of Section 10, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the intersection of the northerly extension of the west line of Parcel B, BLA No. 11-114500-LW, recorded under King County Recording No. 21020323900003, and the north line of aforesaid southwest quarter, also being the centerline of SE 32nd St; thence easterly along said centerline, to the northerly extension of the first angle point east of the northwest corner of said Parcel B; thence southerly, along said northerly extension, to the aforesaid first angle point east; thence continuing southerly and easterly, along the northerly line of said Parcel B, to the east line thereof; thence southerly, along said east line and the southerly extension thereof, to the LL Line, as shown on sheet 3 of the SR 90 plans, Richards Road to Lake Sammamish (MP 7.71 to MP 11.73), dated June 12, 1969; thence easterly, along said LL Line, to a point being 435.00 feet westerly of, as measured along said LL Line, from the east line of aforesaid southwest quarter of Section 10; thence northerly, parallel with said east line, to the northerly Turn-Back Line of aforesaid SR 90 plans; thence easterly, along said northerly Turn-Back Line, to the east line of the north one half of the southeast quarter of aforesaid Section 10; thence southerly, along said east line, to the south line of said north one half; thence westerly, along said south line, to the east line of the northwest quarter of the southwest of the southwest quarter of aforesaid Section 10; thence southerly, along said east line, to the north line of the south 5 acres of the east 640 feet of said northwest quarter; thence westerly, along said north line and westerly extension thereof, to the west line of aforesaid northwest quarter, also being the west line of aforesaid Section 10; thence northerly, along said west line, to northerly Turn-Back Line of aforesaid SR 90 plans; thence easterly, along said northerly Turn-Back Line, to the southerly extension of the west line of aforesaid Parcel B; thence northerly, along said southerly extension and west line, to the Point of Beginning.

Zoning Description

O

That portion of Lots 5 through 8 and SE 37th St., Block 9, Eastgate Addition Division G, volume 54 of plats, pages 18 and 19, records of King County Washington, described as follows:

The south 40.00 feet of said Lots 5 through 8; and the north 30.00 feet of said SE 37th St., lying southerly of and adjacent to the south lines thereof.

TOGETHER with:

The north 30.00 feet of SE 37th St., lying southerly of and adjacent to, Lots 9 through 11, Block 9, Eastgate Addition Division G, volume 54 of plats, pages 18 and 19, records of King County Washington, described as follows:

Together with:

Lots 9 through 11, Block 9, Eastgate Addition Division G, volume 54 of plats, pages 18 and 19, records of King County Washington;

Together with:

Lots 5 through 8 and SE 37th St., Block 9, Eastgate Addition Division G, volume 54 of plats, pages 18 and 19, records of King County Washington, except the south 40.00 feet thereof.

Zoning Description
NMU

That portion of the southwest quarter of Section 11, Township 24 North, Range 5 East, W.M., described as follows:

Beginning at the intersection of the west line of said southwest quarter and the LL line as shown on sheets 6 and 7 of SR 90 plans, Richards Road to Lake Sammamish (M.P. 7.71 to M.P. 11.73), dated June 12, 1969; thence easterly, along said LL line, to the east line of aforesaid southwest quarter; thence southerly, along said east line, to the north line of Tract B, Eastgate Addition Division B, volume 52 of plats, pages 13 through 18, records of King County, Washington; thence westerly, northerly, and westerly, along the north line and westerly extension of said Tract B and the north lines of Lots 1 through 7, Block 7, aforesaid plat of Eastgate Addition Division B to the westerly margin of 154th Ave SE, per said plat of Eastgate Addition Division B; thence southerly and westerly, along said westerly margin of 154th Ave SE, northerly margin of SE 38th St, also being the southerly line of Tract A of said plat of Eastgate Division B, to the easterly margin of 150th NB, being 150 NB Station 0+35.42, Rt. 42.99 feet, as shown on sheet 5 of aforesaid SR 90 plans; thence southerly, along said easterly margin, to the centerline of SE 38th St.; thence westerly, along said centerline, to 150 NB Station 0+00; thence continuing westerly, along said centerline, to the east end of the FR 6 line, being Station 507+08.31, as shown on aforesaid sheet 5 of SR 90 plans; thence westerly and northwesterly, along said FR 6 line, to the north margin of SE 37th St, as platted adjacent to Block 1, Eastgate Addition Division G, volume 54 of plats, pages 18 and 19, records of aforesaid King County, thence westerly, along said north margin, to the west line of aforesaid southwest quarter; thence northerly, along said west line, to the Point of Beginning.

Zoning Description
EG-TOD

That portion of Section 10, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Commencing at the northeast corner of the southeast quarter of said Section 10; thence westerly, along the north line of said southeast quarter, to the northeast corner of Lot 4, Lincoln Executive Center, Binding Site Plan No. 82-01, recorded under Recording No. 8208060826, records of King County Washington, and the Point of Beginning; thence continuing westerly, along the north line of said Lot 4 and the north line of aforesaid southeast quarter, to the east margin of the 136th UC, as shown on sheet 4 of SR 90 plans, Richards Road to Lake Sammamish (M.P. 7.71 to M.P. 11.73), dated June 12, 1969, being 136th UC Station 22+13.60, Rt. 37.00 feet; thence continuing westerly, along said margin, to 136th UC Station 22+13.62, Rt. 30.00 feet; thence northerly, continuing along said margin, to the northeast corner of said margin, being 136th UC Station 25+00, Rt. 30.00 feet; thence westerly along the northerly margin of said 136th UC, to the northwest corner thereof, being 136th UC Station 25+00, Lt. 30.00 feet; thence southerly, along the westerly margin of said 136th UC, to an angle point thereof, being 136th UC Station 24+50, Lt. 30.00 feet; thence westerly, along the northerly margin of FL5 to 136th UC, of aforesaid SR 90 Plans, to 136th UC Station 24+50, Lt. 43.00 feet; thence southwesterly, along the southerly line of Lots 10 and 9, Sunset Ridge I-90 Corporate Campus Binding Site Plan, volume 154 of plats, pages 77 through 80, records of King County, Washington, and the westerly extension thereof, to the centerline of 139th Ave SE; thence southerly, along said centerline to the northerly Turn-Back Line of aforesaid SR 90 Plans, thence easterly, along said northerly Turn-Back Line, to the southerly extension of the east line of Lot 5 of aforesaid Lincoln Executive Center Binding Site Plan; thence northerly, along said southerly extension and east line, to the south line of Lot 4 of aforesaid Lincoln Executive Center Binding Site Plan; thence easterly, along said south line to the east line thereof; thence northerly, along said east line, to aforesaid northeast corner and the Point of Beginning.

Zoning Description
CB

That portion of the southeast quarter Section 10, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the northeast corner of said southeast quarter; thence southerly, along the east line thereof, to the northerly margin and Turn-Back Line of SR 90, as shown on sheet 6, SR 90 Plans, Richards Road to Lake Sammamish (M.P. 7.71 to M.P. 11.73), dated June 12, 1969; thence southwesterly and westerly, along said northerly margin, to the southerly extension of the east line of Lot 5, Lincoln Executive Center, Binding Site Plan No. 82-01, recorded under Recording No. 8208060826, records of King County Washington; thence northerly, along said southerly extension and east line, to the south line of Lot 4 of said Lincoln Executive Center Binding Site Plan; thence easterly, along said south line to the east line thereof, thence northerly, along said east line, to the north line of aforesaid southeast quarter; thence easterly, along said north line, to the Point of Beginning.

Zoning Description
CB

That portion of the east one half of the southeast quarter of the northeast quarter of the northeast quarter of Section 10, Township 24 North, Range 5 East, W.M., lying southwesterly of the centerline of 145th Pl SE and Newcastle Rd. No. 10-24-5-4.

TOGETHER with;

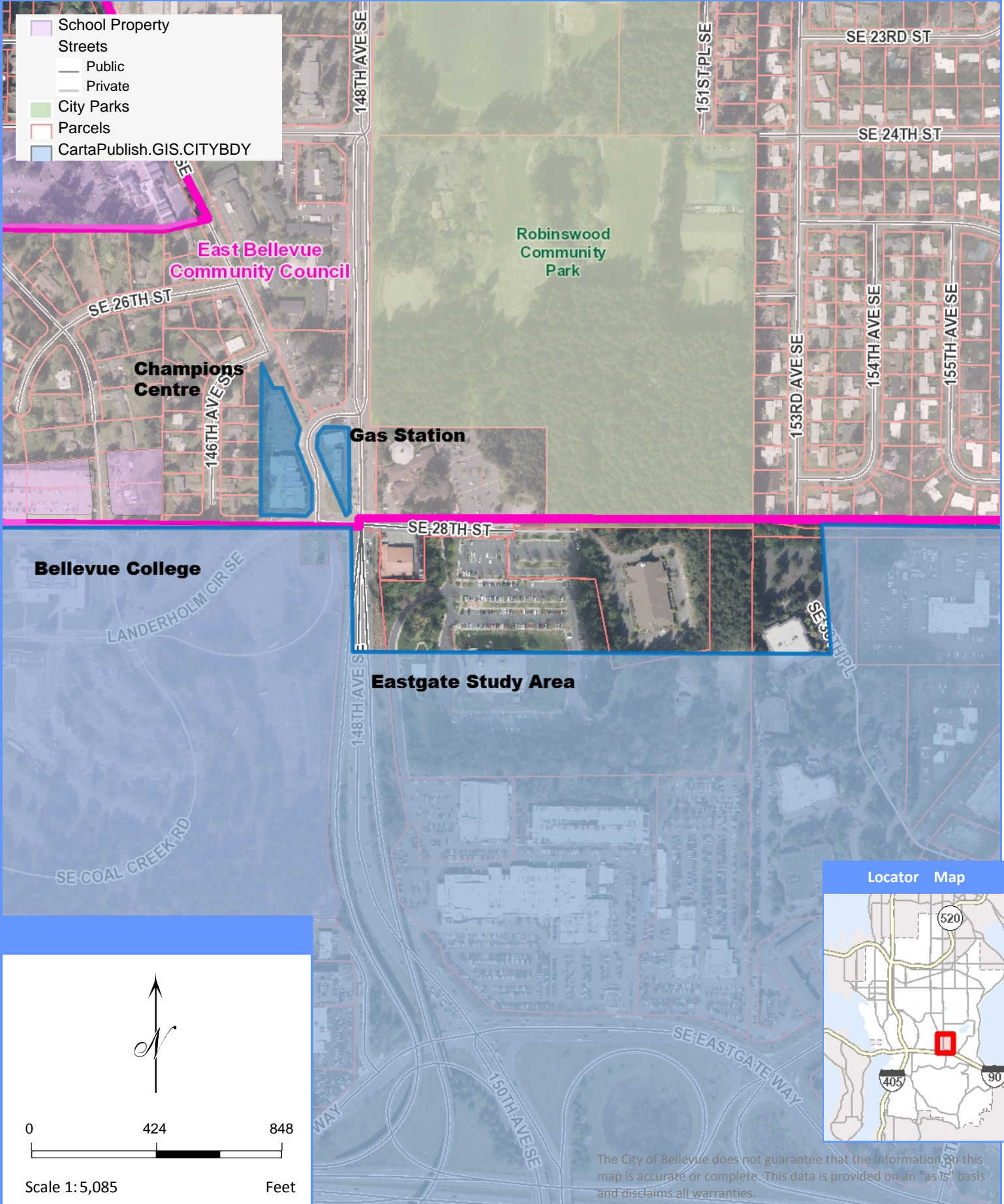
That portion of the southeast quarter of the southeast quarter of the northeast quarter of the northeast quarter of Section 10, Township 24 North, Range 5 East, W.M., lying northeasterly of the centerline of 145th Pl SE and Newcastle Rd. No. 10-24-5-4.



Eastgate Parcels within EBCC Boundary



- School Property
- Streets
 - Public
 - Private
- City Parks
- Parcels
- CartaPublish.GIS.CITYBDY



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

Resolution No. 562

A RESOLUTION of the East Bellevue Community Council approving City Council Ordinance No. 6366 amending the Land Use Code and Bellevue City Code relating to zoning, planning and land use, amending portions of Title 20 (the Bellevue Land Use Code) of the Bellevue City Code to advance the Eastgate/I-90 Land Use and Transportation Project, improve clarity and usability, ensure consistency with State Law, and correct inaccuracies and outdated footnotes, which includes the following amendments: adding the Office/Limited Business 2 (OLB 2), Neighborhood Mixed Use (NMU), and Eastgate Transit Oriented Development (EG-TOD) as new districts; adding OLB 2 and NMU to the general use charts in LUC 20.10.440; amending the permitted uses and footnotes in the general use charts; adopting dimensional standards for the OLB 2 and NMU Districts; amending the landscape standards in LUC 20.20.520 to include OLB 2 and NMU; amending the Transitional Area Design District, (Part 20.25B) to include OLB 2 and NMU; amending Part 20.25C to include design standards for OLB 2; amending the Community Retail Design District (Part 20.25I) to include design guidelines for the NMU District; adding a new Part 20.25P to Title 20 that includes use charts, dimensional requirements, street standards and design guidelines for the EG-TOD.

WHEREAS, on August 7, 2017, the City Council of the City of Bellevue, Washington passed Ordinance No. 6366 amending the Land Use Code and Bellevue City Code to advance the Eastgate/I-90 Land Use and Transportation Project; and

WHEREAS, Ordinance No. 6366 amended the Land Use Code and Bellevue City Code by adding the Neighborhood Mixed Use (NMU) and Office Limited Business 2 (OLB 2) land use districts and associated use tables, dimension tables, development standards and design guidelines; and

WHEREAS, the subject matter of said Ordinance falls within the jurisdiction of the East Bellevue Community Council pursuant to RCW 35.14.040 to the extent the NMU and OLB 2 Districts could apply within the East Bellevue Community Council's boundary; and

WHEREAS, following the public hearing held before the East Bellevue Community Council on September 5, 2017, the Community Council voted to approve Bellevue Ordinance No. 6366;

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. 6366 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 the Clerk's 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 5th day of September, 2017, and signed in authentication of its passage this 5th day of September, 2017.

(Seal)

William Capron, Chair

ATTEST

Karin Roberts
Deputy City Clerk

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

Resolution No. 563

A RESOLUTION of the East Bellevue Community Council approving City Council Ordinance No. 6367 amending the selected land use designations in the Eastgate subarea for consistency with revisions to the Comprehensive Land Use Plan; repealing ordinances and concomitant agreements where the conditions have been met or are no longer necessary; and establishing an effective date.

WHEREAS, on August 7, 2017, the City Council of the City of Bellevue, Washington passed Ordinance No. 6367 amending selected land use designations in the Eastgate subarea for consistency with revisions to the Comprehensive Land Use Plan and rezoning two parcels within the East Bellevue Community Council jurisdiction; 2649 Landerholm Cir. SE and 2659 148th Avenue SE, to Community Business District; 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 September 5, 2017, the Community Council voted to approve Bellevue Ordinance No. 6367;

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. 6367 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 the Clerk's 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 5th day of September, 2017, and signed in authentication of its passage this 5th day of September, 2017.

(Seal)

William Capron, Chair

ATTEST

Karin Roberts
Deputy City Clerk

East Bellevue Community Council
Summary Minutes of Regular Meeting

August 1, 2017
6:30 p.m.

Lake Hills Clubhouse
Bellevue, Washington

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

ABSENT: None.

STAFF: None.

1. **CALL TO ORDER**

The meeting was called to order at 6:34 p.m., with Chair Capron presiding.

2. **ROLL CALL**

Deputy City Clerk Karin Roberts called the roll. All Councilmembers were present.

3. **FLAG SALUTE**

Councilmember Hughes led the flag salute.

4. **COMMUNICATIONS: WRITTEN AND ORAL**

Irene Fernandes, representing the Lake Hills Neighborhood Association, said the neighborhood picnic was held on July 15 with 250-300 residents in attendance. The picnic received donations from the following restaurants: Best Wok, Green Leaf, Asian Foodshion, and The Waffler. She said the picnic participants donated a total of \$75 and 80 pounds of food for Hopelink. Additional businesses that donated to the event included the Chevron station and QFC. The City donated Mariners tickets to give as prizes.

Brian Franklin provided an update on the Kelsey Creek Center project, which is under construction and on schedule for completion by September 21-27. The project will be split into four different spaces and all are anticipated to open by the second quarter of 2018. Mr. Franklin said the widening of the Main Street access has been completed and an additional access point will be provided for the corner building.

Mr. Franklin said Sound Credit Union is moving out of the center and a lease has been signed for that space. He said the two spaces facing south, toward Starbucks, have been leased, and two potential tenants are looking at the middle space.

Responding to Vice Chair Kasner, Mr. Franklin said the drainage system comprised of rain gardens is working well.

Responding to Councilmember Hummer, Mr. Franklin confirmed that there were occasional complaints from tenants during the traffic signal project.

Chair Capron said the center is the cleanest construction site he has ever seen. He thanked Mr. Franklin for redeveloping the shopping center and turning it around from being a real eyesore. Mr. Franklin noted that it was a group effort with the EBCC and the community.

Councilmember Hughes asked about making the area behind Walmart more accessible for vehicles. Mr. Franklin said car access is not allowed under the City's permit.

5. **REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS**

(a) Community Council Business and New Initiative

Councilmember Hughes said he recently attended a number of political functions as well as the Lake Hills Neighborhood Association picnic.

Vice Chair Kasner reported that he attended the Lake Hills picnic and other community events. He testified at the City Council public hearing on the proposed quasi-judicial Land Use Code Amendment. He said the Planning Commission held a public hearing on the Bellevue Technology Center. Mr. Kasner attended the Eastside Transportation Alliance meeting. He noted that Dan Stroh, Planning Director, has retired after many years with the City.

Councilmember Gooding commented that the City is doing a good job of maintaining the landscaping around Larsen Lake. He noted that he has been busy with his children's sporting events.

Councilmember Hummer said she spoke with a City Councilmember about the proposed Eastgate men's homeless shelter. She noted that the location is outside of the EBCC boundary.

Chair Capron said the traffic lights on 148th Avenue at Main Street and SE 8th Street are nearly completed. He said the Lake Hills picnic was a wonderful event with great food. He reported that he and Councilmember Hummer toured the proposed location of the Eastgate men's shelter earlier in the day.

Councilmember Hughes questioned whether the permit to construct the power line down 148th Avenue had been approved. Deputy City Clerk Roberts said she would request a project update from City staff. Chair Capron noted that the Washington Utilities and Transportation Commission (WUTC) has not yet approved a rate increase requested by Puget Sound Energy.

6. **APPROVAL OF AGENDA**

Councilmember Hummer moved to approve the agenda. Councilmember Gooding seconded the motion, which carried by a vote of 5-0.

7. **DEPARTMENT REPORTS**: None.8. **PUBLIC/COURTESY HEARINGS**: None.9. **RESOLUTIONS**: None.10. **COMMITTEE REPORTS**: None.11. **UNFINISHED BUSINESS**: None.12. **NEW BUSINESS**

(a) Discussion of EBCC Priorities Regarding City Land Use Initiatives

Councilmember Hughes recalled that the EBCC voted in favor of requesting a staff presentation regarding the City's new app. Chair Capron noted that the City's new web site is more user-friendly. Mr. Hughes suggested that the City should be publicizing the app more widely.

Deputy City Clerk Roberts said the app is used daily by the public to report issues throughout the community. She will send the usage statistics to the EBCC.

Councilmember Hummer introduced discussion of the EBCC's priorities regarding the City's land use initiatives. She noted that, while the EBCC acts in an advisory role, there are initiatives at the City level which are of interest to the EBCC. She encouraged the public's interest in a number of issues including the City's Affordable Housing Strategy, adult family homes, and park uses. She would like the EBCC and its constituents to have a good understanding of what is going on at City Hall, including potential code and policy changes.

Ms. Hummer said the Affordable Housing Strategy includes the issues of increasing density by allowing detached accessory dwelling units (ADUs), allowing older residents to have more renters to allow them to stay in the community, increasing the amount of affordable housing, and rezoning certain church properties to allow housing. She expressed an interest in the existing affordable housing in Bellevue as well as in a map of the City's plans for affordable housing. She recalled that, a few years ago, she compiled information on adult family homes. There were 20 adult family homes in East Bellevue and one in the 98004 zip code.

Ms. Hummer said the Affordable Housing Strategy is available on the City's web site and includes a current list of 80 affordable housing locations. Of those, 20 locations are in East Bellevue and 20 locations are in the Crossroads/Overlake area. Responding to Chair Capron, Ms. Hummer said the list reflects information provided by government agencies.

Councilmember Hummer expressed an interest in the churches in Bellevue that could potentially have affordable housing in the future. Chair Capron noted individuals living in RVs and suggested that those situations are affordable housing. He and Ms. Hummer questioned the definition of affordable housing. Ms. Hummer questioned whether the Affordable Housing Strategy includes preserving properties that are not currently well maintained instead of allowing them to be redeveloped into market-rate housing. She observed that the strategy will have a significant impact on the overall community, and is concerned about the specific impacts in East Bellevue.

Chair Capron stated his understanding that Ms. Hummer's concern is about how the Affordable Housing Strategy affects the EBCC area and how the EBCC should react to it. Responding to Mr. Capron, Ms. Hummer said that someone developed the strategy and vision of how it will look for Bellevue and East Bellevue, and she would like more information.

Deputy City Clerk Roberts said that Planning & Community Development staff has offered to provide a presentation to the EBCC regarding the Affordable Housing Strategy.

Ms. Hummer said she would like information on the inventory of affordable housing in Bellevue, including both government-subsidized housing and lower cost apartment complexes (e.g., Highland Village). Vice Chair Kasner said the strategy includes incentives for developers to provide a certain number of affordable housing units in development projects.

Councilmember Hummer would like to see a map of all current subsidized housing, churches that might allow housing, and all properties that would be eligible for detached ADUs.

Chair Capron said he also would like more information on adult family homes. He questioned whether the State or the City has the authority to approve the homes, which are very lucrative businesses in residential neighborhoods. Mr. Capron said they provide a valuable business for the neighborhood. However, he would like to know the full permitting process for establishing an adult family home. He would like clarification regarding federal regulations for group homes.

Ms. Hummer said issues include whether adult family homes are an unregulated business and the taxes generated for the City. She noted that some of the businesses have been built as single family homes and are subsequently converted to adult family homes. She questioned how those businesses can be built in a single-family neighborhood, and whether there is a limit to how many adult family homes can be built in a specific neighborhood.

Councilmember Gooding said one concern is that the homes, which can be very large, do not fit with the character of the neighborhood. He concurred with Ms. Hummer's concern that the homes are built as single-family homes and are then immediately operated as adult family home businesses.

Councilmember Hughes recalled information provided in the past related to a federal court case that ruled against the City with regard to the homes.

Stephanie Walter said the federal lawsuit applied to group homes and not to adult family homes. She said the Fair Housing Act states that group homes should be part of, but not dominate, a neighborhood. The ultimate goal is to integrate the homes into the community. She suggested that perhaps a land use attorney and/or the City Attorney's Office could provide guidance on the applicable laws. She suggested that, if residential neighborhoods are accommodating businesses, it is a worthy undertaking.

Councilmember Hummer suggested that the homes should be permitted as adult family homes and not as single-family homes that are then converted to that use. She concurred with Councilmember Gooding's comment about whether the homes are compatible with neighborhood character, which is an important policy consideration in the City's Comprehensive Plan.

Vice Chair Kasner commented on a case involving both the City of Bellevue and the City of Edmonds that addressed federal Fair Housing Act amendments. He said the City has approached the issue through code provisions regarding "reasonable accommodation" and the definition of "family." He said it is a complicated issue that would require the political will of the City to challenge what the City believes to be established federal law.

Councilmember Hummer said she would like more information on the rights related to adult family homes.

Councilmember Gooding questioned how the City is allowing the homes to be built when they do not fit with the character of the neighborhood.

Moving on, Councilmember Hummer expressed concern that parks are zoned as residential. She said part of the Mercer Slough Park was sold to accommodate the Park and Ride, which has now expanded to a light rail station. She has heard rumors of a future train alignment along 148th Avenue. She is concerned that Larsen Lake will be negatively impacted by light rail. She also expressed concern about illegal encampments in parks and said Bellevue parks need to be protected. She said a search of "parks rules" on the City's new web site will provide the Parks and Recreation Facilities Code. Ms. Hummer said the code states that the City Manager or his/her designee has the power to enforce revisions of this chapter, to clarify or interpret the regulated use of parks, regulate conduct in parks, designate restricted areas in parks, regulate recreational programs, and to establish times for opening and closing. She expressed concern regarding the City Manager's power over parks.

Chair Capron questioned why parks do not have a specific land use designation.

Vice Chair Kasner said this issue was addressed during the Lake Hills Neighborhood Association meeting with City staff, who indicated that a park designation is not necessary. However, Mr. Kasner said there have been numerous cases in which park land ceases to be a park land, and no other processes are required to revert the property to the underlying zoning. If there is a process to designate park land, Mr. Kasner suggested there should be a process to change that designation. He suggested that selling the land should not allow it to automatically revert to the underlying zoning.

Councilmember Hummer proposed that the EBCC study the issues to reach an agreement on how to approach the Affordable Housing Strategy, adult family homes, and the use of parks. She suggested that the EBCC present its position and recommendations to the City's Boards and Commissions.

Chair Capron noted to the Deputy City Clerk that the EBCC would like information about the City's affordable and subsidized housing plan. He suggested deferring consideration of adult family homes at this time while working through affordable housing issues. He requested information from legal staff regarding the designation and use of park lands.

Stephanie Walter said the Parks and Community Services Board is working on the definition of a park. She was told by City staff that a specific parks zoning designation is not necessary because the residential designation provides parks with the same protections as residential neighborhoods. She suggested that interested parties attend City Council meetings to share their concerns. She opined that it would be good to have a parks zoning designation.

Ms. Walter said the Planning Commission discussed the potential for a parks impact fee for developers. She said Central Park in New York City is zoned as a park and cannot be considered for other uses.

Councilmember Hummer said she would like the EBCC to reach out to the various City of Bellevue Board and Commissions to communicate the EBCC's concerns and priorities.

(b) Discussion Regarding Potential Future Agenda Items

- Room Rental Ordinance Update
- Lake Hills Public Art Project – Final Update
- Eastgate Land Use Code Amendment (LUCA)
- Larsen Lake Culvert Replacement project

Deputy City Clerk Roberts said the room rental ordinance update will be provided in a memo in the EBCC's September meeting packet. The final update on the Lake Hills public art project will be available in September or October, depending on the completion of the project. Ms. Roberts said the Eastgate Land Use Code Amendment (LUCA) update will be provided in September or October as well.

Ms. Roberts said the Larsen Lake culvert replacement project is in the design and permitting phase. She noted that she asked staff to provide a memo and timeline for the EBCC, to be followed by a presentation this winter or early spring 2018.

Responding to Chair Capron, Ms. Roberts said that, if the Eastgate LUCA update is ready for the EBCC's September meeting, the affordable housing topic could be addressed in October.

Councilmember Kasner said he would like a staff member to attend the EBCC meeting regarding the room rental ordinance update, in addition to providing a written update in advance of the meeting. Responding to Mr. Capron, Mr. Kasner said there are at least five cases involved in litigation. He said the City's approach is voluntary compliance.

Responding to Chair Capron, Ms. Roberts said she will provide information to the EBCC as soon as possible to allow time for Councilmembers to formulate questions and comments in advance of the meeting.

13. **CONTINUED COMMUNICATIONS**: None.

14. **EXECUTIVE SESSION**: None.

15. **APPROVAL OF MINUTES**

(a) Minutes of the June 6, 2017 Regular Meeting

Vice Chair Kasner moved to approve the minutes of the June 6, 2017 Regular Meeting. Councilmember Gooding seconded the motion, which carried by a vote of 5-0.

16. **ADJOURNMENT**

Councilmember Hummer moved to adjourn. The motion was seconded by Councilmember Gooding and carried by a vote of 5-0.

At 8:08 p.m., Chair Capron declared the meeting adjourned.

Karin Roberts, CMC
Deputy City Clerk

/kaw