

2017 PLANNING COMMISSION



BELLEVUE

Meeting
6:30 pm March 1

Location

Commission meetings are held in the Council Conference Room unless otherwise posted.

Public Access

All meetings are open to the public and include opportunities for public comment.

425-452-6800
planningcommission@bellevuewa.gov

www.bellevuewa.gov

MARCH 1



Bellevue Planning Commission

AGENDA

Regular Meeting

March 1, 2017

6:30 PM - Regular Meeting

City Hall, Room 1E-113, 450 110th Avenue NE, Bellevue WA

6:30 PM – 6:35 PM	Call to Order
-------------------	---------------

6:35 PM – 6:40 PM	Roll Call
-------------------	-----------

6:40 PM – 6:45 PM	Approval of Agenda
-------------------	--------------------

6:45 PM – 6:50 PM	Communications from City Council, Community Council, Boards and Commissions
-------------------	--

6:50 PM – 7:10 PM	Staff Reports
-------------------	---------------

7:10 PM – 7:30 PM	Public Comment <i>The public is kindly requested to supply a copy of any presentation materials and hand-outs to the Planning Commission so it may be included in the official record.</i>
-------------------	---

7:30 PM – 9:00 PM	Study Session <u>1</u> <i>Downtown Livability – Review of Draft Downtown Land Use Code Amendment (LUCA)</i> Staff: Carol Helland, Land Use Director, Development Services Dept. Patricia Byers, Code Development Manager, Development Services Dept.; Emil King, AICP, Strategic Planning Manager, Planning & Community Development Dept. General Order of Business – This is the last study session before the Planning Commission’s public hearing scheduled March 8, 2017. The Commission will discuss any remaining
-------------------	---

areas of interest in the proposed code amendments and staff will respond to any questions.

Anticipated Outcome – The study session will help the Planning Commission be prepared for the upcoming public hearing.

9:00 PM – 9:30 PM

Study Session

167

2017 Comprehensive Plan Amendment Cycle

Staff: Nicholas Matz, AICP, Senior Planner, Planning & Community Development Dept.

Terry Cullen, AICP, Comprehensive Planning Manager, Planning & Community Development

General Order of Business – The Planning Commission will review and discuss the annual review framework for 2017, the evaluation and review process, and requested hearing dates. Staff will also present a summary of the proposed plan amendments initiated for 2017.

Anticipated Outcome – The Planning Commission has knowledge and understanding how the process works and the proposed amendments up for consideration. No action is required.

9:30 PM – 9:45 PM

Minutes to be Signed (Chair):

-

Draft Minutes Previously Reviewed & Now Edited:

-

New Draft Minutes to be Reviewed:

January 25, 2017

February 8, 2017

9:45 PM – 10:00 PM

Public Comment

10:00 PM

Adjourn

Please note:

- Agenda times are approximate only.
- Generally, public comment is limited to 5 minutes per person or 3 minutes if a public hearing has been held on your topic. The last public comment session of the meeting is limited to 3 minutes per person. The Chair has the discretion at the beginning of the comment period to change this.



Bellevue Planning Commission

Planning Commission Members:

John deVadoss, Chair
Stephanie Walter, Vice Chair
Jeremy Barksdale
John Carlson
Michelle Hilhorst
Aaron Laing
Anne Morisseau

John Stokes, Council Liaison

Staff Contacts:

Terry Cullen, Comprehensive Planning Manager 425-452-4070
Emil King, Strategic Planning Manager 425-452-7223
Janna Steedman, Administrative Services Supervisor 425-452-6868
Kristin Gulledge, Administrative Assistant 425-452-4174

** Unless there is a Public Hearing scheduled, "Public Comment" is the only opportunity for public participation. Wheelchair accessible. American Sign Language (ASL) interpretation available upon request. Please call at least 48 hours in advance: 425-452-5262 (TDD) or 425-452-4162 (Voice). Assistance for the hearing impaired: dial 711 (TR).*



February 22, 2017

SUBJECT

Downtown Livability Land Use Code Update

STAFF CONTACTS

Carol Helland, Land Use Division Director, 452-2724
chelland@bellevuewa.gov *Development Services Department*

Patricia Byers, Code Development Manager 452-4241
pbyers@bellevuewa.gov *Development Services Department*

Emil A. King AICP, Strategic Planning Manager 452-7223
eaking@bellevuewa.gov *Planning and Community Development*

DIRECTION NEEDED FROM PLANNING COMMISSION

- Action
- Discussion
- Information

BACKGROUND

Over the past 18 months, the Planning Commission has been reviewing and further refining recommendations from the Downtown Livability Citizen Advisory Committee (CAC). The draft Downtown LUC (Land Use Code) Update currently before the Planning Commission represents the second installment of code amendments necessary to advance the Downtown Livability Initiative following adoption by Council of the “Early Wins” code amendments in March 2016.

DISCUSSION

On February 8, 2017 the Commission provided direction to staff to ready the draft Downtown LUC Update for a March 8, 2017 public hearing before the Planning Commission. The draft code amendment would update Bellevue’s Downtown Land Use Code, Part 20.25A.

Notice of the SEPA threshold determination and notice of public hearing on the draft Downtown LUC Update was published on February 16, 2017 in the City’s Weekly Permit Bulletin.

Tonight’s Study Session will allow the Commission to review the February 16, 2017 draft LUC Update in advance of the March 8, 2017 public hearing. At Commission sessions after the public hearing, the Planning Commission will be asked to finalize the draft Downtown LUC Update and transmit its recommendation to the City Council for final review and approval.

This Planning Commission packet includes the Public Hearing Staff Report and Draft Downtown Land Use Code Update for reference. Changes made to the Land Use Code since the February 8 Planning Commission meeting are indicated in redline and strike draft for ease of review.

The full set of materials published on February 16, 2017 may be accessed at:

http://www.bellevuewa.gov/pdf/land%20use/15-123469-AD_12-127731-AD_Downtown_Livability.pdf

The Weekly Permit Bulletin may be accessed at:

<http://www.bellevuewa.gov/pdf/Land%20Use/02-16-17-Weekly-Permit-Bulletin.pdf>

ATTACHMENTS

1. Public Hearing Staff Report
2. Draft Downtown LUC Update



DATE: February 16, 2017

TO: Chair deVadoss and Members of the Planning Commission

FROM: Carol Helland, Land Use Division Director 452-2724
 Trish Byers, Code Development Manager 452-4241
Development Services Department

Emil King AICP, Strategic Planning Manager 452-7223
Planning and Community Development

FILES: 12-127731 AD and 15-123469 AD

I. DOWNTOWN LIVABILITY INITIATIVE - DRAFT LAND USE CODE AMENDMENT

This Staff Report has been prepared to support the Public Hearing and Planning Commission consideration of code amendments drafted to advance the Downtown Livability Initiative. The draft code amendment would update Bellevue's Downtown Land Use Code, Part 20.25A LUC. The Downtown Livability Initiative represents the first substantial update of the Downtown Land Use Code since its original adoption in 1981. This update responds to over 30 years of growth, and also ensures that Bellevue's Downtown development regulations are consistent with the Comprehensive Plan which is required by the State's Growth Management Act (GMA).

How is Livability advanced by the Downtown Code update?

The Downtown LUC Update is part of a larger livability package. The LUC Update does not represent all the action items that came out of the Downtown Livability Initiative, but it is an essential part. The Comprehensive Plan, and the Downtown Subarea Plan contained within the Comprehensive Plan, provide the guiding policies for this LUC Update. The Downtown Subarea Plan states that the Downtown must be viable, livable, memorable, and accessible. The LUC Update is intended to make subtle changes to the current regulatory structure that can make a huge difference in the quality of place—a place that feels cold, unsafe and place-less versus a place that feels warm, safe and rich in character. The draft Downtown Livability LUC Update currently before the Planning Commission for review, together with the prior Early Wins Amendment that was adopted by Council in March 2016, contribute to the broader Downtown Livability Initiative objectives that are summarized below.

Walkability

- Increase the width of sidewalks required on multiple streets.
- Improve through-block connections for pedestrians to navigate the Downtown on foot.
- Improve street-edge pedestrian conditions that promote visual interest, pedestrian-scaled lighting and signage, pedestrian amenities, enhanced/active streetscapes, and integration of artistic elements.
- Expand weather protection to enhance year round pedestrian comfort.

- Accommodate additional capital improvements identified as part of companion Downtown Transportation Plan.

Neighborhood Character

- Reinforce key elements of unique Downtown neighborhood character.
- Tailor open space amenities to align with neighborhood needs.

Urban Form, Light and Air

- Enhance access to light and air between towers with separation between towers and ground level open spaces.
- Expand variability in the built environment.
- Enhance skyline form and memorability.
- Improve building form to avoid blocky and homogeneous character of buildings.

Transition Between Downtown and Adjoining Neighborhoods

- Retain graceful transitions between urban forms of the Downtown and adjacent lower intensity neighborhoods.
- Reinforce pedestrian connections between Downtown and adjacent areas.
- Focus on gateways into and out of the Downtown to reinforce transitions.

Downtown Amenities

- Improve relationship of amenities to Downtown neighborhood character.
- Update economics based on market realities to ensure incentives are used and achieve intended outcomes.

More Green and Sustainable Downtown

- Enhance focus on sustainability and ecological performance in the development of buildings and sites throughout Downtown (to ensure a softer and more sustainable environment).
- Increase green features in the pedestrian realm – planter strips and tree pits, green walls, open space.

Accessibility

- Improve accessibility for all residents and visitors to Downtown, including improved accessibility for vans/cars in parking areas and for mobility-impaired pedestrians.

Mixed Use Downtown

- Update code to accommodate the evolving character of uses found in vibrant pedestrian areas (e.g. doggie day cares).
- Level the playing field for nonresidential uses, to ensure that Downtown continues to also serve as a strong office/job center.

Affordable Housing

- Encourage affordable housing through a range of tools (to be further developed with city-wide Affordable Housing Strategy efforts).

Planning for Light Rail Stations

- Improve pedestrian connections around station areas.
- Ensure that the right use and density mix is enabled around stations.

Parking

- Enhance flexibility in the calculation of parking ratios to guard against overbuilding while maintaining parking levels essential to accommodate visitors.
- Enhance parking standards to accommodate multimodal commuters in need of supporting infrastructure (e.g., bike facilities).

Flexibility

- Add flexibility to ensure the Code allows for the best and most creative development ideas.

Building Height and Form

- Add height to incent the development of slender buildings that provide greater tower separation and ground-level open space
- Add height to foster the use of distinctive architecture that contributes to a variable and recognizable skyline.
- Add amenities to offset the livability impacts of added building height and density.

II. THE CODE ADOPTION PROCESS

The code adoption process is an action by the City Council, or a Process IV decision under LUC 20.25A.400-.450. A Process IV decision requires a notice of application, a notice of hearing before the Planning Commission, a hearing before the Planning Commission, and a recommendation from the Planning Commission to the City Council. The City Council holds a public meeting and considers the Planning Commission’s recommendation. The Council may adopt, deny, or refer the proposal back to the Planning Commission for further consideration. When an ordinance would take effect in the jurisdiction of the East Bellevue Community Council (EBCC), there would be a courtesy EBCC hearing before the proposal goes to the Council and a final EBCC hearing after the Council makes its decision. However, in this case, the proposal will not take place within the jurisdiction of the EBCC, thus no hearing before the EBCC is required.

III. PUBLIC OUTREACH

A. Council Principles for Downtown Livability Initiative

The over-arching purpose of the Downtown Livability Initiative is to advance implementation of the Downtown Subarea Plan, in particular the Plan’s central theme of making Downtown more Viable, Livable, Memorable and Accessible. When Council launched the Downtown Livability Initiative, it included guidance in the form of project principles as shown in Attachment A. They include changes observed in the decades since the original Land Use Code was adopted in 1981 and associated principles. These principles have provided essential guidance and grounding for the Citizen Advisory Committee (CAC), City staff, Planning Commission, Council, stakeholders and the community at large as the initiative has progressed.

B. Land Use Code Audits

As part of the Downtown Livability Initiative, a series of Land Use Code “Audits” were developed in spring 2013 and published on June 19, 2013. They covered all elements of the existing Downtown Land Use Code (such as design guidelines, height and form, parking, incentive

system, etc.) and they have been consolidated and included as Attachment B. The audits summarized existing code provisions and policies and described results on the ground, then drawing observations about where codes and policies are working well and where they could be improved. The audits were informed heavily by a series of focus groups that included residents, property owners, businesses, architects and designers, real estate professionals and other interested parties. The purpose of the audits was to ensure that the Land Use Code features that are working well are retained and to focus changes on items needing improvement or necessary to foster new opportunities. The code audits provided an important foundation for considering potential Downtown Land Use Code changes.

C. Downtown Livability CAC Final Report

The Downtown Livability CAC began work on the Downtown Livability Initiative in May 2013 and completed its charge in June 2014. The CAC met a total of 13 times in open meetings. Their Final Report that was transmitted to Council is dated October 13, 2014 and is included as Attachment C. The focus of the CAC work was to evaluate and identify Downtown Land Use Code amendments. The CAC report includes a series of recommendations and areas for additional analysis arranged by the following topics:

- Public Open Space;
- Pedestrian Corridor;
- Design Guidelines;
- Amenity Incentive System;
- Station Area Planning;
- Building Height and Form;
- Downtown Parking; and
- Other Topics (such as sidewalk widths, vacant sites and buildings, mechanical equipment screening, recycling and solid waste, range of permitted uses and Downtown food trucks).

The CAC process included many opportunities for public input and participation, including traditional open houses, walking tours, focus group discussions, website review, and participation in CAC meetings (where an opportunity for public comment was provided at each meeting).

D. Overall Planning Commission Process

The Planning Commission has been reviewing the Downtown Livability CAC recommendations and developing the draft LUC Update over the past 18 months. This included the Early Wins code amendments adopted by the City Council in March 2016. Each Planning Commission meeting has included opportunities for public comment. All materials submitted to staff or the Commission between meetings are included in their packet for review. Staff has also conducted multiple open houses, posted materials on the project website, and met with individual stakeholders, established groups and a wide array of other interested parties. The Planning Commission has welcomed all public comment in their process. It has been an important input in developing their draft LUC Update.

E. Early Wins

The Planning Commission began its work shortly after the CAC recommendations were completed. The first action of the Planning Commission on the Downtown LUC Update was to recommend approval of an expedited subset of the CAC recommendations that were referred to as the Downtown Livability “Early Wins.” The Planning Commission recommendation on the Early Wins was forwarded to the City Council in 2015. The City Council adopted the Early Wins by Ordinance No. 6277 as the first installment of code amendments necessary to advance the Downtown Livability Initiative. The Early Wins included updates to the land use charts, signage requirements for publicly accessible spaces, mechanical equipment location and screening standards, street trees requirements, a redefinition of the Downtown boundary, overhead weather protection requirements, and an extension of the Major Pedestrian Corridor.

F. Joint Council and Planning Commission Meeting and Council Principles re: Incentive System

In November 2015, a special City Council meeting was held that included the Planning Commission. The focus was on discussion of updating the Downtown amenity incentive system. The Downtown Livability CAC had provided a set of recommendations, but acknowledged that significant additional analysis and economic modeling would be needed. In January 2016, Council adopted a set of principles as shown in Attachment D to guide the update of the amenity incentive system based on discussion from the joint meeting. The subsequent work by Staff and the City’s economic consultant (BERK) on the proposed structure and approach to update incentive and to develop specific recommendations as included in the draft LUC relate directly to these principles.

IV. DRAFT LAND USE CODE UPDATE

The draft Downtown LUC Update currently before the Planning Commission for consideration represents the second installment of code amendments necessary to advance the Downtown Livability Initiative. The draft Downtown LUC Update is included as Attachment E to this Staff Report. The current draft reorganizes and rewrites the Downtown part of the Land Use Code, Part 20.25A LUC, that remained to be updated following completion of the Early Wins (discussed in Section III.E of this Staff Report).

The draft LUC Update begins with an applicability section and a section that explains its organization. Definitions follow in draft LUC section 20.25A.020 and required permit review processes are described in draft LUC section 20.25A.030. As in the past, design review would be required for all new development in Downtown, and Master Development Plans would be required for phased projects or projects that have multiple buildings. In addition, this draft part provides new processes for departures from substantive sections on the code in certain circumstances. These departures would offer more flexibility to applicants.

The Land Use Charts contained in draft LUC section 20.25A.050 were largely updated as part of the Early Wins. However, two targeted amendments were made to create flexibility in the development congregate care senior housing, and to advance city-wide consistency in the siting of Transient Uses.

Height and form are addressed in the Dimensional Charts in draft LUC section 20.25A.060, and many amendments have been proposed consistent with CAC recommendations and Planning Commission direction. These amendments include increases in maximum floor plates above 40 feet and 80 feet, increases in maximum height, and increases in maximum floor area ratio (FAR) which determines the density of a development. Additional requirements are included to enhance access to light and air between towers, and are identified in the dimensional chart as tower setbacks and tower separation requirements. Additional design provisions applicable to towers that received increased height maximums can be found in draft LUC section 20.25A.075.

Upper level stepbacks of 20 feet and 15 feet are required in the Downtown Core and in the Downtown perimeter, respectively, and these provisions can also be found in draft LUC section 20.25A.075. The latter provision helps to maintain a graceful transition to the adjacent residential neighborhoods. These stepbacks are required to occur between 20 feet and roughly 50 feet above grade.

The amenity incentive system has been updated to reflect today's land values and the differences between Downtown neighborhoods. Available amenities and the exchange rates associated with the amenities have been calibrated to reflect current development market realities. To accomplish this outcome, some existing amenities, such as parking and residential uses, have been removed and new amenities have been added. New amenities in the system include:

- Enhanced Streetscape;
- Historic Preservation of Physical Sites and Buildings;
- Historic and Cultural Resources Documentation;
- Alleys with Addresses;
- Freestanding Canopies at Corners and Transit Stops;
- Pedestrian Bridges;
- Neighborhood Serving Uses;
- Sustainability Certification; and
- Flexible Amenity (available through a Council-approved Development Agreement).

The Green and Sustainability Factor is a new part of the Downtown code that is based on a scoring system. These new provisions can be found in draft LUC section 20.25A.120. This section requires that an applicant choose from a suite of elements including landscaping, tree preservation, structural soil systems and green roofs that must be incorporated into a project. The Green and Sustainability Factor will help to increase the amount of landscaping and green infrastructure used in Downtown development.

The design guidelines in LUC 20.25A.140 to 20.25A.180 are a combination of new design guidelines and old provisions. Some of the old provisions included the Building Sidewalk Design Guidelines have been combined with newer ideas taken from the CAC recommendations and stakeholder engagements. These updates will result in more walkable streetscapes, accessible outdoor plazas, better pedestrian and bike connectivity, attractive buildings and general design excellence. All of these elements will make Downtown more viable, livable, memorable and accessible. The design guideline format has also been updated

to align with newer sections of the LUC (such as BelRed), and to increase the use of graphics for enhanced code usability.

The balance of Section IV of this Staff Report provides a detailed description of the draft LUC Update by code section.

A. Organization, LUC 20.25A.010

The organization of draft Part 20.25A LUC is explained in LUC 20.25A.010.B. The code is organized in regulatory building blocks that create a comprehensive code that is intended to be intuitive to navigate. The building blocks are listed below along with their purpose:

- Land Use Classifications are applied to each Downtown parcel to determine uses, dimensional requirements, and requirements of the Amenity Incentive System. See Draft LUC Figure 20.25A.060.A.2.
- Perimeter Overlay Districts impose more stringent dimensional standards than the underlying land use classification to provide an area for lower intensity development. These district help to create a buffer between less intense uses outside of Downtown and the more intensively developed properties within Downtown. See Draft LUC Figure 20.25A.060.A.3.
- Neighborhood Design Districts are distinct, mixed use neighborhoods that reinforce their locational assets and unique identities. See Draft LUC Figure 20.25A.070.D.1.
- Right-of-Way Designations provide a hierarchy of rights-of-way organized by streetscape type and reflect pedestrian activity. Some design guidelines for Downtown are organized by Right-of-Way Designation. See Draft LUC section 20.25A.170.B.
- Major Pedestrian Corridor is an alignment for focused pedestrian use on NE 6th from 102nd Avenue to 112th Avenue NE. Development guidelines and requirements are geared toward making this a pedestrian friendly environment and includes areas identified along the corridor for Major Public Open Spaces. See draft LUC section 20.25A.090.C.1.

All of these building blocks are intended to work together to form a rich and vibrant Downtown environment.

B. Definitions, LUC 20.25A.020

The draft Definitions section is new to the Downtown part of the LUC. This draft LUC section provides definitions applicable to the Downtown and identifies general definitions of LUC 20.50 that do not apply to the Downtown part. This amendment would align the Downtown code with more recently adopted definition sections included in the BelRed, Shoreline, and Light Rail Overlay parts of the LUC.

C. Review Required, LUC 20.25A.030

As require by the current code, draft code continues to require all Downtown development proposals to go through Design Review. Phased projects or projects with multiple buildings continue to require Master Development Plan review under the terms of the draft code. And, as provided in the current code, the draft code allows these reviews to be merged with any

required Administrative Conditional Use Permits or Variances as a single Process II administrative decision.

LUC 20.25A.030.D has two new processes: one for administrative departures and one for Council-approved departures. Administrative departure departures would be made by the Director, while departures requiring a Development Agreement would be made by the City Council. Administrative departures are provided throughout the chapter. A few examples include departures from:

- Tower separation requirements;
- Linear buffer requirements;
- Wayfinding requirements; and
- Street frontage requirements.

Departures memorialized through a Development Agreement may be granted by the City Council to:

- Modify uses prohibited under LUC 20.25A.040 and 050 necessary to facilitate adaptive reuse of a building in existence when the code was updated;
- Modify the amenity system to include a new flexible amenity;
- Approve the final design of a pedestrian bridge;
- Approve Pedestrian Corridor Development Plans that depart from the guidelines; and
- Approve Major Public Open Space Development Plans that depart from the guidelines.

In the draft LUC Update, Development Agreements are considered to be an exception, and not the rule. As a result, departures granted by the City Council are likely to be uncommon.

D. Nonconforming Uses, Structures and Sites, LUC 20.25A.040

The nonconforming provisions were moved from their current location in LUC section 20.25A.025 and conformed to other draft sections of the draft LUC Update to ensure consistency. The amendments include requiring an Administrative Conditional Use Permit rather than a Conditional Use Permit for a nonconforming use expansion. The Administrative Conditional Use process can be better merged with Design Review and Master Development Plan approvals to create transparency for the public and a predictable process for the applicant. Another amendment allows destroyed nonconforming structures to be rebuilt consistent with the nonconformity that existed prior to destruction. Currently, structures destroyed by more than 75 percent of their replacement value would be required to be brought into compliance with the currently applicable code. This amendment would align the Downtown code with more recently adopted nonconforming provisions applicable in BelRed and the Shoreline Overlay.

E. Land Use Charts, LUC 20.25A.050

The Land Use Charts were updated as part of the Early Wins in March 2016. There are two updates included in this section of the draft code. Note (2) in the Residential Chart was updated to allow Congregate Care Senior Housing to have up to 40 percent in ancillary uses such as nursing homes or assisted living. In response to direction provided from the Planning Commission on February 8, 2016, Transient Lodging Uses were also separated out from Hotel and Motel uses, and a Conditional Use Permit would be required to establish a Transient Lodging use in Downtown.

F. Dimensional Charts, LUC 20.25A.060

The Dimensional Chart is the subject of several draft code amendments. These draft amendments include increases to floor plates, building height, and floor area ratio (FAR). Floor plates have generally been increased by 10 percent to reflect the departure provisions in the current code. Building height increases are described for DT-O1, DT-O2 (North, East and South), DT-MU, DT-MU Civic Center, DT-OLB (Central and South) and Perimeter Overlays A-2 (for residential), A-3 (residential and nonresidential), B-2 (residential) and B-3 (residential). Currently, in most zones an applicant can increase the height of a building by the larger of 15 feet or 15 percent, or the larger of 10 feet or 10 percent, due to an exception. The application of this exception has been included in the maximum height column in the draft LUC Update for transparency purposes. The base and maximum FAR has been reviewed in every district and updated. The maximum FARs were a focus of the Planning Commission's work in 2016. The base FARs were informed by the BERK analysis and ULI Technical Assistance Panel. The maximum FAR is recommended to be increased in DT-MU (for nonresidential), DT-MU Civic Center (residential and nonresidential), DT-OLB (Central and South for residential and nonresidential) and Perimeter Overlay A-3 (for residential). Information regarding draft changes to the base FAR and base building height is presented below in Section IV.G of this Staff Report.

A tower setback of 40 feet above 45 feet in towers over 75 feet has been added to the chart. This tower setback allows for light, air and privacy for the people in and around the towers. In addition, multiple towers on the same site must be separated by 80 feet for the same reason. The trigger height equates to the maximum building height that exists in the current Downtown code. If an applicant builds higher than the trigger height, then outdoor plaza space and reduced floor plates above the trigger height must be provided.

There are exceptions to the dimensional chart, such as connecting floor plates for structures that do not exceed 70 feet in height, unlimited floor plates for Performing Arts Centers up to 100 feet in height, a height exception of 20 feet for mechanical equipment, and allowed intrusions into setbacks and stepbacks and over sidewalks.

G. Amenity Incentive System and Floor Area Ratio/Building Height, LUC 20.25A.070

In June 2016, staff received guidance from both the Planning Commission and Council regarding the proposed structure and approach to update the Downtown amenity incentive system. This followed the joint workshop between the Council and Commission that took place in November 2015 and resulted in a set of Council Principles to guide the update. Refer to Attachment D for the Council Principles.

The structure and approach to update the incentive system follows the Downtown CAC recommendations and guidance provided by the Council Principles, with specific details grounded in the BERK economic analysis and peer review conducted by a ULI Technical Assistance Panel. The BERK Economic Analysis and ULI Technical Assistance Panel Findings & Recommendations PowerPoint are included with this Staff Report as Attachments F and G, respectively.

The draft LUC Update includes provisions that would apply when development seeks to exceed their base FAR and/or base height up to defined maximums by incorporating amenities.

Recommended new base FARs and base heights. Within the density and dimensional chart, 20.25A.060.A.4 the recommended new base FAR and base building height for each land use district and perimeter overlay are shown. The ULI Panel reviewed the BERK economic analysis and concluded that the base FARs and base heights were adequately adjusted upward to maintain existing property values. A key principle is to ensure that modifications to the incentive system do not effectively result in a downzoning of land.

- **New base FARs.** Consistent with Council Principles, to account for new code requirements and the deletion of amenities that are no longer real incentives, new base FARs are proposed as follows.

New increased base (as-of-right) FAR set at approximately 85 percent of the current maximum FAR for each district or perimeter overlay, with the following exceptions:

- In the Downtown MU District for *nonresidential* development and Perimeter Overlays A-2 and A-3 for *residential* development, the new base FARs are raised above 85 percent of the current maximum FAR based on the BERK economic modeling.
 - In the Downtown R and all Perimeter Overlays (A-1, A-2, A-3, B-1, B-2 and B-3), the new base FAR for *nonresidential* development is set at the current maximum *nonresidential* FAR based on the BERK economic modeling.
- **New base heights.** The new base (as-of-right) building heights are raised to the existing maximum building heights for each district or perimeter overlay to ensure the new base FAR can be utilized.

Specific Elements of the Amenity Incentive System

- **Calculation of amenity need, value of additional height.** The incentive system includes guidance on how to determine the “amenity incentive need” for each new building based on a developer’s desire to exceed the base (as-of-right) FAR and/or base building height. This is consistent with the Council Principles and ULI Panel recommendations to incorporate the value of height into the incentive system.
- **List of bonusable amenities.** The proposed amenity incentive system includes a list of 18 bonusable amenities. Each amenity includes specific design criteria and bonus rates by Downtown Neighborhood. The Downtown Neighborhood boundaries are used to help to promote neighborhood identity through tailoring the type of bonusable amenities and bonus ratios. Amenity #18 is the Flexible Amenity where a developer may propose an amenity not on the formal list that will substantially increase livability and result in public benefit equal to or exceeding what would otherwise be provided by amenities on the standard list.
- **Bonus ratios.** A key part of the BERK economic analysis and ULI Panel review was determining an appropriate FAR exchange rate. The ULI Panel concluded that the proposed FAR exchange rate of \$25 per square foot seemed reasonable with some

caveats. Moving forward, a rate of \$25 per square foot is being used as a starting point to determine the bonus ratios.

- **Allocation of amenities.** The amenity incentive system has a focus on public open space features because of their importance to livability. It is required that 75 percent or more of a project's amenity need must utilize one or more of the following amenities: Major Pedestrian Corridor and Major Public Open Space, Outdoor Plaza, Donation of Park Property, Improvement of Public Park Property, Enhanced Streetscape, Active Recreation Area, Enclosed Plaza or Alleys with Addresses. Up to 25 percent of a project's amenity need may utilize any other amenity on the amenity list or continue to use public open space feature amenities. This is consistent with the proposed approach reviewed with the Commission and Council in June 2016 and furthers the Council Principles.
- **In-lieu fees.** The amenity incentive system includes a new option for in-lieu fees to be paid as an alternative to on-site development of amenities. The collected fees will be used for public open space improvements by the City consistent with the urban design vision for Downtown Bellevue.
- **Periodic review.** Consistent with the Council Principles and ULI Panel recommendations, the Amenity Incentive System will be periodically reviewed every 7-10 years upon initiation by City Council.

Affordable Housing. Separate from the Amenity Incentive System, a proposed 1.0 FAR exemption for affordable housing was discussed with the Planning Commission and Council in June 2016. It is currently being deferred pending Council direction from the citywide Affordable Housing Technical Advisory Group's work.

H. Downtown Tower Requirements, LUC 20.25A.075

As described in Sections IV.F and G of this Staff Report, new base (as-of-right) building heights in the draft LUC Update are raised to the existing maximum building heights for each district or perimeter overlay. The Dimensional Chart in draft LUC section 20.25A.060 provides a trigger height that occurs at the existing maximum building height. If an applicant builds above this height, then outdoor ground level plaza space, and reduced floor plates above the trigger height, must be provided. Flexibility is also provided to deviate from the strict application of these requirements. This draft LUC Update section also provides a departure process from the 80-foot tower separation, in cases where the tower orientation does not affect the light, air or privacy of the occupants in either building. Upper level stepbacks of 15 feet and 20 feet for the perimeter and Downtown Core, respectively, are included in this draft LUC Update section, together with provisions that allow for departures from the setback requirements.

I. Parking Standards, LUC 20.25A.080

The parking standards were moved from their current location in LUC section 20.25A.050 and reorganized to provide for limited departures from parking ratios when based on an objective technical analysis. This amendment would align the Downtown code with more recently adopted parking provisions applicable in BelRed. The draft departure provisions would allow increased flexibility by providing a process to modify required parking ratios for either fewer or more parking stalls depending on a parking study. The vehicle parking ratios were intentionally

limited to allow flexibility only on a site specific scale when supported by an objective technical analysis. The City Council has funded a Comprehensive Downtown Parking study in the 2017-18 budget. Additional parking code updates may be warranted after that study is complete. The draft LUC Update section related to parking also adds visitor parking requirements for residential buildings at a rate of 1 stall per 20 units in response to requests made during the CAC process. Parking structure entry requirements are also increase from 7.5 feet to 8 feet in order to accommodate updated accessible van parking standards required by the building code.

J. Street and Pedestrian Circulation Standards, LUC 20.25A.090

The Street and Pedestrian Circulation Standards were moved from their current location in LUC sections 20.25A.060 and 20.25A.090.E, consolidated in a single section of the draft LUC Update, and updated. The Planter Strips and Tree Pits provisions were adopted as part of the Early Wins in March 2016. The Major Pedestrian Corridor, Major Public Open Space and Minor Publicly Accessible Space provisions currently included in LUC 20.25A.090.E were conformed to other sections of the draft LUC Update to ensure citations consistency. As discussed with the Planning Commission during its study session held on October 26, this section of the draft LUC Update will be updated again, as necessary, to include outcomes of the Wilburton-Grand Connection Planning Initiative.

K. Pedestrian Bridges, LUC 20.25A.100

The Pedestrian Bridge requirements were moved from their current location in LUC section 20.25A.130 and updated. The substantive provisions remained the same. The procedural provisions of the draft LUC Update section require use of the new Development Agreement process described in draft LUC section 20.25A.030.D.2 to obtain Council-approval of the design that is required for all pedestrian bridges.

L. Landscape Development, LUC 20.25A.110

Landscape development encompasses street trees and landscaping, on-site landscaping, and linear buffers. New street tree and landscaping requirements were adopted as a part of the Early Wins in March 2016. This draft LUC Update package include additional flexibility to allow for tree species substitution. Linear buffers refer to the 20-foot vegetative buffers required around most of the perimeter of Downtown. Provisions governing these buffers have been amended in the draft LUC Update to allow adjacent owners to use more of the buffer for private recreation and residential entries.

M. The Green and Sustainability Factor, LUC 20.25A.120

The new Green and Sustainability Factor in draft LUC section 20.25A.120 is modeled after Seattle's Green Factor. The draft LUC Update includes a score based system that would require applicants to choose from a suite of landscaping and sustainability elements to install or preserve on site. Some of the elements include bioretention facilities, structural soil systems, preservation of landmark trees, tree installation, green walls and roofs, rainwater harvesting, and bicycle racks. The Green and Sustainability Factor helps to reinforce the "City in a Park" character, improve walkability of Downtown and mitigate impacts commonly associated with dense urban environment.

N. Mechanical Equipment Screening, LUC 20.25A.130

The mechanical equipment screening and location standards were part of the Early Wins package adopted by the City Council in March 2016. The Early Wins requirements were moved from their current location in LUC section 20.25A.045 to draft LUC section 20.25A.130

O. Downtown Neighborhood-Specific Standards, 20.25A.135

The Downtown Neighborhood-Specific Standards were moved from their current location in LUC sections 20.25A.065 and 20.25A.070, and they were updated to conform to the draft LUC Update. These standards carry forward neighborhood-specific provisions related to the Civic Center Design District and the Old Bellevue District that will help retain the unique character that is envisioned for these areas.

P. Design Guidelines, LUC 20.25A.140-20.25A.180

The Design Guidelines Building/Sidewalk Relationships in the current LUC were refined and rewritten for clarity. The draft LUC Update is written with the recognition that pedestrian friendly streetscapes make Downtown more livable and attract people to the area. Following are some major topics included within the Design Guidelines contained in draft LUC Update sections 20.25A.140 through 20.25A.180.

- Site Organization, LUC 20.25A.160.B.2 – The draft site organization design guidelines encourage applicants to consider the context when considering building placement. This would include factors such as the effect of the building’s placement on sunlight and air to the sidewalk, open spaces and other buildings. Other building considerations include the location of passenger loading areas, porte-cochère, and how these features interact with pedestrian and automobile traffic on and off the site.
- Through Block Connections, LUC 20.25A.160.D – The draft through-block connection design guidelines provide a finer grained street grid for pedestrians and bicyclists given Downtown’s large superblocks. The draft design guidelines provide requirements such as public accessibility, transparency, signage and weather protection to make these connections more pedestrian friendly.
- Open Space, LUC 20.25A.160.E – The draft open space design guidelines are similar to the current design guidelines. These draft guidelines provide that open spaces should be available year round, accessible and visible from the sidewalk, have protection from inclement weather, access to sun, and that the edges should be animated.
- Streetscapes, 20.25A.170.A – The draft design guidelines for streetscapes require transparency, weather protection, active uses, strong visual and physical connections to the sidewalk, places for stopping and viewing with street furniture and landscaping, art, and pedestrian-scaled lighting and signs.
- Right-of-Way Designations LUC 20.25A.170.B – The draft right-of-way designations update those included in the existing Building/Sidewalk Design Guidelines. Each draft right-of-way designation has standards and guidelines proportional to the envisioned pedestrian activity for weather protection, transparency, points of interest, vehicular parking between the sidewalk and main pedestrian entrance and the percentage of street wall that must incorporate active uses. “Active uses” replace the more restrictive “retail uses” of the current LUC code, and would allow ground floor and second floor

spaces to be used for a wider range of tenants (such as doggie day cares) that continue to provide interest to the pedestrian realm.

- **Building Design, LUC 20.25.180** – The draft building design guidelines are reorganized to address the tripartite design of most buildings. There are specific draft design guidelines for the base, middle and top of buildings. The design guidelines also encourage high quality design and design materials, articulation in façades, variation in materials, transparency on the ground floor, attractive building silhouettes, rooflines and rooftops.

V. PUBLIC NOTICE

Notice of the Application for the Land Use Code Amendment, together with Notice of the SEPA checklist, was published on November 6, 2012. Notice of each CAC and Planning Commission meeting has also been provided throughout the duration of the Downtown Livability Initiative. Notice of the SEPA threshold determination, and the public hearing scheduled before the Planning Commission on the draft Downtown LUC Update was published on February 16, 2017, in the City of Bellevue Weekly Permit Bulletin.

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 draft LUC Update was provided to state agencies on February 6, 2017. City Council final action can be taken anytime on or after April 7, 2017.

VI. PUBLIC COMMENT

The Planning Commission has been reviewing the Downtown Livability CAC recommendations and developing the draft LUC Update over the past 18 months. This included the Early Wins code amendments adopted by the City Council in March 2016. Each Planning Commission meeting has included opportunities for public comment. All materials submitted to staff or the Commission between meetings are included in their packet for review. Staff has also conducted multiple open houses, posted materials on the project website, and met with individual stakeholders, established groups and a wide array of other interested parties.

The Planning Commission has welcomed all public comment in their process. It has been an important input in developing their draft LUC Update. At this point there are a number of outstanding, primarily site-specific, issues that are currently part of the ongoing Planning Commission discussion:

- **Maximum Building Heights in the DT-O-2 South.** A number of residents at Bellevue Towers have commented on the recommended maximum building heights in the DT-O-2 South district. They feel the proposed heights of up to 345 feet should be reduced to 250 feet (288 feet with 15% rule applied). This maximum building height is consistent with the previous maximum height in the DT-O-2 district and the current recommendation for the DT-MU district that lies directly south of the DT-O-2 South district. These concerns are similar to those expressed in 2016 when the Commission's preliminary building height and form recommendations were being developed.

Key Consideration: *While this proposed increased height limit in DT-O-2 helps reinforce the Downtown wedding cake by having an intermediate height between*

DT-O-1 and DT-MU, there are few remaining parcels in the DT-O-2 South that are likely to redevelop in the future and take advantage of any increased height allowance.

- **Suggested Council-Approved Departure / Development Agreement Provisions for Increased FAR.** Stakeholders have expressed an interest in increasing the maximum allowed FAR in the DT-OLB Central district by up to an additional 2.0 FAR through a Council-approved departure implemented by a development agreement. These stakeholders have proposed that the following criteria would apply: development supports Civic Center uses; constructs Pedestrian Corridor or other pedestrian/bicycle infrastructure; provides a mix of transit-oriented land uses.

Key Considerations: *This portion of Downtown is very near the major Downtown light rail station, and thus already recommended for an increase in maximum FAR from 3.0 FAR under the current code to 6.0 FAR in the draft LUC Update. Higher FARs are allowed only in the DT-O-1 core, and this district is significantly outside that area. There is a major trade-off between higher FARs and the ability of a site to accommodate open space and other amenities.*

- **Suggested Council-Approved Departure / Development Agreement Provisions for Increased Building Height.** Stakeholders have expressed an interest in increasing the maximum allowed building height in a portion of the DT-MU district and Perimeter Overlay B-2. The representatives for the proposed two-tower Elan development concept that spans both districts in the Northwest Village neighborhood would like to be able to go up to 300 feet for both towers through a development agreement.

Key Considerations: *There has been considerable public dialogue regarding maximum building heights in this portion of Downtown, and the draft LUC Update is consistent with prior Planning Commission direction on this topic. The draft LUC Update for the DT-MU district includes a building height maximum of 288 feet for residential towers. The maximum residential building height in the draft LUC Update for the B-2 overlay is 264 feet for multi-tower projects with an average of 220 feet (or 220 feet for a single tower project). This potential increase would be rather modest in the DT-MU district (i.e. 12 feet) and more significant in the B-2 overlay (80 feet when compared to single tower height limit).*

- **Code Provisions Applicable to Perimeter Overlays A-3 and B-3.** Property representatives who own land in Perimeter Overlays A-3 and B-3 have proposed a series of code amendments relating to this area, including: how FAR is calculated; minimum tower setbacks; the linear landscape setback from the Downtown Boundary; maximum lot coverage; trigger heights; and maximum building heights. They also propose that the street designation for Main Street between 110th and 112th Avenue NE be changed from “B – Commercial Street” in the draft LUC Update to “C – Mixed Street.”

Key Considerations: *A number of these topics have been discussed previously by the Commission. Staff has reviewed the Commission’s previous recommendations and rationale that have resulted in the current draft code for the A-3 and B-3 Perimeter Overlays. This location is proposed for targeted height and FAR increases due to its proximity to the East Main light rail station. This also drove the street classification to “B” which provides for a higher level of pedestrian quality in the vicinity of the light rail*

station. It was the Commission's direction to retain the current draft code language for the public hearing.

- **Tower Setback Requirements.** There have been concerns raised by multiple property owners regarding the draft 40-foot tower setback provisions from interior property lines. The primary issue is the impact on project feasibility relating to limitations on locating future towers within a project limit to use their development potential. These draft LUC Update provisions, with small site exceptions, were added to the November 2, 2017 draft LUC Update as a mechanism to retain 80-foot spacing between towers on adjoining properties. The Planning Commission provided direction to staff to further explore tower spacing options to meet the underlying goal for light and air between towers.

***Key Considerations:** Tower spacing is important, given the desire for light and air between developments. Staff has made adjustments for small sites, and is in the process of researching and exploring refinements for how tower spacing can be best handled both within a development project and between adjacent properties.*

- **101st Avenue NE Ownership.** The ownership of 101st Avenue NE, north of NE 10th Street has been brought into question. It has been pointed out that the draft LUC Update appears to treat this short street segment as public right-of-way. It has been described by the owners as private property that should not have sidewalk width, street tree or a building/sidewalk street classifications assigned to it like other public rights-of-way.
- **Key Consideration:** *Staff is performing additional research to verify the ownership. The road alignment in question shows up as part of the "public right-of-way" layer in the City's mapping system. If it is indeed privately-owned, the maps and other code references will be appropriately amended, and the general location of 101st Avenue NE would more appropriately be identified as a through-block connection.*
- **Adjustments to Base FARs and base Building Heights.** There have been concerns raised over the base FARs and base building heights included in the draft LUC Update. The suggestion has been made to apply a uniform base FAR and base building height that is 85% of the *new draft code's* maximum FAR and 85% of the *new draft code's* maximum height (where heights are proposed to increase). Based on the BERK analysis and ULI Technical Assistance Panel, the base FAR is generally 85% of the maximum FAR in the *current adopted code*, and the base building height is the current adopted maximum building height (which sometimes remains the maximum in the draft LUC Update or is exceeded in the draft LUC Update with new maximum building heights).
***Key Considerations:** The BERK economic study of the incentive system provided a thorough analysis of what the new base FARs and heights should be for each land use district. The peer review provided by the ULI Panel generally supported the BERK conclusions, and concluded the analysis was consistent with the Council Principles applicable to this topic.*
- **Legal Considerations for Incentive System.** A legal question was raised regarding the draft amenity incentive system. It has been suggested that it violates state law regarding imposition of an illegal tax on development. The commenter has also suggested that an alternative approach to deliver open space and park amenities may be enactment of local park impact fees, in-lieu of the amenity incentive system.

Key Considerations: *The City Attorney’s Office has been fully engaged in developing the refined incentive zoning structure, and has ensured that it is consistent with state law. Bellevue currently has a transportation impact fee and parts of the city (within the Issaquah School District) have a school impact fee. A park impact fee would likely spread contribution to a broader set of development projects and apply to most or all development, whereas the incentive system would apply to those exceeding base FAR and/or base building height.*

City staff is continuing to reach out and make itself readily available to meet with stakeholders and any other interested parties leading up to the Public Hearing on March 8. All written public comment received prior to the Public Hearing will be included in the Commission’s packet.

VII. 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.

1. The following policies support the Downtown Livability Initiative in its entirety.

POLICY S-DT-1. Emphasis shall be placed on Downtown livability, with provisions made for the needs, activities, and interests of Downtown residents, employees, shoppers, and visitors.

POLICY S-DT-3. Develop Downtown as an aesthetically attractive area.

POLICY S-DT-36. Utilize development standards for building bulk, heights, setbacks, landscaping requirements, setbacks, floor area ratios, open space requirements, and development incentives.

POLICY S-DT-123. Establish development standards and design guidelines for Perimeter Areas that will break down the scale of new development and add activities and physical features that will be compatible both with the Downtown Subarea and surrounding residential areas.

POLICY ED-5. Develop and maintain regulations that allow for continued economic growth while respecting the environment and quality of life of city neighborhoods.

POLICY UD-48. Link increased intensity of development with increased pedestrian amenities, pedestrian-oriented building design, through-block connections, public spaces, activities, openness, sunlight and view preservation.

2. The following policies support the land use and zoning concepts in the draft LUC Update.

POLICY S-DT-4. The highest intensity development shall be located in the core of Downtown, with diminishing intensities towards the edges of Downtown.

POLICY S-DT-5. Organize Downtown to provide complementary functional relationships between various land uses.

POLICY S-DT-8. Locate major office development in the Downtown core in order to complement retail activities and facilitate public transportation.

POLICY S-DT-38. Minimize the adverse impact of Downtown development on residential neighborhoods with consideration of through-traffic, views, scale, and land use relationships.

3. The following policies support the height and form concepts in the draft LUC Update.

POLICY S-DT-25. Provide for a range of Downtown urban residential types and densities.

POLICY S-DT-26. Encourage residential uses to occur in mixed-use structures or complexes.

POLICY UD-29. Integrate rooftop mechanical equipment screening with building architecture. (Height exception).

4. The following policies support the Amenity System and Floor Area Ratio concepts in the draft LUC section LUC 20.25A.070.

POLICY S-DT-9. Provide bonus incentives (related to permitted intensity, height, etc.) for private developments to accomplish the public objectives outlined in this Plan. (Flexible Amenity, Amenity Number 18).

POLICY S-DT-13. Encourage private participation in development of Downtown community facilities. (Major Pedestrian Corridor and Major Public Open Spaces, Donation of Park Property, Improvement of Park Property, and Active Recreation Area; Amenity Numbers 1, 3, 4 and 6).

POLICY S-DT-14. Encourage visual and performing arts organizations to locate Downtown. (Performing Arts Space and Public Art; Amenity Numbers 11 and 12).

POLICY S-DT-21. Work with local heritage groups to:

1. Collect, preserve, interpret, and exhibit items that document the history of Downtown Bellevue;
2. Use plaques and interpretive markers to identify existing and past sites of historic and cultural importance;
3. Develop a contingency plan and prioritization for Downtown's historic resources, which may include voluntary relocation of significant historic structures to Bellevue parks property. (Historic Preservation of Physical Sites/Buildings and Historic and Cultural Resources Documentation, Amenity Numbers 14 and 15).

POLICY S-DT-58. Create intimacy for the pedestrian through the development of "alleys with addresses." These are small-scale pedestrian frontages accessed off of mid-block connections. (Alleys with Addresses, Amenity Number 8).

POLICY S-DT-103. Encourage developers to provide open space amenities accessible to the public such as mini-parks, plazas, rooftop gardens, and courtyards in private developments. Such amenities must be clearly identified and maintained for public use. (Outdoor Plaza and Enclosed Plaza, Amenity Numbers 2 and 7).

POLICY S-DT-54. Provide incentives to reinforce unique characteristics of Downtown Districts to create pedestrian-scaled, diverse, and unique urban lifestyle experiences and options.

(Freestanding Canopies, Pedestrian Bridges, Water Features and Neighborhood Serving Uses; Amenity Numbers 9, 10, 13 and 16).

POLICY EN-49. Provide education and incentives to support the implementation of low impact development practices, integrated site planning, and green building, with a focus on early consideration of these in the site development process. (Sustainability Certification; Amenity Number 17)

POLICY HO-24. Develop and implement an effective strategy to ensure affordable housing opportunities are available in Downtown and throughout the city at a range of affordability levels. Monitor quantity, types, and affordability of housing achieved for potential unintended consequences and to determine if the need is being met. (Deferred FAR Exemption for Affordable Housing).

5. The following policies support the parking standards in the draft LUC section 20.25A.080.

POLICY S-DT-149. Establish parking requirements specific to the range of uses intended for the Downtown Subarea.

POLICY S-DT-151. Encourage the joint use of parking and permit the limitation of parking supply.

POLICY S-DT-164. Encourage the developers and owners of Downtown buildings to provide long-term bicycle parking and storage for employees and short-term bicycle parking for visitors.

6. The following policies support the street and pedestrian circulation standards in draft section LUC 20.25A.090 and pedestrian bridges in draft LUC section 20.25A.100.

POLICY S-DT-160. Improve the pedestrian experience by providing street trees and other landscaping in sidewalk construction, especially along the edges of Downtown.

POLICY UD-63. Ensure continuous and safe sidewalks wide enough to serve current and planned uses along arterials that are integrated with abutting land uses.

POLICY UD-66. Ensure that sidewalks, walkways, and trails are furnished, where needed and appropriate, with lighting, seating, landscaping, street trees, planter strips, trash receptacles, public art, bike racks, railings, handicap access, newspaper boxes, etc. without interfering with pedestrian circulation.

7. The following policies support the landscape development and the Green and Sustainability Factor in draft LUC sections 20.25A.110 and 20.25A.120.

POLICY EN-21. Work toward a citywide tree canopy target of at least 40% canopy coverage that reflects our “City in a Park” character and maintain an action plan for meeting the target across multiple land use types including right-of-way, public lands, and residential and commercial uses.

POLICY EN-71. Preserve a proportion of the significant trees throughout the city in order to sustain fish and wildlife habitat.

POLICY EN-72. Encourage residents and professional landscaping firms to utilize native plants in residential and commercial landscapes.

POLICY UD-65. Use appropriate street tree species and provide adequate rooting space to limit damage to sidewalk and street infrastructure.

POLICY UD-68. Give identity and continuity to street corridors by using a comprehensive street tree plan and other landscaping to enhance circulation routes, soften the appearance of pavement and separate pedestrians from traffic.

8. The following policies support the design guidelines in draft LUC sections 20.25A.140-20.25A.180.

POLICY S-DT-35. Create a pedestrian environment with a sense of activity, enclosure, and protection.

POLICY S-DT-37. Link building intensity to design guidelines relating to building appearance, amenities, pedestrian orientation and connections, impact on adjacent properties, and maintenance of view corridors. These guidelines will seek to enhance the appearance, image, and design character of the Downtown.

POLICY UD-10. Encourage rooflines that create interesting and distinctive forms against the sky within Downtown and other mixed use areas.

POLICY UD-11. Develop Downtown and other mixed-use areas to be functional, attractive and harmonious with adjacent neighborhoods by considering through-traffic, view, building scale, and land use impacts.

POLICY UD-44. Incorporate the character of the surrounding community into the architecture, landscaping and site design of commercial and mixed use centers.

POLICY UD-45. Ensure that perimeter areas of more intense developments use site and building designs that are compatible with and connect to surrounding development where appropriate.

POLICY UD-34. Provide both weather protection and access to sunlight in pedestrian areas using architectural elements.

Finding: These draft LUC Update is consistent with the Comprehensive Plan and advances the policies contained within the Downtown Subarea Plan. The strategy to advance the Comprehensive Plan and Downtown Subarea Plan policies through a code amendment effort was developed over years of code assessment and stakeholder engagement that included a Downtown Land Use Code Audit, formulation of code amendment recommendations by a CAC established to support the Downtown Livability Initiative, and development of implementation policy and draft code refinement direction by the Planning Commission. Public outreach for the Downtown Livability Initiative was guided by policies contained in the Citizen Engagement Chapter of the Comprehensive Plan to ensure that citizens had an active role in development of a draft LUC Update. Refer to Section III of this Staff Report for additional information on the Public Engagement used to develop a draft LUC Update that advances the Community Vision articulated for the Downtown in the Comprehensive Plan.

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

Finding: The amendment will enhance the public health, safety, and welfare by providing a Downtown environment that has a variety of residential and commercial development, outdoor plazas, engaging streetscapes, bike and pedestrian connectivity, active recreation areas and other public amenities.

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 Downtown Bellevue while preserving the quality and character of each Downtown District. It will support and ensure that Downtown is livable which is in the best interest of the citizens and property owners of the City of Bellevue. A key facet of the Downtown Livability work has been to ensure that recommended changes do not effectively result in a downzoning of land. This is why the extensive economic analysis by BERK and peer review by the ULI Technical Assistance Panel were integral to this process, as described above.

VIII. STATE ENVIRONMENTAL POLICY ACT

The Environmental Coordinator for the City of Bellevue has determined that this proposal will not result in any probable, significant, adverse environmental impacts. A Determination of Non-Significance (DNS) was issued on February 16, 2017. A copy of this determination is located in Attachment H.

IX. RECOMMENDATION

Staff requests that the Planning Commission hold the Public Hearing necessary to take public comment on the draft LUC Update prepared to advance the desired outcomes of the Downtown Livability Initiative. The draft Downtown LUC Update included in Attachment E is consistent with the decision criteria required for adoption of a Land Use Code Amendment pursuant to the provisions of Part 20.30J LUC. Following the Public Hearing scheduled for March 8, 2017, staff requests the Planning Commission to finalize the draft Downtown LUC Update and transmit its recommendation to the City Council for final review and approval.

ATTACHMENTS

- A. Council Principles for Downtown Livability Initiative
- B. Downtown Livability Land Use Code Audits
- C. Downtown Livability Citizens Advisory Committee Final Report
- D. Council Principles for Incentive Zoning
- E. Draft Downtown LUC Update
- F. BERK Economic Analysis of Incentive Zoning Report
- G. ULI Technical Assistance Panel Findings & Recommendations PowerPoint
- H. SEPA Determination

PART 20.25A Downtown

2.16.17 Draft

Part 20.25A Downtown

20.25A.010 General

A. Applicability of Part 20.25A

1. General. This Part 20.25A, Downtown (DNTN), contains requirements, standards, criteria and guidelines that apply to development and activity within the Downtown land use districts. Except to the extent expressly provided in this Part 20.25A and as referenced in subsection A 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 Downtown land use districts.

2. Relationship to Other Regulations. Where there is a conflict between the Downtown land use district regulations and the Land Use Code and other City ordinances, the Downtown land use district regulations shall govern.

3. Land Use Code sections not applicable in Downtown. The following sections of the Land Use Code, Title 20 Bellevue City Code (BCC) now or as hereafter amended, do not apply in Downtown. Unless specifically listed below, all other sections apply.

- a. 20.10.400
- b. 20.10.440
- c. 20.20.005 through 20.20.025
- d. 20.20.030
- e. 20.20.060 and 20.20.070
- f. 20.20.120 and 20.20.125
- g. 20.20.135 and 20.20.140
- h. 20.20.190 and 20.20.192
- i. 20.20.250
- j. 20.20.400
- k. 20.20.520
- l. 20.20.525
- m. 20.20.560

Comment [HC1]: UPDATED to align with code organization developed as part of BelRed (LUC 20.25D.010) and the Light Rail Overlay (20.25M.010)
Improves Land Use Code Consistency and Ease of Use

Comment [HC2]: UPDATES LUC 20.25A.010.A

Comment [HC3]: Incorporates language of general applicability that is currently located at the beginning of Chapter 20.25. Limits references outside Downtown Code Part

20.25A.010 1

PART 20.25A Downtown

2.16.17 Draft

- n. 20.20.700 and 20.20.720
- o. 20.20.750 through 20.20.800
- p. 20.20.890 and 20.20.900

B. Organization of Part 20.25A Organization of Part 20.25A is composed of several regulatory layers that inform development in Downtown.

Comment [HC4]: NEW – Improves Ease of Code Use

1. Purpose. Downtown Bellevue is the symbolic as well as functional heart of the Eastside Region. It is to be developed as an aesthetically attractive area of intense use. Toward this end, the City shall encourage the development of cultural, entertainment, residential, and regional uses located in distinct, mixed-use neighborhoods connected by a variety of unique public places and great public infrastructure. Development must enhance people orientation and facilitate pedestrian circulation, and provide for the needs, activities, and interests of people. The City will encourage land uses which emphasize variety, mixed uses, and unity of form within buildings or complexes. Specific land use districts have been established within the Downtown District to permit variation in use and development standards in order to implement the objectives of the Downtown Subarea Plan.

2. Land Use District Classifications. These are applied to each parcel of land in Downtown and determine uses, dimensional requirements (including Floor Area Ratio), and requirements for participation in the Amenity Incentive System. Specific sections of the Downtown code apply to the following land use classifications. See Figure 20.25A.060.A.2 for a map of the Downtown Land Use Classifications.

Comment [HC5]: MOVED and UPDATED – Limits references outside Downtown Code Part. Currently located in LUC 20.10.370.

a. Downtown-Office District 1 (DNTN-O-1). The purpose of the Downtown-O-1 Land Use District is to provide an area for the most intensive business, financial, specialized retail, hotel, entertainment, and urban residential uses. This district is limited in extent in order to provide the level of intensity needed to encourage and facilitate a significant level of transit service. Day and nighttime uses that attract pedestrians are encouraged. ~~All transportation travel modes are encouraged to create links between activities and uses. Transit and pedestrian facilities linking activities are encouraged; long-term parking and other automobile-oriented uses are discouraged.~~

Comment [HC6]: Planning Commission direction from February 8, 2017

b. Downtown-Office District 2 (DNTN-O-2). The purpose of the Downtown-O-2 Land Use District is to provide an area for intensive business, financial, retail, hotel, entertainment, institutional, and urban residential uses and to serve as a transition between the more intensive Downtown-O-1 Land Use District and the less intensive Downtown-Mixed Use Land Use District. The Downtown-O-2 District includes different maximum building heights for areas north of NE 8th Street, east of 110th Avenue NE, and south of NE 4th Street based on proximity to the Downtown Core and access to the regional freeway system and transit, creating the Downtown O-2 Districts North, East, and South (DNTN-O-2 North, DNTN-O-2 East, and DNTN-O-2 South).

c. Downtown-Mixed Use District (DNTN-MU). The purpose of the Downtown-MU Land Use District is to provide an area for a wide range of retail, office, residential, and support uses. Multiple uses are encouraged on individual sites, and in individual buildings, as well as broadly in the district as a whole. The Downtown-MU District allows for taller buildings and additional density in the Civic Center portion of the District east of 111th Avenue NE between NE 4th and

20.25A.010 2

NE 8th Street based on its proximity to the Downtown core and convenient access to the regional freeway system and transit. This area is called the Downtown Mixed Use District–Civic Center (DNTN-MU Civic Center) while the rest of the District is called Downtown-Mixed Use District (DNTN-MU).

d. Downtown-Residential District (DNTN-R). The purpose of the Downtown-R Land Use District is to provide an area for predominantly urban residential uses. Limited office and retail uses are permitted as secondary to residential use, in order to provide the amenity of shopping and services within easy walking distance of residential structures.

e. Downtown-Old Bellevue District (DNTN-OB). The purpose of the Downtown-OB Land Use District is to reinforce the character of the Old Bellevue area and assure compatibility of new development with the scale and intensity of the area. The social and historic qualities of this area are to be preserved.

f. Downtown-Office and Limited Business District (DNTN-OLB). The purpose of the Downtown-OLB Land Use District is to provide an area for integrated complexes made up of office, residential, and hotel uses, with eating establishments and retail sales secondary to these primary uses. The district abuts and has access to both I-405 and light rail transit service. The Downtown-OLB District differentiates maximum building heights and allowed density for areas north of NE 8th Street, between NE 4th and NE 8th Street, and south of NE 4th Street based on proximity to the Downtown Core and convenient access to the regional freeway system and transit. This creates three districts Downtown-OLB North, Downtown-OLB Central and Downtown-OLB South (DNTN-OLB North, DNTN-OLB Central, and DNTN-OLB South).

3. Perimeter Overlay Districts may impose more stringent dimensional requirements than are allowed by the underlying land use district to provide an area for lower intensity development that provides a buffer between less intense uses and more intensively developed properties in Downtown. Specific sections of the Downtown code apply to the following overlay districts. See Figure 20.25A.060.A.3 for a map of the Downtown Perimeter Overlay Districts.

a. Perimeter Overlay District A

A-1

A-2

A-3

b. Perimeter Overlay District B

B-1

B-2

B-3

4. Neighborhood Design Districts are a key organizing principle to implement the Great Place Strategy of the Downtown Subarea Plan. These neighborhood design districts create a series of distinct, mixed-use neighborhoods (or districts) within Downtown that reinforce their locational assets and unique identities. More information can be found in the Downtown Subarea Plan of the Comprehensive Plan.

- a. Northwest Village
- b. City Center North
- c. Ashwood
- d. Eastside Center (including Bellevue Square, City Center, and Convention Civic)
- e. Old Bellevue
- f. City Center South
- g. East Main

5. Right-of-Way Designations. The right-of-way designations provide design guidelines for Downtown streets that are organized by streetscape type. These designations are a representation of the Downtown vision for the future, rather than what currently exists. The designations create a hierarchy of rights-of-way reflecting the intensity of pedestrian activity. The “A” Rights-of-Way are those streets that have the highest amount of pedestrian activity, while the “D” Rights-of Way would have a smaller amount of pedestrian activity. These guidelines are intended to provide activity, enclosure, and protection on the sidewalk for the pedestrian. See Figure 20.25A.170.B for a map of the Right-of-Way Designations.

- a. Rights-of-Way- Pedestrian Corridor / High Streets
- b. Rights-of Way- Commercial Streets
- c. Rights-of-Way- Mixed Streets
- d. Rights-of-Way- Neighborhood Streets
- e. Rights-of-Way- Perimeter Streets

6. Major Pedestrian Corridor. An alignment which is generally for exclusive pedestrian use providing a reasonably direct, but interesting pedestrian route in the immediate vicinity of NE 6th Street between 102nd Avenue NE and the east side of 112th Avenue NE.

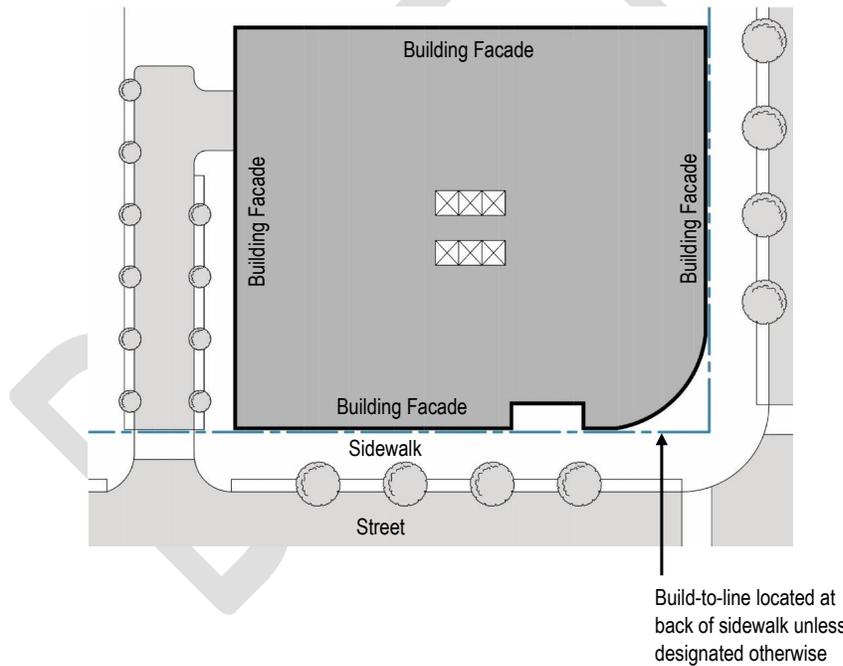
Comment [HC7]: MOVED from Design Guidelines Building/Sidewalk Relationships IV.E. Limits references outside Downtown Code Part.

20.25A.020 Definitions

A. Definitions Specific to Downtown

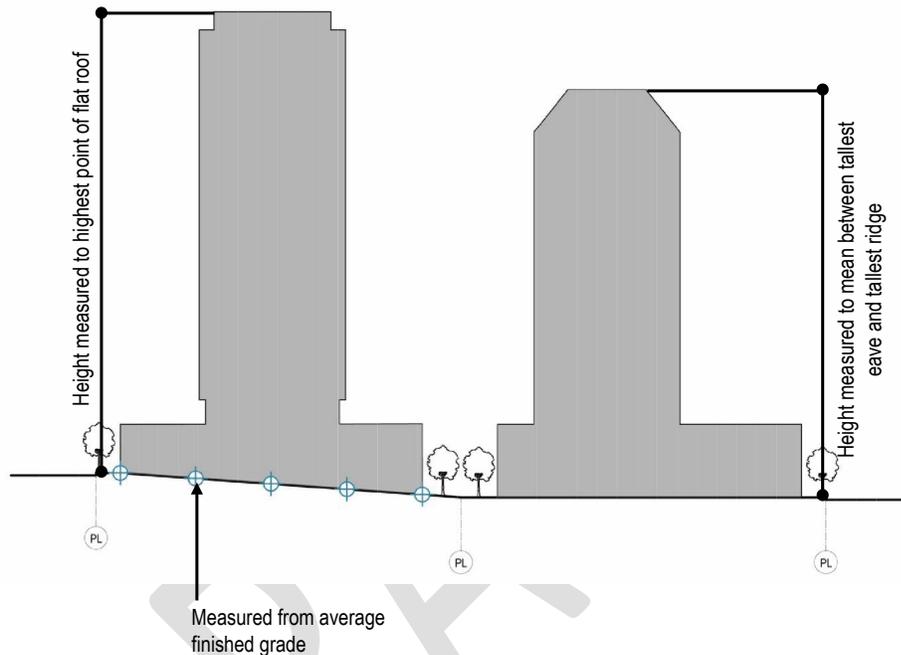
DT - Active Uses: Uses within a building that support pedestrian activity and promote a high degree of visual and physical interaction between the building interior and adjacent public realm. Entrance lobbies, private indoor amenity space, service uses, and enclosed privatized spaces are typically not considered active uses. (NEW)

DT - Build-To Line: A location along a designated block or right-of-way where a building must be constructed. The build-to line is the back of the required sidewalk unless designated otherwise by the Director.



DT - Building Height: The vertical distance measured from average of finished ground level adjoining the building at exterior walls to the highest point of a flat roof, or to the mean height between the tallest eave and tallest ridge of a pitched roof. Where finished ground level slopes away from the exterior walls, reference planes shall be established by the lowest points within the area between the building and the lot line, or back of sidewalk where back of sidewalk is the setback line. If lot line or back of sidewalk is more than 6 feet from the building, between the building and a point 6 feet from the building.

Comment [HC8]: NEW – to align with organization developed as part of BelRed (LUC 20.25D.020) and the Light Rail Overlay (20.25M.020). Improves Land Use Code Consistency and Ease of Use.



DT-Caliper: The diameter measurement of the stem or trunk of nursery stock. Caliper measurement is taken six inches above the ground level for field grown stock and from the soil line for container grown stock, which should be at or near the top of the root flare, and six inches above the root flare for bare root plants, up to and including the four-inch caliper size interval (i.e., from four inches up to, but not including, 4 inches). If the caliper measured at six inches is four and one-half inches or more, the caliper shall be measured at 12 inches above the ground level, soil line, or root flare, as appropriate.

Comment [HC9]: NEW - to define industry-based terminology used in the Green Factor section.

DT-Diameter at Breast Height: Diameter at Breast Height (D.B.H.): The diameter of the tree trunk at four and one-half feet (or 54 inches) above natural grade level. The diameter may be calculated by using the following formula: $D.B.H. = \text{circumference at 4.5-feet} \div 3.14$. To determine the D.B.H. of multi-trunk trees or measuring trees on slopes, consult the current *Guide for Plant Appraisal*, published by the Council of Tree and Landscape Appraisers.

Comment [HC10]: NEW - to define industry-based terminology in the Green Factor section.

DT - Floor Area Ratio (FAR): A measure of development intensity equal to the gross floor area, excluding parking and mechanical floors or areas, divided by the net on-site land area in square feet. Net on-site area land includes the area of an easement and public right-of-way as provided in LUC 20.25A.070C.

DT - Floor Plate: Floor area in square feet within the surrounding exterior walls, measured from the interior wall surface and including all openings in the floor plate.

DT – Interior Property Line: A property line other than the build-to line.

DT-Open Space: Landscaped areas, walkways, gardens, courtyards and lawns; excluding areas devoted to buildings, traffic circulation roads, or parking areas. Outdoor plazas, Major Pedestrian Open Space and Minor Publicly Accessible Spaces are a kind of open space.

Comment [BT(11): Definition in Amenity Incentive System. More closely aligns with CAC vision.

DT - Pedestrian Scale: The quality of the physical environment that reflects a proportional relationship to human dimensions and that contributes to a person’s comprehension of buildings or other features in the built environment.

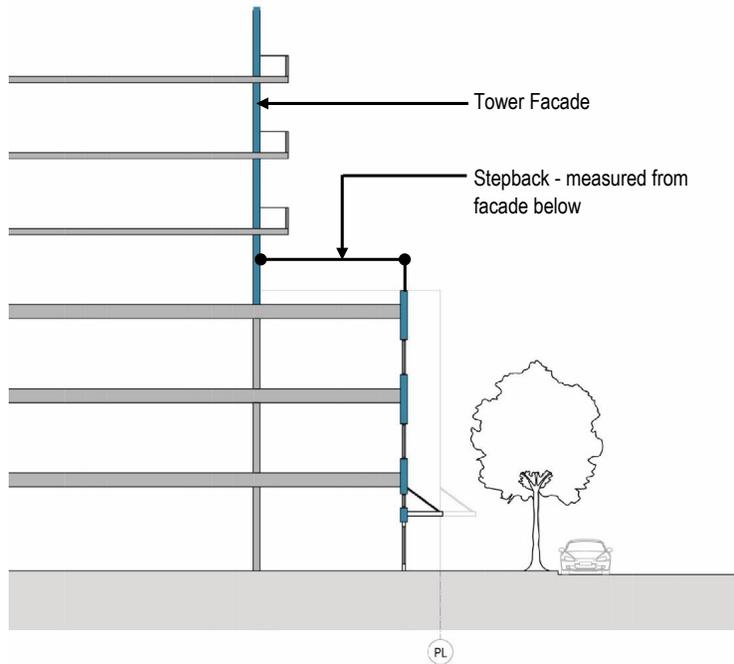
DT- Point of Interest: Elements of a building’s façade at the street level or in the streetscape that contribute to the active enrichment of the pedestrian realm and design character of a building. Some examples include permanent public artwork, architectural elements, landscape features, special walkway treatments (e.g. pavement mosaic, inlaid art) and seating areas.

DT - Project Limit: A lot, portion of a lot, combination of lots, or portions of combined lots treated as a single development parcel for purposes of the Land Use Code.

DT -Public Realm: Streets, parks and other open spaces and the accessible parts of private buildings.

DT-Setback: A space unoccupied by structures except where intrusions are specifically permitted by this Code. Front setbacks are measured from the back of the required sidewalk to face of the building. All other setbacks are measured from the property line.

DT – Stepback: A building stepback of a specified distance, measured from the façade below that occurs at a defined height above the average finished grade. No portion of the building envelope can intrude into the required stepback above the defined height, except where intrusions are specifically permitted by this code.



DT-Street Wall: A street wall is a building wall that generally abuts the sidewalk although there may be occasional setbacks and recesses for the purpose of plazas and open space. The street wall helps define and enclose the street corridor, creating a sense of activity, intensity, and spatial containment. Street walls can incorporate arcades at the sidewalk level with habitable space above.

Comment [HC12]: NEW definitions added below to clarify terminology used in the dimensional chart and design guidelines.

DT-Transparency: Ability to see through a window or door at the pedestrian eye level. The pedestrian eye level is 30 inches to 8 feet up from the sidewalk, following the adjacent sidewalk slope.

Comment [HC13]: Eight feet is used as the maximum height because overhead awnings must maintain an eight-foot clearance above the sidewalk.

DT-Tower: Any building located in the Downtown subarea with a minimum height of 75 feet or greater.

DT-Tower Separation: The horizontal space between the closest exterior points of two or more towers located within a single project limit.

DT-Tower Setback: A building setback of a specified distance, measured from the interior property line that occurs at a defined height above average finished grade, when the building exceeds a specified height. No portion of the building envelope can intrude into the required setback above the defined height, except where specifically permitted by code or administrative departure.

DT-Weather Protection – A continuously covered area projecting from a building which functions as weather protection or a canopy projecting from the elevation of the building that is designed to

provide pedestrians protection from the elements. Weather protection includes but is not limited to marquees and awnings that are made with durable materials.

B. General Definitions not applicable to Downtown. The general definitions contained in Chapter 20.50 LUC apply unless specifically listed below as inapplicable to Downtown.

Comment [HC14]: Planning Commission direction from February 8, 2017

Alley. LUC 20.50.010

Active Recreation Area. LUC 20.50.010

Caliper. LUC 20.50.014

Floor Area Ratio. (FAR). LUC 20.50.020

Open Space. LUC 20.50.038

Setback. LUC 20.50.046

Setback, Front. LUC 20.50.046

Setback, Rear. LUC 20.50.046

Setback, Side. LUC 20.50.046

Stepback. LUC 20.50.046

Tree-Large Diameter. LUC 20.50.048

Tree-Small Diameter. LUC 20.50.048

20.25A.030 Review Required

A. Applicable Review

1. Review is Required. All development in Downtown shall be reviewed by the Director consistent with the terms of this Part 20.25A through the administration of Part 20.30V LUC (Master Development Plan), Part 20.30F LUC (Design Review) and Part 20.30L (Development Agreement) using the applicable procedures of Chapter 20.35 LUC. A Master Development Plan is required where there is more than one building or where development of a project is proposed to be phased. Design review is required on all Downtown projects. A Development Agreement is required for departures from the code which are not permitted to be granted through an administrative process.

2. Effect of Approval. Approval of the Design Review, and the Master Development Plan and any Development Agreement where required, shall constitute the regulations governing development and operation of an approved development for the life of the project. Such approval shall be contingent upon compliance with the conditions specified in the approval, conformance with all applicable development standards, the payment of all fees, and the submittal of assurance devices as may be required. The approval shall expire as provided pursuant to LUC 20.40.500, unless otherwise provided for in this Chapter 20.25A LUC.

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 placement within the project limit and demonstrate compliance with the following site development requirements, standards, and guidelines:

- a. Dimensional requirements pursuant to LUC 20.25A.060 as listed below:
 - i. Setbacks;
 - ii. Lot coverage;
 - iii. Building height for each building identified in subsection B.1 of this section;
 - iv. Floor area ratio for each building; and
 - v. Outdoor plaza space required to achieve maximum building heights above the trigger for additional height identified in LUC 20.25A.075.A, or the variable heights allowed by LUC 20.25A.060.A Note 13;
- b. Areas identified to accommodate required parking with entrance and exit points and required loading shown in relationship to the right-of-way as required pursuant to LUC 20.25A.090.

Comment [HC15]: EXPANDED SECTION – to align with organization developed as part of BelRed (LUC 20.25D.030) and the Light Rail Overlay (20.25M.030) Improves Land Use Code Consistency and Ease of Use Expands on current provisions contained in LUC 20.25A.010.B and C

Comment [HC16]: ALIGNS with Administrative Enforcement provisions in LUC 20.40.450 and Civil Violation provisions of BCC 1.18.020.K.6 to ensure compliance with issued permit requirements and conditions. Improves transparency and certainty.

Comment [HC17]: MOVED from Design Guidelines Building/Sidewalk Relationships IV.A through C to limit references outside Downtown Code Part.

Comment [HC18]: UPDATED – to ensure consistency with Amenity Design Criteria

- c. Areas identified to accommodate street and pedestrian circulation pursuant to LUC 20.25A.090, including the anticipated location of any pedestrian corridor construction, and pedestrian bridges pursuant to 20.25A.100.
 - d. Areas identified to accommodate Major Public Open Spaces and Minor Publicly Accessible Spaces pursuant to LUC 20.25A.090.
 - e. Areas identified to accommodate landscape development pursuant to LUC 20.25A.110.
2. When Required. An applicant for a project with multiple buildings located within a single project limit shall submit a Master Development Plan for approval by the Director pursuant to Part 20.30V LUC. An applicant for a single building project shall submit a Master Development Plan for approval by the Director pursuant to Part 20.30V LUC when building construction is proposed to be phased.
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 20.25A.070.C.2 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 previously approved Master Development Plan, and meet all applicable standards and guidelines contained in City Codes including the terms of any departure granted pursuant to paragraph D of this section. 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. Design Review is required on all Downtown projects. An applicant shall submit a Design Review application for approval by the Director pursuant to Part 20.30F LUC.
3. Compliance with an applicable Master Development Plan or Departure. 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.

Comment [HC19]: MOVED from LUC 20.25A.010.C and UPDATED to improve Ease of Code Use

D. Departures

1. Administrative Departures by the Director. Due to the varied nature of architectural design and the unlimited opportunities available to enhance the relationship that occurs between the built environment and the pedestrians, residents and commercial tenants that use built spaces, strict application of the Land Use Code will not always result in the Downtown livability outcomes envisioned by the Comprehensive Plan. The purpose of this subsection is to provide an administrative departure process to modify provisions of the Land Use Code when strict application would result in a Downtown development that does not fully achieve the policy vision as it is articulated in the general sections of the Comprehensive Plan and the Downtown Subarea Plan.

Comment [HC20]: NEW – Provides code flexibility supported by the CAC

Comment [HC21]: Planning Commission direction from February 8, 2017

a. Applicability. The Director may, through the Master Development Plan or Design Review processes, approve a proposal that departs from specific numeric standards contained in LUC 20.25A.090, LUC 20.25A.110 and LUC 20.25A.140 through LUC 20.25A.180, or that departs from Land Use Code requirements that specifically provide an opportunity for the Director to approve a departure subject to the provisions of this paragraph. For example, specific administrative departures are allowed from the dimensional requirements pursuant to the terms of LUC 20.25A.060.B which describes a range of exceptions and intrusions that can be approved as part of a permit review process.

Comment [HC22]: UPDATED to improve clarity based on commenter feedback.

b. Decision Criteria. The Director may approve or approve with conditions a departure from applicable provisions of the Land Use Code if the applicant demonstrates that the following criteria have been met:

- i. The resulting design will advance a Comprehensive Plan goal or policy objective that is not adequately accommodated by a strict application of the Land Use Code;
- ii. The resulting design will be more consistent with the purpose and intent of the code;
- iii. The modification is the minimum reasonably necessary to achieve the Comprehensive Plan objective or code intent;
- iv. Any administrative departure criteria required by the specific terms of the Land Use Code have been met; or
- v. The modification is reasonably necessary to implement or ensure consistency with a departure allowed through a Development Agreement with the City pursuant to LUC 20.25A.030.D.2.

c. Limitation on Authority. Administrative departures may only be ~~granted~~ approved consistent with the limitations contained in the Land Use Code section that authorizes the departure, or through a variance granted under the terms of Part 20.30G LUC. This paragraph does not limit the ability of an applicant to pursue legislative departures that are authorized through a Development Agreement (Part 20.30L) pursuant to the terms of LUC 20.25A.030.D.2.

2. Legislative City Council Departures. There are unlimited opportunities for creativity and innovation in the design of Downtown projects that advance the vision and policy goals articulated in the Comprehensive Plan. The accommodation of iconic opportunities can be constrained by the code Land Use Code Amenity list and associated Amenity Design Criteria that were drafted to foster development of a livable Downtown while ensuring timely, predictable and consistent administration of regulations that are drafted to be applicable to a widely variable range of projects. The purpose of

Comment [HC23]: Planning Commission direction from February 8, 2017

Comment [HC24]: UPDATED to improve clarity based on commenter feedback

this subsection is to provide a legislative departure process to foster adaptive reuse of buildings that existed as of adoption date of this code, to create a Flexible Amenity as envisioned in LUC 20.25A.070.D.18, and to approve final construction design for privately developed spaces that function as part of the public realm.

a. Applicability. The City Council may, through a Development Agreement processed in accordance with Part 20.30L LUC:

i. Modify the following provisions of the Land Use Code:

(1) Uses prohibited under the terms of LUC 20.25A.040 and LUC 20.258A.050 when necessary to facilitate the adaptive reuse of a building that was in existence on [INSERT DATE of ordinance adoption], provided that this departure may not be used to locate a new Manufacturing Use in the Downtown and

(2) Amenities specifically identified for participation in the FAR Amenity Incentive System (LUC 20.25A.070) may be expanded to include a new Flexible Amenity subject to the terms of LUC 20.25A.070.D.18.

ii. Approve the final construction design for the following features that function as part of the public realm:

(1) Pedestrian Bridges identified in LUC 20.25A.100;

(2) Pedestrian Corridor Design Development Plans that depart from the conceptual designs contained in the Pedestrian Corridor Design Guidelines; and

(3) Major Public Open Space Design Development Plans that depart from the conceptual designs contained in the Major Public Open Space Design Guidelines.

b. Decision Criteria. The City Council may approve or approve with conditions a Legislative Departure from strict application of the Land Use Code consistent with the requirements of Part 20.30L LUC (Development Agreements).

Comment [HC25]: Planning Commission direction from February 8, 2017

c. Limitations on Modification.

- i. Development Agreements are an exception, and not the rule and shall not be used to vary provisions of the Land Use Code which, by the terms of that Code, are not identified as appropriate for modification through Part 20.30L LUC (Development Agreements).
- ii. Development Agreements may not be used to depart from the FAR bonus values adopted for the amenities specifically identified in LUC 20.25A.070.D.
- iii. Development Agreements are not appropriate for proposals that are capable of being approved through administration of the Master Development Plan or Design Review processes using the flexibility tools such as administrative departures and variances that currently exist in the code.
- iv. Development Agreements may not be used to vary the procedural provisions contained in Chapters 20.30 or 20.35 of the Land Use Code.

E. Procedural Merger

Within a Downtown land use district, any administrative decision required by this Part 20.25A 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; and
- 4. Variance, Part 20.30G LUC; and

~~5. Critical Areas Land Use Permit, Part 20.30P LUC.~~

Comment [HC26]: The Critical Areas Ordinance does not apply in Downtown.

20.25A.040 Nonconforming uses, structures and sites.**A. Nonconforming Uses.**

1. A nonconforming use may be continued by successive owners or tenants, except where the use has been abandoned. No change to a different use classification shall be made unless that change conforms to the regulations of this Code.
2. If a nonconforming use of a structure or land is discontinued for a period of 12 months with the intention of abandoning that use, any subsequent use shall thereafter conform to the regulations of the district in which it is located. Discontinuance of a nonconforming use for a period of 12 months or greater constitutes prima facie evidence of an intention to abandon.
3. A nonconforming use may be expanded pursuant to an Administrative Conditional Use Permit.

B. Nonconforming Structures.

1. A nonconforming structure may be repaired or remodeled, provided there is no expansion of the building, and provided further, that the remodel or repair will not increase the existing nonconforming condition of the structure.
2. A nonconforming structure may be expanded; provided, that the expansion conforms to the provisions of the Land Use Code, except that the requirements of LUC 20.25A.140 through 20.25A.180 shall be applied as described in paragraphs B.3 and B.4 of this section.
3. For expansions made within any three-year period which together do not exceed 50 percent of the floor area of the previously existing structure, the following shall apply:
 - a. Where the property abuts a street classified as a 'D' or 'E' right-of-way, the expansion is not required to comply with LUC 20.25A.140 through 20.25A.180.
 - b. Where the property abuts a street classified as an 'A', 'B' or 'C' right-of-way the expansion shall be in the direction of the classified street so as to reduce the nonconformity of the structure, except that an expansion which is no greater than 300 square feet in floor area and which is for the purpose of loading or storage is exempted from this requirement.
4. For expansions made within any three-year period which together exceed 50 percent of the floor area of the previously existing structure, the structure shall be brought into conformance with LUC 20.25A.140 through 20.25A.180.
5. If a nonconforming structure is destroyed by fire, explosion, or other unforeseen circumstances to the extent of 100 percent or less of its replacement value, it may be reconstructed consistent with its previous nonconformity. Provided that, the reconstruction may not result in an expansion of the building, nor an increase in the preexisting nonconforming condition of the structure.

Comment [HC27]: MOVED from Downtown LUC 20.25A.025 and conformed to other sections of the draft code amendment for consistency. UPDATED to ensure that nonconforming use expansions will always require an Administrative Conditional Use Permit (ACU) rather than a Conditional Use Permit (CUP). The ACU process is shorter than the CUP process. Allows destroyed nonconforming structures to be rebuilt consistent with prior nonconformities. Previous code required structures destroyed more than 75% of replacement value to rebuild in compliance with new code.

C. Nonconforming Sites.

1. A nonconforming site may not be changed unless the change conforms to the requirements of this Code, except that parking lots may be reconfigured within the existing paved surface. This paragraph shall not be construed to allow any parking lot reconfiguration that would result in a parking supply that does not conform to the minimum/maximum parking requirements for the Downtown, LUC 20.25A.080.
2. A structure located on a nonconforming site may be repaired or remodeled, provided there is no expansion of the building, and provided further, that the remodel or repair will not increase the existing nonconforming condition of the site.
3. For expansions of a structure on a nonconforming site made within any three-year period which together exceed 20 percent of the replacement value of the previously existing structure:
 - a. Easements for public sidewalks shall be provided, unless the Director of the Department of Transportation determines such easements are not needed; and
 - b. A six-foot-wide walkway shall be provided from the public sidewalk or street right-of-way to the main building entrance, unless the Director determines the walkway is not needed to provide safe pedestrian access to the building. The Director may allow modification to the width of walkways so long as safe pedestrian access to the building is still achieved.
4. Expansions of a structure located on a nonconforming site, made within any three-year period which together do not exceed 50 percent of the previously existing floor area, do not require any increase in conformance with the site development provisions of this Code, except as otherwise provided in B.3 of this section.
5. Expansion of a structure located on a nonconforming site made within any three-year period which together exceed 50 percent of the floor area of the previously existing structure shall require compliance with the site development provisions of this Code.

20.25A.050 Downtown Land Use Charts

A. Permitted Uses.

Specific categories of uses are listed in Chart 20.25A.050.D. Paragraph C of this section explains Chart 20.25A.050.D, and describes the applicable review procedures. The use chart description and interpretation provisions of LUC 20.10.400 do not apply to the Downtown land use districts.

B. Prohibited Uses.

The manufacturing use table has been removed from the Downtown because there are no manufacturing uses that are generally permitted in any Downtown district unless they have been specifically added to another chart such as wholesale and retail.

C. Use Chart Description and Interpretation.

1. Description. In Chart 20.25A.050.D, 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.

- a. 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) and subordinate uses which are regulated under LUC 20.20.840.
- b. 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 20.25A LUC.
- c. 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 the land use district.
- d. 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 the land use district.
- e. 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.

2. Interpretation of the Land Use Code Charts by the Director. In the case of a question as to the inclusion or exclusion of a particular proposed use in a particular use category, the Director shall have the authority to make the final determination per LUC 20.10.420.

Comment [HC28]: MOVED from Downtown LUC 20.25A.015. Updated as part of Early Wins. Updated with one amended footnote in Residential Use Chart – Note 2.

Comment [HC29]: UPDATED to include provision in existing code from LUC 20.25A.010.D

D. Use Charts.

The following charts apply to Downtown. The use charts contained in LUC 20.10.440 do not apply within the Downtown land use districts.

Chart 20.25A.050.D – Uses in Downtown Land Use Districts

Culture, Entertainment, and Recreation – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
711	Library, Museum	P	P	P	A	A	P
7113	Art Gallery	P	P	P	P (3)	P	P
712	Nature Exhibitions: Aquariums and Botanical Gardens	P	P	P			
7212 7214 7222 7231 7232	Public Assembly (Indoor): Sports, Arenas, Auditoriums and Exhibition Halls but Excluding School Facilities	P	P	P	A (3)	A	P
7212 7214 7218	Motion Picture, Theaters, Night Clubs, Dance Halls and Teen Clubs	P	P	P	A (3)	A	P
7213	Drive-In Theaters						
	Adult Theaters (4)	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 (1)						
73	Commercial Amusements: Video Arcades, Electronic Games	P	P	P		P	P
7411 7413 7422 7423 7424 7441 7449	Recreation Activities: Miniature Golf, Tennis Courts, Community Clubs, Athletic Fields, Play Fields, Recreation Centers, Swimming Pools (2)	P	P	P	P (5)	P	P

Culture, Entertainment, and Recreation – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
744	Marinas, Yacht Clubs						
7413 7414 7415 7417 7425	Recreation Activities: Skating, Bowling, Gymnasiums, Athletic Clubs, Health Clubs, Recreational Instruction	P	P	P	A/P (3) (5)	P	P
7491 7515	Camping Sites and Hunting Clubs						
76	Private Leisure and Open Space Areas Excluding Recreation Activities Above	P	P	P	P (5)	P	P
	Public/Private Park	P	P	P	P (5)	P	P
	Stables and Riding Academies						
	Boarding or Commercial Kennels (6)						
	City Park (5)	P	P	P	P	P	P

Notes: Uses in Downtown land use districts – Culture, Entertainment, and Recreation

- (1) For carnivals, see LUC 20.20.160.
- (2) Limited to a maximum of 2,000 gross square feet per establishment.
- (3) Nonresidential uses are permitted in Downtown-R Districts only when developed in a building which contains residential uses.
- (4) Adult theaters are subject to the regulations for adult entertainment uses in LUC 20.20.127.
- (5) Outdoor recreation facilities that include lighted sports and play fields or sports and play fields with amplified sound require administrative conditional use approval when located in the Downtown-R Zone.
- (6) Boarding and commercial kennels are allowed as subordinate uses to a veterinary clinic or hospital meeting the criteria of LUC 20.20.130.

Residential – Downtown Districts

STD LAND USE CODE REF	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
-----------------------------------	-------------------------------	-------------------------------	-----------------------------------	-------------------------------------	--------------------------------------	---

PART 20.25A Downtown

2.16.17 Draft

	LAND USE CLASSIFICATION	DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
	Two or More Dwelling Units Per Structure	P	P	P	P	P	P
12	Group Quarters: Dormitories, Fraternal Houses, Excluding Military and Correctional Institutions and Excluding Secure Community Transition Facilities	P	P	P	P	P	P
13 15	Hotels and Motels	P	P	P	P	P	P
15	Transient Lodging	C	C	C	C	C	d
	Congregate Care Senior Housing (1)	P	P2	P	P	P	P
6516	Nursing Home, Assisted Living			P	P	P	P

Comment [HC30]: Planning Commission direction from February 8, 2017

Notes: Uses in Downtown land use districts – Residential

- (1) An agreement must be recorded with the King County Recorder’s Office (or its successor agency) and provided to the Director, restricting senior citizen dwellings or congregate care senior housing to remain for the life of the project.
- (2) Where it is ancillary to Congregate Care Senior Housing, a maximum of forty percent of the area of a Congregate Care Senior Housing facility may be dedicated to a nursing home use, assisted living use, or a combination of both uses.

Comment [HC31]: NOTE ADDED since Downtown Livability Early Wins to offer code flexibility. Proposed code amendment adds a new Residential Use Note (2) which allows Congregate Care Senior Housing to have 40 percent nursing home use, assisted living use or a combination of both uses.

Services – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
61	Finance, Insurance, Real Estate Services	P (10)	P (10)	P (10)	P (4) (5) (11)	P (11)	P (10)
62	Personal Services: Laundry, Dry Cleaning, Barber and Beauty, Photography Studio and Shoe Repair	P	P	P	P (4) (5)	P	P (4)
6241	Funeral and Crematory Services						
6262	Cemeteries						
	Family Child Care Home in Residence (1)	P	P	P	P	P	P
629	Child Day Care Center (1) (2)	P	P	P	P	P	P

20.25A.050 20

Services – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
629	Adult Day Care	P	P	P	P	P	P
63	Business Services, Duplicating and Blue Printing, Steno, Advertising (Except Outdoor), Travel Agencies, Employment, and Printing and Publishing	P	P	P	P (4) (5)	P	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	P	P	P			P
641	Auto Repair and Washing Services			P (3) (8)			
649	Repair Services: Watch, TV, Electrical, Upholstery	P	P	P		P	
	Professional Services: Medical Clinics and Other Health Care Related Services (12)	P	P	P	P (4) (5)	P (4)	P
	Professional Services: Other	P	P	P	P (4) (5)	P (4)	P
	Pet Grooming and Pet Day Care (9)	P	P	P	P/A (11)	P	P
6513	Hospitals (12)			C	C		
66	Contract Construction Services: Building Construction, Plumbing, Paving and Landscape						
671	Governmental Services: Executive, Legislative, Administrative and Judicial Functions	P	P	P	P (5)	P (5)	P
672 673	Governmental Services: Protective			P	C	C	P

Services – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
	Functions and Related Activities Excluding Maintenance Shops						
	Limited Governmental Services: Executive and Administrative, Legislative and Protective Functions (6)	P	P	P	P (5)	P (5)	P
674 675	Military and Correctional Institutions						
	Secure Community Transition Facility						
681	Education: Primary and Secondary (7)	A	A	A	A/C (7)	A	A
682	Universities and Colleges	P	P	P			P
683	Special Schools: Vocational, Trade, Art, Music, Driving, Barber and Beauty Schools	P	P	P	P/A (5) (11)	P (5)	P
691	Religious Activities	P	P	P	C	C	P
692 (A)	Professional and Labor Organizations Fraternal Lodge	P	P	P	C	C	P
692 (B)	Social Service Providers	P	P	P	C	C	P
	Administrative Office – General	P	P	P	P (4) (5)	P	P
	Computer Program, Data Processing and Other Computer-Related Services	P	P	P	P (4) (5)	P	P
	Research, Business Incubation, Development and Testing Services	P	P	P	P (4) (5)	P	P

Notes: Uses in Downtown land use districts – 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.

- (3) Auto repair and washing services are permitted only if washing services are a subordinate use pursuant to LUC 20.20.840. All auto repair must be performed in a structure.
- (4) Limited to a maximum of 2,000 gross square feet per establishment.
- (5) Nonresidential uses are permitted in Downtown-R Districts only if developed in a building which contains residential uses.
- (6) 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.
- (7) Primary and secondary educational facilities are an administrative conditional use in all land use districts; provided, that in 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.
- (8) 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.
- (9) 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.
- (10) 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. Parking must comply with LUC 20.25A.080.A.
- (11) When the use occupies less than or equal to 2,000 square feet, the use is permitted outright. When the use occupies more than 2,000 square feet, an Administrative Conditional Use Permit is required.

(12) Stand-alone emergency rooms shall only be allowed when affiliated with a hospital.

Transportation and Utilities – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
41	Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops						
42 4291	Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters	A	A	A			A
4214 422	Motor Vehicle Transportation: Maintenance Garages and Motor Freight Services						
43	Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage and Maintenance	A (3)	A (3)	A (4)			A (3)
	Accessory Parking (1) (2) (12)	P	P	P	P (14)	P	P
46	Auto Parking: Commercial Lots and Garages (12)	P (5)	P (5)	P (5)	A	P (5)	P (5)
	Park and Ride						
475	Radio and Television Broadcasting Studios	P	P	P		P	P
485	Solid Waste Disposal						
	Highway and Street Right-of-Way (12)	P	P	P	P	P	P
	Utility Facility	C	C	C	C	C	C
	Local Utility System	P	P	P	P	P	P
	Regional Utility System	C	C	C	C	C	C
	On-Site Hazardous Waste Treatment and Storage Facility						
	Off-Site Hazardous Waste Treatment and Storage Facility						
	Essential Public Facility (9)	C	C	C	C	C	C
	Regional Light Rail Transit Systems and Facilities (13)	C/P	C/P	C/P	C/P	C/P	C/P

Transportation and Utilities – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
	Wireless Communication Facility (WCF): (without WCF Support Structures)	(6) (7) (10)	(6) (7) (10)	(6) (7) (10)	(6) (7) (10)	(6) (7) (10)	(6) (7) (10)
	Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding)	(6) (7)	(6) (7)	(6) (7)	(6) (7)	(6) (7)	(6) (7)
	Satellite Dishes (8)	P	P	P	P	P	P
	Electrical Utility Facility (11)	A/C	A/C	A/C	A/C	A/C	A/C

Notes: Uses in Downtown land use districts – Transportation and Utilities

- (1) The location of an off-site parking facility must be approved by the Director. See LUC 20.25A.080.D.
- (2) Accessory parking requires approval through the review process required for the primary land use which it serves pursuant to this section.
- (3) 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.
- (4) 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.
- (5) Design Review approval, Part 20.30F LUC, is required to establish a commercial parking facility. Refer to LUC 20.25A.080.E for additional development requirements.
- (6) 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; except WCFs are allowed on mixed-use buildings that include residential uses. This note does not prohibit locating WCF: 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.
- (7) Refer to LUC 20.20.195 for general requirements applicable to wireless communication facilities and other communication, broadcast and relay facilities.
- (8) Refer to LUC 20.20.730 for general requirements applicable to large satellite dishes.
- (9) Refer to LUC 20.20.350 for general requirements applicable to essential public facilities (EPF).
- (10) 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.

(11) 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 Map UT-7 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 Map UT-7, 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.

(12) 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.

(13) 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.

(14) Accessory parking is not permitted in residential land use districts as accessory to uses which are not permitted in these districts.

Wholesale and Retail – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
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 (15)	P	P	P	A	A	P
521 522 523 524	Lumber and Other Bulky Building Materials Including Preassembled Products						

Wholesale and Retail – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
5251	Hardware, Paint, Tile and Wallpaper (Retail)	P	P	P	P (1)	P (5)	P
5252	Farm Equipment						
53	General Merchandise: Dry Goods, Variety and Dept. Stores (Retail)	P	P	P	P (1)	P (5)	P
54	Food and Convenience Store (Retail) (3)	P	P	P	P (1)	P (5)	P
5511	Autos (Retail), Motorcycles (Retail)	P (2)	P (2)	P (2)			P (2)
	Commercial Trucks, Recreational Vehicles (Retail)						
	Boats (Retail)	P (2)	P (2)	P (2)			P (2)
552	Automotive and Marine Accessories (Retail)			P			P
553	Gasoline Service Stations (8)	P	P	P			P
56	Apparel and Accessories (Retail)	P	P	P	P (1)	P (2)	P
57	Furniture, Home Furnishing (Retail)	P	P	P	P (1)	P (2)	P
58	Eating and Drinking Establishments (4) (7)	P	P	P	P	P	P
59	Misc. Retail Trade: Drugs, Liquor, Antiques, Books, Sporting Goods, Jewelry, Florist, Photo Supplies, Video Rentals and Computer Supplies (12)	P	P	P	P (1)	P (2)	P
	Handcrafted Products (Retail) (11) (14)	P	P	P	P (1)	P	P
	Adult Retail Establishments (6)	P	P	P		P	P
59	Marijuana Retail Outlet	A (4) (10)	A (4) (10)	A (4) (10)		A (4) (10)	A (4) (10)
5961	Farm Supplies, Hay, Grain, Feed and Fencing, etc. (Retail)						

Wholesale and Retail – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
596	Retail Fuel Yards						
5996	Garden Supplies, Small Trees, Shrubs, Flowers, Ground Cover, Horticultural Nurseries and Light Supplies and Tools			P (13)	P (13)	P (13)	P (13)
5999	Pet Shop (Retail)	P	P	P	P (1)	P (5)	P
	Computers and Electronics (Retail)	P	P	P	P (1)	P (5)	P

Notes: Uses in Downtown land use districts – Wholesale and Retail

- (1) 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.
- (2) No on-site outdoor display or inventory storage. Loading and unloading shall not be permitted in the right-of-way.
- (3) Food and convenience stores (retail) must contain at least 75 percent square footage of retail food sales not for consumption on premises.
- (4) Drive-in windows and drive-throughs are not permitted.
- (5) Limited to a maximum of 15,000 gross square feet per establishment or up to 25,000 gross square feet through a conditional use.
- (6) Adult retail establishments are subject to the regulations for adult entertainment uses in LUC 20.20.127.
- (7) Microbrewery manufacturing is permitted when combined with an eating and drinking establishment.
- (8) 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.

(9) 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.

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

(11) Handcrafted product manufacturing is permitted subordinate to a retail establishment selling that product; provided, that the manufacturing use occupies not more than 50 percent of the total square footage of the combined establishment.

(12) Drive-in and drive-through pharmacies 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.

(13) Garden supplies excludes items such as large trees, rock and bulk supplies which require special handling equipment.

(14) No unreasonable threat to human health and the environment shall be caused by flammable, dangerous or explosive materials associated with this use.

(15) A recycling center is allowed as a subordinate use if it is consistent with LUC 20.20.725.

Resources – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
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 (4)						
821	Agricultural Processing						
	Marijuana Processing						
8221	Veterinary Clinic and Hospital (1) (3)	P	P	P	P	P/A (2)	P
8222	Poultry Hatcheries						
83	Forestry, Tree Farms and Timber Production						

Resources – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
8421	Fish Hatcheries						
85	Mining, Quarrying (Including Sand and Gravel), Oil and Gas Extraction						

Notes: Uses in Downtown land use districts – Resources

- (1) See LUC 20.20.130 for general requirements applicable to this use.
- (2) When the veterinary clinic and hospital occupies less than or equal to 2,000 square feet, the use is permitted outright. When the veterinary clinic and hospital occupies more than 2,000 square feet, an Administrative Conditional Use Permit is required.
- (3) Boarding and commercial kennels are permitted as a subordinate use to a veterinary clinic or hospital meeting the criteria of LUC 20.20.130.
- (4) Medical cannabis collective gardens are prohibited in Bellevue.

20.25A.060 Dimensional Charts

A. Dimensional Requirements in Downtown Districts.

1. General. The provisions of this section set forth the dimensional requirements for each land use district and Perimeter Overlay District in the Downtown as depicted in Figures 20.25A.060.A.2 and 3. Each structure, development, or activity in a Downtown Land Use District shall comply with these requirements except as otherwise provided in this Part. In Downtown, front setbacks rarely apply. Buildings are built to the "build-to" line which is either the property line or the right-of-way line unless otherwise determined by the Director.

2. Land Use District Map. Figure 20.25A.060.A.2 illustrates the locations of the Downtown Land Use Districts within the boundaries of the Downtown Subarea. The Land Use District Map should be viewed together with the Perimeter District Overlay Map below for a complete overview of the zoning applicable on any specific site.

Comment [HC32]: MOVED from 20.25A.020.A.2 and UPDATED to respond to CAC and Planning Commission direction.

REMOVED Perimeter C Design District.

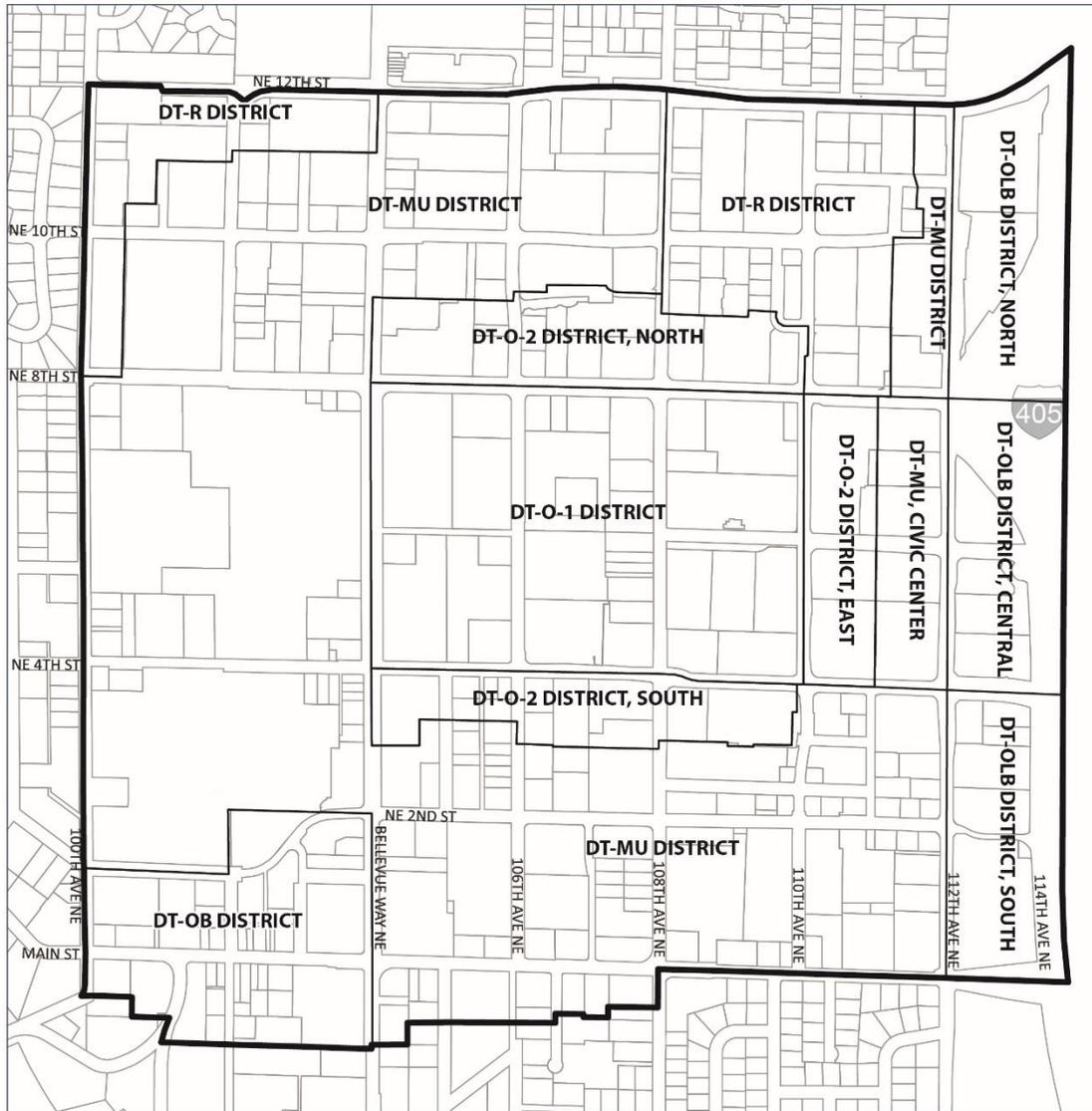
UPDATED to divide DT-O-2 and DT-OLB into 3 smaller districts each. The DT-MU was divided into 2 smaller districts. Renamed Design Districts A and B to Perimeter Overlay Districts A and B. Divided each Perimeter Overlay District into 3 smaller districts. Increased maximum heights in some districts.

ADDED in 15' or 15% to maximum height for transparency. Increased max. FAR in some districts.

ADDED 40' Tower Setback from interior property line that would take effect on towers 75 feet high. Setback starts 45 feet up. Required more open space and reduced floor plates for additional height over the max. height which is currently allowed.

DRAFT

Figure 20.25A.060.A.2



LAND USE DISTRICT CLASSIFICATIONS

LEGEND

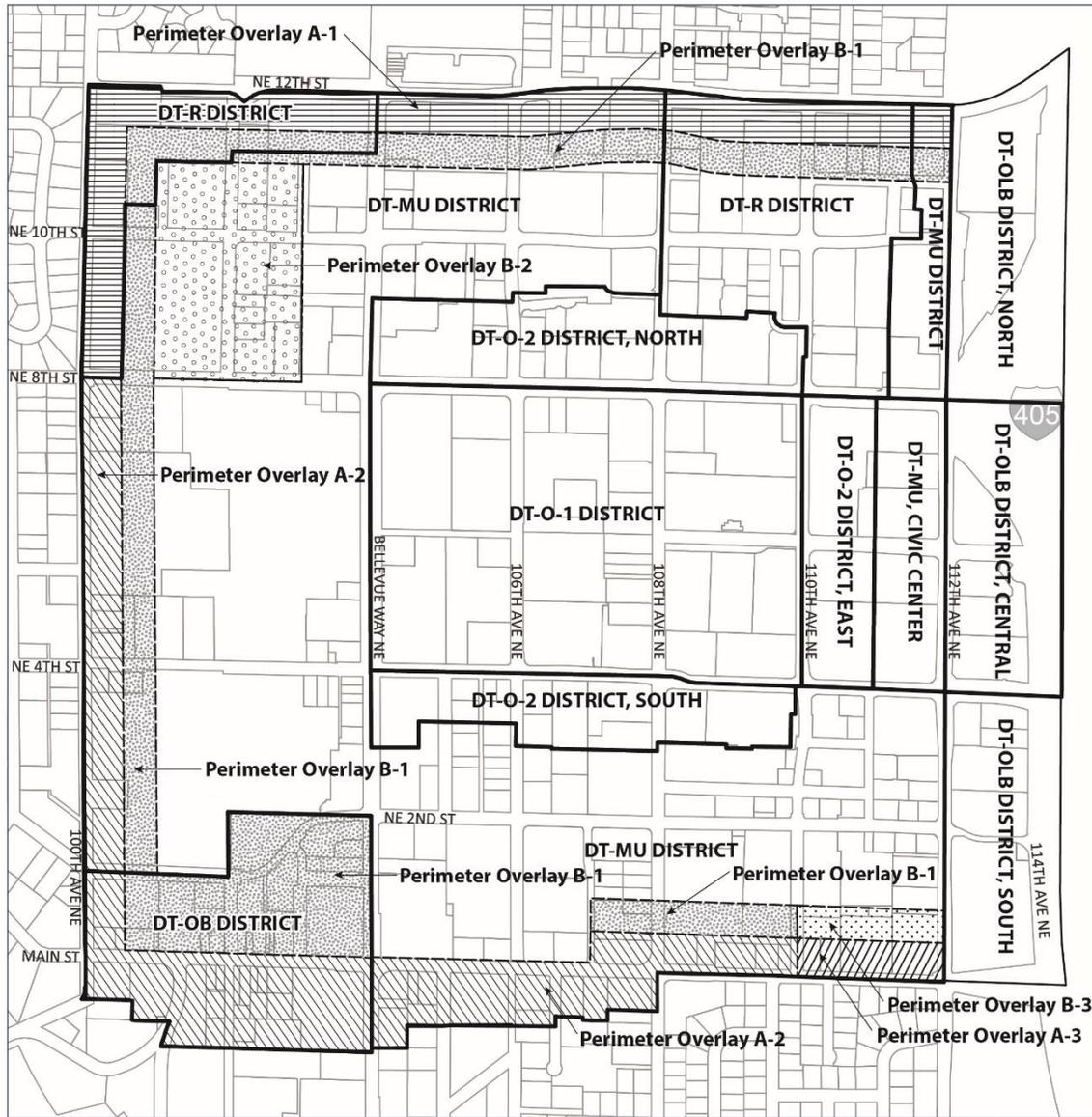
- Land Use District
- Parcels
- Downtown Boundary

3. Perimeter Overlay District Map. Figure 20.25A.060.A.3 illustrates the locations of the Downtown Perimeter Overlay Districts within the boundaries of the Downtown Subarea in relationship to the Downtown Land Use Districts. The Perimeter District Overlay Map should be viewed together with the Land Use District Map above for a complete overview of the zoning applicable on a site. In addition to the applicable Land Use District, a site may be located partially or entirely with a Perimeter District.

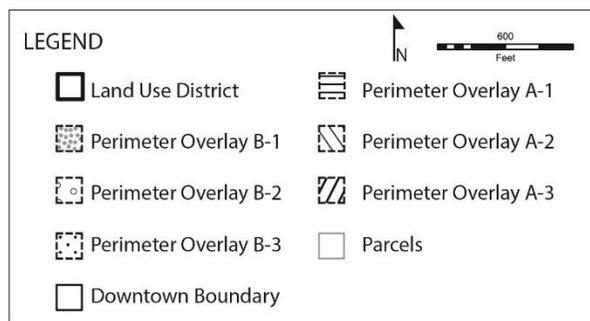
DRAFT

Figure 20.25A.060.A.3

DRAFT



DIMENSIONAL REQUIREMENTS BY LAND USE DISTRICT AND PERIMETER OVERLAY



4. Dimensional Chart. Chart 20.25A.060.A.4 sets forth the dimensional requirements applicable to each Land Use District and Perimeter Overlay District that are mapped in Figures 20.25A.060.A.2 and 3 above.

Note: For the purposes of this dimensional chart, the DT-O-2, DT-MU, and DT-OLB are divided into smaller areas. The rest of this Part 20.25A does not divide these Districts into smaller areas.

Dimensional Requirements in Downtown Districts

Downtown Land Use District	Building Type (2)(5)	Minimum Tower Setback above 45' Where Building Exceeds 75'	Maximum Floor Plate Above 40' (4)	Maximum Floor Plate Above 80' (4)	Maximum Lot Coverage (13)	Maximum Building Height	Floor Area Ratio: Base / Maximum (3)	Tower Separation Above 45' Where Building exceeds 75'	Trigger for additional height
DT-O-1	Nonresidential	40' (15)	24,000 gsf/f	24,000 gsf/f	100%	600' (8)	6.75/ 8.0	80'	345' (7)
	Residential	40' (15)	22,000 gsf/f	13,500 gsf/f	100%	600' (8)	6.5 / 10.0	80'	450' (7)
	Above-Grade Parking	40' (15)	20,000 gsf/f	20,000 gsf/f	100%	100' (9)	N/A	80'	N/A (10)
DT-O-2 North of NE 8 th St.	Nonresidential	40' (15)	24,000 gsf/f	24,000 gsf/f	100%	460'	5.0/ 6.0	80'	288' (7)
	Residential	40' (15)	22,000 gsf/f	13,500 gsf/f	100%	460'	5.0 / 6.0	80'	288' (7)
	Above-Grade Parking	40' (15)	20,000 gsf/f	20,000 gsf/f	100%	100' (9)	NA	80'	N/A (10)
DT-O-2 East of 110 th Ave. NE	Nonresidential	40' (15)	24,000 gsf/f	24,000 gsf/f	100%	403'	5.0 / 6.0	80'	288' (7)
	Residential	40' (15)	22,000 gsf/f	13,500 gsf/f	100%	403'	5.0/ 6.0	80'	288' (7)
	Above-Grade Parking	40' (15)	20,000 gsf/f	20,000 gsf/f	100%	100' (9)	NA	80'	N/A (12)
DT-O-2 South of NE 4 th	Nonresidential	40' (15)	24,000 gsf/f	24,000 gsf/f	100%	345'	5.0 / 6.0	80'	288' (7)
	Residential	40' (15)	22,000 gsf/f	13,500 gsf/f	100%	345'	5.0 / 6.0	80'	288'
	Above-Grade Parking	40' (15)	20,000 gsf/f	20,000 gsf/f	100%	100' (9)	NA	80'	N/A (10)
DT-MU	Nonresidential	40' (15)	22,000 gsf/f	20,000 gsf/f	100%	230'	3.25 / 5.0	80'	115' (7)
	Residential	40' (15)	20,000 gsf/f	13,500 gsf/f	100%	288'	4.25 / 5.0	80'	230' (7)
	Above-Grade Parking	N/A	20,000 gsf/f	N/A	75%	60' (9)	N/A	NA	N/A (10)
DT-MU Civic Center	Nonresidential	40' (15)	22,000 gsf/f	20,000 gsf/f	100%	403'	3.25 / 6.0	80'	115' (7)
	Residential	40' (15)	20,000 gsf/f	13,500 gsf/f	100%	403'	4.25/ 6.0	80'	230' (7)
	Above-Grade Parking	N/A	20,000 gsf/f	N/A	75%	60' (9)	N/A	N/A	N/A (10)
DT-OB	Nonresidential	40 (15)	20,000 gsf/f	13,500 gsf/f	100%	(11)	(11)	80'	N/A (10)
	Residential	40' (15)	20,000 gsf/f	13,500 gsf/f	100%	(11)	(11)	80'	N/A (10)
	Above-Grade Parking	N/A	N/A	N/A	75%	(11)	(11)	N/A	N/A (10)

Downtown Land Use District	Building Type (2)(5)	Minimum Tower Setback above 45' Where Building Exceeds 75'	Maximum Floor Plate Above 40' (4)	Maximum Floor Plate Above 80' (4)	Maximum Lot Coverage (13)	Maximum Building Height	Floor Area Ratio: Base / Maximum (3)	Tower Separation Above 45' Where Building exceeds 75'	Trigger for additional height
DT-R	Nonresidential	N/A	20,000 gs/f	NA	75%	75'	0.5 / 0.5	N/A	N/A (10)
	Residential	40' (15)	20,000 gs/f	13,500 gs/f	100%	230'	4.25 / 5.0	80'	N/A (10)
	Above-Grade Parking	N/A	N/A	N/A	75%	40' (9)	N/A	N/A	N/A (10)
DT-OLB North (between NE 8th Street and NE 12th Street)	Nonresidential	40' (15)	30,000 gs/f	20,000 gs/f	100%	86'	2.5 / 3.0	80'	N/A (10)
	Residential	40' (15)	20,000 gs/f	13,500 gs/f	100%	104'	2.5 / 3.0	80'	N/A (10)
	Above-Grade Parking	N/A	20,000 gs/f	N/A	75%	45'(9)	N/A	N/A	N/A (10)
DT-OLB Central (between NE 4th Street and NE 8th Street)	Nonresidential	40' (15)	30,000 gs/f	20,000 gs/f	100%	403	2.5 / 6.0	80'	90' (7)
	Residential	40' (15)	20,000 gs/f	13,500 gs/f	100%	403	2.5 / 6.0	80'	105' (7)
	Above-Grade Parking	N/A	20,000 gs/f	N/A	75%	45' (9)	N/A	N/A	N/A (10)
DT-OLB South (between Main Street and NE 4th Street)	Nonresidential	40' (15)	30,000 gs/f	20,000 gs/f	100%	230'	2.5 / 5.0	80'	90' (7)
	Residential	40' (15)	20,000 gs/f	13,500 gs/f	100%	230'	2.5 / 5.0	80'	105' (7)
	Above-Grade Parking	N/A	20,000 gs/f	N/A	75%	45' (9)	N/A	N/A	N/A (10)

Additional Dimensional Requirements in Downtown Perimeter Overlay Districts

Downtown Perimeter Overlay District	Building Type (2)(5)	Minimum Tower Setback above 45' Where Building Exceeds 75'	Minimum Setback from Downtown Boundary (1)	Maximum Lot Coverage (13)	Maximum Building Height	Floor Area Ratio: Base / Maximum (3)	Triggers for Additional Height
Perimeter Overlay A-1	Nonresidential	N/A	20' (6)	75%	40' (8)	1.0 in MU; 0.5 in R/ 1.0 in DT-MU and DT-OB; 0.5 in DT-R	N/A (10)
	Residential	N/A	20' (6)	75%	55' (8)	3.0 / 3.5	N/A (10)
	Above-Grade Parking	N/A	20' (6)	75%	40' (9)	N/A	N/A (10)
Perimeter Overlay A-2	Nonresidential	N/A	20' (6)	75% in DT-MU 100% in DT-OB	40'(8)	1.0 / 1.0	N/A (10)
	Residential	N/A	20' (6)	75% in DT-MU 100% in DT-OB	70' (7) (8)	3.25/ 3.5	55' (9) (7)
	Above-Grade Parking	N/A	20' (6)	75%	40' (9)	N/A	N/A (10)
Perimeter Overlay A-3	Nonresidential	N/A	20' (6)	75%	70' (8)	1.0 / 1.0	40' (7)
	Residential	N/A	20' (6)	75%	70' (8)	3.25 / 5.0 (14)	55'
	Above-Grade Parking	N/A	20' (6)	75%	40' (9)	N/A	N/A (10)

Downtown Perimeter Overlay District	Building Type (2)(5)	Minimum Tower Setback above 45' Where Building Exceeds 75'	Minimum Setback from Downtown Boundary (1)	Maximum Lot Coverage (13)	Maximum Building Height	Floor Area Ratio: Base / Maximum (3)	Triggers for Additional Height
Perimeter Overlay B-1	Nonresidential	N/A	N/A	75% in DT-MU and DT-R 100% in DT-OB	72'	1.5 in DT-MU; 1.0 in OB; 0.5 in DT-R / 1.5 in DT-MU; 1.0 in DT-OB; 0.5 in DT-R	N/A (10)
	Residential	40' (15)	N/A	75% in DT-MU and DT-R 100% in DT-OB	99'	4.25 / 5.0	99' (7)
	Above-Grade Parking	N/A	N/A	75%	40' (9)	N/A	N/A (10)
Perimeter Overlay B-2	Nonresidential	N/A	N/A	75%	72'	1.5 / 1.5	N/A (10)
	Residential	40' (15)	N/A	75%	176'-264' (7) (12) (15)	4.25 / 5.0	105' (7)
	Above-Grade Parking	N/A	N/A	75%	40' (9)	N/A	N/A (10)
Perimeter Overlay B-3	Nonresidential	N/A	N/A	75%	72'	1.5 / 1.5	N/A (10)
	Residential	40' (15)	N/A	75%	220' (7)	4.25 / 5.0 (14)	105' (7)
	Above-Grade Parking	N/A	N/A	75%	40' (9)	N/A	N/A (10)

20.25A.060

Notes: Dimensional requirements in Downtown Districts and Perimeter Overlay Districts

- (1) Minimum setbacks from Downtown boundary are subject to required landscape development. See LUC 20.25A.110.
- (2) A single building is considered residential if more than 50 percent of the gross floor area is devoted to residential uses. See LUC 20.50.020 for the definition of "floor area, gross."
- (3) The maximum permitted FAR may only be achieved by participation in the FAR Amenity Incentive System, LUC 20.25A.070. Where residential and nonresidential uses occur in the same building, the FAR is limited to the maximum FAR for the building type as determined in accordance with Note (2).
- (4) See paragraph B of this section for exceptions to the minimum setback and maximum building floor plate requirements.
- (5) Hotels and motels shall be considered as residential structures for all dimensional standards except for maximum floor plate where they shall be considered nonresidential.
- (6) On lots that are bisected by the Downtown boundary, the Director may allow the minimum setback from the Downtown boundary to be measured from the perimeter property lines abutting other lots located outside the Downtown boundary. The modification must be consistent with the Perimeter District purpose statement contained in 20.25A.010.B. This provision may be used to modify only the setback location and not the minimum setback size.
- (7) Refer to LUC 20.25A.075.A for additional requirements when exceeding the trigger for additional height.
- (8) No additional building height allowed. All standards must be met.
- (9) No additional height allowed for parking garages. Any mechanical equipment shall be placed inside the structure.

(10) No additional building height above the maximum shall be permitted through the administrative departure process.

(11) The DT-OB has no maximum heights or floor area ratios that are independent of the perimeter overlay districts because the entire district is covered by overlays. The applicable maximum heights and floor area ratios in the DT-OB shall be controlled by the applicable perimeter overlay district provisions.

(12) Within Perimeter Overlay B-2, multiple tower projects are allowed variable tower heights of 176 feet to 264 feet with an average of no more than 220 feet. Master Development Plan approval is required. Single tower projects within the Perimeter Overlay B-2 shall be limited to ~~460~~ 220 feet unless the Director approves an Administrative Departure pursuant to LUC 20.25A.030.D.

(13) Underground buildings as defined in LUC 20.50.050 are not structures for the purpose of calculating lot coverage.

(14) If a residential development falls within both Perimeter Overlay Districts A-3 and B-3, then a maximum of 1.0 FAR may be transferred within the project limit from Perimeter Overlay District A-3 to B-3 so long as the average FAR throughout the project does ~~may~~ not exceed 5.0 FAR.

(15) The tower setback shall be applied from interior property lines only. Please see LUC 20.25A.060.B.4 for additional tower setback provisions.

B. Exceptions to Dimensional Requirements.

Exceptions authorized pursuant to this paragraph shall be reviewed as administrative departures subject to the terms of LUC 20.25A.030.D.1.

1. Floor Plate Exceptions:

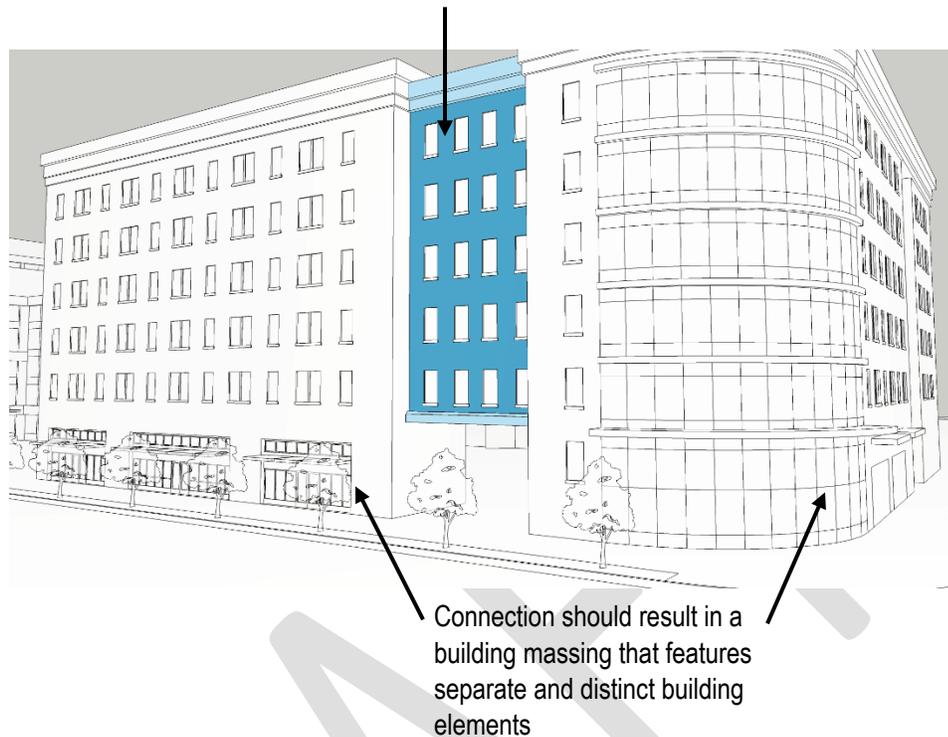
a. Connecting Floor Plates. For structures that do not exceed 70 feet in height (as defined by the International Building Code, as adopted and amended by the City of Bellevue), the Director may approve the connection of floor plates above 40 feet such that those floor plates exceed the "Maximum Building Floor Area per Floor Above 40 Feet;" provided, that:

- i. The connection is to allow for safe and efficient building exiting patterns;
- ii. The connecting floor area shall include required corridor areas, but may include habitable space;
- iii. The alternative design results in a building mass that features separate and distinct building elements;
- iv. The connection shall act as a dividing point between two floor plates, neither of which exceeds the maximum floor plate size; and
- v. The connecting floor area shall comply with the design guidelines for Connecting Floor Plates in LUC 20.25A.180.C.

Comment [HC33]: MOVED from LUC 20.25A.020.B.1 and UPDATED

Connection may include habitable space

20.25A.060 39



b. Performing Arts Centers may have unlimited floorplates up to 100 feet in height, measured from average finished grade, provided that:

- i. The floor plate exception applies only to that portion of the building which contains the performing arts use;
- ii. The area is the minimum area necessary to accommodate the performing arts use;
- iii. Subordinate uses do not exceed 25 percent of the total area; and
- iv. The ground floor design is consistent with the design guidelines for “A” rights-of-way, excluding the arcade provision.

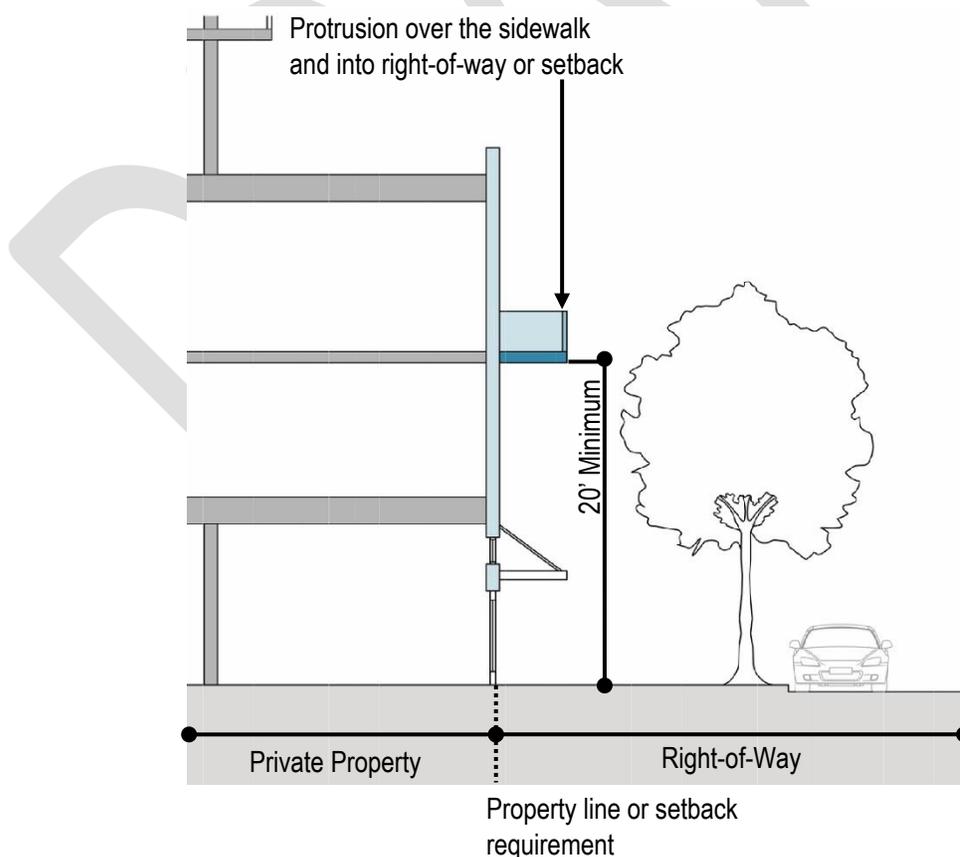
2. Intrusions into Required Dimensional Standards.

a. Intrusions over the Sidewalk

- i. Marquees, awnings, or other kinds of weather protection which comply with the requirements of 20.25A.170.A.2.b are permitted to extend over the public right-of-way upon approval of the Director of the Transportation Department and the Director notwithstanding the provisions of the Sign Code, Chapter 22B.10 BCC, or any other City Code.
- ii. External decks and balconies are permitted to extend over the right-of-way upon approval of the Director or the Transportation Department and the Director and shall be a minimum clearance of 20 feet above the right-of-way, and no greater in depth that 50% of the width of the required sidewalk.

b. Intrusions into Setbacks

- i. Architectural elements such as louvers and fins may intrude into the setback upon approval of the Director.
 - ii. External decks and balconies that intrude into the tower setback are permitted upon approval of the Director.
- c. Intrusions into Stepbacks
- i. The Director may approve modifications to the minimum required setback if:
 - (1) The applicant can demonstrate that the resulting design will be more consistent with the Design Guidelines of 20.25A.140 through 20.25A.180; and
 - (2) The intrusions for building modulation or weather protection features shall be a maximum of 20 percent of the length of the whole façade, 25 percent of the depth of the required setback, and a maximum of 10 feet in length per intrusion.
 - ii. The Director may approve modifications to the setback requirements for performing arts centers if:
 - (1) Interesting roof forms, significant floor plate modulation, significant façade modulation, or other such unique architectural features are provided to minimize impacts to abutting structures.



3. Height Exceptions for Mechanical Equipment. The Director may approve intrusions that are necessary for mechanical equipment, such as elevator overruns, up to a maximum of 20 feet or as necessary to accommodate new technology above the maximum height limit if the following conditions are met:
 - a. The applicant can demonstrate that the intrusion is the minimum necessary to serve the needs of the building;
 - b. No more than a maximum of twenty percent of the rooftop may be covered with mechanical structures or housings; and
 - c. All mechanical equipment shall be consolidated in a central location or integrated with the building architecture.
4. Tower Setback Exception.
 - a. If a parcel is less than or equal to 30,000 square feet, the tower setback may be reduced to 20 feet as measured 45 feet above average finished grade.

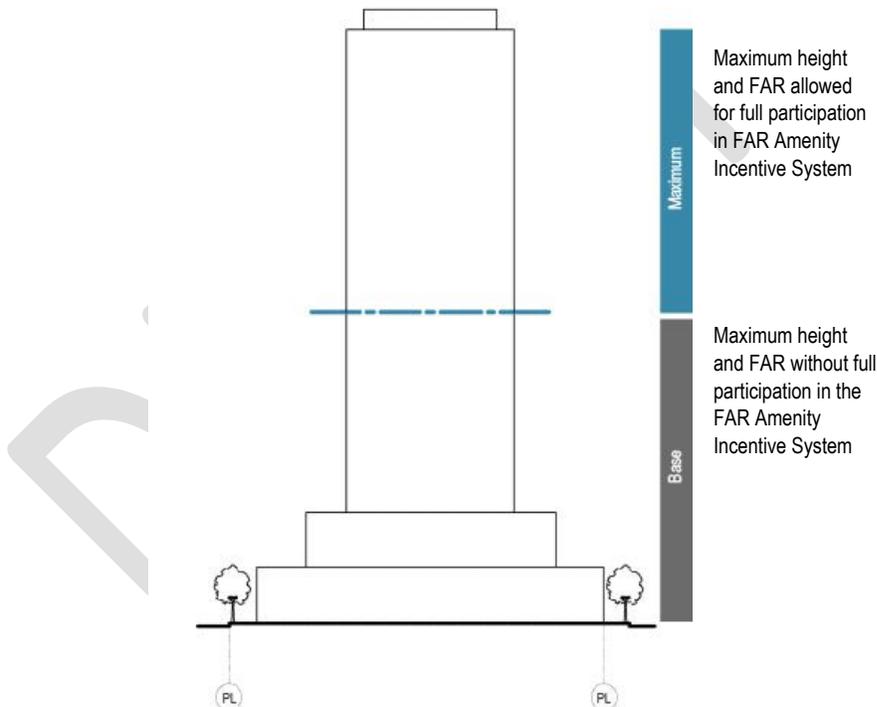
DRAFT

20.25A.070 Amenity Incentive System and Floor Area Ratio

Comment [HC34]: MOVED from LUC 20.25A.030 and amended based on BERK analysis

A. General.

A building may exceed the base floor area ratio or base building height permitted for development within a Downtown Land Use District or Perimeter Overlay pursuant to LUC 20.25A.060.A.4 only if it complies with the requirements of this section. In no case may the building exceed the maximum floor area ratio permitted for the district or overlay unless expressly permitted by the terms of this code. The bonus ratios have been calibrated by neighborhood to provide higher incentives for amenities that contribute to neighborhood character objectives.



B. Required Review.

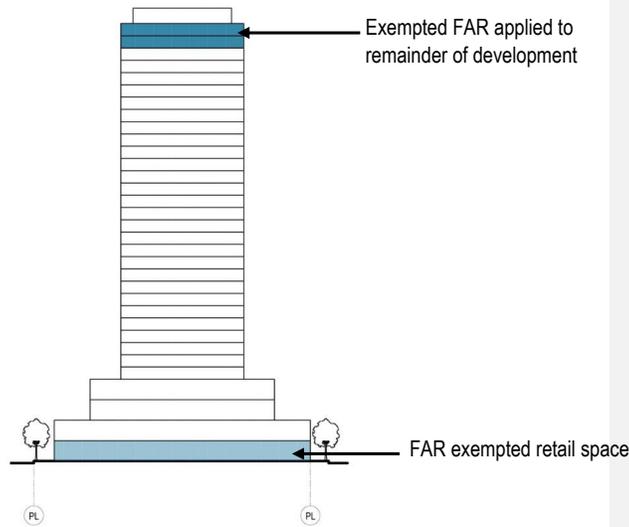
The Director may approve an amenity which complies with subsection D of this section if all the specific amenity system requirements are satisfied and established design criteria for the amenity have been met.

C. FAR Exemptions, Special Dedications, and Conversion of Previously Approved Exempt Retail Activity Space.

1. FAR Exemption for Ground Level and Upper Level Active Uses. For purposes of applying the Amenity Incentive System, a level shall be considered the ground level so long as less than half of that ground level story height is located below the average finished grade of the adjacent public right-of-way or pedestrian connection. The single building story immediately above the ground level story and intended to activate the ground level pedestrian environment through demonstrated compliance with the Upper Level Active Uses design guidelines contained in LUC 20.25A.170.D, shall be considered an upper level.

a. Ground Level Floor Areas Meeting the Definition of Active Uses. Each square foot of ground level floor area of active uses that satisfies the requirements of 20.25A.020.A and complies with the design guidelines contained in LUC 20.25A.170.B.1 (Pedestrian Corridor / High Streets – A Rights of Way) shall be eligible for an exemption from calculation of maximum floor area of up to 1.0 FAR, except where specifically provided by the terms of this code.

b. Upper Level Floor Areas Meeting the Definition of Active Uses. Each square foot of upper level floor area of active uses that satisfies the requirements of LUC 20.25A.020.A and complies with the design guidelines contained in LUC 20.25A.170.D (Upper Level Active Uses) shall be eligible for an exemption from calculation of maximum floor area of up to 0.5 FAR, except where specifically provided by the terms of this code.



2. FAR Exemption for Affordable Housing (RESERVED)

Comment [HC35]: Deferred pending the conclusion of the Citywide Affordable Housing Technical Advisory Group work

3. Floor Area Earned from Special Dedications

a. General. Land which is dedicated to the City of Bellevue for right-of-way or to accommodate the linear alignment of an RLRT system without compensation to the owner in conformance with subsection 3.b of this section is included in land area for the purpose of computing maximum FAR notwithstanding the definition of floor area ratio (FAR) contained in LUC 20.25A.020.A.

b. Special Dedications.

i. A property owner may make a 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 or the Capital Investment Program Plan to the City of Bellevue by an instrument approved by the City Attorney.

ii. A property owner may also make a special dedication by conveying land identified by the Director of Transportation as necessary for safety or operational improvement projects.

c. Recording Requirements. The applicant shall record the amount (square footage) of floor area earned by area dedicated in conformance this paragraph with the King County Recorder's Office, or its successor agency, and provide a copy of the recorded document to the Director.

4. Conversion of Previously Approved Exempt Retail Activity Space

a. General. Exempt Retail Activity space approved pursuant to the Downtown Overlay Part 20.25A. LUC in effect prior to [INSERT EFFECTIVE DATE OF THE ORDINANCE] may be converted to Active Use space pursuant to the provisions of this paragraph.

b. Requirements. The Director may approve a conversion of Exempt Retail Activity Space approved pursuant to the Downtown Overlay Part 20.25A. LUC in effect prior to [INSERT EFFECTIVE DATE OF THE ORDINANCE] provided the following requirements are met:

i. Prior to Conversion. The applicant shall show a good faith effort to locate retail tenants meeting the Pedestrian Oriented Frontage use requirements of the previous approval before a conversion may be considered by the Director.

ii. Requirements for Conversion to be Approved.

- (1) Uses allowed to occupy the previously approved exempt retail activity space shall meet the definition of DT – Active Uses contained in LUC 20.25A.020;
- (2) Conversion of the previously approved exempt retail activity space shall not allow the building to exceed the maximum FAR contained in LUC 20.25A.060; and

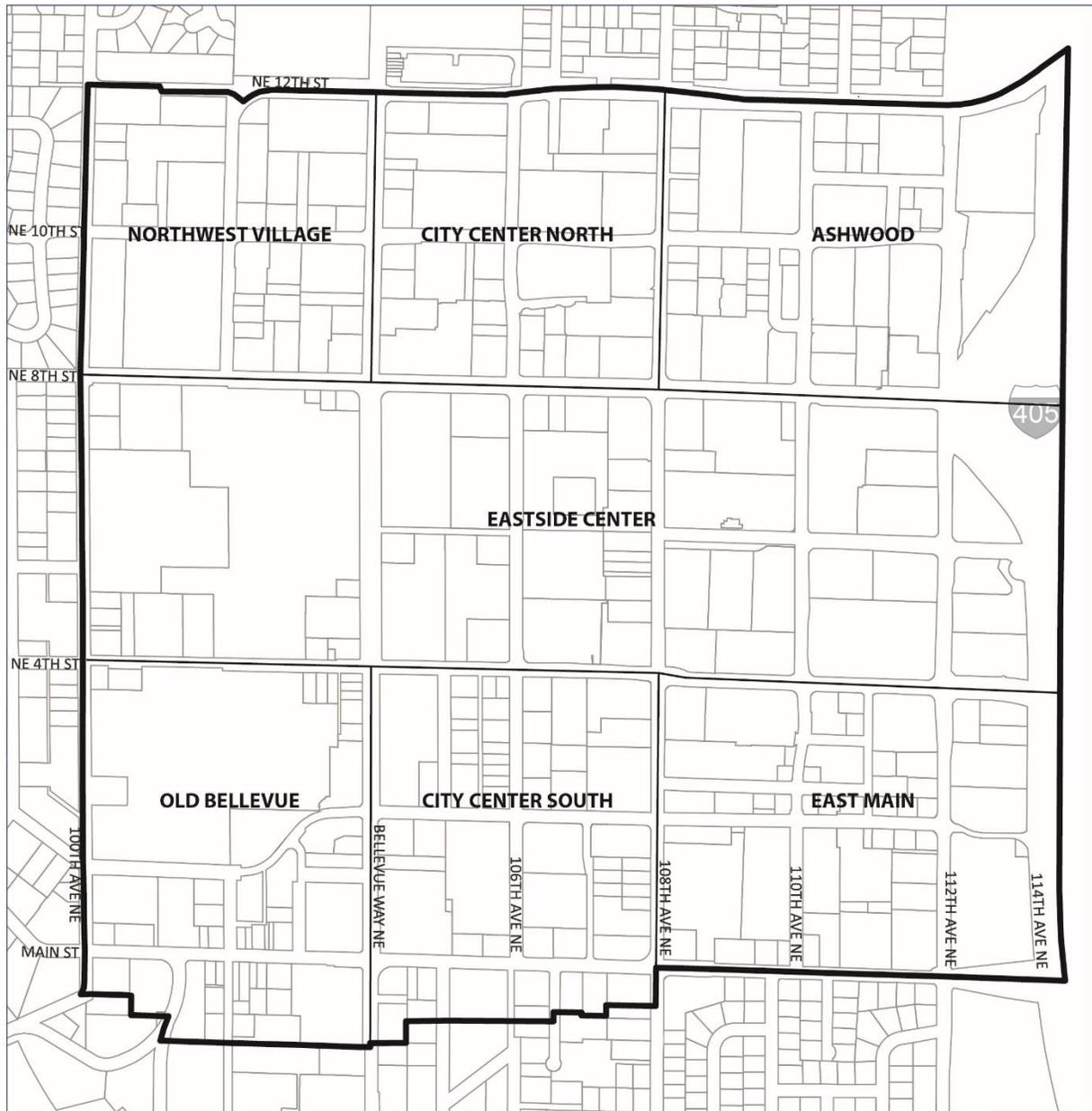
- (3) The converted space shall be retrofit, to the maximum extent feasible, to comply with the requirements of LUC 20.25A.170.B.1 (Pedestrian Corridor / High Streets – A Rights of Way).

D. Specific Amenity Incentive System Requirements.

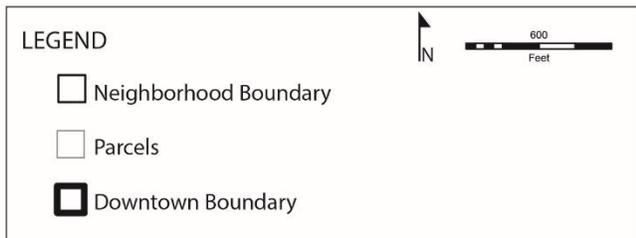
1. Participation in the Amenity Incentive System shall comply with Chart 20.25A.070.D.4, provided below. Amenity bonus rates and applicability will follow Downtown Neighborhood boundaries as shown in Figure 20.25A.070.D.1.

DRAFT

Figure 20.25A.070.D.1



DOWNTOWN NEIGHBORHOODS



2. Development within a project limit may only exceed its base FAR or base building height by providing amenities as described in Chart 20.25A.070.D.4 and this subsection.

a. Calculation of Amenity Incentive Need. The process below shall be used to determine the amenity incentive need by individual building. There are two conditions that will guide a building's amenity need based on it being above or below the base building heights shown in LUC 20.25A.060.A.4.

Condition 1: All building floor area is developed below the base building height. In this case, the amount of square footage above the base FAR is equal to the amenity need expressed in amenity points.

Condition 2: A portion of the building floor area is developed above the base building height. In this case, the greater of the floor area being constructed above base FAR, OR the floor area being constructed above base height divided by two shall count as the amenity need in points for each building. For example: A building has 60,000 square feet above base FAR and 30,000 square feet above base building height divided by two = 15,000; the amenity need would be 60,000 amenity points. A building with zero square feet above base FAR and 20,000 square feet above base building height divided by two would have an amenity need of 10,000 amenity points.

For multi-building development, the individual building amenity calculations will be combined for an overall development's amenity need.

b. Allocation of Amenities. The Amenity Incentive System has a focus on public open space features. It is required that 75 percent or more of a project's amenity need must utilize one or more of the following amenities: Major Pedestrian Corridor, Outdoor Plaza, Donation of Park Property, Improvement of Public Park Property, Enhanced Streetscape, Active Recreation Area, Enclosed Plaza or Alleys with Addresses. Up to 25 percent of a project's amenity need may utilize any other amenity on the amenity list or continue to use public open space feature amenities.

c. In-lieu Fees. In-lieu fees may be used for up to 50 percent of a project's amenity need. The in-lieu fee as of [EFFECTIVE DATE] 2017 is \$28.00 per amenity point. In-lieu fees shall be assessed and collected at building permit issuance. The collected in-lieu fees will be used for public open space improvements by the City. The amenity incentive system in-lieu fee rate, published in the City's fee rate schedule, will be reviewed annually, and, effective January 1st of each year, may be administratively increased or decreased by an adjustment to reflect the current published annual change in the Seattle Consumer Price Index for Wage Earners and Clerical Workers as needed in order to maintain accurate costs for the region.

3. In a multi-building development within a single project limit, amenities may be allocated among all buildings within the project limit; provided, that such allocation shall be approved by the Director through a Master Development Plan. If construction of the multi-building development is to be phased, no phase may depend on the future construction of amenities.

4. Amenity Incentive System

Chart 20.25A.070.D.4 Amenity Incentive System

LIST OF BONUSABLE AMENITIES	APPLICABLE NEIGHBORHOODS/DISTRICTS AND BONUS RATIOS						
	Northwest Village	City Center North	Ashwood	Eastside Center	Old Bellevue	City Center South	East Main
PUBLIC OPEN SPACE FEATURE AMENITIES							
1. Major Pedestrian Corridor and Major Public Open Spaces: The Major Pedestrian Corridor and Major Public Open Spaces located on or in the immediate vicinity of NE 6th Street between Bellevue Way and 112th Avenue NE.				250	13.3:1		
	13.3 250 bonus points per linearsquare foot of Pedestrian Corridor or Major Public Open Space constructed. Major Public Open Space calculated separately through Outdoor Plaza bonus provisions, below.						
2. Outdoor Plaza: A publically accessible, continuous open space, predominantly open from above, and designed to relate to the surrounding urban context. Outdoor plazas prioritize pedestrian use and serve as opportunities to activate the Downtown for residents and users.	9.3:1	9.3:1	8.4:1	9.3:1	8.4:1	8.4:1	8.4:1
	8.4 bonus points per square foot of outdoor plaza in Priority Neighborhoods; 9.3 bonus points per square foot in High Priority Neighborhoods.						
DESIGN CRITERIA: <ol style="list-style-type: none"> 1. Pedestrian Corridor and Major Public Open Space improvements must comply with the requirements of LUC 20.25A.090.C+. 1. Minimum plaza size is 3,000 square feet with a maximum bonusable area of 20 percent of the gross lot area. Plazas larger than 10,000 square feet may earn additional bonus points if they are designed in a manner to provide for activities to promote general public assembly. 2. Minimum plaza size may be met through the linking of smaller plaza spaces in a cohesive, logical manner with a strong design narrative. 3. Minimum seating provided shall be 1 linear foot of seating space per 30 square feet of plaza space. 4. A minimum of 20 percent of the area eligible for bonus amenity points in the plaza must be landscaped. 5. Plaza amenities to enhance the users experience must be provided, e.g. art and water elements. 6. Provide physical and visual access to the plaza from the sidewalk and be located within thirty inches of adjacent sidewalk grade. 7. Provide for sense of security to users through well-lit and visible spaces. 8. Must provide directional signage that identifies circulation routes for all users and informs the public that the space is accessible to the public at all times. The signage must be visible from all points of access. The Director shall require signage as provided in the City of Bellevue Transportation Department Design Manual. If the signage requirements are not feasible, the applicant may propose an alternative that is consistent with this provision and achieves the design objectives for the building and the site may propose an alternative that is consistent with this provision and achieves the design objectives for the building and the site. 9. Plazas must be open to the public at all times require an easement for public right of pedestrian use in a form approved by the City. 							

Comment [F36]: Pedestrian Corridor and Major Public Open Space bonus rate based on \$300 per square foot construction cost estimate and \$22.50 FAR exchange rate.

Comment [F37]: Outdoor plaza bonus based on \$210 per square foot construction cost estimate and \$25 FAR exchange rate. Adjustment for High Priority locations articulated in the CAC Final Report using \$22.50 FAR exchange rate. Added Old Bellevue as applicable Neighborhood; not included as bonusable location in CAC Final Report.

LIST OF BONUSABLE AMENITIES	APPLICABLE NEIGHBORHOODS/DISTRICTS AND BONUS RATIOS						
	Northwest Village	City Center North	Ashwood	Eastside Center	Old Bellevue	City Center South	East Main
	10. Plazas must meet all design criteria for design guidelines for public open spaces. 11. Square footage for purposes of calculating amenity points shall not include vehicle or loading drive surfaces.						
3. Donation of Park Property: Property which is donated to the City, with no restriction, for park purposes.	45 bonus points for every \$1,000 of appraised value of property donated for park purposes if property is located in Northwest Village or East Main Neighborhood. 40 bonus points for every \$1,000 of appraised value if property is located in any other Downtown Neighborhood. Park property donation may occur in Downtown neighborhoods that are different from where the development project occurs. DESIGN CRITERIA: 1. The need for such property in the location proposed must be consistent with City-adopted policies and plans. 2. The minimum size of a donated park parcel is 4,000 square feet. 3. Donated park parcels must be located within the Downtown, but need not be contiguous with the site for which development is proposed						
4. Improvement of Public Park Property: Improvements made to City-owned community, neighborhood, and miniparks within the Downtown Subarea.	45 bonus points for every \$1,000 of public park property improvement if park is located in Northwest Village or East Main Neighborhood. 40 bonus points for every \$1,000 of public park property improvement if located in any other Downtown Neighborhood. Park property improvement may occur in Downtown neighborhoods that are different from where the development project occurs. DESIGN CRITERIA: 1. Improvements made to a City-owned community, neighborhood, and mini-park must be consistent with the Downtown Subarea Plan. 2. Improvements made to City-owned parks must be constructed by the developer consistent with applicable City plans, and approval by the Director of the Parks & Community Services Department.						
5. Enhanced Streetscape: A continuous space between the back of the curb and the building face which allows internal activities to be externalized or brought out to the sidewalk. This space is provided along the building front and activated by residential patios or stoops, small retail, restaurant, and other commercial entries.	7:1	7:1	7:1	7:1	7.8:1	7.8:1	7.8:1
	7 bonus points per square foot of enhanced streetscape constructed; 7.8 bonus points per square foot if part of Lake-to-Lake Trail. DESIGN CRITERIA: 1. Space between back of curb and building face shall meet the minimum sidewalk and landscape dimensions. This amenity bonus is intended for an additional four to eight-foot frontage zone that is above and beyond the minimum requirements. 2. Frontage zone shall contain street furniture, including movable tables and chairs, and may be used for retail and food vendor space. 3. Applicant must provide three of the five design standards below: a. Additional landscaping such as seasonal pots and plantings. b. Decorative paving. c. Small artistic elements. d. Additional weather protection. e. Other features suggested that assist in activating the space. 4. Visual access shall be provided into abutting commercial spaces. For residential use this may be provided through a private patio or stoop.						

Comment [F38]: Donation of park property bonus based on \$25 FAR exchange rate; adjustment for High Priority neighborhoods Northwest Village and East Main using \$22.50 FAR exchange rate. Example: \$1,000,000 appraised value = 40,000 bonus points at 40:1 or 45,000 bonus points at 45:1.

Comment [F39]: Improvement of park property bonus based on \$25 FAR exchange rate; adjustment for High Priority neighborhoods Northwest Village and East Main using \$22.50 FAR exchange rate. Example: \$1,000,000 appraised value = 40,000 bonus points at 40:1 or 45,000 bonus points at 45:1.

Comment [F40]: Enhanced streetscape bonus based on \$175 per square foot construction cost estimate and \$25 FAR exchange rate; adjustment for Lake-to-Lake Trail improvements identified as High Priority using \$22.50 FAR exchange rate.

LIST OF BONUSABLE AMENITIES	APPLICABLE NEIGHBORHOODS/DISTRICTS AND BONUS RATIOS						
	Northwest Village	City Center North	Ashwood	Eastside Center	Old Bellevue	City Center South	East Main
6. Active Recreation Area: An area which provides active recreational facilities and is open to the general public. Does not include health or athletic clubs.	2:1	2:1	2:1	2:1	2:1	2:1	2:1
	2 bonus points per square foot of active recreation area provided. DESIGN CRITERIA: 1. May be located indoors or outdoors. 2. Recreational facilities include, but are not limited to, sport courts, child play areas, climbing wall, open space for play, and dog relief areas. 3. May be fee-for-use but not used exclusively by membership. 4. The maximum bonusable area is 1,500 square feet.						
7. Enclosed Plaza: A publicly accessible, continuous open space located within a building and covered to provide overhead weather protection while admitting substantial amounts of natural daylight (atrium or gallery). Enclosed Plazas function as a “Third Place,” and are “anchors” of community life and facilitate and foster broader, more creative interaction.	4:1	4:1	4:1	4:1	4:1	4:1	4:1
	4 bonus points per square foot of enclosed plaza provided. DESIGN CRITERIA: 1. Must be open and accessible to the public during the same hours that the building in which it is located is open. 2. Must provide signage to identify the space as open to the public as provided per the Bellevue Transportation Department Design Manual. Must provide directional signage that identifies circulation routes for all users and informs the public that the space is accessible to the public at all times. The signage must be visible from all points of access. If the signage requirements are not feasible, the applicant may propose an alternative that is consistent with this provision and achieves the design objectives for the building and the site may propose an alternative that is consistent with this provision and achieves the design objectives for the building and the site. 3. Must be visually and physically accessible from a publically accessible space. 4. At least 5 percent of the area must be landscaped. Landscape requirements may be modified if an equal or better result is provided through the use of interesting building materials, art, and architectural features which soften and enhance the enclosed plaza area. 5. The minimum sitting space shall be 1 linear foot of seating per 30 square feet of enclosed plaza space. More than 50 percent of the seating shall be provided in the form of movable chairs and furniture. 6. Minimum horizontal dimension is 20 feet. 7. Minimum area is 750 square feet.						

Comment [F41]: Active recreation area bonus based on \$50 per square foot construction cost estimate and \$25 FAR exchange rate.

Comment [F42]: Enclosed plaza based on \$100 per square foot construction cost for plaza amenities and \$25 FAR exchange rate.

<p>8. Alleys with Addresses: Pedestrian oriented ways off the main vehicular street grid that provide an intimate pedestrian experience through a combination of residential, small retail, restaurant, and other commercial entries with meaningful transparency along the frontage building walls. This area does not have a “back of house” feel.</p>	6.7:1					6.7:1	6.7:1
<p>6.7 bonus points per square foot of alley with address improvement based on Neighborhood location.</p> <p>DESIGN CRITERIA:</p> <ol style="list-style-type: none"> 1. Must be open to the public 24 hours a day and 7 days a week and require an easement for public right of pedestrian use in a form approved by the City. 2. May not be enclosed. 3. Must provide a finer scaled building design at the pedestrian level to emphasize the pedestrian realm and to provide scale relief from the primary massing. 4. Alley frontage must meet guidelines for C Rights-of-Way, Mixed Streets in LUC 20.25A.170.B. 5. Residential use must provide a strong connection to the alleyway through the use of patios or stoops. 6. Must provide pedestrian scaled lighting. 7. Must provide signage to show open to the public and the hours. 8. Automobile access and use shall be secondary to pedestrian use and movement. 9. Must meet design guidelines at LUC 20.25A.170.C. 10. Square footage for purposes of calculating amenity points shall not include vehicle or loading drive surfaces. 							
<p>OTHER AMENITIES</p>							
<p>9. Freestanding canopies at street corners and transit stops (non-building weather protection)</p>	40:1	40:1	40:1	40:1	40:1	40:1	40:1
<p>40 bonus points per every \$1,000 of investment in freestanding canopies. Maximum 1,000 bonus points per freestanding canopy.</p> <p>DESIGN CRITERIA: Location of freestanding canopies shall be approved by Transportation Department. Design must be consistent with design adopted through a Transportation Director’s Rule.</p>							
<p>10. Pedestrian bridges: Pedestrian bridges over the public right-of-way at previously designated mid-block locations meeting specific design criteria.</p>		250:1		250:1		250:1	
<p>250 bonus points per linear foot of pedestrian bridge constructed.</p> <p>DESIGN CRITERIA:</p> <ol style="list-style-type: none"> 1. This bonus shall apply only to pedestrian bridges meeting the location and design criteria of LUC 20.25A.100. 2. Bridge must connect to upper level Active Uses on both sides to qualify for bonus. 							
<p>11. Performing Arts Space: Space containing fixed seating for public assembly for the purpose of entertainment or cultural events (live performances only).</p>	16:1	16:1	16:1	16:1	16:1	16:1	16:1
<p>16 bonus points per square foot of performing arts space provided.</p> <p>DESIGN CRITERIA: This bonus shall apply only to performing arts spaces that are less than 10,000 square feet.</p>							
<p>12. Public Art: Any form of</p>	40:1	40:1	40:1	40:1	40:1	40:1	40:1

Comment [F43]: Alley with addresses bonus based on \$150 per square foot construction cost estimate and \$22.50 FAR exchange rate for High Priority locations as articulated in CAC Final Report.

Comment [F44]: Freestanding canopy bonus based on \$25 FAR exchange rate. Example: \$25,000 investment = 1,000 bonus points.

Comment [F45]: Pedestrian bridge bonus based on bonus for Pedestrian Corridor construction.

Comment [F46]: Performing arts space bonus based on \$400 per square foot construction cost estimate and \$25 FAR exchange rate.

<p>permanent artwork that is outdoors and publicly accessible or visible from a public place.</p>	<p>40 bonus points per every \$1,000 of appraised art value.</p> <p>DESIGN CRITERIA: 1. Must be located outside in areas open to the general public or visible from adjacent public right-of-way, perimeter sidewalk or pedestrian way. 2. May be an object or integrated feature of the building’s exterior or other visible infrastructure such as paving, hand railings, walls, seating or other elements visible to the public or in publicly accessible areas. 3. Public art can include murals, sculptures, art elements integrated with infrastructure, and special artist designed lighting. 4. Stand alone or landmark artworks should be at a scale that allows them to be visible at a distance. 5. Value of art to be determined through appraisal accepted by Bellevue Arts Program. 6. Maintenance of the art is the obligation of the owner of that portion of the site where the public art is located for the life of the project.</p>						
<p>13. Water Feature: A fountain, cascade, stream water, sculpture, or reflection pond. The purpose is to serve as a focal point for pedestrian activity.</p>	40:1	40:1	40:1	40:1	40:1	40:1	40:1
<p>14. Historic Preservation of Physical Sites/Buildings: Historic and cultural resources are those identified in the City’s resource inventory, or identified by supplemental study submitted to the City.</p>	<p>40 bonus points per every \$1,000 of documented construction cost to protect historic façades or other significant design features.</p> <p>DESIGN CRITERIA: 1. Must be located outside of the building, and be publicly visible and accessible at the main pedestrian entrance to a building, or along a perimeter sidewalk or pedestrian connection. 2. Water must be maintained in a clean and non-contaminated condition. 3. Water must be in motion during daylight hours.</p>						
<p>15. Historic and Cultural Resources Documentation: Historic and cultural resources are those identified in the City’s resource inventory, or identified by supplemental study submitted to the City.</p>	<p>40 bonus points per every \$1,000 of documented cost of plaques/interpretive markers or construction cost of space dedicated to collect, preserve, interpret, and exhibit items.</p> <p>DESIGN CRITERIA: 1. Use plaques and interpretive markers to identify existing and past sites of historic and cultural importance. 2. Space dedicated to collect, preserve, interpret, and exhibit items that document the history of Downtown Bellevue.</p>						

Comment [F47]: Public art bonus based on \$25 FAR exchange rate.

Comment [F48]: Water feature bonus based on \$25 FAR exchange rate.

Comment [F49]: Bonus based on \$25 exchange rate.

Comment [F50]: Bonus based on \$25 exchange rate.

<p>16. Neighborhood Serving Uses: Allocation of space for noncommercial neighborhood serving uses that bolster livability for residents (e.g., community meetings rooms and non-profit child care).</p>	8:1	8:1	8:1	8:1	8:1	8:1	8:1
<p>17. Sustainability Certification: The City has a vested interest in supporting sustainable building practices and provides amenity bonus points commensurate with the level of sustainability provided in each building. Bonus FAR will be earned according to the level of rating applicant completes. Building practices are rapidly evolving and sustainability features are becoming mainstream. The purpose of this amenity is to incentivize performance significantly above the industry norm.</p>	<p>8 bonus points per square foot of space dedicated to Neighborhood Serving Uses.</p> <p>DESIGN CRITERIA:</p> <ol style="list-style-type: none"> 1. Bonusable neighborhood serving uses include child care, community meeting rooms, or non-profit space, 2. Up to 5,000 square feet per project are eligible for this bonus, any floor area beyond that limit will not be eligible for amenity bonus points. 3. The floor area delineated for these uses will be required to remain dedicated to Neighborhood Serving Uses for the life of the project. 4. Applicant shall record with King County Recorder’s Office (or its successor agency) and provide a copy to the Director of a binding document allocating those spaces only for neighborhood serving uses for the life of the building. 5. No other uses shall be approved for future tenancy in those spaces if they are not consistent with the uses outlined in the definition of Neighborhood Serving Uses in LUC 20.25A.020.A. 6. Tenant spaces must remain open to the public and may not require fees or admissions to enter. 7. Spaces must provide visual access from the street. <p>Tier 1: Living Building Challenge Full Certification; 0.3 FAR Bonus. Tier 2: Living Building Petal Certification; or Built Green Energy Star; 0.25 FAR Bonus. Tier 3: Living Building Net Zero Energy; Built Green 5 Star; or LEED Platinum; 0.2 FAR Bonus.</p> <p>DESIGN CRITERIA:</p> <ol style="list-style-type: none"> 1. Buildings shall meet minimum criteria for LEED, Built Green or Living Building Challenge certification in chosen category. 2. A performance bond equivalent to the value of the bonus shall be provided to the City by the developer. In the event the project does not achieve the planned rating within 18 months of project completion, the bonded funded shall be used for environmental improvements within Downtown identified by the City. 						
<p>FLEXIBLE AMENITY</p>							
<p>18. Flexible Amenity: For proposed amenities not identified in items 1 – 17 of this list, the Flexible Amenity allows an applicant the opportunity to propose an additional amenity that would substantially increase livability in the Downtown. Credit will be determined on a case-by-case basis; it is expected that the public benefit will equal or exceed what would be provided by amenities on the standard list provided above.</p>	<p>Values for this amenity will be set through the Legislative Departure process in 20.25A.030 and require a Development Agreement. May be pursued in all Downtown Neighborhoods.</p> <p>DESIGN CRITERIA:</p> <ol style="list-style-type: none"> 1. Bonus proposal must be approved by City Council through a Legislative Departure and Development Agreement. 2. Proposed bonus must have merit and value to the community. 3. Proposed bonus must be outside of the anticipated amenity bonus structure. 4. Proposed bonus shall not be in conflict with existing Land Use Code regulations. 						

Comment [F51]: Neighborhood serving uses bonus based on \$200 per square foot construction cost credit and \$25 FAR exchange rate, and comparison with other incentive systems.

E. Recording.

The total amount of bonus floor area earned through the Amenity Incentive System for a project, and the amount of bonus floor area to be utilized on-site for that project must be recorded with the King County Recorder’s Office, or its successor agency. A copy of the recorded document shall be provided to the Director.

F. ~~Transfer of~~ Bonus Floor Area Earned from Pedestrian Corridor or MPOS Construction^{||}

Comment [HC52]: EDIT for clarity. No substantive deviation intended from current code.

1. ~~Use of When~~ Floor Area ~~Earned May Be Transferred~~. Bonus floor area earned for actual construction of the major Pedestrian Corridor or Major Public Open Space may be used within the project limit or transferred to any other property within the area of the Downtown bounded on the west by Bellevue Way, on the east by 112th Avenue NE, on the south by NE 4th Street and on the north by NE 8th Street. Properties may utilize this ~~transferred-earned~~ floor area to exceed the Floor Area Ratio Maximum of LUC 20.25A.060.A.4, but must remain within maximum building height limits.

2. Amount of Floor Area Transfer. No more than 25 percent of the gross floor area of a proposed project may be transferred floor area. This limitation does not include floor area generated by construction of the major pedestrian corridor or major public open spaces.

3. Recording Required. The property owner shall record each transfer of floor area with the King County Recorder’s Office, or its successor agency, and shall provide a copy of the recorded document to the Director.

4. Notwithstanding any provision of this Code, no transfer of floor area occurs when all property is included in one project limit.

G. Periodic Review.

The Amenity Incentive System will be periodically reviewed every 7-10 years with initiation by City Council.

20.25A.075 Downtown Tower Requirements

Comment [HC53]: MOVED from footnotes in dimensional chart. Provides design standards for Downtown Towers that increase transparency and ease of code use.

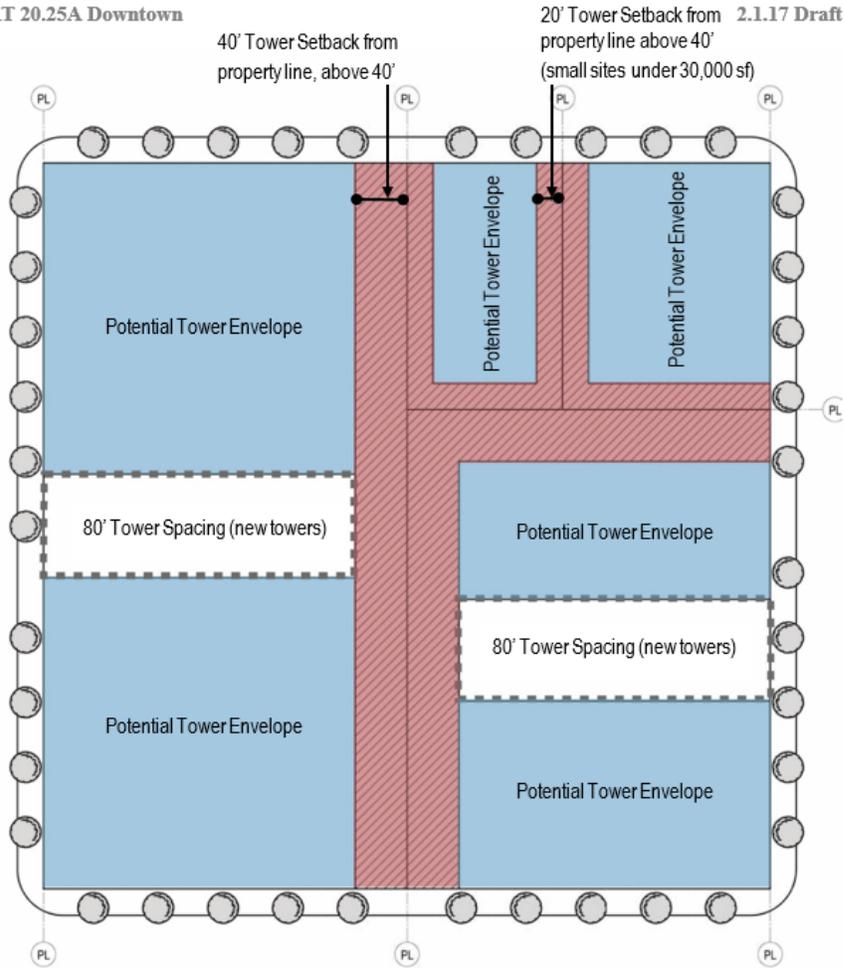
A. Requirements for Additional Height

1. Applicability. Buildings with heights that exceed the trigger for additional height shall be subject to the diminishing floor plate requirement and an outdoor plaza space requirement.
2. Diminishing Floor Plate Requirement. The floor plates above the trigger for additional height shall be reduced by 10 percent. The reduction shall be applied on all floor plates above the trigger for additional height. The 10 percent reduction may be averaged among all floor plates above 80 feet, but no single floor plate shall exceed the maximum floor plate size above 80 feet.
3. Outdoor Plaza Requirement. Buildings with heights that exceed the trigger for additional height shall provide outdoor plaza space in the amount of 10 percent of the project limit, provided that the outdoor plaza space shall be no less than 3,000 square feet in size. The open space shall be provided within 30 inches of the adjacent sidewalk and shall comply with the requirements for Outdoor Plazas in the Amenity Incentive System of LUC20.25A.070.D.2. Vehicle and loading drive surfaces shall not be counted as outdoor plaza space.
 - a. Modification of the Plaza Size with Criteria. The Director may approve a modification to the 10 percent requirement for outdoor plaza space through an administrative departure pursuant to 20.25A.030.D.1 provided that the following minimum criteria are met:
 - i. The outdoor plaza is not less than 3,000 square feet in size;
 - ii. The outdoor plaza is functional and is not made up of isolated unusable fragments;
 - iii. The outdoor plaza meets the design criteria for Outdoor Plazas in the Floor Area Ratio and Amenity Incentive System, LUC 20.25A.070.D.2; and
 - iv. The size of the plaza is roughly proportional to the additional height requested.

B. Required Tower Separation within a Single Project Limit

1. Applicability. This paragraph shall apply to multiple towers within the Downtown subarea built within a single project limit.
2. Separation. Two or more towers built within a single project limit must maintain a tower separation of 80 feet.
3. Modification with Criteria. Tower separation may be reduced to a minimum of 20 feet between the closest points of multiple towers measured 45 feet above average finished grade through an administrative departure pursuant to 20.25A.030.D.1 if the following criteria are met:
 - a. A maximum of 10% of the façade is within the tower separation distance of another building's façade;
 - b. The applicant demonstrates that the intrusion does not affect the light, air or privacy of either building's users.

PART 20.25A Downtown



C. Upper Level Stepbacks

1. Upper Level Stepback. Each building facade depicted in Figure 20.25A.075.C.2 shall incorporate a minimum 15 or 20-foot-deep stepback at a height between 25 feet and the level of the first floorplate above 40 feet. The required depth of the stepback is shown on Figure 20.25A.075.C.2. This required stepback may be modified or eliminated if the applicant demonstrates through Design Review (Part 20.30F LUC) that:

Comment [HC54]: MOVED from 20.25A.100E.7 and applied to Downtown Core and Perimeter

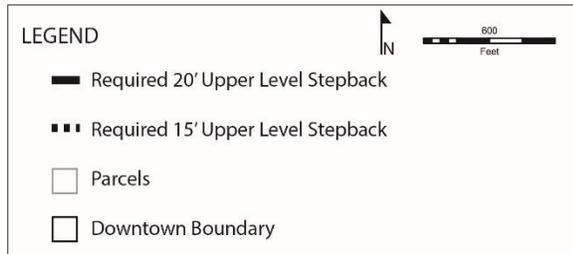
- a. Such stepback is not feasible due to site constraints, such as a small or irregularly shaped lot;
or
- b. The modification is necessary to achieve design elements or features encouraged in the design guidelines of 20.25A.140-.180, and the modification does not interfere with preserving view corridors. Where a modification has been granted under LUC 20.25A.060.B.2.c, the upper level stepback may be incorporated between 25 feet and the level of the first floorplate above 45 feet.

DRAFT

Figure 20.25A.075.C.2



REQUIRED UPPER LEVEL STEPBACKS



20.25A.080 Parking Standards

A. General.

The provisions of LUC 20.20.590, except as they conflict with this section, apply to development in the Downtown Land Use Districts.

B. Minimum/Maximum Parking Requirement by Use – Specified Uses.

This subsection supersedes LUC 20.20.590.F.1. Subject to LUC 20.20.590.G and 20.20.590.H, the property owner shall provide at least the minimum and may provide no more than the maximum number of parking stalls as indicated below unless modified pursuant to applicable departure allowances contained in this section:

Comment [HC55]: MOVED from Downtown LUC 20.25A.050 and aligned with code organization use in BelRed (LUC 20.25D.120). Provides increased flexibility by including process to modify required parking ratios for either fewer or more parking stalls based on a comprehensive parking study.

ADDS visitor parking for residential buildings at a rate of 1 stall per 20 units. Adds required bicycle parking. Requires 8 feet for parking structure entries instead of 7.5 feet to accommodate accessible van parking.

Downtown Parking Requirements

Land Use	Unit of Measure	Downtown Zones			
		-O-1,-O-2		-R,-MU,-OB,-OLB	
		Min.	Max.	Min.	Max.
a. Auditorium/Assembly Room/Exhibition Hall/Theater/Commercial Recreation (1)	per 8 fixed seats or per 1,000 nsf (if there are no fixed seats)	1.0 (10.0)	2.0 (10.0)	1.5 (10.0)	2.0 (10.0)
b. Financial Institution	per 1,000 nsf	3.0	4.0	4.0	5.0
c. Funeral Home/Mortuary (1)	per 5 seats	1.0	1.0	1.0	no max.
d. High Technology/Light Industry	per 1,000 nsf	2.0	3.5	2.0	3.5
e. Home Furnishing/Retail/Major Appliances – Retail	per 1,000 nsf	1.5	3.0	1.5	3.0
f. Hospital/In-Patient Treatment Facility/Outpatient Surgical Facility	per 1.5 patient beds	1.0	2.0	1.0	2.0
g. Manufacturing/Assembly (Other than High Technology/Light Industrial)	per 1,000 nsf	0.7	1.0	1.0	1.5
h. Office (Business Services/Professional Services/General Office) (3)	per 1,000 nsf	2.0	2.7	2.5	3.0
i. Office (Medical Dental/Health Related Services)	per 1,000 nsf	3.0	4.0	4.0	5.0
j. Personal Services:					
Without Fixed Stations	per 1,000 nsf	2.0	2.0	2.0	3.0
With Fixed Stations	per station	0.7	2.0	1.0	1.5
k. Residential (6)	per unit	0	2.0	1.0(5)	2.0

Land Use			Downtown Zones			
			-O-1,-O-2		-R,-MU,-OB, -OLB	
			Min.	Max.	Min.	Max.
l.	Restaurant	per 1,000 nsf	0	15.0	10.0(4)	20.0
m.	Retail	per 1,000 nsf	3.3	5.0	4.0(4)	5.0
n.	Retail in a Mixed Development (except Hotel) (2)	per 1,000 nsf	0	3.3	2.0(4)	4.0
o.	Senior Housing:					
	Nursing Home	per patient bed	0.4	0.8	0.4	0.8
	Senior Citizen Dwelling or Congregate Care	per living unit	0	1.0	0.33	1.0

nsf = net square feet (see LUC 20.50.036)

Notes to Parking Requirements:

- (1) Room or seating capacity as specified in the International Building Code, as adopted and amended by the City of Bellevue, at the time of the application is used to establish the parking requirement.
- (2) If retail space in a mixed development exceeds 20 percent of the gross floor area of the development, the retail use parking requirements of subsection B of this section apply to the entire retail space.
- (3) Special Requirement in Perimeter Overlay District. The Director may require the provision of up to 3.5 parking stalls per 1,000 net square feet for office uses within the Perimeter Overlay District to avoid potential parking overflow into adjacent land use districts outside Downtown.
- (4) Parking for existing buildings in Downtown-OB shall be provided according to the criteria set forth in this Note (4).
 - (a) Existing Building Defined. For this Note (4), “existing building” shall refer to any building in existence as of December 31, 2006, or any building vested as of December 31, 2006, per LUC 20.40.500, and subsequently constructed consistent with the 2006 vesting.
 - (b) First 1,500 Net Square Feet of a Restaurant or Retail Use – No Parking Required. The first 1,500 net square feet of a restaurant or retail use located in an existing building shall have a minimum parking ratio of zero (0).
 - (c) Restaurant or Retail Uses in Excess of 1,500 Net Square Feet. A restaurant or retail use that exceeds 1,500 net square feet and is located within an existing building shall provide parking according to the above table for any floor area in excess of 1,500 net square feet.
 - (d) Limitation on Applicability of Note (4).
 - (i) Buildings that do not meet the definition of an existing building shall provide parking for all uses according to the above table.
 - (ii) Parking in existing buildings for uses other than restaurant and retail uses shall be provided according to the above table.

(5) The minimum requirement for studio 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 the King County Recorder’s Office (or its successor agency), and a copy shall be provided to the Director.

(6) Visitor parking shall be provided in residential buildings at a rate of 1 stall per 20 units, but in no case will the visitor parking be less than 1 stall.

C. Shared Parking.

- 1. General. In the Downtown, this subsection supersedes LUC 20.20.590.I.1.
- 2. Subject to compliance with other applicable requirements of this Code, the Director may approve shared development or use of parking facilities located on adjoining separate properties or for mixed use or mixed retail use development on a single site through approval of an administrative departure pursuant to LUC 20.25A.030.D.1 and if:
 - a. A convenient pedestrian connection between the properties or uses exists; and
 - b. The availability of parking for all affected properties or uses is indicated by directional signs, as permitted by Chapter 22B.10 BCC (Sign Code).
- 3. Number of Spaces Required.
 - a. Where the uses to be served by shared parking have overlapping hours of operation, the Director may approve a reduction of the total required parking stalls pursuant of the provisions of LUC 20.25A.080.H; and
 - b. Where the uses to be served by shared parking do not overlap their hours of operation, the property owner or owners shall provide parking stalls equal to the greater of the applicable individual parking requirements.
- 4. Documentation Required. Prior to establishing shared parking or any use to be served thereby, the property owner or owners shall file with the King County Recorder’s Office or its successor agency, a written agreement approved by the Director providing for the shared parking use. A copy of the written agreement shall be retained by the Director in the project file. The agreement shall be recorded on the title records of each affected property.

Comment [HC56]: Requires a parking study to allow for any reduction, instead of only the reductions that exceed 20%.

D. Off-Site Parking Location.

- 1. General. In the Downtown, this subsection supersedes LUC 20.20.590.J. Except as provided in paragraph D.2 of this section, the Director may approve a portion of the approved parking through approval of an administrative departure pursuant to LUC 20.25A.030.D.1 for a use to be located on a site other than the subject property if:
 - a. Adequate visitor parking exists on the subject property; and
 - b. Adequate pedestrian, van or shuttle connection between the sites exists; and

- c. Adequate directional signs in conformance with Chapter 22B.10 BCC (Sign Code) are provided.
2. **District Limitations. Downtown-R Limitations.** Parking located in the Downtown-R District may only serve uses located in that district unless otherwise permitted through Design Review, Part 20.30F LUC, and then, only if such parking is physically contiguous and functionally connected to the use which it serves in an adjacent land use district.
3. **Short-Term Retail Parking Facilities.** The Director may approve the development of short-term retail parking facilities (see definition at LUC 20.50.040) not associated with a specific use. Upon the separate approval of an administrative departure pursuant to LUC 20.25A.030.D.1 by the Director, a property owner or owners may satisfy all or a portion of the parking requirement for a specified retail use through an agreement providing parking for the use at a designated short-term retail parking facility; provided, that:
 - a. Adequate pedestrian, van or shuttle connection exists between the sites; and
 - b. Adequate directional signs in conformance with Chapter 22B.10 BCC (Sign Code) are provided.
4. **Documentation Required.** Prior to establishing off-site parking or any use to be served thereby, the property owner or owners shall file with the King County Recorder's Office (or its successor agency) a written agreement approved by the Director providing for the shared parking use. The agreement shall be recorded on the title records of each affected property and a copy of the recorded document shall be provided to the Director.

E. Commercial Use Parking.

1. Any parking facilities or parking stalls located in the Downtown and developed to meet the requirements of the Land Use Code for a particular use may be converted to commercial use parking (see definition at LUC 20.50.040); provided, that the property owner shall:
 - a. Comply with all parking and dimensional requirements and with the performance standards for parking structures of this Code.
 - b. If the parking facility or parking stalls proposed for commercial use were approved for construction subsequent to the effective date of Ordinance 2964 (enacted on March 23, 1981), the commercial use parking facility or parking stalls shall comply with all landscaping requirements set forth at LUC 20.25A.110.
 - c. If the parking facility or parking stalls proposed for commercial use were approved for construction prior to the effective date of Ordinance 2964 (enacted on March 23, 1981), and the commercial use parking facility occupies more than 30 spaces, the minimum landscaping requirements of this Code shall be deemed met where the property owner installs landscaping in compliance with an approved landscaping plan which achieves the following objectives:
 - i. Surface parking areas shall be screened from street level views to a minimum height of four feet by a wall, hedge, berm or combination thereof.

- ii. The minimum width of any hedge planting area shall be three feet.
 - iii. Visual relief and shade shall be provided in the parking area by at least one deciduous shade tree (12 feet high at planting) for every 20 parking stalls, provided such trees shall not be required in covered or underground parking. Each tree planting area shall be at least 100 square feet in area and four feet in width, and shall be protected from vehicles by curbing or other physical separation. If irrigation is provided, the planting area may be reduced to 40 square feet.
 - iv. The proposed landscaping plan shall be reviewed by the Director for compliance with these objectives and shall be approved by the Director prior to initiation of the commercial use parking.
2. Assurance Device. The Director may require an assurance device pursuant to LUC 20.40.490 to ensure conformance with the requirements and intent of this subsection.

F. Parking Area and Circulation Improvements and Design.

1. Landscaping. Paragraph F.1 of this section supersedes LUC 20.20.590.K.7. The property owner shall provide landscaping as required by LUC 20.25A.110.
2. Compact Parking. Paragraph F.2 of this section supersedes LUC 20.20.590.K.9. The Director may approve through an administrative departure pursuant to LUC 20.25A.030.D.1, the design and designation of up to 65 percent of the spaces for use by compact cars.
3. Vanpool/Carpool Facilities. The property owner must provide a vanpool/carpool loading facility that is outside of required driveway or parking aisle widths. The facility must be adjacent to an entrance door to the structure and must be consistent with all applicable design guidelines.
4. Performance Standards for Parking Structures. The Director may approve a proposal for a parking structure through Design Review, Part 20.30F LUC and an administrative departure through LUC 20.25A.030.D.1. The Director may approve the parking structure only if:
 - a. Driveway openings are limited and the number of access lanes in each opening is minimized;
 - b. The structure exhibits a horizontal, rather than sloping, building line;
 - c. The dimension of the parking structure abutting pedestrian areas is minimized, except where retail, service or commercial activities are provided;
 - d. The parking structure complies with the requirements of LUC 20.25A.140 through 20.25A.180;
 - e. A wall or other screening of sufficient height to screen parked vehicles and which exhibits a visually pleasing character is provided at all above-ground levels of the structure. Screening from above is provided to minimize the appearance of the structure from adjacent buildings;
 - f. Safe pedestrian connection between the parking structure and the principal use exists;
 - g. Loading areas are provided for vanpools/carpools as required by paragraph F.3 of this section; and

- h. Vehicle height clearances for structured parking must be at least eight feet for the entry level to accommodate accessible van parking.

G. Bicycle Parking.

Office, residential, institutional, retail, and education uses are required to provide bicycle parking 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 in a secure location.
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.

H. Director's Authority to Modify Required Parking.

Through approval of an administrative departure pursuant to LUC 20.25A.030.D.1, the Director may modify the minimum or maximum parking ratio for any use in LUC 20.25A.080.B as follows:

1. The modified parking ratio is supported by a parking demand analysis provided by the applicant, including but not limited to:
 - a. Documentation supplied by the applicant regarding actual parking demand for the proposed use; or
 - b. Evidence in available planning and technical studies relating to the proposed use; or
 - c. Required parking for the proposed use as determined by other compatible jurisdictions.
2. Periodic Review. The Director may require periodic review of the proposed review of the reduced parking supply to ensure the terms of the approval are being met.
3. 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 F.1 of this section.
4. Shared or off-site parking is not available or adequate to meet demand.
5. Any required Transportation Management Program will remain effective.

20.25A.090 Street and Pedestrian Circulation Standards

A. Walkways and Sidewalks – Standards and Map

1. Sidewalk Widths. The minimum width of a perimeter walkway or sidewalk shall be as prescribed in Figure 20.25A.090A.1 of this section, plus a 6-inch curb. A planter strip or tree pit shall be included in within the prescribed minimum width of the walkway or sidewalk as provided in Plate 20.25A.090A.1 of this section.

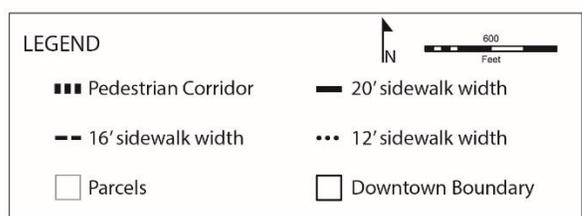
Comment [HC57]: MOVED from Downtown LUC 20.25A.060. Planter Strips and Tree Pits were included in Early Wins.
UPDATED to include Sidewalk widths.

DRAFT

Figure 20.25A.090.A.1



DOWNTOWN SIDEWALK DIMENSIONS



20.25A.090A.1 Plate A

PLATE A - Downtown Bellevue Planter Strip/Tree Pits Required

East-West	Planter Strip/Tree Pits
NE 12th (102nd to I-405)	Planter Strip
NE 11th (110th to 112th)	Planter Strip
NE 10th (100th to 106th)	Planter Strip
NE 10th (106 to I-405)	Planter Strip
NE 9th (110th to 111th)	Tree Pits
NE 8th (100th to 106th)	Planter Strip
NE 8th (106th to 112th)	Planter Strip
NE 6th (Bellevue Way to 106th)	See Pedestrian Corridor Design Guidelines
NE 6th (106th to 108th)	See Pedestrian Corridor Design Guidelines
NE 6th (108th to 110th)	Tree Pits
NE 6th (110th to 112th)	Planter Strip on the south side, Tree Pits on the north side
NE 4th (100th to I-405)	Planter Strip
NE 3rd Pl (110th to 111th)	Tree Pits
NE 2nd Pl (108th to 111th)	Planter Strip
NE 2nd (Bellevue Way to I-405)	Planter Strip
NE 1st/2nd (100th to Bellevue Way)	Planter Strip
NE 1st (103rd to Bellevue Way)	Tree Pits
Main St (100th to Bellevue Way)	Tree Pits
Main St (Bellevue Way to I-405)	Planter Strip
North-South	
100th (NE 12th to Main)	Planter Strip
100th (NE 10th to NE 1st)	Planter Strip
100th (NE 1st to Main)	Planter Strip

PLATE A - Downtown Bellevue Planter Strip/Tree Pits Required

101st (near NE 10th)	Tree Pits
101st Ave SE (south of Main St)	Tree Pits
102nd (NE 12th to NE 8th)	Planter Strip
102nd (NE 1st to south of Main St)	Tree Pits
103rd (near NE 10th)	Tree Pits
103rd (NE 2nd to Main St)	Tree Pits
Bellevue Way (NE 12th to NE 10th)	Planter Strip
Bellevue Way (NE 10th to NE 4th)	Planter Strip
Bellevue Way (NE 4th to Main)	Planter Strip
Bellevue Way (Main to Downtown Boundary)	Planter Strip
105th (NE 4th to NE 2nd)	Planter Strip
105th SE (near Main St)	Planter Strip
106th (NE 12th to NE 8th)	Planter Strip
106th (NE 8th to NE 4th)	Tree Pits
106th (NE 4th to Main)	Planter Strip
106th Pl NE (near NE 12th)	Tree Pits
107th (NE 2nd to south of Main)	Tree Pits
108th (NE 12th to NE 8th)	Tree Pits
108th (NE 8th to NE 4th)	Tree Pits
108th (NE 4th to south of Main)	Tree Pits
109th (near NE 10th)	Planter Strip
110th (NE 12th to NE 8th)	Planter Strip
110th (NE 8th to NE 4th)	Planter Strip
110th (NE 4th to Main)	Planter Strip

PLATE A - Downtown Bellevue Planter Strip/Tree Pits Required

111th (NE 11th to NE 9th)	Planter Strip
111th (NE 4th to NE 2nd)	Planter Strip

2. Minimum Width. Along any other street not listed in of this section, the minimum width of a perimeter walkway or sidewalk is 12 feet plus a 6-inch curb. Included in that 12 feet and adjacent to the curb, there shall be a planter strip or tree pit as prescribed in Plate A of this section.
3. Unobstructed Travel Path. Within the width of the walkway or sidewalk, at least six feet of unobstructed travel path shall be maintained for safe pedestrian access.

B. Planter Strips and Tree Pits.

Planter strips shall be at least five feet wide and as long as the street frontage, excluding curb cuts, driveways and spacing for utilities. Planter strips and tree pits shall be located adjacent to the curb unless precluded by existing utilities which cannot be reasonably relocated. Tree pits shall be covered with protective grates or pavers. Where stormwater facilities are used in conjunction with tree pits, removable grates shall be utilized. Pursuant to LUC 20.25A.030.D.1, the Director may approve an administrative departure for the location or size of tree pits and planter strips if the applicant is unable to meet the requirements of this paragraph to utility placement or other obstruction that is out of the applicant’s control.

C. Downtown Core.

1. Major Pedestrian Corridor.
 - a. Purpose. The major pedestrian corridor is to serve as a focus for pedestrian use.
 - b. Location. The alignment of the major pedestrian corridor is defined as the area within 30 feet of the extension of the north line of Lots 3 and 4, Block 2 of Cheriton Fruit Gardens Plat No. 1 recorded in the King County Recorder’s Office (or its successor agency) in Volume 7 of Plats at page 47, extending from the eastern edge of the enclosed portion of Bellevue Square to 108th Avenue NE and the area within 30 feet north of the north curb and 30 feet south of the south curb of the Bellevue Transit Center traffic lanes as hereafter approved by the City, extending across the 108th Avenue NE right-of-way and to 110th Avenue NE. This alignment may be modified by the Bellevue Pedestrian Corridor Guidelines or by a Corridor Development Design Plan for a specific property.
 - c. Bellevue Pedestrian Corridor Guidelines. Each development abutting the Pedestrian Corridor as described in paragraph C.1.c.v of this section must comply with the provisions of this paragraph and the Bellevue Pedestrian Corridor Guidelines and Major Open Space Design Guidelines as adopted by the City Council, or as the same may hereafter be amended. The Bellevue Pedestrian Corridor and Major Public Open Space Design Guidelines consist of general design guidelines consistent with provisions of this paragraph.

Comment [HC58]: MOVED from Downtown LUC 20.25A.090.E. UPDATED citations to ensure conformance with the draft Downtown Code.

Pedestrian Corridor provisions will be updated following completion of Wilburton-Grand Connection Initiative Discussed with the Planning Commission on October 26, 2016.

- i. The corridor must present a coordinated design. The City will consider coordinated design features such as uniform treatment of signing, landscaping and lighting over the entire length of the corridor. Variety in design will be allowed and in some cases encouraged in order to provide visual interest and harmony with adjacent development. The corridor must incorporate numerous pedestrian amenities such as seating areas, landscaping, art features, weather protection and pedestrian scale lighting.
- ii. The major pedestrian corridor must provide predominantly continuous pedestrian-oriented frontage, plazas, pedestrian ways, street arcades, landscape features, or enclosed plazas along its entire length.
- iii. The entire corridor must be open to the public 24 hours per day. Segments of the corridor may be bridged or covered for weather protection, but not enclosed. Temporary closures will be allowed as necessary for maintenance purposes.
- iv. Pedestrian movement across 104th Avenue NE, 106th Avenue NE or 108th Avenue NE shall be at grade.
- v. The major pedestrian corridor width is established as part of the Bellevue Pedestrian Corridor Guidelines. The corridor width shall average 60 feet and in no case be less than 40 feet over each superblock west of 108th Avenue NE, and shall average 30 feet and in no case be less than 20 feet on each side over the superblock extending from the western edge of the 108th Avenue NE right-of-way to 110th Avenue NE.

All subdivisions or short subdivisions hereafter approved or permits for any structure or permanent parking or circulation area shall be reviewed for compatibility with the alignment of the major pedestrian corridor and major public open space as specified in paragraph C.1.b of this section or in the Bellevue Pedestrian Corridor and Major Public Open Space Design Guidelines if any lot line, structure or permanent parking or circulation area is within:

- (1) 330 feet of the centerline of the major pedestrian corridor if west of 108th Avenue NE; or
 - (2) The area between the exterior edge of the curblines of the Transit Center and the eastward extension of the trigger lines as defined in paragraph C.1.c.v(1) of this section to 110th Avenue NE.
- d. Preservation of the Major Pedestrian Corridor.
- i. Prior to the issuance of a Building Permit for any structure other than surface parking; and other than any interior remodel or exterior remodel which enlarges exterior dimensions such that new floor area not exceeding a total of 20 percent of the gross floor area of the existing building is added; and provided, that all new floor area is devoted to pedestrian-oriented uses; located within the major pedestrian corridor as defined in paragraph C.1.b of this section, the following conditions must be met:
 - (1) The alignment of the major pedestrian corridor related to the proposed structure or permanent parking or circulation area must be established by the execution and recording of a legal agreement in accordance with paragraph C.1.e.i or ii of this section.

- (2) A Design Development Plan for the section of the corridor required to be constructed under paragraph C.1.c.iii of this section. Corridor must be approved by the Director as required by paragraph C.1.e.ii of this section. Construction must begin prior to the issuance of certificate of occupancy or a temporary certificate of occupancy for the structure other than surface parking as required by paragraph C.1.e.iii(2) of this section.
- ii. Building Permits for surface parking areas to be located in this corridor as defined in paragraph C.1.b of this section may be granted for up to a five-year period, subject to the landscape requirement for surface parking areas in the Downtown-MU Land Use District, as specified in LUC 20.25A.110.B. Building Permits for parking areas may be renewed only if the Director finds that an extension is necessary to meet the maximum Code requirements for parking and the extension is necessary for the construction of a building requiring utilization of the surface parking area.
- e. Provision of the Corridor.
- i. If the property owner wishes to at any time obtain bonus FAR for construction of the major pedestrian corridor, the City may approve the subdivision or short subdivision of property resulting in any interior lot line which is within the distances specified in paragraph C.1.c.v of this section only if:
- (1) The owner of the property to be subdivided or short subdivided executes a legal agreement providing that all property that he/she owns within the superblock in which any of the property to be subdivided or short subdivided is located and which is within the alignment of the major pedestrian corridor established under paragraph C.1.b, C.1.c or C.1.e.iii of this section (hereafter the “Corridor Property”) shall be subject to a nonexclusive right of pedestrian use and access by the public. The agreement shall legally describe and shall apply to only that property of the owner located within the distances specified in paragraph C.1.c.v of this section. Such an agreement shall further provide that:
- (a) The public right of pedestrian use established thereunder shall be enforceable by the City of Bellevue, and the City shall have full rights of pedestrian access to and use of the corridor property for purposes of enforcing the rights of the public under this agreement.
- (b) The obligations under the agreement shall run with the corridor property. The agreement shall be reviewed at the end of 50 years from the date the agreement is signed and shall continue or change in accordance with the then existing public need for pedestrian use and access of the corridor for subsequent 50-year terms.
- (c) The owner will design and construct the corridor within such corridor property in accordance with the requirements of paragraph C.1 of this section.
- (d) The agreement shall be recorded with the King County Recorder’s Office (or its successor agency) and provided to the Director.
- (e) The owner will maintain the portion of the corridor located on the corridor property and keep the same in good repair.
- (f) The City will provide adequate police protection.

(g) No modifications may be made to the corridor without approval of the City in accordance with paragraph C.1.e.ii of this section.

(h) The alignment of any such portion of the pedestrian corridor established by a legal agreement may be modified or terminated by the property owner and the City if the alignment of any section of the major pedestrian corridor changes pursuant to paragraph C.1.e.ii of this section.

(i) The owner may adopt reasonable rules and regulations for use of his/her portion of the corridor; provided, that the same may not be inconsistent with the requirements or intentions of this section.

(j) Any other terms and conditions that the owner(s) and the City agree to.

ii. Corridor Design Development Plan. Prior to the issuance of a Building Permit for the construction of any structure other than surface parking; and other than any interior remodel or exterior remodel which enlarges exterior dimensions such that new floor area not exceeding a total of 20 percent of the gross floor area of the existing building is added; and provided that all new floor area is devoted to pedestrian-oriented uses; on the property, any portion of which abuts the major pedestrian corridor and is within the distances specified in paragraph C.1.c.v of this section, a Design Development Plan for the section of the corridor required to be constructed under paragraph C.1.e.iii of this section must be submitted to and approved by the Director, through Design Review, Part 20.30F LUC. If the owner constructs a temporary pedestrian linkage under paragraph E.1.e.iii of this section, preparation of the Corridor Design Development Plan will not be required until the property to be developed is located within:

(1) 130 feet of the centerline of the major pedestrian corridor, west of 108th Avenue NE;
or

(2) The area between the exterior edge of the curblines of the Transit Center and the eastward extension of the trigger lines as defined in paragraph C.1.e.ii(1) of this section to 110th Avenue NE. The proposed plan must specify the following elements:

(a) Landscaping,

(b) Lighting,

(c) Street furniture,

(d) Color and materials,

(e) Relationship to building frontage,

(f) Specific alignment for property on which the corridor will have to be constructed by the applicant proposing development,

(g) Any other physical element which the Director and the City Council, in their review, determine is necessary for and consistent with the Design Development Plan for a specific section of the major pedestrian corridor, not including specific requirements to construct structures containing retail uses abutting the corridor.

- iii. The City may issue a permit for the construction of a structure other than surface parking and other than any interior remodel or exterior remodel which enlarges exterior dimensions such that new floor area not exceeding a total of 20 percent of the gross floor area of the existing building is added; and provided, that all new floor area is devoted to pedestrian-oriented uses; on property any part of which abuts the major pedestrian corridor and is within the distances specified in paragraph C.1.c.v of this section at the time of the adoption of Ordinance No. 2945 only if:
- (1) The owner complies with paragraph C.1.e.i(1)(a) through (j) of this section if that owner wishes to earn bonus FAR for construction of the major pedestrian corridor; and
 - (2) The owner files a Building Permit application to construct his/her section of the corridor on (a) land he/she owns within the corridor and within the superblock of the subject construction permit for a structure, and (b) on one-half the width of any abutting City-owned land in the corridor (except for intersections listed below). The City shall initiate or abutting property owners may initiate a street vacation for right-of-way the City owns between 104th Avenue NE and 106th Avenue NE at NE 6th Street in conjunction with or prior to an owner application to construct the major pedestrian corridor. Actual construction of the corridor must begin prior to the issuance of a certificate of occupancy or temporary certificate of occupancy for the structure other than surface parking. The City shall construct the corridor at the street intersections of the corridor and 104th Avenue NE, 106th Avenue NE, and 108th Avenue NE. The width of the corridor that would have to be constructed under the requirements of paragraph C.1.e.iii of this section may be modified when the final alignment of the corridor is established as part of Corridor Design Development Plan (paragraph C.1.e.ii of this section). Notwithstanding this potential change in the width of the corridor that would have to be constructed under paragraph E.1.e.iii of this section, property owners shall at a minimum be required to construct the section of the corridor as specified in paragraph C.1.e.iii(2)(a) of this section. Building Permits for surface parking areas to be located on property any part of which abuts the major pedestrian corridor and is within the distances specified in paragraph C.1.c.v of this section at the time of the adoption of the ordinance codified in this chapter may be issued subject to the conditions specified in paragraph C.1.d.ii of this section. Notwithstanding any other requirement of this section, if a temporary pedestrian linkage is constructed as specified in paragraph C.1.f of this section, construction of the corridor will not be required unless the property to be developed is located within the distances specified in paragraph C.1.e.ii of this section.
- f. Temporary Pedestrian Linkage.
- i. Any temporary pedestrian linkage developed under paragraph C.1.c.iii of this section shall at a minimum include a combination of paving, landscaping and lighting to permit safe pedestrian movement at night.
 - ii. The City Council must approve a plan for any temporary pedestrian linkage to be prepared as part of a Corridor Design Planning process approved through a Development Agreement (Part 20.30L LUC).

- iii. Any owner constructing a temporary pedestrian linkage under paragraph C.1.e.iii of this section must construct the linkage across all lands that he/she owns within the superblock where development is proposed that abut or are within the alignment of the corridor.
- g. Maintenance. Each segment of the major pedestrian corridor shall be maintained by the property owners abutting it. The City shall maintain the intersections of all public streets with the corridor.
- h. Bonus Floor Area for Major Pedestrian Corridor Construction. Bonus floor area associated with the major pedestrian corridor shall be awarded pursuant to the terms of LUC 20.25A.070 to owners of property within the distances specified in paragraph C.1.c.v of this section through Design Review, Part 20.30F LUC, and according to the provisions of paragraph C.1.e.iii(2) of this section, in conjunction with an application for a permit to construct a structure, permanent parking, or circulation area within the major pedestrian corridor and the provision of a legal agreement establishing the public right of pedestrian use pursuant to paragraph C.1.e.i(1)(a) through (j) of this section.
- i. Exempt Activity/Use. Notwithstanding the provisions of paragraph C.1 of this section, the following activities and uses may occur on property within the distances specified in paragraph C.1.c.v of this section without concurrent construction of the major pedestrian corridor, the temporary pedestrian linkage or the intermediate pedestrian corridor:
- i. Surface parking approved pursuant to paragraph C.1.d.ii of this section;
 - ii. Landscape development;
 - iii. Street, access and sidewalk improvements, including the Transit Center as provided for in paragraph C.2 of this section;
 - iv. Any interior remodel;
 - v. Any exterior remodel; provided, that if exterior dimensions are enlarged new floor area may not exceed a total of 20 percent of the gross floor area of the structure as it existed on the effective date of this provision; and provided, that all new pedestrian level floor area is devoted to pedestrian-oriented uses;
 - vi. Development of the temporary pedestrian linkage or the intermediate pedestrian corridor.
- j. Intermediate Pedestrian Corridor.
- i. Notwithstanding any provision of this Code which requires construction of the major pedestrian corridor, a property owner may phase construction of that section of the major pedestrian corridor otherwise required to be built by delaying any portion not directly abutting or adjacent to the project limit which triggered the construction requirement if the owner provides an intermediate pedestrian corridor for that delayed portion of the corridor property which:
 - (1) Is at least 16 feet in width from the centerline of the major pedestrian corridor west of 108th Avenue NE, or extending outward from the exterior edge of the north or south curblines of the Bellevue Transit Center traffic lanes. This space shall be designed to

Comment [HC59]: UPDATED to align with Amenity Incentive System ratios provided in LUC 20.25A.070

include a minimum four feet edge separating and defining the space, a minimum eight feet pedestrian movement area and a minimum four feet recreation/activity area.

(2) Incorporates lighting, planting, seating, and scored or decorative paving.

(3) Provides a sense of enclosure along the exterior edge of the space by the use of a design element which both physically and visually separates the intermediate corridor from abutting property. Nonexclusive examples of such an element sculptural wall, dense planting, or berm.

(4) Is consistent with the applicable provisions of the Bellevue Pedestrian Corridor Guidelines, as determined by the Director.

ii. Design for any intermediate pedestrian corridor must be approved through Design Review, Part 20.30F LUC, in conjunction with the Design Development Plan for the major pedestrian corridor required to be constructed.

iii. An intermediate pedestrian corridor satisfies any requirement of this Code to construct the temporary pedestrian linkage.

iv. Space developed as an intermediate pedestrian corridor must be replaced by the major pedestrian corridor at the time of development on any project limit abutting or adjacent to the major pedestrian corridor. Construction of the major pedestrian corridor must be in conformance with all requirements of paragraph C.1.e of this section.

2. Major Public Open Spaces.

a. Purpose. Major public open spaces serve as focal points for pedestrian activity within the Downtown Core Design District, and are design elements fully integrated with the major pedestrian corridor.

b. Location. The major public open spaces are to be located at or near the junction of the major pedestrian corridor and:

i. Bellevue Way;

ii. 106th Avenue NE;

iii. 110th Avenue NE.

c. Design. Each development abutting a location of the major open public spaces as defined in paragraph C.2.b of this section must comply with the provisions of this paragraph and the Bellevue Pedestrian Corridor Guidelines and Major Public Open Space Guidelines as adopted by the City Council, or as the same may hereafter be amended. The Bellevue Pedestrian Corridor and Major Open Space Design Guidelines consist of general design guidelines consistent with provisions of this paragraph.

i. The major public open spaces must be designed with numerous pedestrian amenities such that these areas serve as focal points. Pedestrian amenities include elements such as seating, lighting, special paving, planting, food and flower vendors, artwork and special recreational features. Design must be coordinated with that of the major pedestrian corridors.

- ii. The major public open spaces at or near 106th Avenue NE and 110th Avenue NE shall be a minimum of 30,000 square feet in size. A maximum of 37,000 square feet is allowed for the purpose of obtaining bonus floor area. The major public open space at or near Bellevue Way shall be a minimum of 10,000 square feet in size. A maximum of 15,000 square feet is allowed for the purpose of obtaining bonus floor area.
 - iii. Area devoted to a major public open space must be in addition to any area devoted to the major pedestrian corridor.
 - iv. Pedestrian-oriented frontage is required on at least two sides of a major public open space unless the major public space is linear in design, in which case pedestrian-oriented frontage is required on at least one side.
- d. Specific Development Mechanism.
- i. General. The provisions of paragraph C.4.d of this section establish alternative development mechanisms and specific requirements for each of the major public open spaces. Each affected property owner must comply with the major public open space design and construction requirements. Only those property owners who establish public access through a recorded legal agreement may utilize the FAR bonus for these open spaces.
 - ii. Ownership. The owners of property to be devoted to a major public open space will retain fee ownership of that property.
 - iii. Public Access – Legal Agreement.
 - (1) Each owner of property to be devoted to a major public open space who chooses to participate in the FAR bonus system for a major public open space shall execute a legal agreement providing that such property is subject to a nonexclusive right of pedestrian use and access by the public.
 - (2) The agreement shall further provide that the public right of pedestrian use established thereunder shall be enforceable by the City of Bellevue, and the City shall have full rights of pedestrian access to and use of the major public open space for purposes of enforcing the rights of the public under the agreement.
 - (3) The agreement shall be recorded with the King County Recorder’s Office and Bellevue City Clerk.
 - (4) The obligations under the agreement shall run with the land devoted to a major public open space. The agreement shall be reviewed at the end of 50 years from the date the agreement is signed and shall continue or change in accordance with the then-existing public need for pedestrian use and access of a major public open space for subsequent 50-year terms.
 - (5) The owner of property to be devoted to a major public open space will maintain that portion of the major public open space and keep the same in good repair.

(6) The owners of property to be devoted to a major public open space may adopt reasonable rules and regulations for the use of that space; provided, that the rules and regulations are not in conflict with the right of pedestrian use and access and the intention of paragraph C.2.d.iii of this section.

iv. Arrangement of Space. The general apportionment, location, and major design features of at least the minimum area of a major public open space shall be established as part of the Bellevue Pedestrian Corridor and Major Public Open Space Design Guidelines. The specific apportionment and specific design of a major public open space on each affected parcel shall be established through the Design Development Plan described in paragraph C.4.d.x of this section.

v. Development Rights. Space above and beneath the area to be devoted to a major public open space may be developed by the property owner so long as that development is not in conflict with any established pedestrian use of and access to the major public open space, the intentions of paragraph C.2.d.iii of this section, if applicable, and the Bellevue Pedestrian Corridor and Major Public Open Space Design Guidelines.

vi. Floor Area Ratio Bonus

~~(1) Basic. Area to be devoted to a major public open space may at any time be used to calculate the basic floor area ratio of development for any project limit which incorporates that major public open space, or of development on property in the same ownership which abuts property which incorporates the major public open space. For purposes of this provision, abutting property includes all property in the same ownership separated from the major public open space by only a single public right-of-way. Any transfer of basic floor area to an abutting property must be recorded with the King County Recorder's Office (or its successor agency) and provided to the Director.~~

~~(2) Bonus.~~

(1a) Bonus floor area associated with major public open space shall be awarded pursuant to the terms of LUC 20.25A.070.F to owners of property to be devoted to the major public open space who provide a recorded legal agreement pursuant to paragraph C.2.d.iii of this section upon approval of an application to construct that major public open space.

(2b) Bonus floor area earned for construction of a major public open space may be:

~~(i) — used within the project limit incorporating the Major Public Open Space or t~~ transferred to any other property within the area of the Downtown bounded on the west by Bellevue Way, on the east by 112th Avenue NE, on the south by NE 4th Street and on the north by NE 8th Street. Properties may utilize transferred floor area only to the extent that the building height does not exceed maximum height limits established for the applicable Land Use District. Each transfer must be recorded with the King County Recorder's Office (or its successor agency) and provided to the Director; ~~and~~

~~(ii) — Utilized to exceed the maximum building height of structures on the project limit incorporating the major public open space, or of structures to which~~

Comment [HC60]: UPDATED to align with Amenity Incentive System ratios provided in LUC 20.25A.070 and to retain the current "super bonus."

~~the bonus floor area is transferred, subject to the limitations in paragraph C.4.d.vi(2)(b)(i) of this section.~~

vii. Construction Required. Subject to paragraph C.4.d.viii of this section, construction by the property owner of all or part of a major public open space on property in that ownership at the location identified in the Bellevue Pedestrian Corridor and Major Public Open Space Design Guidelines is required in conjunction with any development on property in that ownership within:

- (1) 175 feet of the intersection of the eastern edge of the 106th Avenue NE right-of-way and the centerline of the major pedestrian corridor, but including only that area east of the 106th Avenue NE right-of-way; or
- (2) 175 feet of the intersection of the centerline of the 110th Avenue NE right-of-way and the centerline of the major pedestrian corridor, or the extension thereof; or
- (3) 175 feet of the intersection of the centerline of the Bellevue Way right-of-way and the centerline of the major pedestrian corridor.

viii. Exempt Activity/Use. Notwithstanding the provisions of paragraph C.4.d.vii of this section, the following activities and uses may occur on property described therein without concurrent construction of the major public open space:

- (1) Surface parking, subject to the landscape development provisions of this Code, for a period of not more than five years;
- (2) Temporary major pedestrian corridor improvements in conformance with the Interim Corridor Design Plan;
- (3) Landscape development;
- (4) Street improvements;
- (5) Any interior remodel; and
- (6) Any exterior remodel which enlarges exterior dimensions such that new floor area not exceeding a total of 20 percent of the gross floor area of the existing building is added, and all new floor area is devoted to pedestrian-oriented uses.

ix. Major Public Open Space Design.

- (1) Prior to issuance of a Building Permit for any structure which requires construction of all or part of a major public open space, or prior to actual construction of all or part of a major public open space, whichever comes first, the Bellevue Pedestrian Corridor and Major Public Open Space Design Guidelines shall contain an illustrative design generally apportioning the minimum required amount of major public open space for that entire open space. Each major public open space may have a separate illustrative design.
- (2) The property owners shall record the approved illustrative design with the King County Recorder's Office and provide a copy to the Director.

x. Design Development Plan.

(1) Prior to issuance of a Building Permit for any structure which requires construction of all or part of a major public open space, or prior to actual construction of all or part of a major public open space, whichever comes first, a Design Development Plan for that portion to be constructed must be submitted to and approved by the Director.

(2) The Director shall review the plan, or amend any approved plan through Design Review, Part 20.30F LUC. Plans that depart from the conceptual design in the Pedestrian Corridor and Major Public Open Space design guidelines shall be approved by the City Council through a Development Agreement (Part 20.30L LUC). A plan approved by the Council through the City Council Design Review process may be amended by the Director through Part 20.30F LUC.

(3) The proposed plan must specify the following elements:

- (a) Landscaping;
- (b) Lighting;
- (c) Street furniture;
- (d) Color and materials;
- (e) Relationship to building frontage;
- (f) Specific location of the major public open space;
- (g) All design features required pursuant to paragraph C.4.c of this section;
- h) Relationship to and coordination with other portions of the major public open space, and with the major pedestrian corridor;
- (i) Any other physical element which the Director determines is necessary for and consistent with the Major Public Open Space Design Plan.

3. Minor Publicly Accessible Spaces.

- a. Purpose. Minor publicly accessible spaces provide relief from high intensity urban development, serve as visual gateways to the intensive Downtown Core, and provide opportunities for active or passive recreation.
- b. Applicability. Minor publicly accessible spaces shall be required when a development does not participate in the Amenity Incentive System of LUC 20.25A.070.
- c. Location. Minor publicly accessible spaces shall be located throughout Downtown. At least two spaces shall be located in each superblock based on coordination of design and proximity to other publicly accessible spaces, or pedestrian connections.
- d. Design Guidelines.

Comment [BT(61)]: UPDATED to clarify that MPAS is required where the applicant does not have to comply with the Amenity Incentive System and remain consistent with the current code.

- i. Minor publicly accessible spaces may be outdoors or enclosed as long as adequate access is provided and their existence is easily identifiable.
 - ii. A minor publicly accessible space must be open at least during the hours of 8:00 a.m. to 10:00 p.m., or during the hours of operation of adjacent uses, whichever is lesser.
 - iii. A minor publicly accessible open space must be developed as a plaza, enclosed plaza, or art or landscape feature. The design criteria of LUC 20.25A.070.D.2 or 7. must be met, and the FAR amenity bonus may be utilized.
 - iv. Directional signage shall identify circulation routes for all users and state that the space is accessible to the public at the times specified by subsection C.3.c.ii. of this section. The signage must be visible from all points of access. The Director shall require signage as provided in the City of Bellevue Transportation Department Design Manual. If the signage requirements are not feasible, the applicant may propose an alternative that is consistent with this section and achieves the design objectives for the building and the site.
- e. Public Access – Legal Agreement.
- i. Owners of property that is used for a minor publicly accessible open space shall execute a legal agreement providing that such property is subject to a nonexclusive right of pedestrian use and access by the public during hours of operation.
 - ii. The agreement shall provide that the public right for pedestrian use shall be enforceable by the City of Bellevue, and the City shall have full rights of access to the minor publicly accessible space and associated circulation routes for purposes of enforcing the rights of the public under this agreement.
 - iii. Owners of property subject to this legal agreement will maintain the pedestrian access route and may adopt reasonable rules and regulations for the use of this space; provided, that the rules and regulations are not in conflict with the right of pedestrian use and access, and are consistent with this section.
 - iv. The agreement shall be recorded with the King County Recorder's Office (or its successor agency) and provided to the Director.

20.25A.100 Downtown Pedestrian Bridges

Comment [HC62]: MOVED from LUC 20.25A.130. UPDATED to use the new Development Agreement Process for Pedestrian Bridge Design Approval.

A. Where Permitted.

Pedestrian bridges over the public right-of-way may be allowed at or near the mid-block in the following locations; provided, that no more than one bridge may be allowed on any side of a 600-foot superblock:

1. On NE 4th Street between Bellevue Way and 110th Avenue NE;
2. On NE 8th Street between Bellevue Way and 110th Avenue NE; and
3. On Bellevue Way between NE 4th Street and NE 8th Street.

Above-grade pedestrian crossings over the public right-of-way in existence at the time of adoption of the ordinance codified in this section shall not be considered nonconforming, and may be repaired or replaced in their current locations without compliance with this section.

B. Location and Design Plan.

The City Council shall review any Downtown Pedestrian Bridge Location and Design Plan, by entering into a Development Agreement pursuant to the terms of LUC 20.25A.030.D.2.

1. Prior to issuance of any permits for a proposed Downtown pedestrian bridge, a Downtown Pedestrian Bridge Location and Design Plan must be submitted to and approved by the City Council, through a development agreement process pursuant to Part 20.30L LUC.
2. A Downtown Pedestrian Bridge Location and Design Plan shall identify the location of the Downtown pedestrian bridge, include a finding by Council that the proposal satisfies the public benefit test set forth in paragraph C of this section, be consistent with the development standards of paragraph D of this section, and be consistent with the Comprehensive Plan.
3. The Director shall ensure that the approved Downtown pedestrian bridge is constructed consistent with the Design Plan. Modification to the location of the Downtown pedestrian bridge, or to the articulated public benefits requires approval by the City Council pursuant to this section. Modifications to the design of the crossing that do not modify the location or public benefits, and that are consistent with the intent of the Design Plan may be approved by the Director through the process set forth in Part 20.30F LUC.
4. The property owners shall record the approved Design Plan with the King County Recorder’s Office or its successor agency and provide a copy to the Director.

C. Public Benefit Required.

The Council may approve, or approve with modifications, a proposed Downtown pedestrian bridge if it finds that the bridge provides a public benefit. For the purposes of this section, a Downtown pedestrian bridge shall be determined to provide a public benefit when it meets all of the following criteria:

1. The bridge improves pedestrian mobility;
2. The bridge does not detract from street level activity; and

3. The bridge functions as part of the public realm.

D. Development Standards.

Each proposed Downtown pedestrian bridge must be developed in compliance with the following standards:

1. The bridge must be open from at least 6:00 a.m. to midnight, or during the hours of operation of adjacent uses, whichever is greater. Signs shall be posted in clear view stating that the pedestrian bridge is open to the public during these hours;
2. The bridge connects upper-level publicly accessible space to upper-level publicly accessible space and provides a graceful and proximate connection between the sidewalk and bridge level that is visible and accessible from the sidewalk. The vertical connection should occur within 50 feet of the sidewalk;
3. Vertical circulation elements must be designed to indicate the bridge is a clear path for crossing the public right-of-way;
4. Directional signage shall identify circulation routes for all users;
5. Structures connected by the bridge shall draw pedestrians back to the sidewalk at the ground level immediately adjacent to both ends of the pedestrian bridge;
6. It is preferred that the bridge remain unenclosed on the sides, but allow enclosure or partial enclosure if the applicant demonstrates it is necessary for weather protection;
7. Visual access shall be provided from the sidewalk and street into the bridge;
8. Bridge may not diverge from a perpendicular angle to the right-of-way by more than 30 degrees;
9. The interior width of the bridge, measured from inside face to inside face shall be no less than 10 feet and no more than 14 feet;
10. Bridge shall be located at the second building level, with a minimum clearance of 16 feet above the grade of the public right-of-way;
11. Impacts on view corridors, as described in LUC 20.25A.150.D, shall be minimized;
12. Impacts on the function of City infrastructure, including but not limited to utilities, lighting, traffic signals, etc., shall be avoided or mitigated;
13. Lighting shall be consistent with public safety standards;
14. Signage on the exterior of the bridge, or on the interior of the bridge that is visible from a public sidewalk or street is not permitted;
15. Bridge must be architecturally distinct from the structures that it connects; and
16. Bridge must exhibit exemplary artistic or architectural qualities.

E. Public Access – Legal Agreement.

1. Owners of property that is used for pedestrian bridge circulation and access between the bridge and public sidewalk shall execute a legal agreement providing that such property is subject to a nonexclusive right of pedestrian use and access by the public during hours of bridge operation.
2. The agreement shall provide that the public right for pedestrian use shall be enforceable by the City of Bellevue, and the City shall have full rights of access for the pedestrian bridge and associated circulation routes for purposes of enforcing the rights of the public under this agreement.
3. Owners of property subject to this legal agreement will maintain the pedestrian access route and may adopt reasonable rules and regulations for the use of this space; provided, that the rules and regulations are not in conflict with the right of pedestrian use and access and consistent with this section.
4. The agreement shall be recorded with the King County Recorder's Office or its successor agency and a copy provided to the Director.

DRAFT

20.25A.110 Landscape Development

A. Street trees and landscaping – Perimeter – Plate B

1. Tree Species. The property owner shall install street trees, in addition to any landscaping required by LUC 20.25A.110.B, according to the requirements of 20.25A.110.A.1 Plate B of this section as now or hereafter amended.

20.25A.110A.1 Plate B

Comment [HC63]: MOVED from LUC 20.25A.040 Early Wins

Comment [HC64]: MOVED from LUC 20.25A.060 Early Wins.

UPDATED to add additional flexibility for tree species substitution.

Plate B – Downtown Bellevue Street Tree Species Plan

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

North-South	Proposed Street Trees	Tree Size
100th (NE 12th to NE 10th)	Pear: <i>Pyrus calleryana</i> 'Aristocrat'	Small
100th (NE 10th to NE 1st)	Scarlet oak: <i>Quercus coccinia</i>	Large
100th (NE 1st to Main)	Ginkgo: <i>Ginkgo biloba</i> 'Magyar'	Medium
101st (near NE 10th)	Ginkgo: <i>Ginkgo biloba</i> 'Autumn Gold'	Medium
101st Ave SE (south of Main St)	Katsura: <i>Cercidiphyllum japonicum</i>	Large
102nd (NE 12th to NE 8th)	Miyabe maple: <i>Acer miyabei</i> 'Rugged Ridge'	Large
102nd (NE 1st to south of Main St)	Katsura: <i>Cercidiphyllum japonicum</i>	Large
103rd (near NE 10th)	Ginkgo: <i>Ginkgo biloba</i> 'Autumn Gold'	Medium
103rd (NE 2nd to Main St)	Katsura: <i>Cercidiphyllum japonicum</i>	Large
Bellevue Way (NE 12th to NE 10th)	Tulip tree: <i>Liriodendron tulipifera</i> 'JFS-oz'	Large
Bellevue Way (NE 10th to NE 4th)	Honeylocust: <i>Gleditsia tricanthos</i> 'Shademaster'	Medium
Bellevue Way (NE 4th to Main)	Tulip tree: <i>Liriodendron tulipifera</i> 'JFS-oz'	Large
105th (NE 4th to NE 2nd)	Sweetgum: <i>Liquidambar styraciflua</i> 'Worplesdon'	Large
105th SE (near Main St)	London planetree: <i>Platanus x acerifolia</i> 'Bloodgood'	Large
106th (NE 12th to NE 8th)	Elm: <i>Ulmus propinqua</i> 'Emerald Sunshine'	Large
106th (NE 8th to NE 4th)	Elm: <i>Ulmus Americana</i> 'Jefferson'	Large
106th (NE 4th to Main)	Elm: <i>Ulmus</i> 'Morton Glossy'	Large
106th Pl NE (near NE 12th)	London planetree: <i>Platanus x acerifolia</i> 'Bloodgood'	Large
107th (NE 2nd to south of Main)	Hornbeam: <i>Carpinus caroliniana</i> 'Palisade'	Medium
108th (NE 12th to NE 8th)	Persian ironwood: <i>Parrotia persica</i> 'Ruby Vase'	Medium
108th (NE 8th to NE 4th)	Sweetgum: <i>Liquidambar styraciflua</i> 'Worplesdon'	Large
108th (NE 4th to south of Main)	Zelkova serrata 'Green Vase'	Medium
109th (near NE 10th)	Linden: <i>Tilia cordata</i> 'Chancole'	Large
110th (NE 12th to NE 8th)	Linden: <i>Tilia americana</i> 'Redmond'	Large
110th (NE 8th to NE 4th)	Zelkova serrata 'Village Green'	Medium

110th (NE 4th to Main)	Red maple: <i>Acer rubrum</i> ‘Somerset’	Large
111th (NE 11th to NE 9th)	Ginkgo: <i>Ginkgo biloba</i> ‘Autumn Gold’	Medium
111th (NE 4th to NE 2nd)	Ginkgo: <i>Ginkgo biloba</i> ‘Autumn Gold’	Medium
112th (NE 12th to Main)	Scarlet oak: <i>Quercus coccinea</i>	Large

2. 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.

3. Installation and Irrigation

a. Installation. Street trees, at least 2.5 inches in caliper or as approved by the Director, must be planted at least 3 feet from the face of the street curb, and spaced a maximum of 20 feet for small trees, 25 feet for medium trees, and 30 feet for large trees. The size of the tree shall be determined by Plate B of this section, as now or hereafter amended. A street tree planting area may also include decorative paving and other native plant materials, except grass that requires mowing. The use of planter strips for stormwater treatment is encouraged. Installation shall be in accordance with the Parks and Community Services Department Environmental Best Management Practices and Design Standards, as now or hereafter amended.

b. Irrigation. A permanent automatic irrigation system shall be provided at the time of installation of street trees and sidewalk planting strip landscaping located in a required planter strip or tree pit. The irrigation system shall be served by a separate water meter installed by the applicant and served by City-owned water supply with 24-hour access by the City. The use of rainwater to supplement irrigation is encouraged. Irrigation system shall be designed per the Parks and Community Services Department Environmental Best Management Practices and Design Standards, as now or hereafter amended.

4. Species substitution. If a designated tree species is not available due to circumstances such as spread disease or pest infestation, it may be substituted with a different species or cultivar as approved by the Director as an administrative departure pursuant to LUC 20.25A.030.D.1. The substitution shall be of the same size and canopy spread as the tree species that is being replaced.

B. On-site landscaping

1. The provisions of LUC 20.20.520, except as they conflict with this section, apply to development in the Downtown Land Use Districts.

2. Site perimeter and parking structure landscaping shall be provided in Downtown Land Use Districts according to the following chart, Landscape Development Requirements. In addition, street trees may be required by LUC 20.25A.110.A.1.

Comment [BT(65): MOVED from 20.25A.040. UPDATED because vehicular access between the front of a building and the street is no longer allowed, thus vehicular access is not needed in the column entitled “Street Frontage.”

20.25A.110 Landscape Development Requirements

Land Use District	Location On-Site		
	Street Frontage	Rear Yard	Side Yard
Downtown-O-1 Downtown-O-2 Downtown OB	If buffering a parking area – 8’ Type III (1)	None Required	None Required
Downtown-MU Downtown-R Downtown OLB Perimeter Overlay Districts	If buffering a parking area – 8’ Type III (1)	If buffering a surface vehicular access or parking area – 5’ Type III	If buffering a surface vehicular access or parking area – 5’ Type III

(1) An alternative design may be approved through Alternative Landscape Option, LUC 20.20.520.J through the Administrative Departure process contained in LUC 20.25A.030.D.1.

C. Linear Buffer

1. General. The standards of this paragraph supplement other landscape requirements of this Part 20.25A and LUC 20.20.520 for development in the Perimeter Overlay District.
2. Linear Buffers.
 - a. General. Any development situated within Perimeter Overlay A shall provide a linear buffer within the minimum setback from the Downtown boundary required by LUC Chart 20.25A.060.A.4. The purpose of this feature is to produce a green buffer that will soften the visual impact of larger buildings as viewed from the lower intensity Land Use Districts adjacent to Downtown. These design standards are minimum requirements for the size and quantity of trees and other linear buffer elements. The specific design of the linear buffer for each project will be determined through the Design Review Process. Design considerations include, but are not limited to, the placement of elements and their relationship to adjacent property as well as to the proposed development. Different sets of design standards apply to each of the locational conditions.
3. Requirements for All Linear Buffers. All linear buffers:
 - a. Shall have a minimum width of 20 feet;
 - b. Shall not be used for parking, and vehicular access drives shall be no more than 25 percent of the total are of the linear buffer;
 - c. Must include seasonal color in an amount of at least 10 percent of the perimeter setback area; and
 - d. Must utilize native species for at least 50 percent of the plantings located within the perimeter setback area.

Comment [HC66]: MOVED from LUC 20.25A.090.D.4
 UPDATED to allow increased flexibility for property owners to use the buffers.

4. Linear Buffers that are Adjacent to Rights-of-Way or Public Property shall have:
 - a. Three deciduous trees, with a minimum caliper of 2.5 inches, per each 1,000 square feet of the perimeter setback area.
 - b. Two flowering trees, with a minimum caliper of two inches, per each 1,000 square feet of perimeter setback area.
 - c. Ten evergreen shrubs, minimum five-gallon size, per 1,000 square feet of the perimeter setback area.
 - d. Living ground cover that provides cover of unpaved portion of buffer within three years.
 - e. Walls and fences that do not exceed 30 inches.
 - f. Accessibility both visually and physically abutting the sidewalk and being within three feet of the sidewalk or providing alternative access.
 - g. Seventy-five percent of the buffer must be planted. The other 25 percent may be paved with pervious pavement, brick, stone or tile in a pattern and texture that is level and slip-resistant. The paved portion of the buffer may be used for private recreational space and residential entries.
5. Where the Downtown boundary abuts property outside the Downtown other than right-of-way or public property, the minimum setback from the Downtown boundary (or perimeter property lines when the setback has been relocated pursuant to Note 6 of subsection LUC 20.25A.060.A.4 shall be landscaped as follows:
 - a. The entire setback shall be planted except for allowed paved portions. No portion may be paved except for vehicular entrance drives, required through-block connections, patios that do not exceed 25 percent of the area of the required setback, and residential entries that do not exceed 25 percent of the area of the required setback.
 - b. The setback shall be planted with:
 - i. Evergreen and deciduous trees, with no more than 30 percent deciduous, a minimum of 10 feet in height, at intervals no greater than 20 feet on center;
 - ii. Evergreen shrubs, a minimum of two-gallon in size, at a spacing of three feet on center; and
 - iii. Living ground cover so that the entire remaining area will be covered in three years.

D. Fences

1. No fence may violate the sight obstruction restrictions at street intersections. (See BCC 14.60.240.)
2. Any fence which exceeds eight feet in height requires a Building Permit and shall conform to the International Building Code, as adopted and amended by the City of Bellevue.

Comment [HC67]: MOVED from LUC 20.25A.040.C

3. Height shall be measured from finished grade at the exterior side of the fence. No person may construct a berm upon which to build a fence unless the total height of the berm plus the fence does not exceed the maximum height allowable for the fence if the berm was not present.

4. Prohibited Fences. Barbed wire may not be used in fencing in any Downtown land use district. Electric fences are not permitted in any Downtown land use district. Chain link fences are not permitted in any Downtown land use district, except:

- a. To secure a construction site or area during the period of construction, site alteration or other modification; and
- b. In connection with any approved temporary or special event use.

DRAFT

20.25A.120 Green and Sustainability Factor

A. General All new development shall provide landscaping and other elements that meets a minimum Green and Sustainability Factor score. All required landscaping shall meet standards promulgated by the Director to provide for the long-term health, viability, and coverage of plantings. These standards may include, but are not limited to, the type and size of plants, spacing of plants, depth of soil, and the use of drought-tolerant plants. The Green and Sustainability Factor score shall be calculated as follows:

1. Identify all proposed elements, presented in Figure 20.25A.120.A.5.
2. Multiply the square feet, or equivalent ~~square footage~~unit of measurement where applicable, of each landscape element by the multiplier provided for that element in Figure 20.25A.120.A.5 according to the following provisions:
 - a. If multiple elements listed in Figure 20.25A.120.A.5 occupy the same physical area, they may all be counted. For example, groundcover and trees occupying the same physical space may be counted under the ground cover element and the tree element.
 - b. Landscaping elements and other frontage improvements in the right-of-way between the lot line and the roadway may be counted.
 - c. Elements listed in Figure 20.25A.120.A.5 that are provided to satisfy any other requirements of Part 20.25A may be counted.
 - d. Unless otherwise noted, elements shall be measured in square feet.
 - e. For trees, large shrubs and large perennials, use the equivalent square footage of each tree or shrub provided in Figure 20.25A.120.A.5. Tree sizing shall be determined by the Green and Sustainability Factor Tree List maintained by the Director in the Development Services Department. If a tree species is not included on the list, the Director shall determine the size of the proposed tree species.
 - f. For green walls systems, use the square footage of the portion of the wall that will be covered by vegetation at three years. Green wall systems must include year-round irrigation and a submitted maintenance plan ~~to~~shall be included as an element in the calculation for a project's Green and Sustainability Factor Score.
 - g. All vegetated structures, including fences counted as green-vegetated walls shall be constructed of durable materials, provide adequate planting area for plant health, and provide appropriate surfaces or structures that enable plant coverage. Vegetated walls must include year-round irrigation and a submitted maintenance plan shall be included as an element in the calculation for a project's Green and Sustainability Factor Score.
 - h. For all elements other than trees, large shrubs, large perennials, green walls, structural soil systems and soil cell system volume; square footage is determined by the area of the portion of the horizontal plane that lies over or under the element.
 - j. All permeable paving and structural soil credits may not count for more than one third of a project's Green and Sustainability Factor Score.

Comment [HC68]: NEW - Reviewed by the Planning Commission on October 26, 2016. Improves walkability, reinforces "City in a Park" character, increases tree canopy, helps with stormwater runoff infiltration, and softens and mitigates the effects of dense urban environment. Uses Seattle model.

Comment [HC69]: CODE CLARIFICATION – modified to better differentiate between Green Wall Systems and Vegetated Walls.

3. Add together all the products calculated in Figure 20.25A.120.A.5 below to determine the Green and Sustainability Factor numerator.
4. Divide the Green and Sustainability Factor numerator by the lot area to determine the Green and Sustainability Factor score. A development must achieve a minimum score of 0.3.
5. The Director has the final authority in determining the accuracy of the calculation of the Green and Sustainability Factor score.

Figure 20.25A.120.A.5

A. Landscape Elements		Multiplier
	1. Bioretention Facilities and Soil Cells. Bioretention facilities and soil cells must comply with Bellevue’s Storm and Surface Water Engineering Standards. Bioretention facilities shall be calculated in horizontal square feet. The soil cell systems shall be calculated in cubic feet. The volume of the facility shall be calculated using three feet of depth or the depth of the facility, whichever is less.	1.2
	2. Structural Soil Systems. The volume of structural soil systems can be calculated up to 3 feet in depth. The volume of structural soil systems shall be calculated in cubic feet. The volume of the facility shall be calculated using three feet of depth or the depth of the facility, whichever is less.	0.2
	3. Landscaped Areas with Soil Depth Less than 24 Inches	0.1
	4. Landscaped Areas with Soil Depth of 24 Inches or More	0.6
	5. Preservation of Existing Trees. Existing trees – proposed for preservation shall be calculated at 20 square feet per inch d.b.h. Trees shall have a minimum diameter of 6 inches at d.b.h. Existing street trees proposed for preservation must be approved by the Director.	1.0
	6. Preservation of Landmark Tree Bonus. Landmark trees proposed for this bonus shall be calculated at 20 square feet per inch d.b.h. and shall meet the City’s definition for Landmark Trees. This bonus is in addition to the preservation of existing trees.	0.1
	7. Preservation of Existing Evergreen Trees Bonus. Existing evergreen trees proposed for this bonus shall be calculated at 20 square feet per inch d.b.h. and shall have a minimum diameter of 6 inches at d.b.h.	0.1

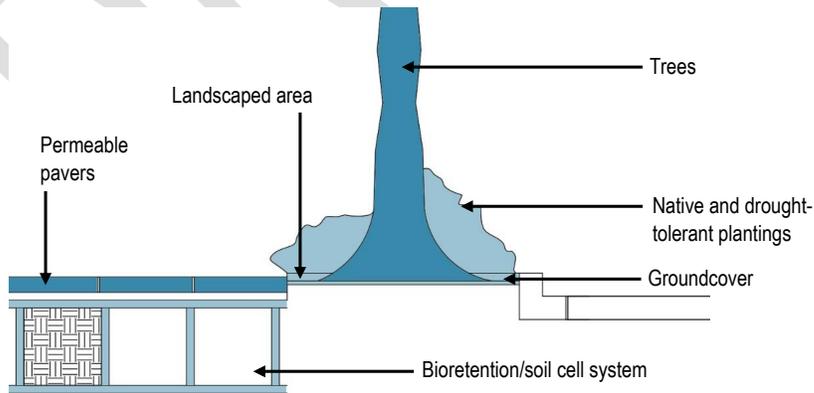
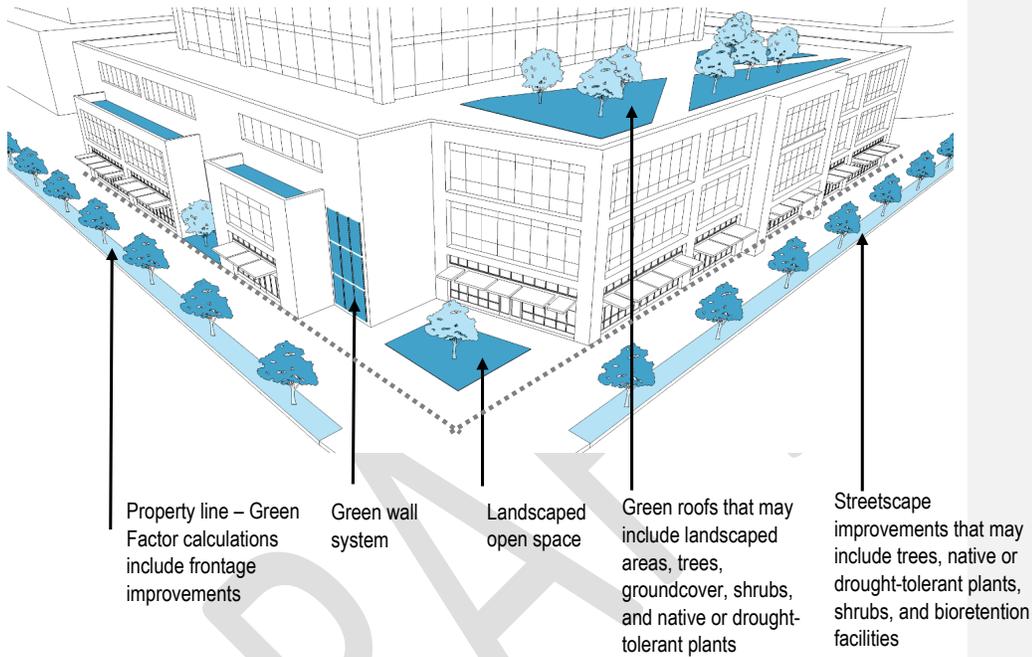
	8. Preservation of Existing Evergreen Trees Bonus. Existing evergreen trees proposed for this bonus shall be calculated at 20 square feet per inch d.b.h. and shall have a minimum diameter of 6 inches at d.b.h.	0.1
	89. Shrubs or Large Perennials. Shrubs or large perennials that are taller than 2 feet at maturity shall be calculated at 12 square feet per plant.	0.4
	9 10. Small Trees. Small trees shall be calculated at 90 square feet per tree. Consult the Green and Sustainability Factor Tree List for size classification of trees.	0.3
	10 4. Medium Trees. Medium trees shall be calculated at 230 square feet per tree. Consult the Green and Sustainability Factor Tree List for size classification of trees.	0.3
	11 2. Large Trees. Large trees shall be calculated at 360 square feet per tree. Consult with the Green and Sustainability Factor Tree List for size classification of trees.	0.4
B. Green Roofs		
	1. Green Roof, 2 to 4 Inches of Growth Medium. Roof area planted with at least 2 inches of growth medium, but less than 4 inches of growth medium.	0.4
	2. Green Roof, At Least 4 Inches of Growth Medium. Roof area planted with at least 4 inches of growth medium.	0.7
C. Green Walls		
	1. Vegetated Wall. Façade or structural surface obscured by vines. Vine coverage shall be calculated with an estimate of 3 years' growth. A year-round irrigation and maintenance plan shall be provided.	0.2
	2 1. Green Wall System. Façade or wall-structural surface planted with a green wall system. with A year-round irrigation and maintenance plan calculated with an estimate of 3 years' growth shall be provided.	0.7
D. Landscape Bonuses		
	1. Food Cultivation. Landscaped areas for food cultivation.	0.2
	2. Native or Drought-Tolerant Landscaping. Landscaped areas planted with native or drought-tolerant plants.	0.1
	3. Landscape Areas at Sidewalk Grade.	0.1
	4. Rainwater Harvesting. Rainwater harvesting for landscape	0.2

Comment [HC70]: Deleted as duplicate of Landscape Element A.7.

Comment [HC71]: CODE CLARIFICATION – modified to better differentiate between Green Wall Systems and Vegetated Walls.

	irrigation shall be calculated as a percentage of total water budget times total landscape area.	
E. Permeable Paving		
	1. Permeable Paving, 6 to 24 Inches of Soil or Gravel. Permeable paving over a minimum of 6 inches and less than 24 inches of soil or gravel.	0.2
	2. Permeable Paving over at Least 24 Inches of Soil or Gravel.	0.5
F. Publicly Accessible Bicycle Parking		
	1. Bicycle Racks. Bicycle racks in publicly accessible locations shall be calculated at 9 square feet per bike locking space and must be visible from sidewalk or public area.	1.0
	2. Bicycle Lockers. Bicycle lockers in publicly accessible locations –shall be calculated at 12 square feet per locker, and must be visible from public areas and open for public use.	1.0

Comment [HC72]: MOVED Green Building Initiatives to the FAR Amenity section LUC 20.25A.070 because certificates are not awarded until after the building is built and sometimes even later. Green building certificates and awards are counted in the FAR system because they can be valued. This allows the developer to pay a fee in lieu if certification is not awarded and FAR bonus was used to support development program.



Heritage Trees -TBD

Comment [BT(73): There is a landmark tree bonus in the Green and Sustainability Factor above. We will include Heritage Trees and Landmark Trees more comprehensively when the City wide conversation regarding tree retention has been initiated and completed.

20.25A.130 Mechanical Equipment Screening and Location Standards.

Comment [HC74]: MOVED from Downtown LUC 20.25A.045 Early Wins.

A. Applicability.

The requirements of this section shall be imposed for all new development, and construction or placement of new mechanical equipment on existing buildings. Mechanical equipment shall be installed so as not to detract from the appearance of the building or development.

B. Location Requirements.

1. To the maximum extent reasonable and consistent with building and site design objectives, mechanical equipment shall be located in the building, below grade, or on the roof.
2. Where the equipment must be located on the roof, it shall be consolidated to the maximum extent reasonable rather than scattered.
3. Mechanical equipment shall not be located adjacent to a sidewalk, through-block pedestrian connection, or area designated open to the public, such as a plaza.

C. Screening Requirements.

1. Exposed mechanical equipment shall be visually screened by a predominantly solid, non-reflective visual barrier that equals or exceeds the height of the mechanical equipment. The design and materials of the visual barrier or structure shall be consistent with the following requirements:
 - a. Architectural features, such as parapets, screen walls, trellis systems, or mechanical penthouses shall be consistent with the design intent and finish materials of the main building, and as high, or higher than the equipment it screens.
 - b. Vegetation or a combination of vegetation and view-obscuring fencing shall be of a type and size that provides a visual barrier at least as high as the equipment it screens and provides 50 percent screening at the time of planting and a dense visual barrier within three years from the time of planting.
 - c. Screening graphics may be used for at-grade utility boxes.
2. Mechanical equipment shall be screened from above by incorporating one of the following measures, in order of preference:
 - a. A solid non-reflective roof. The roof may incorporate non-reflective louvers, vents, or similar penetrations to provide necessary ventilation or exhaust of the equipment being screened;
 - b. Painting of the equipment to match or approximate the color of the background against which the equipment is viewed;
 - c. Mechanical Equipment Installed on Existing Roofs. The Director may approve alternative screening measures not meeting the specific requirements of this section if the applicant demonstrates that:

- i. The existing roof structure cannot safely support the required screening, or
- ii. The integrity of the existing roof will be so compromised by the required screening as to adversely affect any existing warranty on the performance of the roof.

D. Exhaust Control Standards.

1. Purpose. Where technically feasible, exhaust equipment shall be located so as not to discharge onto a sidewalk, right-of-way, or area designated accessible to the public; including but not limited to a plaza, through-block connection, pedestrian bridge, and minor publicly accessible space.
2. Exhaust Location Order of Preference. Mechanical exhaust equipment shall be located and discharged based on the following order of preference:
 - a. On the building roof;
 - b. On the service drive, alley, or other façade that does not abut a public street, sidewalk or right-of-way;
 - c. Located above a driveway or service drive to the property such as a parking garage or service court; or
 - d. Location that abuts a public street or easement; provided, that the exhaust discharge is not directly above an element that has earned FAR Amenity Incentive System points, such as a public plaza.
3. If mechanical exhaust equipment is located as provided in subsection D.2.c or d of this paragraph, then it shall be deflected from such public space and located at least 16 feet above finished grade, street, easement or other area designated accessible to the public.
4. Exhaust outlets shall not be allowed to discharge to an area that has earned FAR Amenity Incentive System points, such as a public plaza.

E. Modifications.

The location and screening of mechanical equipment and exhaust systems is subject to review and approval at the time of land use review. The Director may approve an administrative departure pursuant to LUC 20.25A.030.D.1. if the applicant demonstrates that the alternate location or screening measures provide an equal or better result than the requirements of this section.

F. Noise Requirements.

1. Mechanical equipment shall meet the requirements of Chapter 9.18 BCC, Noise Control.
2. The applicant shall be required to demonstrate the mechanical system compliance with the requirements of Chapter 9.18 BCC prior to issuance of certificate of occupancy.

20.25A.135 Downtown Neighborhood Specific Standards

A. Eastside Center, Convention Civic Neighborhood

Comment [HC75]: MOVED from LUC 20.25A.065 and updated to conform to the balance of the code

1. Definition of District. The Convention Civic Neighborhood encompasses the area bounded by the centerlines of 110th Avenue NE on the west, NE 8th Street on the north, I-405 on the east, and NE 4th Street on the south.
2. Purpose. The purpose of the Convention Civic Center Neighborhood is to implement the Downtown Subarea policies concerning the Special Opportunity Area, by providing specific standards. These standards will permit the development of cultural, conference and exhibition facilities and other uses as envisioned by the policies.
3. Development Standards. All provisions of this Part 20.25A LUC shall apply to this district, with the following exceptions:
 - a. Within the Convention Civic Neighborhood, maximum lot coverage may be up to 100 percent for buildings in which more than 50 percent of the gross floor area, excluding parking, is comprised of one or more of the following uses: city government facilities, cultural facilities, conference facilities and exhibition facilities.
 - b. Within the Convention Civic Neighborhood, the building floor area per floor above 40 feet high may be unlimited for buildings and floors in which more than 50 percent of the gross floor area, excluding parking, is comprised of one or more of the following uses: city government facilities, cultural facilities, conference facilities and exhibition facilities.
 - c. Building types listed in paragraphs 3.a and 3.b of this section should incorporate special design features as described below:
 - i. Building facades should be divided into increments through the use of offsets, facets, recesses or other architectural features which serve to break down the scale. Roof forms should incorporate terraces, planting areas, decorative features, or other elements to soften the rectilinear profile.
 - ii. Special attention should be given to the provision of elements at or near the ground level such as awnings, recessed entries, water features, address signs, seasonal flower beds, seating, pedestrian-oriented uses and display kiosks.
 - d. Nothing in these provisions shall affect the maximum floor area ratios permitted for the underlying land use districts.
 - e. Within the Convention Civic Neighborhood, the minimum side and rear setback required above 40 feet for all buildings with a building height in excess of 75 feet may be eliminated for buildings and floors in which more than 50 percent of the gross floor area, excluding parking, is comprised of one or more of the following uses: city government facilities, cultural facilities, conference facilities and exhibition facilities.

B. Downtown – Old Bellevue Neighborhood District

Comment [HC76]: MOVED from LUC 20.25A.070. UPDATED to conform to the balance of the code and to remove redundancies.

1. Design Review Required. All development within the Downtown-Old Bellevue Neighborhood must be reviewed by the Director using the Design Review process, Part 20.30F LUC, and applying the Downtown Design Review Criteria, LUC 20.25A.110, in reviewing an application for development in the Downtown-Old Bellevue Neighborhood.
2. Development Requirements. Development within the Old Bellevue Neighborhood must comply with the following if the property abuts the named streets:
 - a. Street Improvements. The applicant shall provide half-street and sidewalk improvements including paving, street trees, lighting and other street furniture comparable to the existing Main Street streetscape between 102nd Avenue and Bellevue Way on:
 - i. Both sides of Main Street between 100th Avenue and Bellevue Way; and
 - ii. 102nd and 103rd Avenues between SE 1st Street and NE 1st Street; and
 - iii. The west side of Bellevue Way between SE 1st Street and NE 2nd Street; and
 - iv. The east side of 100th Avenue between SE Bellevue Place and NE 1st Street; and
 - v. Both sides of NE 1st and NE 2nd between 100th Avenue and Bellevue Way.
 - b. Pedestrian-oriented frontage must include display windows having mullions that are spaced two to six feet apart.

20.25A.140 Downtown Design Guidelines Introduction.

The Downtown Design Guidelines have the following predominant goals:

- A. To ensure that Downtown is viable, livable, memorable, and accessible.
- B. To promote design excellence, innovation, and reinforce a sense of place for Downtown.
- C. To improve the walkability, streetscapes, and public spaces for Downtown residents, employees and visitors.
- D. To foster a vibrant pedestrian environment by providing a welcoming streetscape with Active Uses, open spaces, street furniture, landscaping, and pedestrian-scaled amenities.
- E. To improve connectivity through Downtown and from Downtown to adjacent neighborhoods.
- F. To encourage sustainable and green design features, including those that promote water, resource, and energy conservation.
- G. To encourage the design of attractive rooftops that contribute to a memorable Downtown skyline.
- H. To advance the theme of “City in a Park” for Downtown, create more green features and public open space, and promote connections to the rest of the park and open space system.

Comment [HC77]: MOVED from Design Guidelines Building/Sidewalk Relationships II and UPDATED in response to CAC Recommendations and Updated Comprehensive Plan.

DRAFT

20.25A.150 Context.

Comment [HC78]: NEW – Incorporated CAC Recommendations, Updated Comprehensive Plan Policy direction and Design Criteria from LUC 20.25A.110, and aligned with BelRed code organization (LUC 20.25D.150). Improves Land Use Code Consistency and Ease of Use.

A. Relationship to Height and Form of Other Development.

1. Intent. Each new development provides an opportunity to enhance the aesthetic quality of Downtown and its architectural context. The relationship that a development has to its environment is a part of creating a well-designed, accessible, vibrant community.
2. Guidelines.
 - a. Architectural elements should enhance, not detract from, the area’s overall character;
 - b. Locate the bulk of height and density in multi-building projects away from lower intensity land use districts;
 - c. Minimize offsite impacts from new development, such as lights and noise, by directing them away from adjacent properties and less intense uses;
 - d. Incorporate architectural elements at a scale and location that ensures detailing is proportionate to the size of the building; and
 - e. Use forms, proportions, articulation, materials, colors and architectural motifs that are suggested by and complement adjacent buildings.

B. Relationship to Publicly Accessible Open Spaces

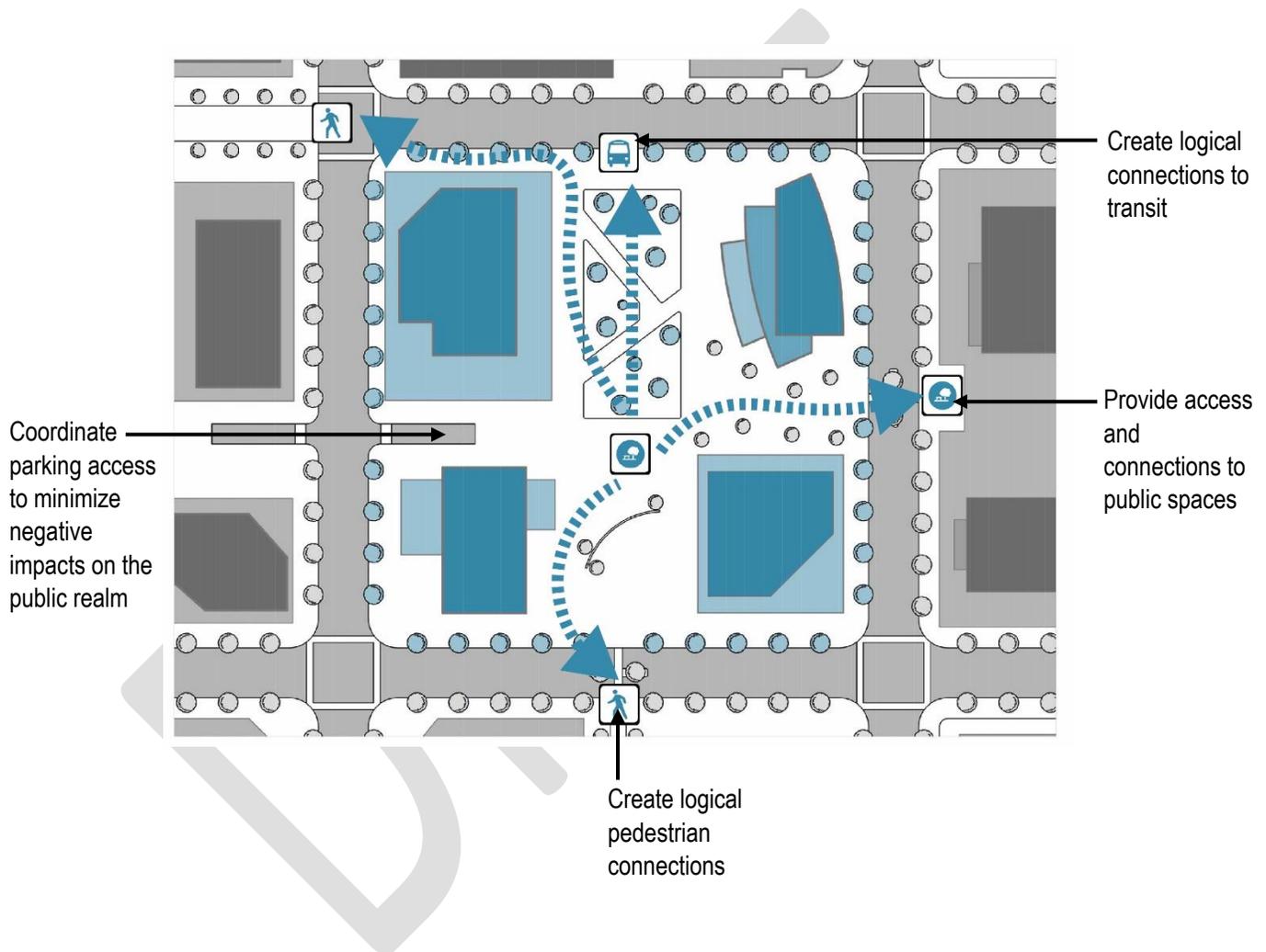
1. Intent. Publicly accessible open spaces including Outdoor Plazas, Major Pedestrian Open Spaces and Minor Publicly Accessible Spaces are provided for public enjoyment and are an area of respite for those who live and work in the area. Publicly accessible open spaces provide numerous benefits for people including: active and passive recreation, a place to sit and gather, a place for events, and relief from the built environment. Any negative impacts from new projects to adjacent publicly accessible spaces should be minimized.
2. Guidelines.
 - a. Organize buildings and site features to preserve and maximize solar access into existing and new public open spaces wherever possible;
 - b. When designing a project base or podium, strive to enhance the user’s experience of adjacent public open spaces. For example, views of an adjacent existing public open space can be framed by new development; and
 - c. Promote use and accessibility of publicly accessible open spaces through site and building design.

C. Relationship to Transportation Elements

1. Intent. Downtown residents, employees, and visitors depend on safe, inviting, efficient transportation options. New development is a key link in creating a reliable transportation system with connections to different modes of transportation that place an emphasis on safety for the pedestrian.

2. Guidelines.

- a. Create logical connections to transit options, walking and biking trails, pedestrian routes, and streets; and
- b. Coordinate service and parking access to maximize efficiency and minimize negative impacts on adjacent land uses and the public realm.

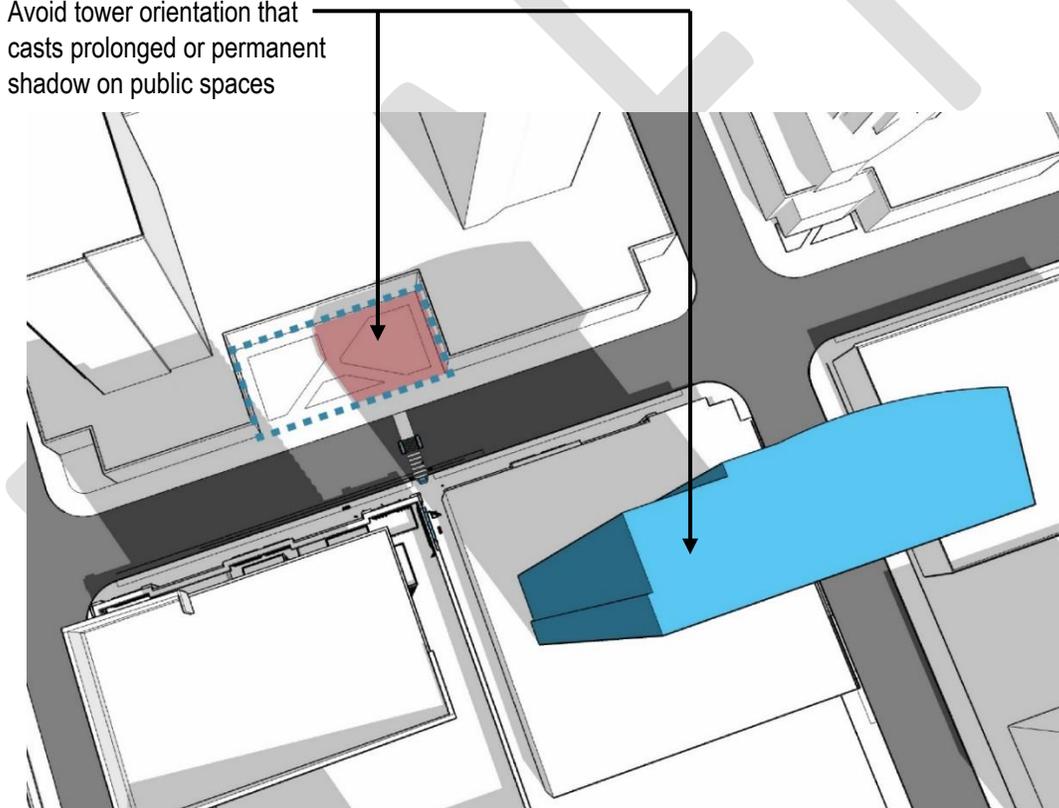
**D. Emphasize Gateways**

1. Intent. Entrances and transitions into and within Downtown should be celebrated.
2. Guideline. Use architectural and landscape elements to emphasize gateways. Pedestrians, cyclists, transit passengers, and motorists should experience a sense of “entering” or moving into Downtown, as well as entry into unique neighborhoods in Downtown. Refer to the Gateways and Wayfinding section of the Downtown Subarea Plan in the City of Bellevue Comprehensive Plan for a map of gateways.

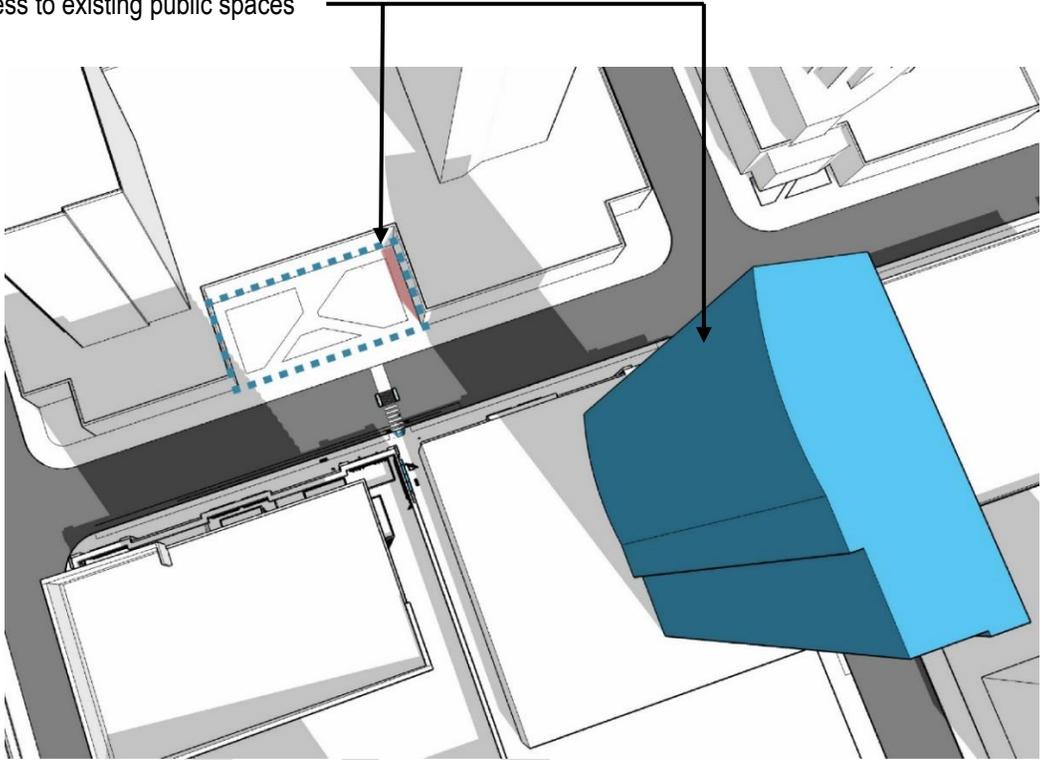
E. Maximize Sunlight on Surrounding Area

1. Intent. Outdoor spaces are more enjoyable and functional if they are filled with sunlight. Loss of sunlight and sky view reduces the comfort, quality, and use of publicly accessible open space. Trees and vegetation need sunlight to thrive.
2. Guidelines.
 - a. Evaluate alternative placement and massing concepts for individual building sites at the scale of the block to secure the greatest amount of sunlight and sky view in the surrounding area;
 - b. Maximize sunlight and sky view for people in adjacent developments and streetscape; and
 - c. Minimize the size of shadows and length of time that they are cast on pedestrians in the streetscape.

Avoid tower orientation that casts prolonged or permanent shadow on public spaces



Orient towers to preserve solar access to existing public spaces



DRAFT

20.25A.160 Site Organization.

Comment [HC79]: NEW – Incorporated CAC Recommendations, Updated Comprehensive Plan Policy direction and Design Criteria from LUC 20.25A.110, and aligned with BelRed code organization (LUC 20.25D.150). Improves Land Use Code Consistency and Ease of Use.

A. Introduction

Downtown Bellevue is unique in its 600-foot superblock configuration. These large blocks, which constitute the majority of the blocks in Downtown, create greater flexibility in site design. However, they create a greater need to provide for street activation and coordinated internal circulation.

B. On-Site Circulation

1. Intent. The vitality and livability of Downtown is dependent on a safe, walkable environment that prioritizes the pedestrian and reduces conflicts between pedestrians and other modes of transportation. The design should encourage the free flow of pedestrians, cyclists and cars onto, off, and through the site. Walkability includes the creation of through-block pedestrian connections and other paths that offer attractive and convenient connections away from heavy arterial traffic. These connections also break down superblocks into a pedestrian-friendly grid.
2. Guidelines.
 - a. Site Circulation for Servicing and Parking.
 - i. Minimize conflicts between pedestrians, bicycles and vehicles;
 - ii. Provide access to site servicing and parking at the rear of the building from a lane or shared driveway, if possible;
 - iii. Provide access to site servicing, such as loading, servicing, utilities, vehicle parking, either underground or within the building mass and away from the public realm and public view;
 - iv. Minimize the area of the site used for servicing through the use of shared infrastructure and shared driveways;
 - v. Provide service access through the use of through-lanes rather than vehicle turnarounds, if possible; and
 - iv. Locate above-ground mechanical and site servicing equipment away from the public sidewalk, through-block connections, and open spaces.
 - b. On-site Passenger and Guest Loading Zones, Porte Cocheres, and Taxi Stands
 - i. Plan for increased activity found in passenger and guest loading areas during site plan development. Loading functions must take place on private property, except as provided below;
 - ii. Locate passenger and guest loading zones and taxi stands so that the public right-of-way will remain clear at all times;
 - iii. Locate passenger and guest loading zones and taxi stands to minimize conflicts with pedestrians and other modes of transportation. Limit the number and width of curb cuts and

20.25A.160 105

vehicular entries to promote street wall continuity and reduce conflicts with pedestrians, bicyclists, and other modes of transportation;

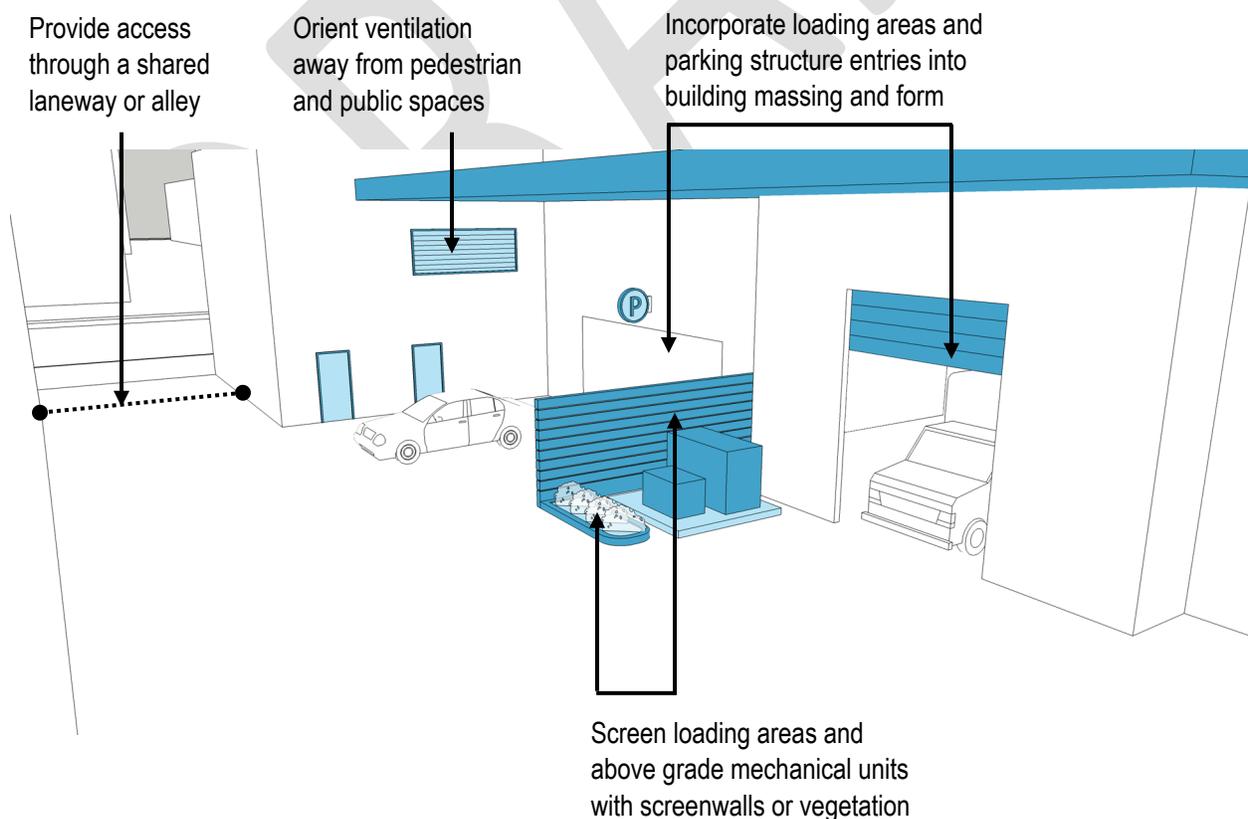
iv. Walkways should be placed to provide pedestrian access from the public sidewalk to the building entry without requiring pedestrians to walk in the driveway or come into conflict with vehicles;

v. Pull-through drives should have one lane that is one-way where they enter from and exit to the street;

vi. Long-term parking is not allowed in passenger and guest loading areas;

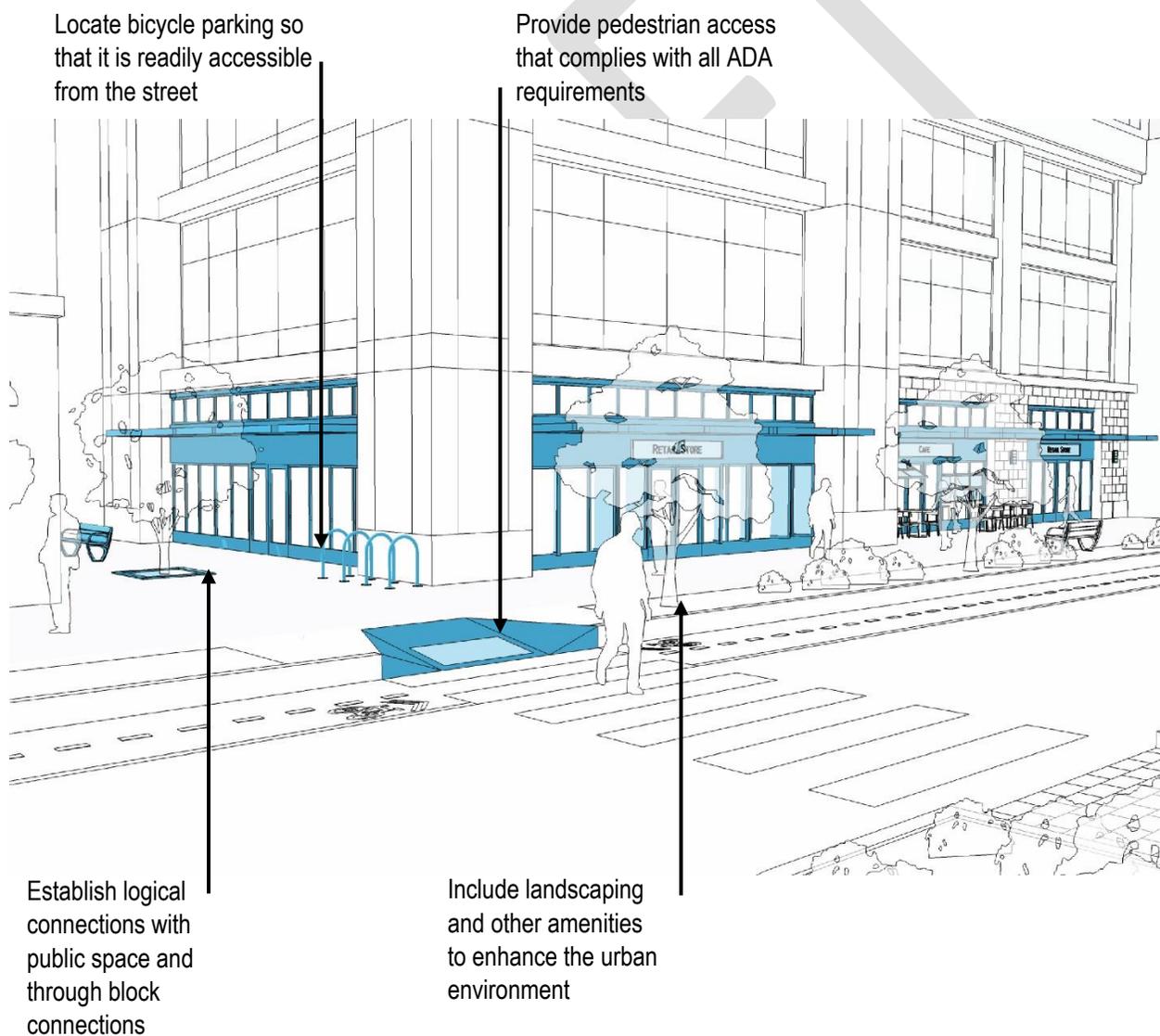
vii. If private bus activity is anticipated, provide an off-street passenger loading area for this size of a vehicle. Passenger loading functions may not take place in the public right-of-way; and

viii. Passenger loading functions for hotels, other than guest arrival and departure, are allowed on streets with moderate intensity, such as a C Right-of-Way, via a curb setback loading area. Right-of-Way Classifications can be found in LUC 20.25A.170.B. Provided: the loading area must have a direct relationship to the building entry, and the required streetscape (curb, sidewalk, and planting strip) widths must be maintained between the loading area and building entries, and the Director of Transportation has approved the configuration.



c. Pedestrian and Cycling Connections

- i. Include direct, logical, safe, and continuous routes for pedestrians and cyclists;
- ii. Provide pedestrian access through the site that is available to all and consistent with the Americans with Disabilities Act;
- iii. Include landscaping, pedestrian-scale lighting, and other amenities that enhance use of such connections during every season; and
- iv. Locate bicycle parking so that it has direct and visible access to the public street, building entrances, transit, and other bicycle infrastructure.



C. Building Entrances

1. Intent. Direct access from the public sidewalk to each building animates the street and encourages pedestrian activity to occur in the public realm rather than inside the building.
2. Guidelines. Ensure that the primary building entrances front onto major public streets, are well-defined, clearly visible, and accessible from the adjacent public sidewalk.

Multiple entrances.

D. Through-Block Pedestrian Connections.

1. Through-Block Pedestrian Connection Map.

Comment [HC80]: MOVED from 20.25A.060 Early Wins and UPDATED

DRAFT

Figure 20.25A.160.D.1



DOWNTOWN THROUGH-BLOCK CONNECTIONS

LEGEND

- Through-Block Connections
- Parcels
- Downtown Boundary

600 Feet

2. Intent. A through-block pedestrian connection provides an opportunity for increased pedestrian movement through superblocks in Downtown and helps to reduce the scale of the superblocks.
3. Standards.
 - a. Location. Through-block pedestrian connections are required in each superblock as provided in the map above. A through-block pedestrian connection shall be outdoors, except where it can only be accommodated indoors. The Director may approve a location shift on a through-block pedestrian connection provided that it provides similar pedestrian access as would have been required in the map above.
 - b. Proportionate Share. If a new development is built adjacent to a required through-block pedestrian connection as provided in the map in LUC 20.25A.160.D.1, the applicant shall construct a proportionate share of the through-block pedestrian connection.
 - c. Hours. A through-block pedestrian connection shall be open to the public 24 hours a day. Provided, if the through-block pedestrian connection is within a building, its hours shall coincide with the hours during which the building is open to the public.
 - d. Easement. Through-block connections require an easement for public right of pedestrian use in a form approved by the City,
 - e. Signage. Directional signage shall identify circulation routes for all users and state that the space is accessible to the public at all times. The signage must be visible from all points of access. The Director shall require signage as provided in the City of Bellevue Transportation Department Design Manual. If the signage requirements are not feasible, the applicant may propose an alternative that is consistent with this section and achieves the design objectives for the building and the site.
4. Guidelines. A through-block pedestrian connection should:
 - a. Form logical routes from its origin to its destination;
 - b. Offer diversity in terms of activities and pedestrian amenities;
 - c. Incorporate design elements of the adjacent right-of-way, such as paving, lighting, landscaping, and signage to identify the through-block pedestrian connection as a public space;
 - d. Accentuate and enhance access to the through-block pedestrian connection from the right-of-way by use of multiple points of entry that identify it as a public space;
 - e. Identify the connection as a public space through clear and visible signage;
 - f. Provide lighting that is pedestrian-scaled, compatible with the landscape design, and that improves safety;
 - g. Provide high quality design and durable materials;
 - h. Provide landscaping to define and animate the space wherever possible;

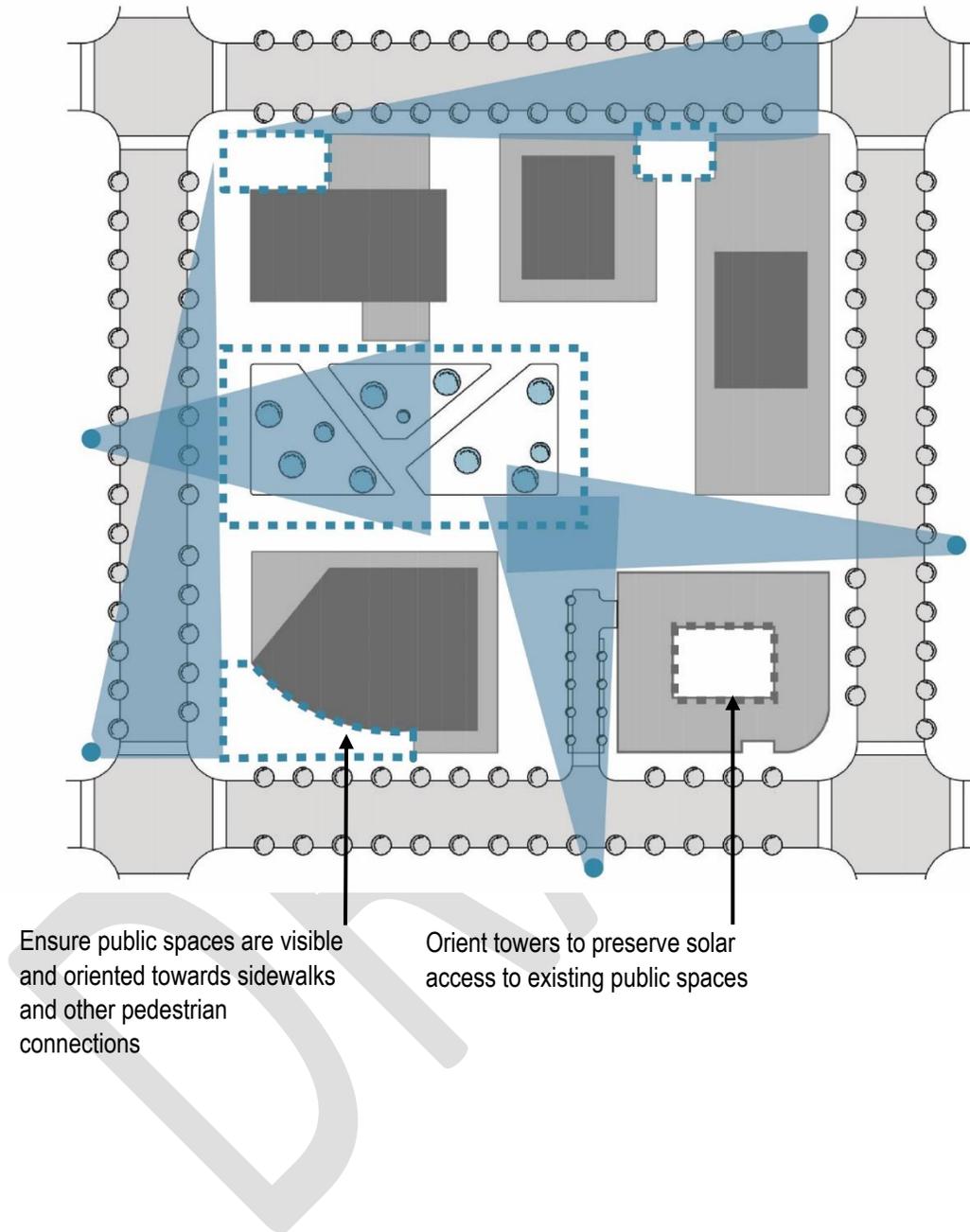
- i. Incorporate trees and landscaping to provide enclosure and soften the experience of the built environment;
- j. The use of artistic elements and water features is encouraged to provide moments of interest for the user;
- k. Provide access that complies with the Americans with Disabilities Act, additional access may be provided through the building, if necessary to meet this requirement;
- l. Provide weather protection for pedestrians at key intersections, building entrances, or points of interest;
- m. Be developed as a walkway or a combination walkway and vehicular lane. If the combination walkway and vehicular lane does not have a separate raised walkway, the walkway surface must be paved with unit paver blocks or other unique paving surface to indicate that it is a pedestrian area;
- n. Incorporate decorative lighting and seating areas; and
- o. Be visible from surrounding spaces and uses. Provide windows, doorways and other devices on the through-block connection to ensure that the connection is used, feels safe, and is not isolated from view.

E. Open Space

1. Intent: Open space is an integral part of a livable urban environment because it provides people a place for recreation, gathering, and reflection in a built environment. A vibrant Downtown includes open space that encourage active and passive recreation, spontaneous and planned events, and the preservation of the natural environment.
2. Guidelines.
 - a. Site and building design should capitalize on significant elements of the natural environment, planned parks, outdoor plazas, and open space. Designs should incorporate open space amenities for residents, employees, and visitors. Depending on the location, this may be accomplished through integration of the natural environment with new development or providing a smooth transition between the natural and built environments;
 - b. Orient gathering places and walkways toward parks and open spaces. Provide clear and convenient public access to open space amenities;
 - c. Include elements that engage the natural environment where the sight, sound, and feel of nature can be directly experienced;
 - d. Locate buildings to take maximum advantage of adjacent open spaces.
 - e. Create attractive views and focal points;
 - f. Use publicly accessible open space to provide through-block pedestrian connections where possible;

Comment [HC81]: NEW – Incorporated Design Criteria in LUC 20.25A.110, and aligned with BelRed code organization (LUC 20.25D.150). Improves Land Use Code Consistency and Ease of Use.

- g. Include features and programming opportunities to encourage year-round use;
- h. Define and animate the edges of publicly accessible open space with well-proportioned building bases, permeable facades, and Active Uses at-grade;
- i. Provide access that complies with the Americans with Disabilities Act, additional access may be provided through the building if necessary to meet this requirement;
- j. Provide weather protection for pedestrians at key intersections, building entrances, and points of interest;
- k. Use artistic elements and water features where possible.
- l. Use design elements, such as surface materials, furnishings, landscaping and pedestrian-scale lighting that are high-quality, functional, and environmentally sustainable; and
- m. Maximize safety and comfort by including access to sunlight, clear views to and from adjacent streets and buildings, compliance with the Americans with Disabilities Act, and protection from wind and inclement weather; and
- n. Design for events where feasible by providing electrical hookups and areas for staging.
- o. Open space design should not incorporate loading, refuse handling, parking, and other building and site service uses at the ground level facade, though such activities may be conducted in an open space when reasonable alternatives are not feasible. When the above-referenced activities must be incorporated into an Open Space Design, operational procedures should require the above-referenced activities to occur after normal business hours.
- p. Employ decorative lighting.

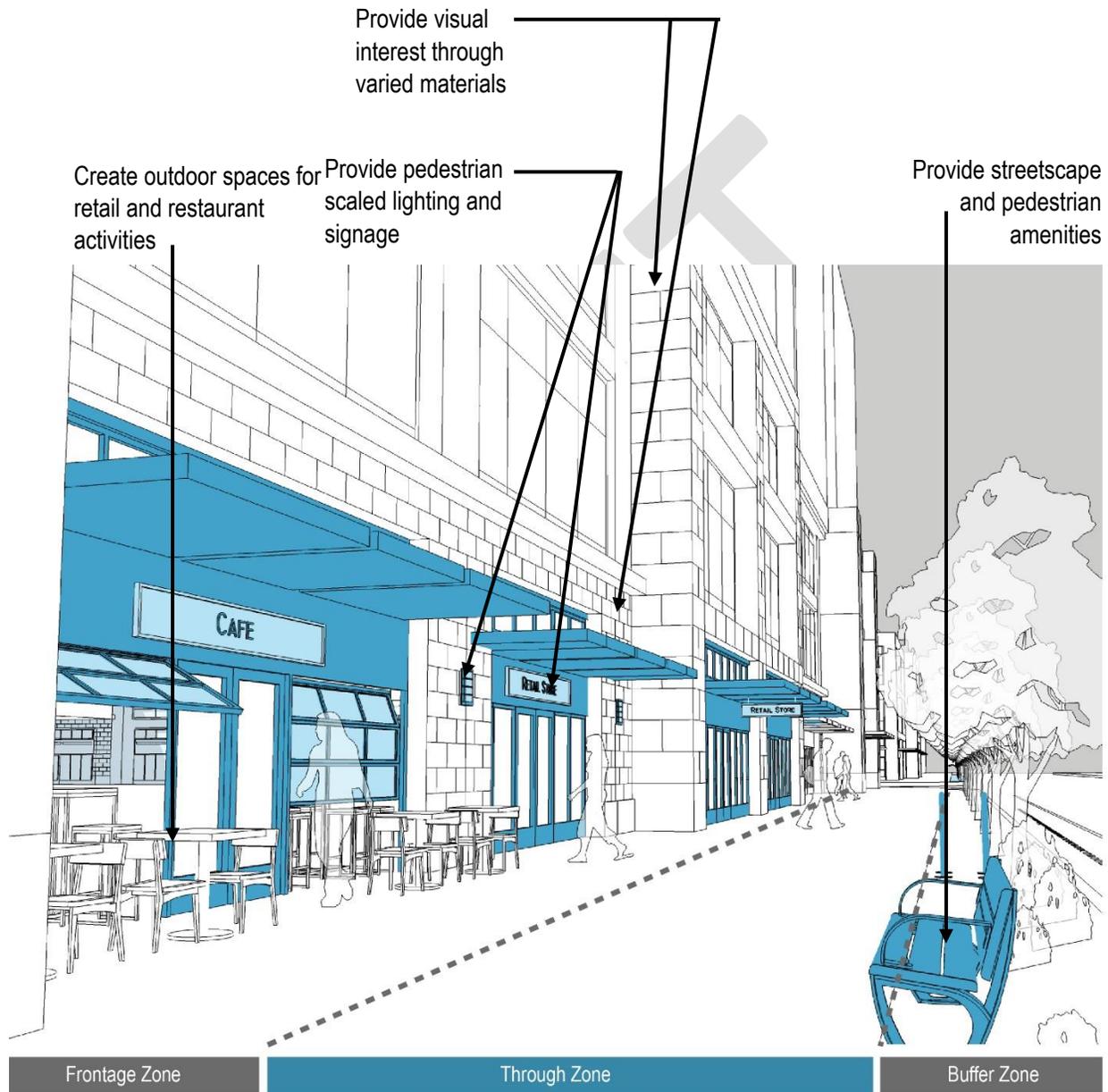


Ensure public spaces are visible and oriented towards sidewalks and other pedestrian connections

Orient towers to preserve solar access to existing public spaces

20.25A.170 Streetscape and Public Realm**A. Streetscapes**

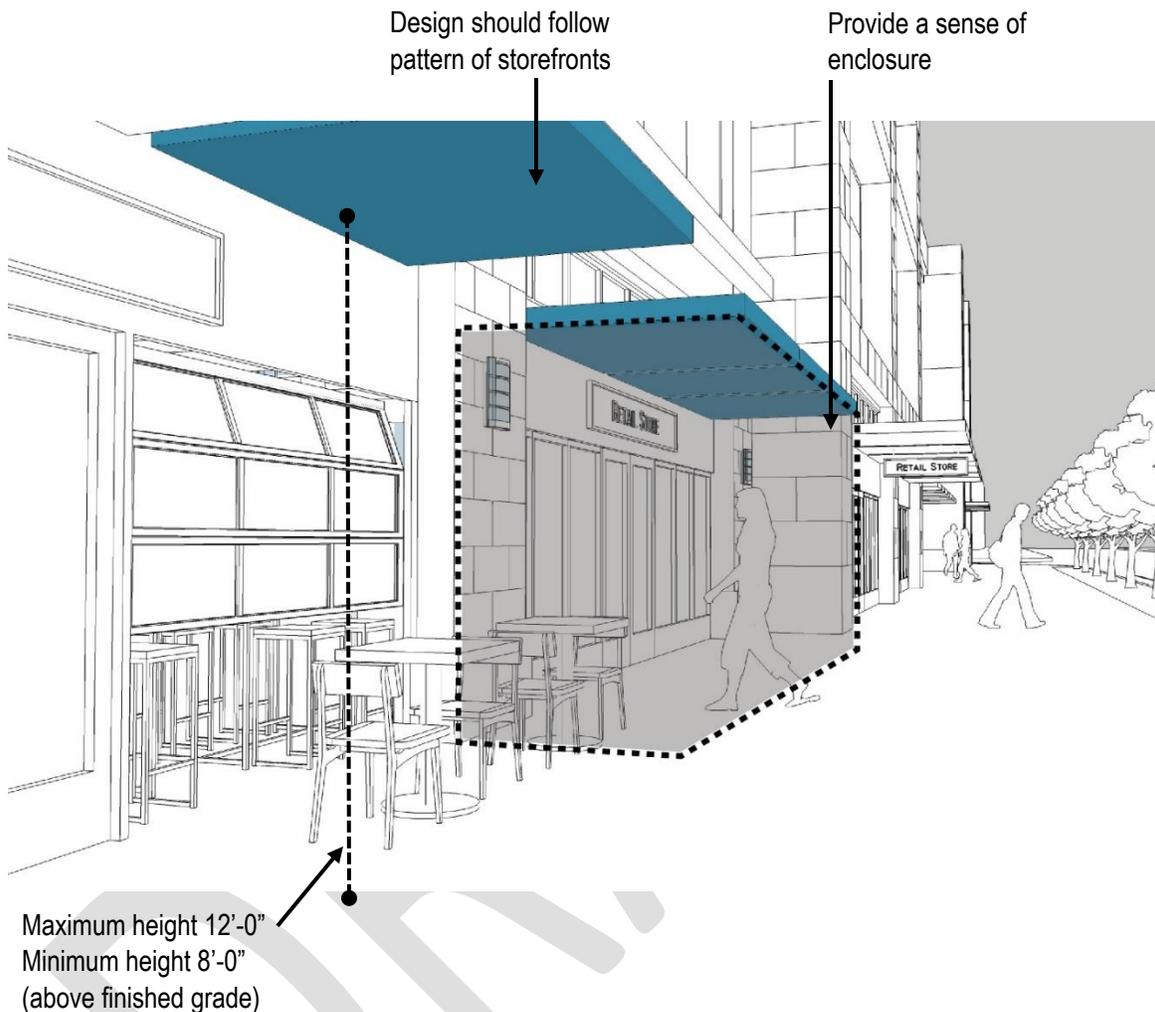
- 1 Define the Pedestrian Environment.
 - a. Intent. A building should provide a continuous, visually rich pedestrian experience along its ground-floor or second floor street front where active uses are present
 - b. Guidelines.
 - i. The most important part of a building to a pedestrian is its ground floor which a person experiences walking past or entering the building. This “pedestrian experience zone” should provide a sense of enclosure, and a continuous and comfortable street edge for the pedestrian. Ground floor building transparency should foster interaction between the public and private realms;
 - ii. Provide windows that are transparent at the street level;
 - iii. Create visual interest on walls by using a variety of forms, colors, and compatible cladding materials;
 - iv. Facades should provide a provide a varied pedestrian experience by using bays, columns, pilasters, or other articulation at the street level;
 - v. Weather protection should help to define the upper edge of the pedestrian experience zone. A change in materials and scale will further defined this zone; and
 - vi. Signs and lighting at the ground level should complement the pedestrian scale; and
 - vii. Provide building edges that maintain strong visual and physical connections to the sidewalk.



2. Protect Pedestrians from the Elements.

- a. Intent. Provide pedestrians with protection from wind, sun, and rain while allowing light to filter through to the occupants below.
- b. Guidelines.

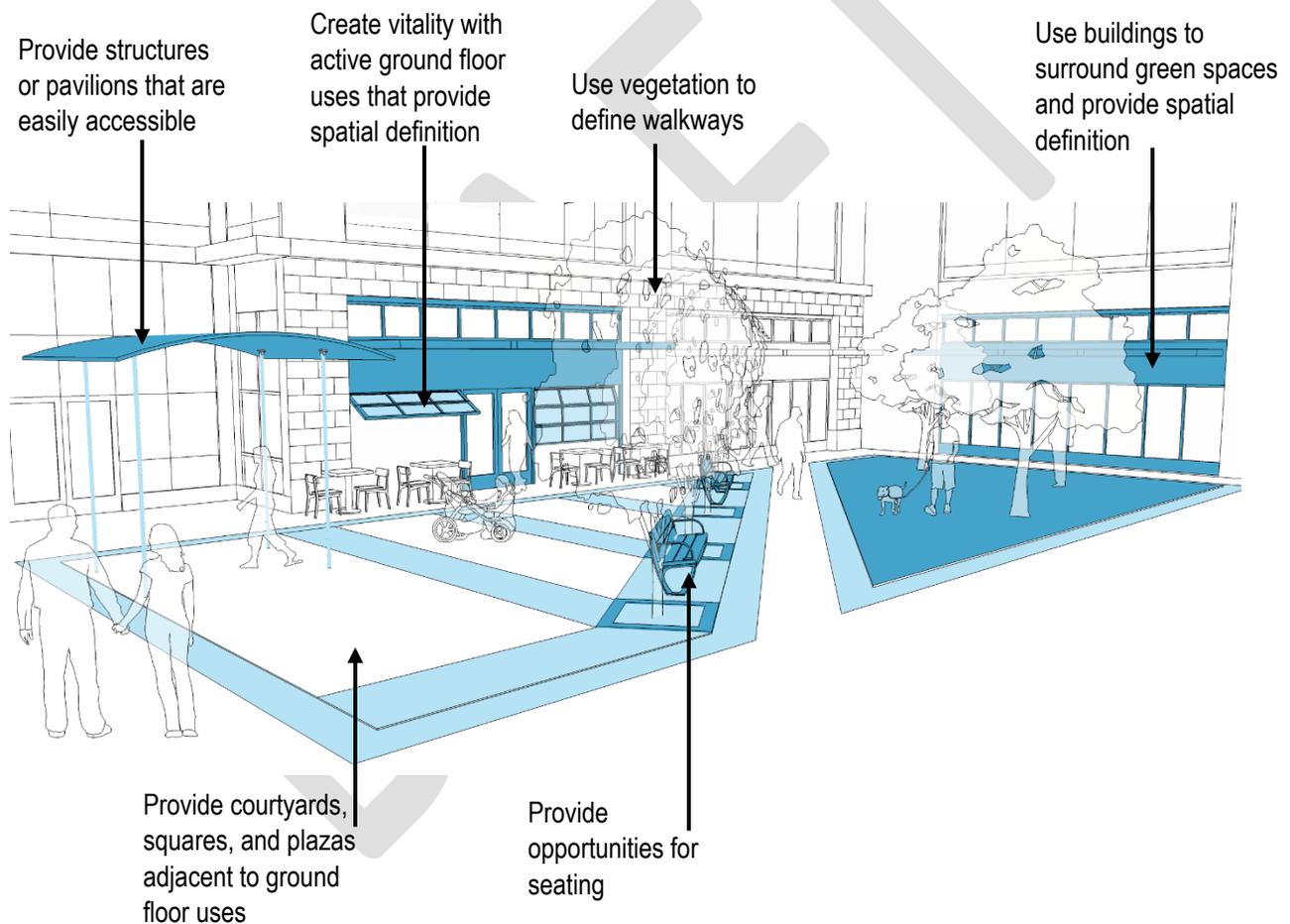
- i. Weather protection along the ground floor of buildings should protect pedestrians from rain and provide shade in summer, but allow some daylight penetration;
- ii. The design of weather protection should be an integral component of the building façade;
- iii. Weather protection should be in proportion to the building and sidewalk, and not so large as to impact street trees, light fixtures, or other street furniture;
- iv. Weather protection should assist in providing a sense of enclosure for the pedestrian;
- v. Use durable materials for weather protection;
- vi. Awning and marquee designs should be coordinated with building design.
- vii. The minimum height for awnings or marquees is 8 feet above finished grade, or 8 feet above the upper level walk except as otherwise required in the International Building Code, as adopted and amended by the City of Bellevue.
- viii. The maximum height for awnings or marquees is 12 feet above finished grade or 12 feet above the upper level walk;
- ix. Pavement below weather protection should be constructed to provide for drainage;
- x. Weather protection should have a horizontal rather than a sloping orientation along the building elevation; and
- ix. Weather protection should follow the pattern of storefronts.



3. Create a Variety of Outdoor Spaces.

- a. Intent. Provide comfortable and inviting outdoor spaces for a variety of activities during all hours and seasons.
- b. Guidelines.
 - i. Outdoor gathering spaces should be inviting and maximize opportunities for use. They should be spatially well-defined, inviting, secure, easy to maintain. They may be intimate and quiet or active and boisterous;
 - ii. All outdoor areas should work well for pedestrians and provide space for special events, as well as passive activities;
 - iii. Provide courtyards, squares, and plazas to enhance adjacent ground floor uses.

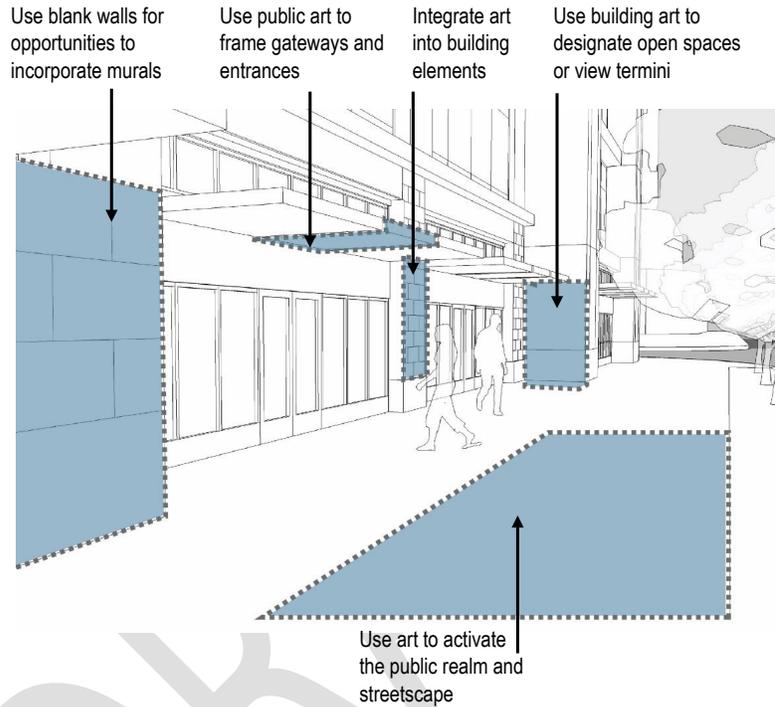
- iv. Use buildings to surround green spaces and give the space visual definition. Vitality can be generated by active ground floor uses and programming within the space;
- v. Use trees, shrubs, and plants to help define walkways, create transitions from open spaces to the street, and provide visual interest;
- vi. Provide for outdoor spaces that can support active uses such as farmers' markets, festivals, and community events.
- vii. Provide structures, pavilions, and seating areas that are easily accessible and feel safe and secure during day and evening hours; and
- viii. Provide pedestrian walkways and courtyards in residential or office development areas.



4. Provide Places for Stopping and Viewing.

- a. Intent. 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 and resting places can add vitality to the urban environment. People will use available seating in open, well-designed areas, not in secluded or highly exposed areas.

- b. Guidelines.
 - i. Use formal benches, moveable seating, and informal seating areas such as wide steps, edges of landscaped planters and low walls;
 - ii. Provide more seating areas near active retail establishments especially outside eating and drinking establishments and near food vendors;
 - iii. Provide seating adjacent to sidewalks and pedestrian walkways;
 - iv. Create places for stopping and viewing adjacent to and within parks, squares, plazas, and courtyards; and
 - v. Create a sense of separation from vehicular traffic.
 - vi. Provide comfortable and inviting places where people can stop to sit, rest and visit.
5. Integrate Artistic Elements.
 - a. Intent. Artistic elements should complement the character of a site, building or district as a whole. Art enriches the development by making buildings and open spaces more engaging and memorable. Art is integral to creating a memorable experience for those who live, work, and visit Downtown, especially when the art is integrated into the design of the building or outdoor space. To maximize the opportunities for art on a site, applicants are encouraged to include artists on design teams.
 - b. Guidelines.
 - i. Use art to provide a conceptual framework to organize open spaces including plazas, open spaces, setbacks, and streetscapes;
 - ii. Use art to mark entryways, corners, gateways and view termini;
 - iii. Integrate art into building elements, including but not limited to: facades, canopies, lighting, etc.;
 - iv. Designate a location for the artwork that activates the public realm and is in scale with its location; and
 - v. Use materials and methods that will withstand public use and weathering if sited outdoors.



- 6. Orient Lighting toward Sidewalks and Public Spaces.
 - a. Intent. Pedestrian-scaled lighting should be used to highlight sidewalks, [bike racks and lockers](#), street trees, and other features, and harmonize with other visual elements in the subarea.
 - b. Guidelines.
 - i. Pedestrian-scaled lighting should be provided along pedestrian walkways and public open spaces;
 - ii. Lighting should be compatible among projects within neighborhood districts to accentuate the subareas.
 - iii. Fixtures should be visually quiet as to not overpower or dominate the streetscape.
 - iv. Lighting may also be used to highlight trees and similar features within public and private plazas, courtyards, walkways and other similar outdoor areas and to create an inviting and safe ambiance;
 - v. Use lighting to highlight landscape areas.

Comment [BT(82): Added in response to request from Planning Commission.

- vi. Integrate and conceal fixtures into the design of buildings or landscape walls, handrails, and stairways;
- vii. Install foot lighting that illuminates walkways and stairs;
- viii. Use energy-efficient lighting, such as LED;
- ix. Direct bollard lighting downward toward walking surfaces;
- x. Provide festive lighting along signature streets on buildings and trees; and
- xi. Decorative lighting may be used in open spaces to make the area more welcoming.

7. Orient Hanging and Blade Signs to Pedestrians.

a. Intent. Hanging signs should be oriented to the pedestrian and highly visible from the sidewalk. Hanging signs can contribute significantly to a positive retail and pedestrian environment and reinforce a sense of place. Signs shall comply with the provisions of the Chapter 22.10B, BCC (Sign Code).

b. Guideline.

- i. 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;
- ii. Sign lighting should be integrated into the facade of the building;
- iii. Signs should be constructed of high-quality materials and finishes;
- iv. Signs should be attached to the building in a durable fashion; and
- v. Signs should be constructed of individual, three-dimensional letters, as opposed to one single box with cutout flat letters.

Comment [BT(83)]: From Bel-Red Code.

B. Right-of-Way Designations

Introduction: The Right-of-Way Designations provide design guidelines for the streetscape organized by Downtown streets. These designations are a representation of the Downtown vision for the future, rather than what currently exists. The designations create a hierarchy of rights-of-way reflecting the intensity of pedestrian activity. The “A” Rights-of-Way are those streets that have the highest amount of pedestrian activity, while the “D” Rights-of Way would have a smaller amount of pedestrian activity. These guidelines are intended to provide activity, enclosure, and protection on the sidewalk for the pedestrian.

Comment [HC84]: MOVED from Design Guideline Building/Sidewalk Relationships IV.E and UPDATED in response to CAC Recommendations and Updated Comprehensive Plan.

Figure 20.25A.170.B



**DOWNTOWN BUILDING/SIDEWALK
RELATIONSHIP DESIGNATIONS**

LEGEND	
	A - Pedestrian Corridor/High Street
	B - Commercial Street
	C - Mixed Street
	D - Neighborhood Street
	E - Perimeter Street
	Parcels
	Downtown Boundary

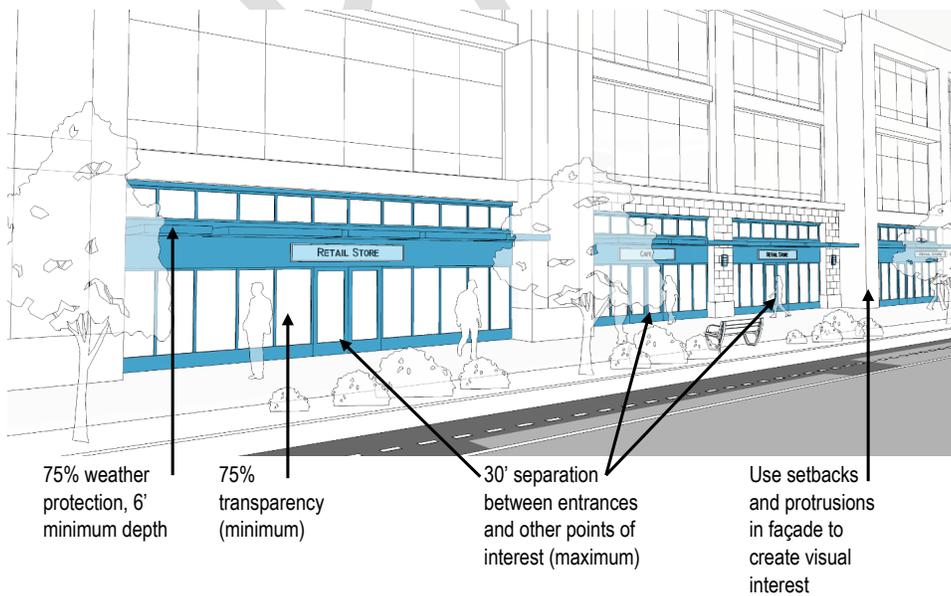
1. Pedestrian Corridor / High Streets - A Rights-of-Way

a. Intent. Rights-of-way designated 'A' should have the highest orientation to pedestrians. This shall be achieved by emphasizing the design relationship between the first level of the structure and the horizontal space between the structure and the curb line. This relationship should emphasize, to the greatest extent possible, both the physical and visual access into and from the structure, as well as the amenities and features of the outside pedestrian space. In order to achieve the intended level of vitality, design diversity, and people activity on an 'A' right-of-way, Active Uses should be provided for in the design.

b. Standards and Guidelines

- i. Transparency: 75% minimum.
- ii. Weather Protection: 75% minimum, 6 feet deep. When a building is adjacent to two or more rights-of-way, weather protection shall be provided for the two rights-of-way with the highest pedestrian orientation. Refer to LUC 20.25A.170.A.2 for more guidelines on weather protection;
- iii. Points of Interest: Every 30 linear feet of the façade, maximum;
- iv. Vehicular Parking: No surface parking or vehicle access should be allowed directly between sidewalk and main pedestrian entrance; and
- v. 100 % of the street wall within the project limit shall incorporate Active Uses.

Comment [HC85]: MOVED from Design Guideline Building/Sidewalk Relationships IV.E and UPDATED in response to CAC Recommendations and Updated Comprehensive Plan.



20.25A.170 123

2. Commercial Streets - B Rights-of Way

a. Rights-of-way designated 'B' shall have moderate to heavy orientation to pedestrians. This should be achieved by developing the design so that there is a close relationship between exterior and internal activities with respect to both physical and visual access. Design attention should be given to sidewalk related activities and amenities. 'B' rights-of-way are to provide a diverse and active connection between the Active Use dominated "A" rights-of-way, and the other Downtown rights-of-way.

b. Standards and Guidelines.

i. Transparency: 75% minimum;

ii. Weather Protection: 75% minimum, 6 feet deep minimum. When a building is adjacent to two or more rights-of-way, weather protection shall be provided for the two rights-of-way with the highest pedestrian orientation. Refer to LUC 20.25A.170.A.2 for more guidelines on weather protection;

iii. Points of Interest: Every 60 linear feet of the façade, maximum;

iv. Vehicular Parking: No surface parking or vehicle access directly between perimeter sidewalk and main pedestrian entrance; and

v. 100% of the street wall shall incorporate Active Uses and service uses, at least 50% percent of which shall be Active Uses.

Comment [HC86]: MOVED from Design Guideline Building/Sidewalk Relationships IV.E and UPDATED in response to CAC Recommendations and Updated Comprehensive Plan.



75% weather protection, 6' minimum depth

75% transparency (minimum)

60' separation between entrances and other points of interest (maximum)

Use setbacks and protrusions in façade to create visual interest

20.25A.170 124

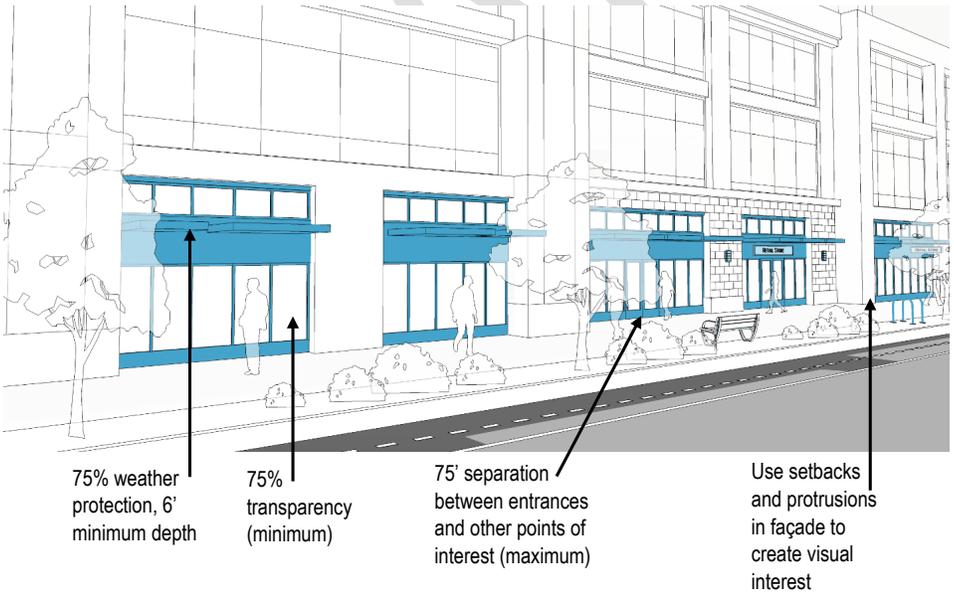
3. Mixed Streets - C Rights-of-Way

a. Intent. Rights-of-way designated 'C' shall have moderate orientation to pedestrians. This shall be achieved by designing some relationship between exterior and interior activities with respect to visual access. Design attention should be given to sidewalk related activities and amenities. 'C' rights-of-way are to provide a major pedestrian connection between the core area and residential areas surrounding Downtown.

b. Standards and Guidelines.

- i. Transparency: 75%;
- ii. Weather Protection: 75%. When a building is adjacent to two or more rights-of-way, weather protection shall be provided for the two rights-of-way with the highest pedestrian orientation. Refer to LUC 20.25A.170.A.2 for more guidelines on weather protection;
- iii. Points of Interest: 75 linear feet of façade, maximum; and
- iv. Vehicular Parking: No surface parking or vehicle access directly between perimeter sidewalk and main pedestrian entrance.
- v. 50% of street wall shall incorporate Active Uses or service uses.

Comment [HC87]: MOVED from Design Guideline Building/Sidewalk Relationships IV.E and UPDATED in response to CAC Recommendations and Updated Comprehensive Plan.



4. Neighborhood Streets - D Rights-of-Way.

a. Intent. Rights-of-way designated 'D' shall have low to moderate orientation to pedestrians and should complement residential uses. This shall be achieved by designing some relationship between exterior and interior activities with respect to visual access and by incorporating landscape features that soften the urban edge. Design attention should be given to sidewalk related activities and amenities that complement these areas' residential character and moderate the urban environment, while providing attractive visual access for pedestrians and other passersby.

b. Standards and Guidelines.

- i. Transparency: Blank walls and inactive uses may occupy no more than 25% of the façade;
- ii. Weather Protection: 50%. When a building is adjacent to two or more rights-of-way, weather protection shall be provided for the two rights-of-way with the highest pedestrian orientation Refer to LUC 20.25A.170.A.2 for more guidelines on weather protection;
- iii. Points of Interest: 90 linear feet of façade, maximum; and
- iv. Vehicular Parking: No surface parking or vehicle access directly between perimeter sidewalk and main pedestrian entrance.

Comment [HC88]: MOVED from Design Guideline Building/Sidewalk Relationships IV.E and UPDATED in response to CAC Recommendations and Updated Comprehensive Plan.

5. Perimeter Streets – E Rights-of-Way.

a. Intent. Rights-of-way designated 'E' may have a lower volume of pedestrians. Such rights-of-way are intended to provide a visual buffer between the Downtown and surrounding residential neighborhoods. Emphasis shall be placed on how the street is viewed from outside the Downtown. These streets should provide a graceful transition to adjacent residential districts.

b. Standards and Guidelines.

- i. Transparency: Blank walls and inactive uses may occupy 25% of the façade;
- ii. Weather Protection: At entries;
- iii. Points of Interest: Every 90 linear feet of façade, maximum; and
- iv. Vehicular Parking: No surface parking or vehicle access directly between perimeter sidewalk and main pedestrian entrance.

Comment [HC89]: MOVED from Design Guideline Building/Sidewalk Relationships IV.E and UPDATED in response to CAC Recommendations and Updated Comprehensive Plan.

C. Alleys with Addresses

1. Intent. Alleys with Addresses act as active through-block connections and are faced with a mix of Active Uses and residential uses. Alleys with Addresses shall have a high orientation to pedestrians with any vehicular activity being secondary to the pedestrian. This is achieved by emphasizing the relationship between the vertical street wall and the ground plane devoted to through-block access and the public right-of-way. This relationship should emphasize to the greatest extent possible, both

Comment [HC90]: NEW - in response to CAC Recommendations and Updated Comprehensive Plan.

Blank walls and inactive uses may occupy no more than 25% of the facade

75% weather protection, 6' minimum depth

90' separation between entrances and other points of interest (maximum)

Use setbacks and protrusions in façade to create visual interest

physical and visual access into and from the structure at frequent intervals, as well as the amenities and features of the outside pedestrian space. In order to achieve the intended level of vitality, design diversity, and pedestrian activity on an Alley with an Address, retail restaurant, and other commercial entries shall be provided for in the design. Ground floor live/work units and residential units with stoops can also help to bring life to the paths with multiple entrances and meaningful transparency along the building frontage.

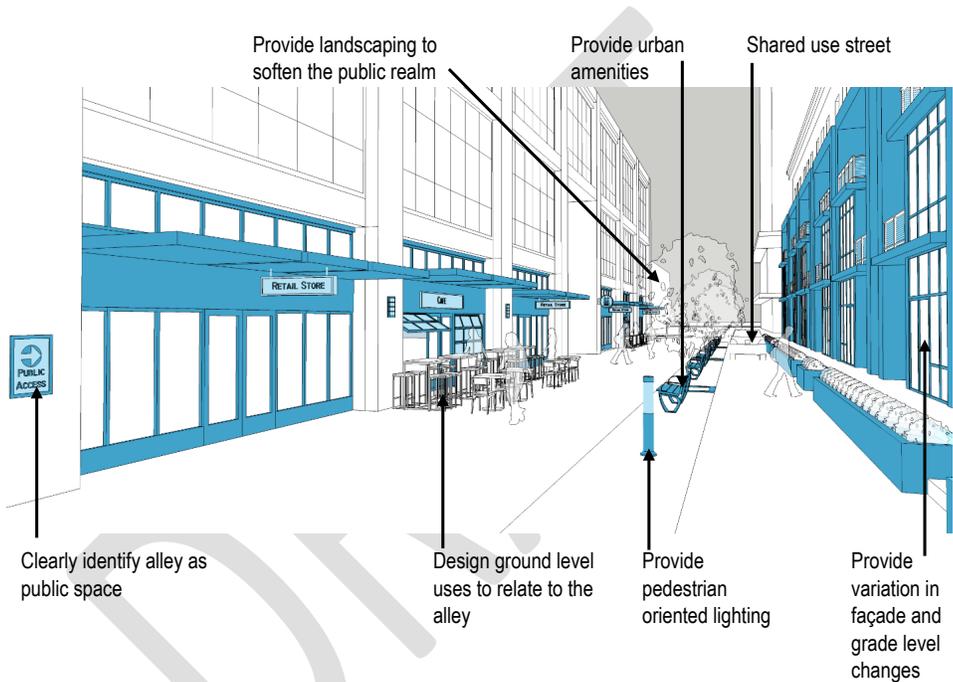
2. Standards

- a. At least one entire side of the Alley with an Address shall comply with guidelines i. through v. for Pedestrian Corridor / High Streets - 'A' rights-of-way found in paragraph B of this section.
- b. Minimum dimension for an alley with an address shall be 20 feet wide exclusive of drive lane widths.
- c. Alleys with Addresses shall be open to the public 24 hours a day and 7 days a week. Signs shall be posted in clear view stating the Alley with an Address is open to the public during these hours.
- d. Each tenant space shall have an exterior entrance facing onto the alley and be addressed off the alley.

3. Guidelines

- a. Materials and design elements such as paving, lighting, landscaping, and signage should incorporate design elements of the adjacent right-of-way to identify it as part of the public realm.
- b. The Alley with an Address may be covered in some areas but should not be predominantly enclosed.
- c. Access from the public right-of-way should be encouraged and enhanced by multiple clear points of entry that identify the Alley as a public space. Access through the site should form a clear circulation logic with the street grid.
- d. Wayfinding, signage, symbols and lighting should identify the alley as a public space.
- e. Design of the ground level and upper level retail should relate to the alley and be distinct from the rest of the building. This can be achieved through the use of common architectural style, building materials, articulation, and color.
- f. Variation should be incorporated into the design by including dimensional and level changes at both the ground plain and building walls.
- g. Pedestrian-oriented lighting should be provided that is compatible with the landscape design, improves safety and minimizes glare. Design should be high quality, and materials should be durable and convey a sense of permanence.
- h. Landscaping should be used to animate and soften the space. The use of art and water is also encouraged.

- i. Alley design should not incorporate loading, refuse handling, parking, and other building and site service uses at the ground level facade, though such activities may be conducted in an Alley when reasonable alternatives are not available. Operational procedures should encourage the above-referenced activities after normal business hours.
- j. Provide complete project design for all phases within a project limit to ensure coordinated design and construction across multiple phases.



D. Upper Level Active Uses

1. Intent. Upper level active uses are intended to activate the ground level pedestrian environment. This is accomplished through extensive visual access to the upper level from the exterior, convenient and frequent access from the street or Alley with an Address, clear line of sight from grade and visibility of ongoing activity within the upper level active use. An upper level active use should be designed and managed so as to draw the attention and interest of the pedestrian to the upper level and to increase opportunities for interaction and movement between the ground and upper levels. To achieve the intended level of vitality, design diversity, and human activity at the upper level active use, the following characteristics shall be provided in the design.
2. Standards.
 - a. Points of physical vertical access between the ground level and upper levels shall be located no more than 150 feet apart to facilitate frequent pedestrian access to upper level active uses.

Comment [HC91]: MOVED from Design Guideline Building/Sidewalk Relationships IV.E and UPDATED in response to CAC Recommendations and Updated Comprehensive Plan.

Comment [HC92]: MOVED to be consistent with guideline organization in other sections (standards first, followed by guidelines).

- b. Each tenant space shall have an exterior entrance.
 - c. Floor area and building facades directly below upper level active uses shall comply with guidelines i. through v. for Pedestrian Corridor / High Streets - 'A' rights-of-way found in paragraph B of this section.
 - d. Visual access shall not be impaired by small, enclosed display windows, window coverings and tinted or reflective glazing.
3. Guidelines.
- a. Architectural treatment of the upper level active use space should read as part of the ground level and be distinct from the architectural treatment of the building above.
 - b. Extensive visual access into the upper level retail space should be available from the sidewalk or the alley with an address with frequent clear lines of sight from grade.
 - c. Lighting and signage should be used to enliven and draw attention to upper level arcade or balcony, or directly through ground level retail for a multilevel single tenant.

20.25A.180 Building Design (Base, Middle, and Top)

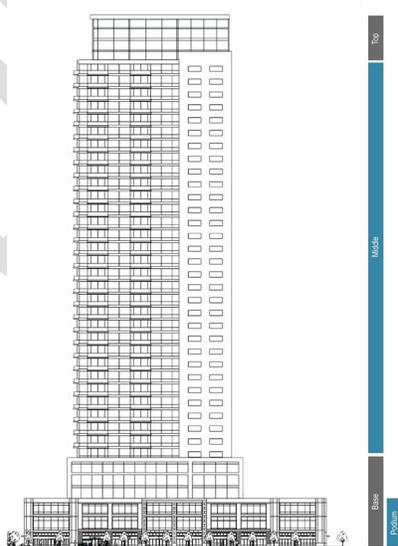
Comment [HC93]: NEW – Incorporated CAC Recommendations, Updated Comprehensive Plan Policy direction and Design Criteria from LUC 20.25A.110, and aligned with BelRed code organization (LUC 20.25D.150). Improves Land Use Code Consistency and Ease of Use.

A. Introduction

A tall building should consist of three carefully integrated parts: a building base, middle, and top.

B. Overall Building Design

- 1. Encourage High Quality Materials.
 - a. Intent. Create a sense of permanence in Downtown through the use of high quality building materials. Quality facade materials can provide a sense of permanence and bring life and warmth to a neighborhood. Facade and building materials must enhance the street environment while complementing the aesthetic quality of adjacent buildings.
 - b. Guidelines.
 - i. Articulation of façade materials should be bold, with materials that demonstrate depth, quality and durability;
 - ii. It should be apparent that the materials have substance and mass, and are not artificial, thin “stage sets” applied only to the building’s surface;
 - iii. Use natural high quality materials such as brick, finished concrete, stone, terra cotta, cement stucco, and wood in natural or subdued building colors; and
 - iv. Use varied, yet compatible cladding materials. Window and storefront trim should be well-defined and contribute to the overall aesthetic quality.



2. Provide Interesting Building Massing.

a. Intent. Use scale-defining articulation and other techniques to break up the longitudinal dimensions of buildings, creating a comfortable sense of enclosure and human scale by establishing a dynamic, continuous street edge.

b. Guidelines.

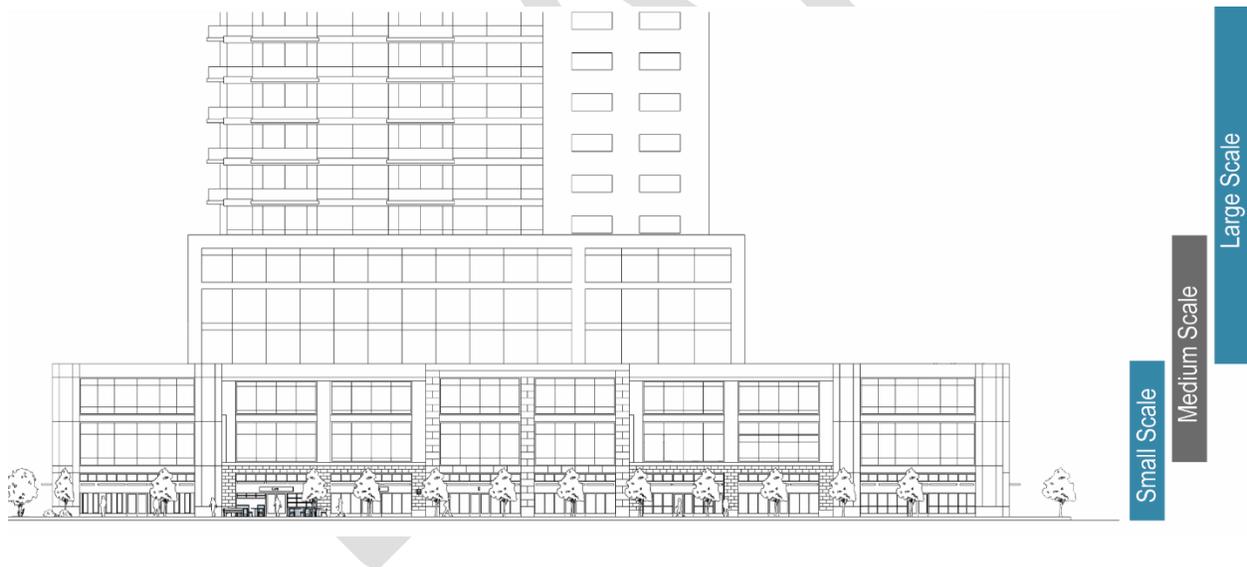
i. The length and breadth of a building should be pedestrian-scaled. Portions of a large building mass should be broken into smaller, appropriately scaled modules, with changes in plane indicated by bold projections and recesses. This results in larger elevations being reduced to human scale;

ii. Vertical and horizontal elements should be used to create a human scale and form a coherent aesthetic providing visual interest to the pedestrian;

iii. Reduce the scale of elevations both horizontally and vertically;

iv. Buildings over three stories should exhibit a vertically articulated tripartite facade division – base, middle, and top through material and scale; and

v. Design should feature vertical articulation of windows, columns, and bays.



C. Connected Floor Plates

1. Intent. The intent of connecting floor plates is to allow a development to gain the benefits of a connected building while having the appearance of two or more separate buildings. The connection or corridor should recede from view as compared to the floor plates.

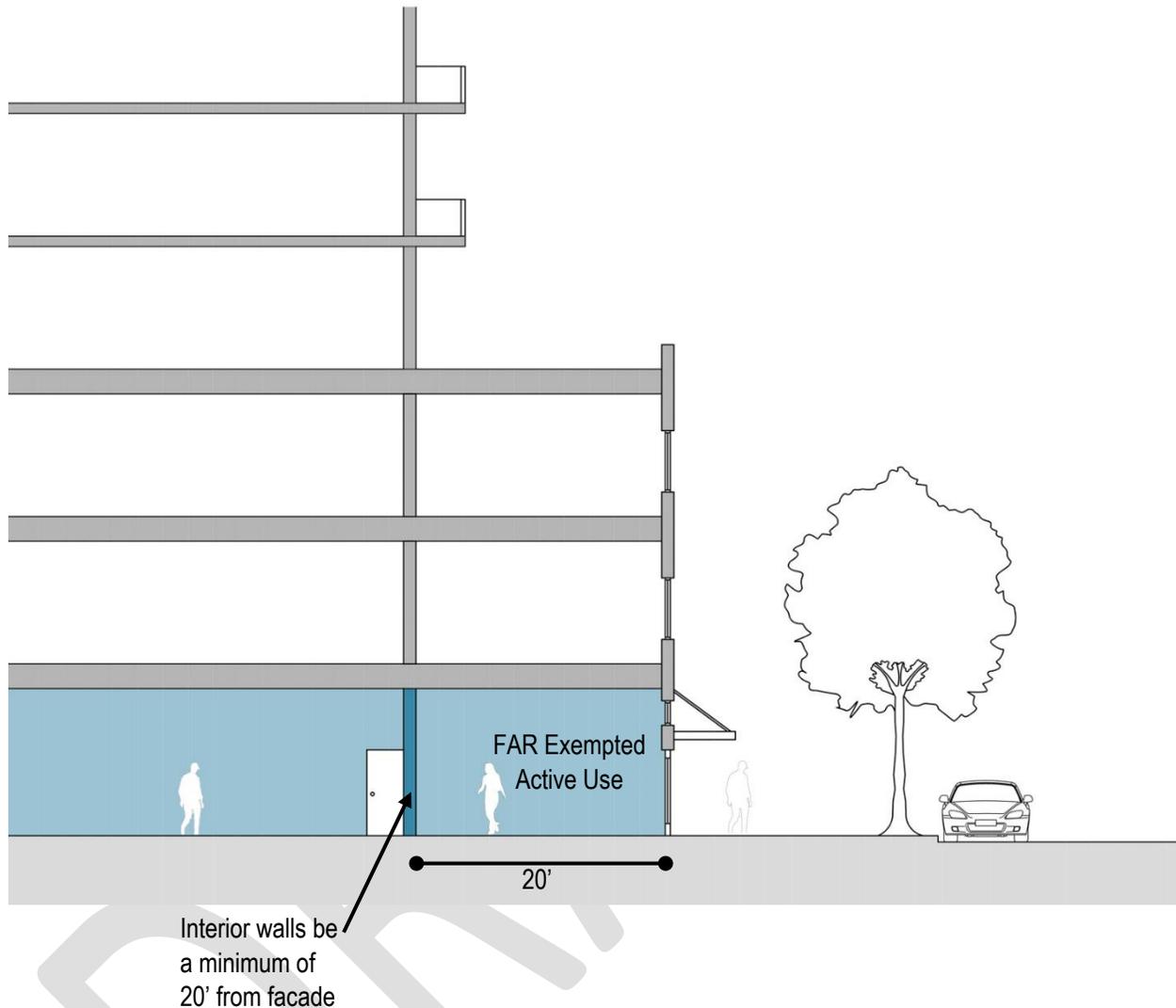
2. Guidelines.

a. From the right-of-way, the development should appear as separate and distinct buildings to the pedestrian: and

- b. The connection should appear to be distinct from the adjacent masses.

D. Building Base (Podium)

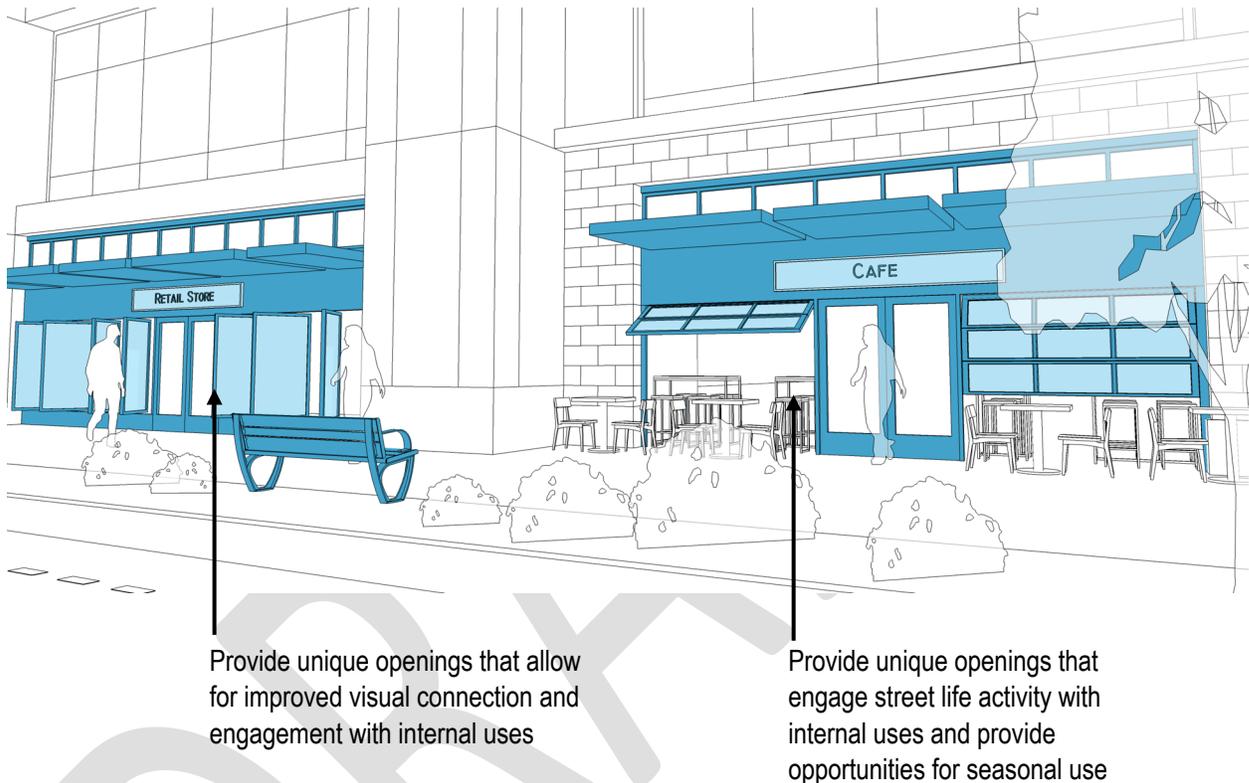
1. Introduction. The role of the building base is to relate tall buildings to the human scale and fit harmoniously within the existing or planned street wall context; define the edges of adjacent streets, parks, and open space in good proportion; and maintain access to sunlight for pedestrians, open and public spaces, and adjacent properties.
2. Articulate the building base with high-quality materials and design elements that fit with the aesthetic quality of neighboring buildings and contribute to the pedestrian scale and experience.
 - a. Intent. The building façade should provide architectural expression that relates to its surroundings and include materials and elements that can be viewed and appreciated at the speed, scale, and proximity of the pedestrians.
 - b. Guidelines.
 - i. Provide architectural expression and design elements such as cornice lines, window bays, entrances, canopies, building materials, and fenestration, in a pattern, scale, and proportion that relate to neighboring buildings and engages pedestrians;
 - ii. Use high-quality, durable materials, an appropriate variety in texture, and carefully crafted details to achieve visual interest and longevity for the façade. Environmentally sustainable materials and construction methods are encouraged; and
 - iii. A building's profile 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, such as a tower, to emphasize the significance of the building entry.
3. Provide clear, unobstructed views into and out from ground floor uses facing the public realm.
 - a. Intent. At street level a series of unobstructed views into and out of buildings enriches the urban experience for pedestrians and building occupants. Transparency enhances visual interest, vitality, and increases safety for all.
 - b. Guidelines.
 - i. Transparent windows should be provided on facades facing streets, parks, and open spaces;
 - ii. Views into and out from ground floor Active Uses may not be obstructed by window coverings, internal furnishings, or walls.
 - iii. Interior walls may be placed a minimum of 20 feet from the window on the façade where Active Uses are a part of an exemption in the FAR Amenity System.



4. Design Inviting Retail and Commercial Entries.

- a. Intent. Design retail and commercial entries to create an open atmosphere that draws customers inside, while creating opportunities to engage the public.
- b. Guidelines.
 - i. Primary entries to retail and commercial establishments should be transparent, allowing passersby to see the activity within the building and bring life and vitality to the street;
 - ii. Architectural detail should be used to help emphasize the building entry including canopies, materials, and depth;
 - iii. Building lighting should emphasize entrances;
 - iv. Provide transom, side lights, or other combinations of transparency to create visual interest;

- v. Provide double or multiple door entries; and
- vi. Provide a diverse and engaging range of doors, openings and entrances to the street such as pivoting, sliding or roll up overhead entrances.



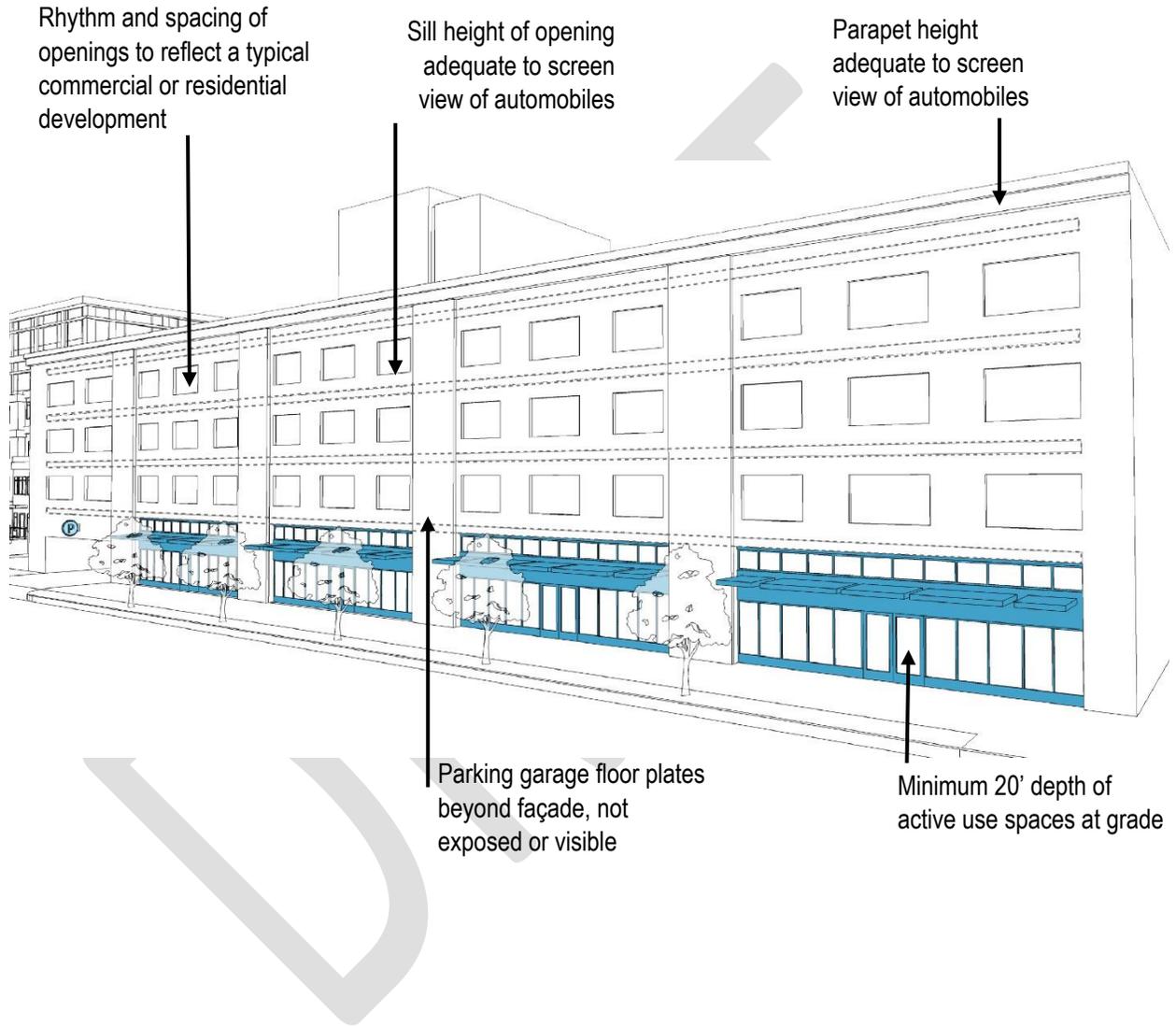
3. Encourage Retail Corner Entries.

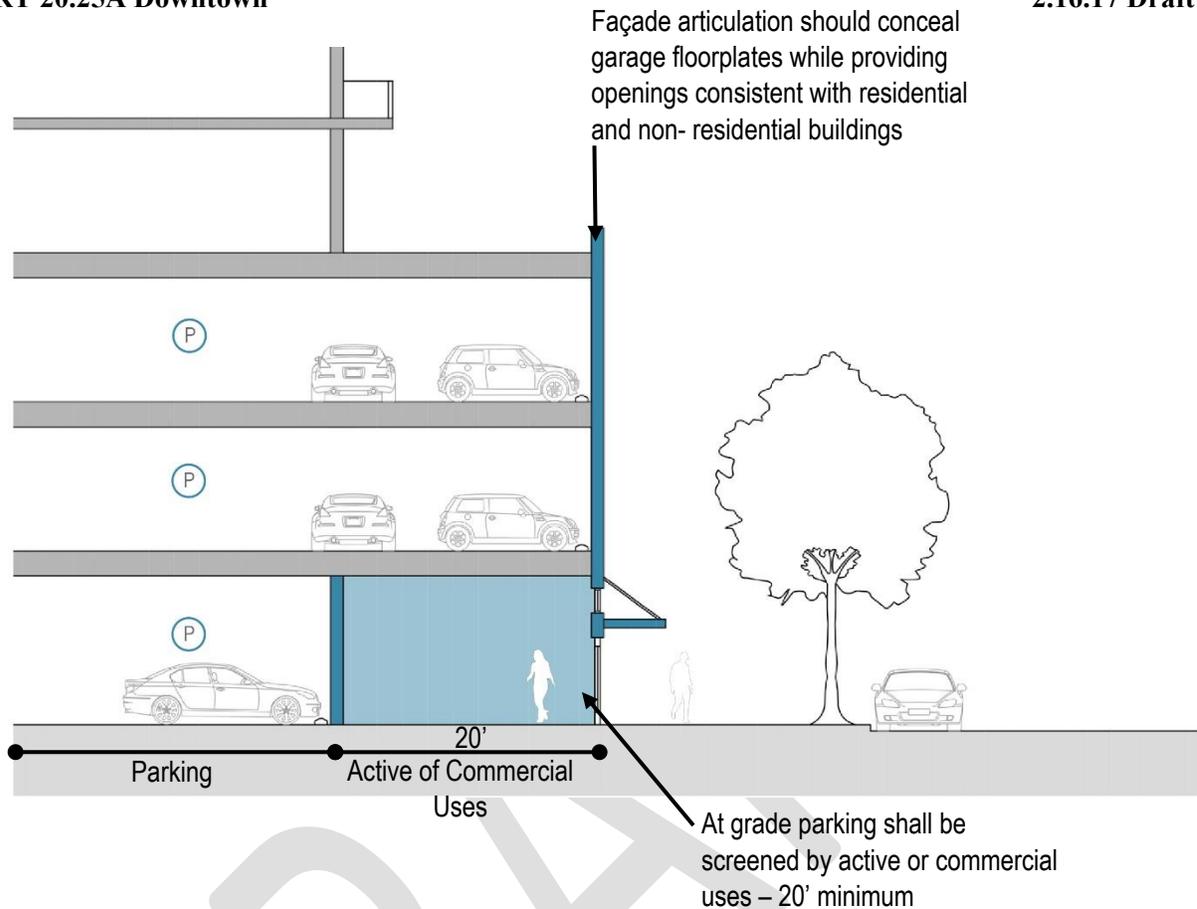
- a. Intent. Use corner entries to reinforce intersections as important places for pedestrian interaction and activity.
- b. Guidelines.
 - i. Locate entry doors on the corners of retail buildings wherever possible. Entries at 45-degree angles and free of visual obstructions are encouraged;
 - ii. Locate primary building entrance at the corner;
 - iii. Use weather protection, special paving, and lighting, to emphasize corner entry;
 - iv. Use architectural detailing with materials, colors, and finishes that emphasize the corner entry; and
 - v. Use doors with areas of transparency and adjacent windows.

4. Encourage 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.
 - i. 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;
 - ii. Use clear window glazing;
 - iii. Provide operable windows that open by pivoting, sliding or shuttering for restaurants, cafes, retail and commercial activity;
 - iv. Install transom windows or other glazing combinations that promote visual interest.
5. Provide Multiple Entrances.
- a. Intent. Multiple entrances break up monotonous facades, enhance visual interest, and enrich the pedestrian experience.
 - b. Guideline. Provide pedestrian entrances at frequent intervals to contribute to variety and intensity.
6. Build Compatible Parking Structures.
- a. Intent. Use design elements to enhance the compatibility of parking garages and integrated structured parking with the urban streetscape.
 - b. Standards and Guidelines.
 - i. Where adjacent to the right-of-way or through-block pedestrian connections, a minimum of twenty feet of the first and second floors measured from the façade inward shall be habitable for commercial activity;
 - ii. Parking garages and integrated structured parking should be designed so that their streetscape interface has a consistent aesthetic through massing and use of materials complementing the vision for the area;
 - iii. On a streetscape, openings should be glazed when adjacent to right-of-way or adjacent to through-block pedestrian connections above the second floor;
 - iv. Openings should be provided adjacent to interior property lines to avoid blank walls and should be glazed to function as windows;
 - v. Parking garage floors should be horizontal to accommodate adaptive reuse;
 - vi. Stairways, elevators, and parking entries and exits should occur at mid-block;
 - vii. Design a single auto exit/entry control point to minimize number and width of driveway openings (entry and exit points may be separated) and potential conflicts;

- viii. Design should include vertical expression of building structure that provides continuity with the surrounding development; and
- ix. Profiles of parking structure floors should be concealed and not visible to the public through façade treatments and materiality.



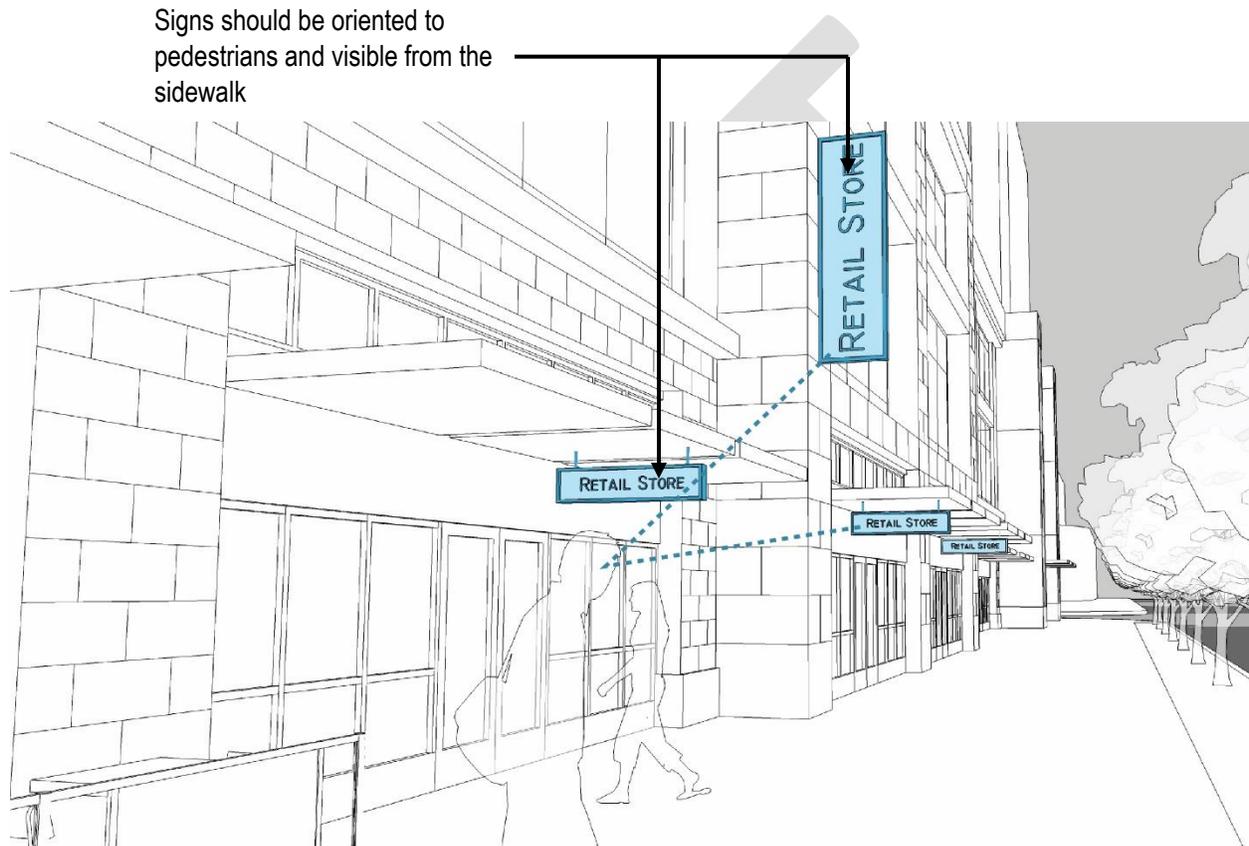


7. Integrate Building Lighting.

- a. Intent. Architectural lighting that enhances and helps articulate building design, including illumination of architectural features and entries, points of interest, uplighting and other effects.
- b. Guidelines.
 - i. 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;
 - ii. Lighting should not cast glare into residential units or onto adjacent development or streets;
 - iii. Use accent lighting for architectural features;
 - iv. Provide pedestrian-oriented lighting features;
 - v. Integrate lighting within the landscape; and
 - vi. Provide dimmable exterior lighting.

8. Signs.

- a. Intent. Signs may provide an address, identify a place of business, locate residential buildings or generally offer directions and information. Their function should be architecturally compatible with and contribute to the character of the surrounding area. Signs can contribute significantly to a positive retail and pedestrian environment, improve public safety perceptions, and reinforce a sense of place. All signs shall comply with the Chapter 22.10B, BCC (Sign Code).

**E. Middle (Tower)**

1. Tower Placement

- a. Intent. Tower placement can directly affect those on the ground plane by affecting wind conditions and the scale of the building as compared to the pedestrian. Thoughtful tower placement can minimize these effects.
- b. Guidelines.
- i. Place towers away from parks, open space, and neighboring properties to reduce visual and physical impacts of the tower and allow the base building to be the primary defining element for the site and adjacent public realm.

- ii. Coordinate tower placement with other towers on the same block and adjacent blocks to maximize access to sunlight and sky view for surrounding streets, parks, open space, and properties.
2. Maximize energy efficiency in tower orientation and articulation.
 - a. Intent. Tower orientation, articulation and other features should be designed to respond to maximize solar orientation and to reduce mechanical heating and cooling.
 - b. Guidelines.
 - i. Orient towers to improve building energy performance, natural ventilation, and daylighting, provided that access to sky view is maintained and adverse wind and shadow impacts are minimized;
 - ii. Vary the design and articulation of each tower façade to respond to changes in solar orientation. Where appropriate, adjust internal layouts, glazing ratios, balcony placement, fenestration, and other aspects of the tower design to manage passive solar gain and improve building energy performance;
 - iii. Where possible, include operable windows to provide natural ventilation and help reduce mechanical heating and cooling requirements; and
 - iv. When multiple towers are proposed, stagger the tower heights to create visual interest within the skyline, mitigate wind, and improve access to sunlight and sky view. In general, variation of five stories or more provides a difference in height that can be perceived at street level.
3. Design tower to provide visual interest and articulation.
 - a. Intent. Tower design should incorporate articulation, design excellence, and sustainable materials.
 - b. Guidelines.
 - i. Incorporate variation and articulation in the design of each tower façade to provide visual interest and to respond to design opportunities and different conditions within the adjacent context; and
 - ii. Articulate tall building towers with high-quality, sustainable materials and finishes to promote design excellence, innovation, and building longevity.
4. Design towers to accommodate changing occupancy requirements.
 - a. Intent. Flexible floor plate and internal layout design features in towers will accommodate changing occupancy requirements.
 - b. Guideline. Where possible, provide internal flexibility within the tower to accommodate changing floor layouts and uses over time. In residential and mixed-use buildings, the inclusion of "break-out" panels or other relevant construction techniques are encouraged to allow residential units to be converted or combined to meet changing occupancy requirements.

5. 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. Guidelines.
 - i. 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;
 - ii. Windows should have multiple lights or divisions;
 - iii. Windows should be operable; and
 - iv. Windows should have trim round framed openings and be recessed from the building façade, not flush.

F. Top

1. Create Attractive Building Silhouettes and Rooflines.
 - a. Intent. Building rooflines should enliven the pedestrian experience and provide visual interest with details that create dynamic and distinct forms.
 - b. Guidelines.
 - i. Building rooflines should be dynamic, fluid, and well-articulated to exhibit design excellence while creating a dynamic and attractive skyline;
 - ii. Include towers or similar vertical architectural expressions of important building functions such as entries;
 - iii. Vary roof line heights; and
 - iv. Incorporate well-detailed cornices that have significant proportions (height and depth) and create visual interest and shadow lines.
2. Foster Attractive Rooftops.
 - a. Intent. Integrate rooftop elements into the building design.
 - b. Guidelines.
 - i. Roof shape, surface materials, colors, and penthouse functions should all be integrated into the overall building design. LUC 20.25A.130 provides guidance for rooftop mechanical equipment;
 - ii. Provide rooftop terraces, gardens, and open spaces;
 - iii. Incorporate green roofs that reduce stormwater runoff; and

- iv. Consolidate and screen mechanical units.
- v. Occupied rooftop amenity areas are encouraged provided that potential noise and light impacts on neighboring developments are minimized.

DRAFT



DATE: February 22, 2017
TO: Chair deVadoss and Planning Commission Members
FROM: Terry Cullen AICP, Comprehensive Planning Manager 452-4070
tcullen@bellevuewa.gov
Nicholas Matz AICP, Senior Planner 452-5371
nmatz@bellevuewa.gov
SUBJECT: 2017 Annual Comprehensive Plan Amendments (CPA)

Executive Summary

Evaluation and review of proposed amendments to the Comprehensive Plan takes place through the annual CPA work program process, with specific steps and timing. This assures the goal of early and continuous public access to the evaluation and review process, because cities planning under the Growth Management Act must consider amendments to their comprehensive plans no more frequently than once per year.

The purpose of this agenda item is to provide an overview of the CPA process, identify benchmark dates and emphasize the Planning Commission's role in the process. This item is for information and discussion only. No action is required.

Proposed 2017 amendments to date

There are presently 5 amendments in the 2017 review and evaluation process. The first is a new, privately-initiated and site-specific proposal (Crossroads Subarea/Bellevue Technology Center). The second is a privately-initiated and site-specific proposal initiated in 2016, geographically expanded and deferred through to 2017's Final Review (Eastgate Office Park). The remaining three proposed amendments are expected to be initiated by the City Council this year (East Main, Complete Streets, and Downtown Transportation Plan.) See Attachment 1.

This agenda item is presented to the Commission for information only. No action is required.

Overview of annual Comprehensive Plan amendment process

The city's annual process includes evaluation and review steps referred to, respectively, as Threshold Review and Final Review. The purpose of Threshold Review is to evaluate whether proposals should be plan amendments. Final Review then reviews the merits of each application. Each involves examination of decision criteria and a Planning Commission public hearing and recommendation:

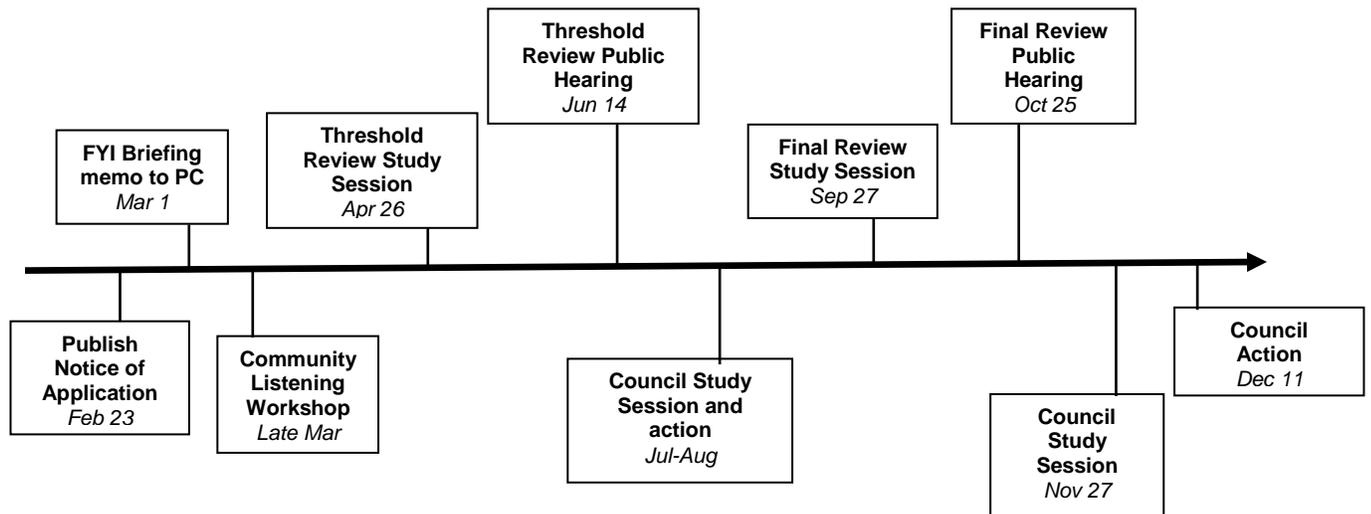
Threshold Review

1. Planning Commission study sessions and public hearing to evaluate whether initiated proposals should be considered for Comprehensive Plan amendment.
2. City Council action on Planning Commission recommendations on the annual work program.

Final Review

3. Planning Commission study sessions and public hearing to consider and recommend on the merits of proposed Comprehensive Plan Amendments.
4. City Council action on Planning Commission recommendations to adopt, not adopt, or adopt with modifications.

Identify Benchmark Dates: Early and Continuous Public Participation



The **Notice of Application** informs the Bellevue community that privately-initiated CPAs have been proposed, marking them as complete applications for purposes of review under LUC 20.30I. The Notice of Application also serves to inform how review under the State Environmental Policy Act (SEPA) will be accomplished for these proposed amendments.

The **FYI briefing memo** to the PC introduces proposed amendments to be evaluated, and establishes the timeline for review since a city may evaluate and review no more than annually.

The **community meeting** is a neutral site, drop-in open house discussion hosted by PCD staff. It will seek engagement and information sharing.

Threshold Review study session details the initial staff evaluation of a privately-initiated CPA. Conducted between staff and Commission, this study session gives Commissioners the ability to

request additional research of staff prior to the recommendation and public hearing, and asks commissioners to establish the extent of the geographic scope of a site-specific proposal.

Threshold Review Public Hearing is noticed and published, along with the staff recommendation, at least 14 days before the hearing date. Bellevue City Code defines this as a Process IV action. The hearing presents the staff recommendation based on the Decision Criteria, offers the applicant formal presentation opportunities, and solicits testimony from speakers. The staff recommendation, application and public testimony form the basis for the record of the Commission's recommendation, which it deliberates and renders in study session immediately following the hearing. The Commission's recommendation is forwarded to City Council in the form of a Transmittal.

The **City Council** in turn studies and takes legislative agenda action on the Commission's Threshold Review recommendation. The Council's direction creates the formal work program. If they intend to do so, this is the last opportunity for applicants to withdraw their proposals before a mandatory three-year waiting period occurs after Council Threshold Review action.

Final Review study session details the initial staff review of the CPA. Conducted between staff and Commission, this study session gives Commissioners the ability to request additional research of staff prior to the recommendation and public hearing.

Final Review Public Hearing is noticed and published, along with the staff recommendation, at least 14 days before the hearing date. Bellevue City Code defines this as a Process IV action. The hearing presents the staff recommendation based on the Decision Criteria, offers the applicant formal presentation opportunities, and solicits testimony from speakers. The staff recommendation, application and public testimony form the basis for the record of the Commission's recommendation, which it deliberates and renders in study session immediately following the hearing. The Commission's recommendation is forwarded to City Council in the form of a Transmittal.

Council Study Session and Council Action The City Council in turn studies and takes legislative agenda action by ordinance on the Commission's Final Review recommendation. In addition, the Council bases its action on the entire legislative record, and constituents can provide oral and written comment to Council up to its ordinance action.

Role of the Planning Commission

No action is required. City staff will conduct a community listening workshop in late March in anticipation of the Planning Commission studying the Crossroads Subarea/Bellevue Technology Center application and its potential for the expansion of the geographic scope at an April 26, 2017 Study Session. Staff will then ask to establish a June 14, 2017 Threshold Review public hearing date.

Attachments

1. 2017 List of Initiated Annual CPAs

Threshold Review privately-initiated CPAs

1. Crossroads Subarea/Bellevue Technology Center 17-104627AC

Subarea: Crossroads
 Address: 15805 NE 24th St
 Applicant: KBS SOR 156th Ave NE, LLC

This privately-initiated application would propose new policies in the General Land Use and Economics sections of the Crossroads Subarea Plan; amend Policies S-CR-16, S-CR-63 and S-CR-6; and amend Figure S-CR.1 accordingly in order to anticipate redevelopment of the 46-acre Bellevue Technology Center site (formerly Unigard.) See Attachments 2 and 3.

The applicant's stated purpose is to align the Bellevue Technology Center as one of the City's largest office designated areas that is located outside of a mixed-use center, which represents a significant catalyst opportunity to support the City's land use and economic development goals, including the targeted support, recruitment and investment in the information technology cluster.

The site, formerly and for years known as Unigard, has a long development history through the implementation of a planned unit development (PUD). This saw construction first in 1973, with the latest buildings built in 2000. The site currently has approximately 306,000 net square feet of office and 240,000 square feet of parking and service square footage in nine buildings on 46 acres.

Key components of the PUD over the years have been the protection of the open space "meadow" and large stand of trees in the northwest and southwest parts of the site, respectively, as well as views of and through the site, and the mitigation of traffic impacts.

Once the Comprehensive Plan policy (adopted in 1979 and amended in 1988) established the characteristics of open space preservation, scenic tree cover and neighborhood compatibility, the owners developed office buildings through series of development actions implemented over time. While allowing development capacity to be concentrated (and preserving meadow and tree areas) the PUD set a limit on total square footage and lot coverage limits.

Council initiation of CPAs under LUC 20.30I.130.B.1

The City Council will be asked to direct staff to prepare potential Council-initiated CPA (LUC 20.30I.130.B.1) for the annual CPA work program to include proposed amendments (below).

NOTE: These proposed amendments and the Eastgate Office Park proposed amendment will first be considered in 2017 during Final Review.

2. East Main

Following on the successful East Main CAC recommendations on the Downtown the East Main CPA proposes to amend the land use maps in the Comprehensive Plan (Volume 1) and the Southwest Bellevue Subarea Plan (Volume 2) to reflect the vision of the East Main Station Area Plan. The proposal would replace the Office/Limited Business (OLB) designation with an appropriate Transit-oriented Development (TOD) designation for the area bounded by Main Street, 112th Avenue SE, SE 8th Street, and I-405.

Related policy amendments may be proposed to reflect the updated vision for the redevelopment area and reinforce existing neighborhood policies related to the new development.

3. Complete Streets

The Bellevue Comprehensive Plan has 31 adopted policies that support the concept and ethic of Complete Streets. Policies express a commitment in Bellevue to provide safe and reliable mobility options for people wherever they need to go throughout the city, whether they are walking, riding a bicycle, taking transit and/or driving a car. These policies articulate the completeness, connectedness and resiliency of the transportation system.

At the direction of the City Council in Ordinance No. 6038, the Transportation Commission reviewed existing policy language and identified gaps that a few carefully chosen words could fill that would express and support Bellevue's Complete Streets ethic. The Transportation Commission recommended several policy amendments for the Transportation Element to more fully embed a Complete Streets ethic in the scoping, planning, designing, implementing, operating, and maintaining the street corridors and networks in Bellevue. On March 6, 2017, the Commission will present a policy recommendation to the Council at which time the Council may direct the initiation of the Complete Streets CPA into the 2017 annual process.

4. Downtown Transportation Plan

The Transportation Commission transmitted a recommendation for the [Downtown Transportation Plan](#) to the City Council in October 2013. Council accepted the Plan and directed that it be implemented. Project implementation is ongoing and has consisted of facilities to improve Downtown mobility.

Policy development for the Downtown Subarea Plan was completed in January of 2014, and the Commission's recommendation has been on hold since then pending the outcome of the Downtown Livability Initiative (DLI). Staff in the Planning and Community Development Department have determined that land use policy amendments are not needed to advance the DLI, therefore transportation plan amendments may proceed.

In consideration of the time since its initial recommendation, the Transportation Commission "refreshed" its policy recommendation to consider significantly changed conditions. The Commission retained the substance of the 2014 recommendation, while proposing minor modifications to reflect changes that were adopted in the 2015 Comprehensive Plan update, updated terminology (i.e. crosswalks vs intersections), and identifying errata to correct.

The Commission will transmit its final policy recommendation to City Council in early spring 2017. Council may then initiate the Downtown Transportation Plan CPA into the 2017 annual process.

5. Eastgate Office Park 16-123765 AC

Subarea: Eastgate
Address: 15325-15395 SE 30th PI
Applicant: Eastgate Office Park Property, LLC

Background

This privately-initiated application would amend the map designation on this 14-acre site from Office (O) to Office Limited Business (OLB).

The City Council advanced this application out of Threshold Review in 2016. The site had been geographically expanded to include two more single-building offices in this Office district, filling in to the east of the site and adjacent to 156th Ave SE.

Then the applicant and city agreed that deferring Final Review to 2017 would be realistic in light of the legislative status of amendments proposed to the Land Use Code from the Eastgate Land Use and Transportation Study, which amendments would influence this site's rezoning under its proposed OLB designation.

The applicant states that the Eastgate/I-90 Land Use and Transportation Project visioning missed a major opportunity to incorporate the Study's transit-oriented, walkable and neighborhood-sensitive policies to add moderate density at the Eastgate Office Park. Although the Eastgate Office Park site fell within the project study area, the applicant states that the Eastgate/I-90 economic analysis appeared to assume the project was not a viable candidate for redevelopment, so it was omitted from any serious evaluation of its potential for the transit-oriented office redevelopment that could support the City's vision.

The applicant notes that the proposal will implement the City's Comprehensive Plan vision for this subarea by encouraging continued economic vitality and development capacity located in transit-oriented mixed-use centers, supported by a range of commercial uses, with urban design features that enhance the Eastgate character and provide streetscape improvements. The applicant also states that the land use map designation change will support the City's vision as a leader in regional economic, land use and urban design challenges.

This site is developed with a 280,000 square feet of office in four buildings with surface parking.



Bellevue Planning Commission

Upcoming Meeting Schedule

<u>Mtg</u>	<u>Date</u>	<u>Agenda Item Topic</u>	<u>Priority</u>	<u>Agenda Type</u>	<u>Location</u>
17-4	1-Mar-17	Downtown Livability Land Use Code	2	Commission continues deliberation on proposed code amendments.	City Hall
		2017 Comprehensive Plan Amendment Cycle Briefing	2	The Commission gets an information briefing on the plan amendment cycle and proposed amendments.	
17-5	8-Mar-17	Downtown Livability Land Use Code	1	Public Hearing	City Hall
		Downtown Livability Land Use Code	2	Commission holds study session post public hearing to make recommendation to City Council.	
17-6	22-Mar-17	Downtown Livability Land Use Code	2	Placemaker for 1 more study session post public hearing to make recommendation to City Council.	City Hall
17-7	12-Apr-17	Planning Commission Post Retreat - Guiding Principles & Public Engagement	1	Commission reviews current guiding principles and public engagement practices and amends, as needed.	City Hall
17-8	26-Apr-17	Comprehensive Plan Amendment Cycle Study Session	2	Discussion of plan amendment scope & types of information that will help the Commission in plan amendment review.	City Hall

Priority-1 (Red) Public Hearing; 2 (Yellow) PC mandated item; 3 (Green) Information only.

The Planning Commission will set public hearings, as needed, when the Commission approaches the conclusion of their deliberations. Please note that dates and agenda topics are subject to change.

From: Kattermann, Michael
Sent: Thursday, February 09, 2017 11:14 AM
To: Cullen, Terry
Subject: FW: Upcoming Short Courses on Local Planning - Cities of DuPont and Kent
Attachments: DuPont Announcement 03-09-17.pdf; 03-30-17 Kent Announcement.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

FYI – we often let our commissioners know of these if they are in the area. I'd say these are too far afield but wanted you to know about them.

Michael Kattermann, AICP
Senior Planner - PCD X2042

From: Weyl, Linda (COM) [mailto:linda.weyl@commerce.wa.gov]
Sent: Thursday, February 09, 2017 10:53 AM
To: Weyl, Linda (COM) <linda.weyl@commerce.wa.gov>
Cc: Fritzel, Anne (COM) <anne.fritzel@commerce.wa.gov>
Subject: Upcoming Short Courses on Local Planning - Cities of DuPont and Kent

The **Short Course on Local Planning** is an opportunity for elected officials, planning commission members, local government staff (clerks, administrators, attorneys), consultants, students, and community members to learn basic information about comprehensive planning and community development, the legal framework for land use planning, and public involvement in the planning process. The Open Public Meetings portion of the agenda meets the requirements of ESB 5964(laws of 2014) requiring every member of a governing body, including planning commissioners, to take training on the Open Public Meetings training within 90 days of taking an official role, and every four years thereafter, as long as they remain in that role.

For a full listing of available courses and video recordings, visit the [GMA Short Course on Local Planning webpage](#).

If your jurisdiction would like to host a Short Course in your area, please contact the Short Course coordinator at GrowthEducationTraining@commerce.wa.gov

Please forward this announcement to any person or group who you think would benefit from this information.

A SHORT COURSE



Department of Commerce

ON LOCAL PLANNING

A Short Course on Local Planning

DuPont City Hall, 1700 Civic Drive, DuPont, WA 98327

Thursday March 9, 2017, 6:15 – 9:15 p.m.

Hosted by the City of DuPont

Agenda:

- 6:15– 6:30 WELCOME AND INTRODUCTIONS.....Commerce**
- 6:30 – 7:00 THE LEGAL BASIS OF PLANNING IN WASHINGTON..... Kristin French, Attorney at Law**
The statutory basis of planning in Washington State, and early planning statutes.
Constitutional issues in land use planning.
- 7:00 - 7:30 COMPREHENSIVE PLANNING BASICS.....Joe Tovar., Planner**
What is planning, and why is it important? Overview of the Growth Management Act requirements for local planning. Ideas and tools for implementing and updating the comprehensive plan.
- 7:30 – 7:40 BREAK**
- 7:40 – 8:10 ROLES AND RESPONSIBILITIES..... Anne Fritzel, Planner**
Roles and responsibilities in the planning process. Legislative vs quasi-judicial decisions, tips for encouraging public involvement, best practices for effective meetings.
- 8:10- 8:50 OPEN GOVERNMENT LAWSKristin French, Attorney at Law**
Open Public Meetings Act and Introduction to the Public Records Act. This training meets the requirements of RCW 42.30.205 requiring every member of a governing body to take Open Public Meetings Act training within 90 days of taking an official role, and every four years thereafter, as long as they remain in that role. Attendees will receive a certificate of training.



Planning Association
of Washington



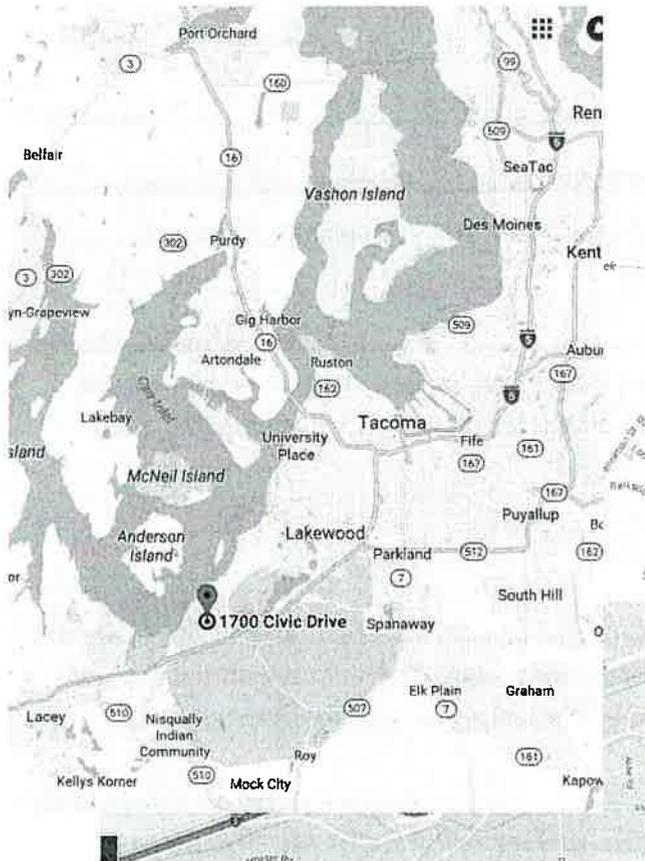
American Planning Association
Washington Chapter



REGISTRATION: Please register by March 2, 2017, by sending an email with your name, organization and title (if applicable) and the location of the short course you wish to attend to shortcourse@commerce.wa.gov or by leaving the same information at 360 725-3064. Registration is not required, but helps for planning purposes; all will be welcome at the event. There is no cost to attend.

SEE ALL UPCOMING IN PERSON COURSES AND VIDEO OPTIONS ON THE SHORT COURSE WEB PAGE AT: www.commerce.wa.gov/serving-communities/growth-management/. Agendas and presentations for past courses will be on the web site for the calendar year.

MAP OF LOCATION:



DIRECTIONS: From I-5, take exit 118.
Follow Center Drive for 1.4 miles
Turn left on Civic Drive.
City Hall is on your right.

- City elected officials will earn 3 CML credits in Community Planning and Development
- County elected officials will receive 2 core credits towards Certified Public Official Training
- For WCIA members, attendance at the Short Course provides COMPACT training credit
- For RMSA members, the Short Course meets the requirements of the land use advisory member standards
- For WSBA members, viewing the video series provides 1 CLE Legal Credit, and 0.75 other credits (Activity # 1011672)

A Short Course on Local Planning: Training citizen planners since 1977

The Short Course is an opportunity for planning commissioners, local government staff, elected officials, and community members to learn about our state's legal framework for planning, comprehensive planning and community development processes, and public involvement in the planning process.

www.commerce.wa.gov/serving-communities/growth-management/ 360.725.3064

HOST: **Jeff Wilson, Planning Director, City of DuPont**
jwilson@dupontwa.gov, 253.912.5393

MODERATOR: **Anne Fritzel, Senior Planner, Washington State Department of Commerce**
Anne.Fritzel@commerce.wa.gov, 360 725-3064

PRESENTERS: **Kristin French, Attorney at Law, Jordan Ramis**
Kristin.French@jordanramis.com 360.567.3917 www.jordanramis.com

Joseph Tovar, FAICP, Principal, Tovar Planning
joe@tovarplanning.com 425.263.2792 www.tovarplanning.com

ADDITIONAL TRAINING AND EDUCATIONAL OPPORTUNITIES IN WASHINGTON

Department of Commerce, Growth Management Services <http://www.commerce.wa.gov/serving-communities/growth-management/>. See the Short Course Manual and Videos under the “Short Course on Local Planning” Key Topic.

Municipal Research and Services Center of Washington at www.mrsc.org: See *A Planner’s Pocket Reference* at www.mrsc.org/subjects/planning/PocketRef.aspx, which includes glossaries, web links for land use, environment, housing, census, economics, transportation, technical tools, model codes, and land use law.

Washington State Office of the Attorney General Trainings on Open Government, Open Public Meetings Act and Public Records Act training at www.atg.wa.gov/OpenGovernmentTraining.aspx

OUR SHORT COURSE PARTNERS

Planning Association of Washington (PAW) is a statewide, grass-roots, non-profit incorporated in 1963, with the mission to “provide unbiased practical planning education to the citizens of Washington State”. PAW created the Short Course on Local Planning and is a Founding Partner. www.planningpaw.org **Partner since 1980.**

The Washington Cities Insurance Authority (WCIA) is a liability insurance risk pool which supports member risk management through education. WCIA encourages their members to attend the Short Course on Local Planning because it is recognized as a tool for reducing land-use liability. www.wciapool.org/ **Partner since 2009.**

Washington Chapter of the American Planning Association (WA-APA) www.washington-apa.org/ **Partner since 2014.**

Association of Washington Cities (AWC) and the **Risk Management Services Agency (RMSA)** www.awcnet.org/ and www.awcnet.org/PropertyLiability.aspx See *GMA Comp Plan Conversation Starter* videos . www.awcnet.org/ResourcesResearch/GMACompPlanConversationStarters.aspx **Partner since 2015.**

A Short Course on Local Planning: Training citizen planners since 1977
www.commerce.wa.gov/serving-communities/growth-management/ 360.725.3064

A SHORT COURSE



Department of Commerce

ON LOCAL PLANNING

A Short Course on Local Planning

City of Kent Council Chambers, 220 – 4th Avenue South, Kent, WA 98032

Thursday, March 30th, 6:15 – 9:15 p.m.

Hosted by the City of Kent

Agenda:

- 6:15– 6:30 WELCOME AND INTRODUCTIONS.....Commerce**
- 6:30 – 7:00 THE LEGAL BASIS OF PLANNING IN WASHINGTON..... Scott Missal, Attorney at Law**
The statutory basis of planning in Washington State, and early planning statutes.
Constitutional issues in land use planning.
- 7:00 - 7:30 COMPREHENSIVE PLANNING BASICS.....Gary Idleburg, Planner**
What is planning, and why is it important? Overview of the Growth Management Act requirements for local planning. Ideas and tools for implementing and updating the comprehensive plan.
- 7:30 – 7:40 BREAK**
- 7:40 – 8:10 ROLES AND RESPONSIBILITIES.....Dave Osaki, Planner**
Roles and responsibilities in the planning process. Legislative vs quasi-judicial decisions, tips for encouraging public involvement, best practices for effective meetings.
- 8:10- 8:50 OPEN GOVERNMENT LAWSScott Missal, Attorney at Law**
Open Public Meetings Act and Introduction to the Public Records Act. This training meets the requirements of RCW 42.30.205 requiring every member of a governing body to take Open Public Meetings Act training within 90 days of taking an official role, and every four years thereafter, as long as they remain in that role. Attendees will receive a certificate of training.
- 8:50-9:15 QUESTIONS AND ANSWERS.....All**



Planning Association
of Washington



American Planning Association
Washington Chapter



REGISTRATION: Please register by March 23, 2017 by sending an email with your name, organization and title (if applicable) and the location of the short course you wish to attend to shortcourse@commerce.wa.gov or by leaving the same information at 360 725-3064. Registration is not required, but helps for planning purposes; all will be welcome at the event. There is no cost to attend.

SEE ALL UPCOMING IN PERSON COURSES AND VIDEO OPTIONS ON THE SHORT COURSE WEB PAGE AT: www.commerce.wa.gov/serving-communities/growth-management/. Agendas and presentations for past courses will be on the web site for the calendar year.

MAP OF LOCATION:



- City elected officials will earn 3 CML credits in Community Planning and Development
- County elected officials will receive 2 core credits towards Certified Public Official Training
- For WCIA members, attendance at the Short Course provides COMPACT training credit
- For RMSA members, the Short Course meets the requirements of the land use advisory member standards
- For WSBA members, viewing the video series provides 1 CLE Legal Credit, and 0.75 other credits (Activity # 1011672)

A Short Course on Local Planning: Training citizen planners since 1977
The Short Course is an opportunity for planning commissioners, local government staff, elected officials, and community members to learn about our state's legal framework for planning, comprehensive planning and community development processes, and public involvement in the planning process.
www.commerce.wa.gov/serving-communities/growth-management/ 360.725.3064

HOST: Charlene Anderson, Planning Manager, City of Kent
canderson@KentWA.gov 253.856.5431

MODERATOR: Gary Idleburg, Senior Planning, Washington State Department of Commerce
Gary.Idleburg@commerce.wa.gov 360.725.3045

PRESENTERS: Scott Missall, Attorney at Law, Short, Cressman & Burgess PLLC, Seattle
smissall@scblawcom, 206.515.2241

Dave Osaki, AICP, Planning Manager, City of Mukilteo
dosaki@mukilteowa.gov .425.263.8042

ADDITIONAL TRAINING AND EDUCATIONAL OPPORTUNITIES IN WASHINGTON

Department of Commerce, Growth Management Services <http://www.commerce.wa.gov/serving-communities/growth-management/>. See the Short Course Manual and Videos under the "Short Course on Local Planning" Key Topic.

Municipal Research and Services Center of Washington at www.mrsc.org: See *A Planner's Pocket Reference* at www.mrsc.org/subjects/planning/PocketRef.aspx, which includes glossaries, web links for land use, environment, housing, census, economics, transportation, technical tools, model codes, and land use law.

Washington State Office of the Attorney General Trainings on Open Government, Open Public Meetings Act and Public Records Act training at www.atg.wa.gov/OpenGovernmentTraining.aspx

OUR SHORT COURSE PARTNERS

Planning Association of Washington (PAW) is a statewide, grass-roots, non-profit incorporated in 1963, with the mission to "provide unbiased practical planning education to the citizens of Washington State". PAW created the Short Course on Local Planning and is a Founding Partner. www.planningpaw.org Partner since 1980.

The Washington Cities Insurance Authority (WCIA) is a liability insurance risk pool which supports member risk management through education. WCIA encourages their members to attend the Short Course on Local Planning because it is recognized as a tool for reducing land-use liability. www.wciapool.org/ Partner since 2009.

Washington Chapter of the American Planning Association (WA-APA) www.washington-apa.org/ Partner since 2014.

Association of Washington Cities (AWC) and the Risk Management Services Agency (RMSA) www.awcnet.org/ and www.awcnet.org/PropertyLiability.aspx See *GMA Comp Plan Conversation Starter* videos . www.awcnet.org/ResourcesResearch/GMACompPlanConversationStarters.aspx Partner since 2015.

From: Regina Wagner <rexi10@comcast.net>
Sent: Thursday, February 09, 2017 11:16 AM
To: PlanningCommission
Subject: upzoning O-2 south Bellevue

Follow Up Flag: Follow up
Flag Status: Flagged

Hello

I would like to add myself to my neighbors inquiry about the height recommendations.

He presented the following slides(<http://goo.gl/rUv7xx>) to show why the building height in the O-2 South district should be held to the level of the Fana project at 302 feet. At the June 2014 Community Advisory Committee meeting he presented some pictures and data to the CAC. The CAC accepted his recommendation to hold the height in the O-2 district to 250 feet (really 302). Later it was decide that the height recommendation for the MU would be 300 feet.

Someone pointed out that the height in the O-2 should not be less than the MU, so the height recommendation for the O-2 district was changed again to 300 feet (really 345). Now the height in the MU has been reduced to 250 and we should do the same in the O-2 South.

In the slides you will see that

1. Adding 45 feet damages the views completely
2. There is only one spot left to develop in the O-2 South
3. The positives from upzoning O-2 south are outweighed by the negatives

The pictures will illustrate that adding 45 feet to the building height will block our view of the park, bay, lake and Seattle. The loss of this view will drive down the value of our properties. I would think that the value lost via tax revenue from destroying value at Bellevue Towers would be worse for the city than the small value gained to allow an addition 45 feet on one lot.

Please reconsider the upzoning and stay on a reasonable height of 250.

Best regards

Regina Wagner

From: Jeremy Barksdale <jeremybarksdale@gmail.com>
Sent: Tuesday, February 14, 2017 6:04 PM
To: 'Jeremy Barksdale'
Subject: Wilburton Commercial Area Survey

Follow Up Flag: Follow up
Flag Status: Flagged

Hi everyone,

The City of Bellevue is collecting input to understand the needs within Bellevue that could best be served in the Wilburton Commercial Area.

Following is a link to the Online Open House where you can learn more about the project and provide ideas.

<https://wilburtoncommercialarea.participate.online/>

Please share this with your friends, family, and colleagues. We would like as many diverse perspectives as possible.

Sincerely,
Jeremy

From: DeweyBchSL@aol.com
Sent: Wednesday, February 15, 2017 4:32 PM
To: PlanningCommission
Subject: DOWNTOWN LIVABILITY LAND USE CODE

Follow Up Flag: Follow up
Flag Status: Flagged

To entire Planning Commission members who are studying this issue:

I have previously written, but need to voice my concerns again.

As a downtown resident, it has become alarming to see the developers pursuing their agenda, when they are only trying for a 'bottom line'; will not be living in this core area; not being required to provide proper parking, ingress and egress to make the core work; pushing the heights beyond zoning that is appropriate for the streets that cannot be widened and pushing heights that will change daylight and air for the pedestrians and restaurants on street level. This track you are on will NOT contribute to Livability....quite the contrary, it will change to 'reduced downtown resident energy'. As I read about Palo Alto's need to stop high rise development from the down town, because of shops closing and the vibrancy of the City being lost, I ask you to 'BUILD OUT WHAT IS ALREADY APPROVED'.....TAKE A BREATH AND SEE HOW THIS FITS INTO YOUR PLANS. YOU CAN NOT UNDO WHAT IS APPROVED AND BUILT, BUT YOU CAN INTELLIGENTLY ASSESS FUTURE DEVELOPMENT and then move the appropriate direction. You do not want to say, "we should not have moved ahead, without the TOTAL plan in place".

Please take a pause.....you will ALWAYS be asked for more and we are trusting you to do what is good for the Bellevue residents.....not the developers.

Thank you,

Sharon Lovejoy
deweybchsl@aol.com

From: Brian Franklin <brian@pmfinvestments.com>
Sent: Tuesday, February 21, 2017 6:24 PM
To: PlanningCommission
Subject: Downtown Livability

Follow Up Flag: Follow up
Flag Status: Flagged

Dear City of Bellevue Planning Commissioners,

My name is Brian Franklin and I am President of PMF Investments, which is the owner of the Sheraton Bellevue Hotel and adjacent Azteca restaurant. PMF Investments is a Bellevue based real estate development firm and we have been working with the Bellevue community for almost three decades.

PMF has been actively working with other property owners in the downtown to come up with a few universally supported common-sense changes to the latest plan for the Downtown Livability Code Amendment provided by staff. Many of you heard these ideas during my last public testimony before the commission. I thought it would also be helpful for an in person meeting to help explain why PMF Investments and many other downtown property owners are requesting a few complimentary suggestions that will ensure your vision for the downtown is activated by this new code.

Please let me know if you have a few brief moments next week to meet. I am keeping my Monday and Tuesday (February 27th and 28th) open to work around your schedules.

Please respond back to my email: brian@pmfinvestments.com or call 425.746.6066 so we can schedule a meeting.

I look forward to discussing with each of you.

Very Respectfully,
Brian Franklin



PMF INVESTMENTS

Brian Franklin President
brian@pmfinvestments.com www.pmfinvestments.com

15015 Main Street, Suite 203, Bellevue, WA 98007
P: 425-746-6066 F: 425-746-6595

From: Pam Johnston <pamjjo@msn.com>
Sent: Friday, February 17, 2017 9:59 AM
To: PlanningCommission; McDonald, Kevin
Cc: janicezahn@yahoo.com
Subject: FW: Sign Code

Follow Up Flag: Follow up
Flag Status: Flagged

This email is just to make sure you are aware of the current issue on the sign code. See my conversation with the City below.

Until codes are updated based on Reed v. Town of Gilbert, 576 U.S. ____ (2015), the City is not enforcing temporary sign codes, the only exception is if they pose a hazard, e.g. block drivers view.

"Reed v. Town of Gilbert, 576 U.S. ____ (2015) was a case in which the United States Supreme Court clarified when municipalities may impose content-based restrictions on signage." (Wikipedia)

I am not requesting any action for the commissions. I am just checking that this code review is known.

Thank you,
Pamela Johnston

From: RHyde@bellevuewa.gov [mailto:RHyde@bellevuewa.gov]
Sent: Friday, February 17, 2017 8:33 AM
To: pamjjo@msn.com
Cc: LRiordan@bellevuewa.gov; llopez@mstarlabs.com; RHyde@bellevuewa.gov
Subject: RE: Sign Code

Ms. Johnston,

Thank you for your inquiry. We have completed an initial draft of a new sign code, but it likely will take additional time to internally vet the draft before it makes its way to the City Council.

Because the sign code is not contained within the Land Use Code or the Transportation Code, it is unlikely to go through the Planning Commission or the Transportation Commission. However, the City Council may choose to have one of these commissions review some or all of the sign code.

Bob Hyde | Deputy City Attorney
City of Bellevue

From: Pam Johnston [mailto:pamjjo@msn.com]
Sent: Wednesday, February 15, 2017 1:20 PM
To: Hyde, Robert <RHyde@bellevuewa.gov>
Cc: Riordan, Lori <LRiordan@bellevuewa.gov>; llopez@mstarlabs.com
Subject: RE: Sign Code

Can you please update me on the status of the sign code update?

Also, are the changes planned to be reviewed by a commission before they are sent to Council? Would that be the Planning Commission or the Transportation Commission?

Thanks
Pamela Johnston
Bridle Trails Community Club

From: RHyde@bellevuewa.gov [<mailto:RHyde@bellevuewa.gov>]
Sent: Thursday, July 28, 2016 9:34 AM
To: pamjjo@msn.com
Cc: LRiordan@bellevuewa.gov; llopez@mstarlabs.com; RHyde@bellevuewa.gov
Subject: RE: Sign Code

Ms. Johnston,

Thank you for inquiring about the sign code. The City Attorney's Office has performed an initial review of the sign code, but the City's work on revising the sign code in light of Reed likely will be a lengthy process. Until the City Council takes formal action to revise the sign code, the City is undertaking limited enforcement of sign code violations. Those enforcement actions will generally be limited to safety issues (such as signs blocking sight distances for vehicles or blocking sidewalks).

Thank you,

Bob Hyde | Deputy City Attorney
City of Bellevue

----- Original message -----

From: Pam Johnston <pamjjo@msn.com>
Date: 7/20/2016 10:30 PM (GMT-05:00)
To: "Riordan, Lori" <LRiordan@bellevuewa.gov>
Cc: Loretta Lopez <llopez@mstarlabs.com>
Subject: Sign Code

We've been told that the City is not enforcing the sign code until Reed v. Town of Gilbert, 135 S.Ct. 2218 (2015), the City of Bellevue's Sign Code is reviewed by the City Attorney's Office and that there would be a public process. Where is the City in that process?

Sincerely,
Pamela Johnston
Bridle Trails Community Club

From: Cullen, Terry
Sent: Friday, February 17, 2017 2:40 PM
To: Anne Morisseau; Jeremy Barksdale; John Carlson; John deVadoss; John deVadoss; Laing, Aaron; Laing, Aaron; Michelle Hilhorst; PlanningCommission; Stephanie Walter; Stokes, John
Cc: Cullen, Terry
Subject: Planning Commission Prototype - PC Review
Attachments: PC Annotated Version Prototype Post Retreat v4.docx

Follow Up Flag: Follow up
Flag Status: Flagged

I presented the Planning Commission prototype with staff comments at the Feb 08 meeting. The Planning Commission provided some additional edits, and Commissioner Hilhorst followed up with me after the meeting, per the Commission assent, with some additional wording.

I have attached the prototype as it stands now with the staff and PC comments. Follow the footnotes at the bottom of each page to find the edits to date. Please take one last look and let me know if you have any comments on the PC edits.

The next and final step is for the City Council Liaison (Mayor Stokes) to review and comment. I will be scheduling something with him shortly and we should have a completed draft sometime soon after that.

Thank you for your input and patience.

Sincerely

Terry Cullen, AICP
Comprehensive Planning Manager
Planning & Community Development Dept
City of Bellevue
450 110th Ave NE
Bellevue WA 98004

(425)-452-4070
tcullen@bellevuewa.gov



Bellevue Planning Commission

Formatted: Font: Times New Roman

Planning Commission Prototype

Formatted: Heading 1

Formatted: Font: Times New Roman

The following document is an operational guide for the Bellevue Planning Commission. It was developed for the through Planning Commission retreats held on November 16, 2016 and contains the combined input of Planning Commissioners, the City Council Liaison and the City Staff.

The guide is intended to provide a basis for Planning Commission operations, governance and conduct.

Note to Reviewers: I recommend we include the Planning Commission's By-Laws in this too, (TC) Question to be answered – The By-Laws are formally adopted (by whom). How do they relate to this document?

Formatted: Font: Times New Roman, Italic

Formatted: Font: Times New Roman

Formatted: Font: Times New Roman, Italic, Font color:

Formatted: Font: Times New Roman

Formatted: Indent: Left: 0.5", No bullets or numbering

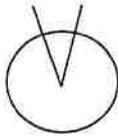
1



Bellevue Planning Commission

Prototype Part A – The Local Governance of Planning

1. The Planning Transect in Local Governance



The circle represents the many responsibilities and duties of local legislative bodies, such as the Bellevue City Council. Some of those include: approve the annual budget; establish long and short-term priorities for the city; establish tax rates; enter into legal contracts; borrow funds; pass ordinances and resolutions; exercise eminent domain; regulate land use; respond to constituent needs and;

oversee the performance of the local public employees. (Source-National League of Cities)

The complexity of planning (one Council responsibility) and its potential impact on every aspect of the City necessitates a formalized, assisted role from citizens (Planning Commission) and technical experts (staff) to address and vet complex issues to assist the Council in carrying out one of its many legislative functions.

This assisted role is a three-legged stool of City Council (the ultimate decision-maker), a City-Council appointed and empowered Planning Commission and City Staff (positions created and approved by City Council in budgeting and finance, two other responsibilities of the local, legislative body). The three-legged stool metaphor is used to describe the interdependent nature of all three entities. No one or two of these entities can address the entire life cycle of planning. Planning, as such, is an institution (i.e. an organizational body created for certain purpose) of City government that creates, enacts and implements planning through this 'institution' which is comprised of City Council, Planning Commission and City Staff.

2. The Roles and Responsibilities in Planning

i. City Council

City Council is the legislative body for the City of Bellevue. City Council is given the authority by the State Constitution and State law to make local law. Generally, City Council enacts local law, sets policy, and establishes a budget for the City. The Council also is responsible in setting the number, budget and function of staff.

The Council establishes several boards and commissions to seek citizen advice in its decision processes. One of those is the Planning Commission. It is created by City Council and serves at the pleasure of the Council. In the end, it is always City Council's authority to set policy direction and enact local laws.

Formatted: Normal, Indent: Left: 0"

Formatted: Font: Times New Roman

Formatted: Normal

Formatted: Normal, Indent: Left: 0"



Bellevue Planning Commission

ii. City Staff

The roles and responsibilities of City Staff are specified in the various sections of the City Code. For example, Chapter 3.45 defines functions and responsibilities of the Planning and Community Development Department. Some of those Staff functions include:

- A. Administration of amendments, revisions and updates to the comprehensive plan of the city.
- B. Implementation of provisions of the comprehensive plan of the city related to the functions of the department as described in this section.
- C. Provision of long-range planning for the city related to land use and development, housing, economic development, construction, community development, and other long-range planning services as directed by the city manager.
- D. Provision of staff support for the planning commission.

iii. Planning Commission

The roles and responsibilities of the Planning Commission are identified in the City Code.

Planning Commission - 3.64.070 Powers and duties.

The commission shall act in a policy advisory capacity to the city council. The commission may hold public hearings and shall conduct studies, perform analyses, and prepare reports requested by the city council, and shall review, advise and make recommendations to the council. The commission shall:

- A. Review, consider amendments, and make recommendations to the city council on the comprehensive plan and other planning documents of the city to determine if the city's plans, goals, policies and land use ordinances and regulations implement the state Growth Management Act (Chapter 36.70A RCW) and promote orderly and coordinated development within the city. The commission may initiate amendments to the comprehensive plan map or text in order to make technical corrections (LUC20.30I.130). The commission may recommend that the city council initiate amendments to the comprehensive plan (LUC20.30I.130(B)(2)).
- B. Review land use ordinances and regulations of the city and make recommendations regarding them to the city council. Such ordinances and regulations shall be consistent with and implement the comprehensive plan. The planning commission may initiate an amendment to the text of the land use code, as provided in LUC 20.30J.125.
- C. Recommend, establish priorities for, and review studies of geographic subareas in the city.
- D. Review and make recommendations regarding regulations related to critical areas and other land use issues.



Bellevue Planning Commission

E. Be encouraged to maintain a liaison with the planning agencies of other Eastside municipalities and regional planning agencies.

F. Have such other duties and powers as heretofore have been or hereafter may be conferred upon the commission by city ordinances or as directed by the city council.

In addition, the commission:

G. May provide the public with opportunities for involvement in the commission's activities.

H. May recommend particular concepts for inclusion in the city's vision, subject to approval by council.

I. May research and provide suggestions on new matters or initiatives that council may wish to consider.

J. Shall provide at least quarterly communications to the council highlighting major activities, future work plans, changes in work plans, and any policy direction requested.

K. Shall perform other duties as may be directed by the city council.

All other city boards, committees, and commissions shall coordinate their planning activities, as they relate to land use or the city comprehensive plan, with the planning commission. (Ord. 6242 § 2, 2015.)

3. The value added: The work and the roles and responsibilities

The role and work of a Planning Commission is almost all related to the comprehensive plan. Those roles include making recommendations to Council when: developing the plan, amending it and interpreting it.

The comprehensive plan is a complex policy document that guides the City's long-range growth and development. Its importance to the City's future can't be under-estimated. The future vision in the plan is achieved through the consistent and applied application of its policies. The Planning Commission plays an important role in the stewardship of this plan.

This table identifies types of work that must be done to effectively carry out local government comprehensive planning responsibilities.

Comprehensive Plan Work/Primary Responsible Entity(ies)	City Council	Planning Commission	City Staff



Bellevue Planning Commission

Development	X	X	X	Formatted: Font: (Default) Times New Roman
Amendment	X	X	X	Formatted: Font: (Default) Times New Roman
Interpretation	X	X	X	Formatted: Font: (Default) Times New Roman
Implementation			X	Formatted: Font: (Default) Times New Roman
Recommendation		X	X	Formatted: Font: (Default) Times New Roman
Legislative Action	X			Formatted: Font: (Default) Times New Roman
				Formatted: Font: Times New Roman

A. The Work - Typically, the Planning Commission does the following work to address its responsibilities as an advisory body to the Council:

- i. The Planning Commission plays a valuable role during the Comprehensive Plan development stages to advise Council on policy matters related to the Comprehensive Plan mandates. This is done through review of existing conditions data and analyses, and recommending hypothesizing policy, modeling it and validating it. Staff works closely with the Planning Commission to provide this information that leads to a Planning Commission recommendation.
- ii. Policy analysis is the work that is done post-Comprehensive Plan adoption. Existing, adopted policy in the plan is carefully evaluated with the matter at hand (e.g. a proposed land use code amendment). Policy analysis consists of making Comprehensive Plan interpretations and consistency findings, establishing a scope of review and reviewing existing and future conditions. City Council does not always have the capacity to have these very specific and fine grain deliberations and the Planning Commission's Comprehensive Plan policy analysis is valuable to Council.
- iii. Public engagement is a critical part of any planning process. This is done through both general public comment and testimony received at a public hearing. The Planning Commission's public engagement helps the Council to understand better how planning proposals potentially impact the lives of their constituents.
- iv. Deliberation and debate requires critical listening skills, systematic pro and con review of each approach and perspective and solution-oriented discussion and problem solving done. Council finds the Planning Commission' role in this to be invaluable.
- v. Democratic actions¹ are essential to the overall planning process. This includes: open meetings, following rules of order, making clear findings with a nexus to the Comprehensive Plan without being arbitrary and capricious and following applicable decision criteria in the code.

¹ One staff person questioned what is meant by the term 'democratic actions'.



Bellevue Planning Commission

November 16, 2016
Page 6 of 11



Bellevue Planning Commission

Prototype Part B – Suggested Standards & Practices

What is the Planning Commission's primary role?

1. The Planning Commission's role is to advise the City Council in matters pertaining to the Comprehensive Plan and Land Use Code. This includes the following:
 - a. Plan Update - The Commission may recommend new policies to Council when a comprehensive plan is developed and will identify the policy implications for Council's consideration.
 - b. Plan Amendments - The Commission may review proposed policy language during a plan amendment and the review is bounded within the scope set by City Council. The review includes consistency of the proposed policy to other policies in the comprehensive plan, identification of policy implications for Council's consideration and possible recommendations for substitute language.
 - c. Code Amendments - The Commission reviews proposed land use code amendments for consistency with other policies in the comprehensive plan, notes policy implications for Council's considerations and may recommend changes to the proposed code amendments consistent with those findings.
 - d. Council Special Requests - The Commission reviews special requests by Council only within the scope of that request and does not engage in policy debate or recommend underlying policy changes, unless requested by Council to do so.
AGREED
2. The City Council is the body charged with setting and adopting policy for the City, and Council highly values the roles and contributions of the Planning Commission which are advisory in nature. AGREED.
3. The Commission cites findings to support their conclusions and decisions and those findings are related to the comprehensive plan. The public record clearly reflects this so the public and Council fully understand the recommendations made and the reasons. AGREED
4. ~~The Planning Commission is not charged to~~ Each Commissioner brings individual perspectives to the discussion often based on experiences from the neighborhoods in which they live or the interactions of everyday life. The goal of the Planning Commission is to be impartial and take a city-wide view without representing a constituency or being political. An impartial approach is critical to success.
5. The Commission identifies the scope of policy areas in the plan that are applicable to the matter being considered and the amount and type of data required to adequately conduct their review. Ideally, it is desired that this should be scoped and agreed upon with Staff at the beginning of a project, prior to a Staff report and recommendation coming before the Commission.



Bellevue Planning Commission

- 6. The Planning Commission reviews the record before them, including staff's recommendations and deliberates upon it based on the policy perspectives provided by the Comprehensive Plan. AGREED.
- 7. The Commission takes into account how site specific considerations influence broader citywide policy. AGREED
- 8. The Planning Commission always strives for equity and balance in the decisions carefully weighing the effect on comprehensive plan policies. AGREED.

What are the Staff's and City Council's roles in relationship to the Planning Commission?

- 9. Staff provides support to the Planning Commission. This includes research, reports and Staff recommendations (reflecting equity and balance in the analysis, such as showing the pros and cons) to support the Planning Commission work program, and carrying out any legal requirements for public notification. Support also includes meeting logistics and staff support services.
- 10. Staff's work program and resources are determined and directed by City Council. If the Commission desires to amend the work program or requires additional resources, the Commission will seek Council's approval first. AGREED.
- 11. The officers of the Planning Commission are encouraged to meet with the City Manager and City Council liaison anytime the Commission believes there is a real or perceived breach of trust. The officers will contact the City Council liaison first to discuss questions, comments and concerns. The City Council liaison may have the discretion to apprise the Planning Commission Chair on matters of City business that are confidential if that matter has potential impact on an ongoing Planning Commission matter. To ensure there is no inadvertent waiver of any privileges or protections afforded by Washington law, the City Council liaison will consult with the City Attorney's Office before sharing such confidential matters.²³
- 12. City Council is the legislative authority. Council looks to the Planning Commission to provide planning recommendations (written and verbal) that are objective, backed with facts and findings, and related to comprehensive plan policy to support the conclusion. AGREED.
- 13. In forwarding an item to the Commission, the City Council will often include specificity about scope and policy direction. In order to be of best value in its advisory role, the

Formatted: Font: Times New Roman
Formatted: Font: Times New Roman

² Staff comment – The original wording is problematic because “confidential” is not defined. If it is an attorney/client privileged issue or something confidential to do with a threatened or ongoing lawsuit, having a Council liaison disclose this to the Planning Commission Chair could be a waiver of the privilege. A privilege waiver requires a vote of the full City Council, and it is assumed this provision doesn't intend to waive privilege. It makes sense to route any such attorney/client or litigation-related communications from the Council liaison first through the City Legal Dept, acting as the Planning Commission's attorney, so that the issue of privilege can be determined. Stated differently, the City Legal Dept would be letting the PC Chair know about this in their role as the PC's attorney.

³ Planning Commission comment – If there is some business that cannot be disclosed that affects a project the PC is working on, is it possible the PC's work on the project could be stopped until the business is completed and can be disclosed?



Bellevue Planning Commission

Council's expectation is that the Commission strives to stay within this prescribed scope and policy direction. "Think outside the box but color within the lines."

How should the public be engaged in Planning Commission proceedings?

- 14. Public comment and testimony is critical to Planning Commission deliberation and action. As a neutral party, the Commission does not represent any particular neighborhood, citizens' group or interested party. While being impartial, Commissioners do bring forth a body of knowledge and expertise from their perspectives as citizens.
- 15. Public testimony is important to the planning process, and the Commission reviews it objectively and examines its relationship to the overall policy issues at hand. AGREED.
- 16. Public comment standards in the Planning Commission's By-Laws should be reviewed regularly to ensure they continue to fulfill their intent and purpose. Based on current observations, consider revising the By-Laws and establish that public comment should be 3 minutes per person. Consider having it after each study session, and having one overall general comment period at the end of the meeting. POSTPONED FOR FURTHER DISCUSSION.⁴
- 17. The Planning Commission understands that often factual claims are made without supporting evidence during public testimony and the Commission is very careful about what is considered as credible evidence. AGREED.
- 18. The Commission understands it is not prudent to address public engagement as town-hall democracy. AGREED.
- 19. The Planning Commission recognizes that the By-Laws provide consistency for rules of order. Testimony from persons supporting or protesting proposed actions are addressed to the Chair. Commission members address their statements to the Chair and directly question persons on the floor only with the expressed permission of the Chairperson. AGREED.

Formatted: Font: Times New Roman
 Formatted: Font: Times New Roman

What are the operational expectations for the Planning Commission and Staff?

- 20. The Planning Commission does not act as its own subject matter expert because it can be misleading, detract from the Commission's objectivity and create conflicts of interest. The City provides its boards and commissions subject matter experts, as needed. ~~Staff is the primary source of technical expertise.~~ Staff will be the primary to coordinate technical and subject matter experts presenting or providing data to the Planning Commission. Planning Commissioners may suggest resources to present or provide data based on their professional knowledge areas. Planning Commissioners shall coordinate this with Staff in advance of any presentation.⁵

Formatted: Normal (Web)
 Formatted: Strikethrough

⁴ Staff had this commentary: 1) Public input is critically important and highly valuable; 2) It can be very time consuming and it can devolve into information public hearings; 3) It is important to establish the right balance between ongoing public input and the Commission having time to its work.

⁵ Planning Commission edit: Delete one sentence and replace with the language as suggested.



Bellevue Planning Commission

- 21. Staff and Commissioners are always respectful and tolerant of each other and the right to disagree with each other. Everyone understands that open, thoughtful and honest communication is essential ~~for good and angry rhetoric damages working relationships~~⁶.
AGREED.
- 22. Council communicates clearly ~~the scope, time and schedule and reasonable deadlines and the Planning Commission's scope of review for special requests of the Planning Commission.~~ Staff and Planning Commission will adaptively manage the request, are always mindful of these conditions and work diligently to meet the request and report back to Council if circumstances change them.
- 23. The Planning Commission expects the staff to prepare materials and present findings (written and oral) that are clear, concise and include impactful graphics. The use of data and technology can be helpful. The focus is on policy, relevant, supporting data and recommendation. 'Relevant' refers to data that is closely connected or appropriate to the work of the matter of hand, before the Planning Commission.
- 24. Planning Commission orders their work and agendas with the mandated responsibilities as the highest priority. AGREED.
- 25. Commissioners are prepared and read the packet materials in advance of the meeting in order to operate efficiently. Staff strives to make packets user friendly and manageable.
- 26. Commissioners who miss meetings request a briefing on issues covered at the last meeting and don't revisit issues already addressed at the previous meeting. AGREED.
- 27. It is Council's prerogative to decide when its Boards and Commissions meet with each other. The Planning Commission may request such a meeting with reason and value identified. The Liaison will discuss with the City Manager.

Formatted: Font: Times New Roman

Formatted: Font: Times New Roman

Formatted: Font: Times New Roman

⁶ Planning Commission comment-The verbiage agreed upon at the retreat can leave a negative impression to anyone reading this. The suggested rewording presents a more positive statement.



Bellevue Planning Commission

Prototype Part C – Guiding Principles

Trust

- ✓ Ensure fidelity of communications that sustain trust before, during and after meetings; say what we mean and do what we say we will.
- ✓ Listen with an open mind; appreciate the professional knowledge, skills and contributions of others.
- ✓ Ensure that there is a transparent and respectful discussion, and that comments and feedback are delivered in the spirit of trust.
- ✓ The Planning Commission values and is dependent on the wealth of knowledge that Staff hold.
- ✓ Staff respect the time and effort that the Planning Commission puts into being of service.

Communicate

- ✓ Council will provide direction to the Planning Commission via liaison or written document.
- ✓ The Planning Commission will make professional and actionable requests of Staff.
- ✓ Staff will answer data requests in a timely and professional manner; packet materials are concise, and professionally delivered.
- ✓ Challenge underlying assumptions; ensure clear understanding and encourage healthy debate to bring our best thinking forward.
- ✓ Resolve conflict in real time as it occurs and productively, without escalation.

Deliver Results

- ✓ Be constructive, look forward, and ensure constructive and goal oriented discussion.
- ✓ Seek Excellence but do not 'let the perfect be the enemy of the good'.
- ✓ Stay in the room and work things out; where necessary ensure follow-on discussions to ensure that assumptions are clarified.
- ✓ Staff will update the Planning Commission on status of recommendations the Planning Commission has made to Council. If delays occur in review or implementation it is critical for the Planning Commission to understand the rationale.
- ✓ The Planning Commission Chair or designee to report to Council with staff designee where there is potential for differences of opinion.

Source: Developed by Planning Commissioners post 2014 Retreat.

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
STUDY SESSION MINUTES

January 25, 2017
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair deVadoss, Commissioners Barksdale, Hilhorst, Laing

COMMISSIONERS ABSENT: Commissioners Carlson, Morisseau, Walter

STAFF PRESENT: Terry Cullen, Emil King, Mike Kattermann, Dan Stroh,
Department of Planning and Community Development;
Carol Helland, Patricia Byers, Department of Development
Services

COUNCIL LIAISON: Not Present

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

CALL TO ORDER
(6:31 p.m.)

The meeting was called to order at 6:31 p.m. by Chair deVadoss who presided.

ROLL CALL
(6:31 p.m.)

Upon the call of the roll, all Commissioners were present with the exception of Commissioners Carlson, Morisseau, Walter, all of whom were excused.

APPROVAL OF AGENDA
(6:31 p.m.)

A motion to approve the agenda was made by Commissioner Hilhorst. The motion was seconded by Commissioner Laing and the motion carried unanimously.

COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCILS, BOARDS AND
COMMISSIONS – None
(6:32 p.m.)

STAFF REPORTS – None
(6:32 p.m.)

PUBLIC COMMENT
(6:32 p.m.)

Mr. Phil McBride spoke representing the property at 11040 Main Street, the John L Scott

building. He noted that there have been no major changes to the downtown zoning for 35 years. The wedding cake concept was part of the original zoning and is still in place. The original zoning never anticipated light rail coming through the city. Sound Transit is bringing light rail into the city at a cost of \$3.7 billion in taxpayer dollars, and Sound Transit and the taxpayers need transit-oriented development. They need to bring ridership to the train stations and they need to create transitions from the rail stations to the surrounding job centers and residences. Transit-oriented development is needed in proximity to the rail stations and the walkshed. The park lid that is going to be over the rail in the East Main area will create a buffer zone for the neighborhoods that was not there before. There is no transit-oriented development overlay in the zoning. The downtown CAC did not really take into account the East Main light rail station. The cost of a throughblock connector is quite high, but the property owner is willing to provide the walkability amenity to improve downtown connections. The desire is to build a project that will be forward looking and aspirational, while being in alignment with the city's intentions for the downtown. The project will embrace the role of transit-oriented development and will serve as the front door to East Main. The current code, however, has obstacles that will prevent what is planned from becoming a reality. The Commission should ask the staff to create new development standards that would allow FAR averaging between A-3 and B-3. Transit-oriented development is best when it has mixed uses and is vibrant. To that end the FAR should be kept independent of uses. The ULI technical assistance panel suggested zoning for station areas should respond to the station area rather than historical zoning boundaries.

Mr. Matt Roewe with VIA Architects spoke on behalf of the project at 11040 Main Street and the corner of 112th Avenue NE and Main Street. He said the project is a good example of two property owners working together to effect a great transit-oriented development in close proximity to the East Main light rail station. He noted that a part of the Surrey Downs neighborhood is within the quarter mile radius of the station, though it has difficulty accessing it. Additionally, a portion of I-405 is within the quarter mile walkshed. The properties at Main and 112th Avenue NE are well positioned to leverage the transit investment, as are the Red Lion and Sheraton properties. The properties are only 600 feet from the East Main station. A new tunnel is under construction where the rail will run underground, creating a nice buffer to Surrey Downs from the subject properties. The idea is to develop the properties to be inviting, ~~in~~-bringing people into the downtown. The First Congregational Church behind the John L Scott property has a reciprocal agreement between each property to allow access, so a natural point of access between the properties already exists. Redevelopment of the Red Lion and Sheraton sites makes sense as they will be fully symbiotic and serve as a front door to downtown from that location. The proposed throughblock crossing will transcend the properties, but must negotiate a 55-foot grade change, necessitating the need for public elevators. The entry plaza at Main Street and 112th Avenue NE will include outdoor cafés and an outdoor court with retail above. All of those details are in line with the findings of the downtown CAC. The alternative would be to construct a five-over-two apartment building, which is what the current zoning when interpreted literally encourages. The zoning requires residential uses facing Main Street, but the desire is to have office uses there instead on a small boutique scale. Architecturally, it makes the most sense to put all the building height on the B-3 side and to keep everything low on the A-3 side, but that would mean putting office on the Main Street face. The Commission was asked to work closely with staff to create new development standards that allow the FAR to be averaged across the whole site between the A-3 and B-3 areas, rather than segregating it, and allow for applying FAR independent of use, which would be a more form-based code outcome.

Commissioner Laing asked if the real issue is where the zoning boundary is drawn, and if that is what is creating the problem. Mr. Roewe allowed that that is the issue. Commissioner Laing noted that the Commission has dealt with other parcels with split zoning. He asked how the

current code precludes splitting the FAR across the site. Mr. Roewe said the issue is in the proposed code, which for the A-3 overlay limits the FAR for commercial to 1.0, and allows more FAR in the B-3 overlay. The FAR is segregated by use on both sides in a way that prevents them being traded and swapped. Commissioner Laing said it was his recollection as a member of the downtown CAC was that group uniformly recommended getting rid of the differential between commercial and residential FAR. For many years the Bellevue Downtown Association has also called for the distinction to be removed.

Mr. Carl Van der Hoek, 9 103rd Avenue NE, called attention to a letter in the packet that he had penned to the ULI panel members. He said the letter in part points out how the incentive zoning system is missing looking at affordable housing, which is clearly a livability issue. The ULI panel suggested that a concurrent rollout of affordable housing and incentive zoning would reduce developer uncertainty and enhance the effectiveness of both programs. It would be an injustice to calibrate the system without including affordable housing. It all needs to be calibrated together to avoid running the risk of trying to add in affordable housing some time later as an amenity and taking away from the other amenities or not seeing the affordable housing amenity used at all.

STUDY SESSION (6:50 p.m.)

Downtown Livability – Review of Draft Downtown Land Use Code Amendment

A. East Main Station Area Plan Interface with Downtown Livability

Senior Planner Mike Kattermann informed the Commissioners that a full briefing on the East Main station area planning effort would be provided in the fall ahead of beginning the code work associated with the CAC recommendations. He outlined on a map the station area study boundaries and the specific primary and secondary transit-oriented development areas to the east of 112th Avenue SE and south of Main Street. The study considered both the quarter mile and the half mile walkshed. The quarter mile metric was used for purposes of making sure of connectivity between the East Main station and the downtown. The directive from the Council was that any redevelopment would occur only in the area to the east of 112th Avenue SE, ~~and to the~~ south of Main Street.

Mr. Kattermann said the downtown livability CAC wrapped up their work in June 2014, while the East Main CAC started its work in September 2014. The East Main CAC had the benefit of having the preliminary proposals from the downtown livability CAC to use as a starting point in considering compatibility between the areas. No land uses were considered that were not part of the downtown livability work; to have done so would have been ~~duplicative~~, redundant and unnecessary.

The main issues identified through the East Main station area outreach process included land uses, traffic, ped/bike connectivity to the station, safety, parking, noise, and community character and aesthetics. The latter in particular comes into play when talking about the street frontages along 112th Avenue SE and Main Street, which is where the interface between the areas primarily occurs. The redevelopment area of the East Main study area is uniquely situated. It lies at the confluence of the downtown, the single family residential area, the existing office/hotel uses, and I-405 and the uses to the east. The CAC sought to come to agreement on what specific unique niche the redevelopment area can serve. The area is not an extension of the downtown, it is certainly more than the existing single family area, and it will certainly be more than what it is

currently.

Mr. Kattermann said the CAC began with the parameters to be considered. While it was agreed the area would not be an extension of the downtown, the work done by the downtown livability CAC in terms of land use was used as the upper limit of what should be considered for the potential redevelopment area. A consultant was used to develop various scenarios. The low end of the range was determined to be the existing zoning, which is OLB with an FAR of 0.5. At the high end a maximum FAR of 5.0 was considered. For the secondary transit-oriented development area, the CAC did not consider much redevelopment potential, primarily because of the severe environmental constraints; the recommendation of the CAC included only a slight upzone for the area.

The CAC ultimately recommended an FAR of 5.0 for the Red Lion site, which is the area immediately south of Main Street, essentially mirroring what has been recommended for the area to the north of Main Street. With regard to building height, the CAC recommended up to 300 feet. In order to obtain the maximum FAR and building height, certain public benefit requirements must be met. The recommendation could result in a fairly intensive development on the site, which is a little over six acres. The CAC wanted to see the site developed in a way that will be complementary to the community, serving both the residential neighborhood as well as the residential areas in the southeast part of the downtown. The CAC did not want to see big box uses, rather uses that fit in with the notion of transit-oriented development, including mixed uses and that relate to what will continue to be a single family area into the future. The CAC discussed building placement and highlighted a desire to see the tallest buildings located closer to I-405 and Main Street; buildings step back from 112th Avenue SE; the wall effect minimized along 114th Avenue SE; parking that is out of site; safe designs that include visibility for the immediate area and the station across the street; and lighting in public spaces. No part of the CAC's recommendations are incompatible with any of the existing or proposed uses in the adjacent downtown area.

In terms of character, the CAC highlighted the need to draw people into the development through a mix of uses and activities that will serve people to the south and the north of Main Street. The CAC called for Main Street to be safe for all modes of travel, and for continuing to the extent possible the themes for Old Bellevue while respecting the different types and intensities of land uses on the north south of Main Street versus the south side of Main Street. For 112th Avenue SE, the focus of the CAC was primarily to the south of Main Street along the redevelopment area, but the group recognized that there could be some continuation to the north of Main Street and into the downtown.

Commissioner Hilhorst asked why the East Main station area recommendations would not be coming to the Commission until the fall given that the work of the CAC has been done for some time. Mr. Kattermann explained that the policy work must be done before the code work can be done. The Comprehensive Plan policy work will start during the current cycle. There are things already in place in other zones that can be drawn in, avoiding the need to start from scratch, though there are things about the area that are unique and which will require tailoring the code accordingly.

Commissioner Barksdale asked what FAR averaging is and how it might affect the area. Mr. Kattermann said FAR averaging has not been looked at in relation to the East Main area. As envisioned, the 5.0 FAR would apply immediately south of Main Street, and the 4.0 FAR would apply to the rest of the primary transit-oriented development area south to SE 6th Street. To the south of SE 6th Street and north of SE 8th Street, the recommendation is for 1.25 FAR. FAR

averaging could affect where things are placed on the East Main site, which could be problematic given how clear the CAC was about not wanting to see the higher FAR spread across the entire area. Mr. King said FAR averaging involves taking the development potential for one part of a site and transferring it to another building. The result is often a building that has lower density and a building that has more.

Mr. King explained that the downtown CAC took on the elements of station area planning within the downtown livability work. There is no separate station area plan that has been or will be developed for the downtown, rather the principles are integrated into the overall recommendations. The final report acknowledged that and included a number of recommendations that permeated through the density and height discussion, the design guidelines discussion, and was talked about in regard to coordination with Sound Transit and parking management. The quarter-mile walkshed for the prime downtown station, which will be located just outside City Hall, is primarily within the downtown area. The CAC focused its efforts within the downtown boundary.

When the CAC began its work, the group recognized that the urban framework that was put in place 35 years ago was in many ways supportive of transit. It is evident of the office core that developed along 108th Avenue NE and in the iterations of the Bellevue transit center. The CAC did not need to start from scratch, rather it focused on those things that needed to be updated as they relate to station area planning. A lot of time was spent studying the OLB zone, an area that was not transit supportive when it was first put in place. The CAC also looked closely at the Civic Center area where City Hall, Meydenbauer Center and the Bravern are located and there were some modifications made to that area both in terms of FAR, height and urban design. One of the noteworthy modifications to that area were extending the pedestrian corridor all the way down to 112th Avenue NE and beyond to the freeway, which has largely morphed into the Grand Connection that has become a Council priority. The CAC and the Commission have recommended more density and height in the area closer to the freeway, with an FAR of 5.0 and height of up to 230 feet. A number of meetings have also been spent focused on refinements to the historic A and B perimeter design districts in terms of the allowed FAR and height.

Mr. King noted that in the early part of 2016 the Commission spent time talking about the building/sidewalk design guidelines. The guidelines determine how pedestrian activity and uses should be focused along different streets. The East Main area was examined and revised in the recommendation from what historically has been an E classification, which is the lowest of the pedestrian-activated ratings, to the second highest classification, which is a commercial street. Work has also been undertaken to reexamine 112th Avenue NE, Main Street and 110th Avenue NE with regard to pedestrian activities; the current code package recommends 16-foot sidewalks rather than the current 12-foot widths.

Commissioner Barksdale asked if the zoning split along Main Street is to create a buffer. Mr. King said the A overlay goes all the way around the north, west and south sides of the downtown. It serves as an overlay on top of the underlying zoning and suppresses height and FAR because of its proximity to the perimeter areas. The CAC recommended changes to the residential buildings heights from 55 feet to 70 feet, and the Commission took the recommendation and split it up into different pieces. Where the Commission landed was that where the overlay abuts a single family residential neighborhood, such as Northtowne, building height should be kept at 55 feet. In other areas, the Commission's recommendation is for 70 feet of height. The presence of the portal park as well as proximity to the East Main station were the reasons behind recommending a 70-foot height limit in that area. The B design district is the next area in from the A, and it carries additional height and density provisions.

B. Incentive Zoning Update/ULI Panel Findings and Recommendations
(7:17 p.m.)

Mr. King acknowledged that the incentive zoning system in place dates back 35 years to the original downtown code. The CAC report highlighted the need to update the system to current market economics. The report also contemplates better using amenities to reinforce neighborhood identity, focusing on things that are most important to the city, and acknowledges that some lift could be gained through the incentive system for additional height and FAR.

Mr. King briefly reviewed the steps taken to date relative to the incentive system. A Land Use Code audit was conducted for all of the different elements of the downtown code, including the incentive system, as part of the CAC process. A full chapter in the CAC report focuses on the amenity system. The Council in the spring of 2015 gave the Commission direction to take on the full CAC analysis, including the amenity incentive system. The joint Council/Commission workshop in late 2015 included a discussion of the incentive system; shortly thereafter the Council principles intended to guide the update effort were handed down. A structure and approach for updating the system was before the Council and the Commission in mid-2016. The BERK analysis report was released in early 2017. The incentive zoning system is a companion piece and it interfaces with other parts of the Land Use Code, including the development standards and the design guidelines.

Planning Director Dan Stroh said the incentive zoning system is one of the more complex parts of the code. It is 35 years old and was put in place at a time of much different economics and different goals for what the city wanted to see achieved. A list of amenities has been ~~compiled~~ ~~compiled~~, and what it comes down to are the economics of updating the system. There is a clear need to be sensitive to the legacy system that is embedded in the existing zoning. In many ways it would be far easier to develop an entirely new system than to update the existing system.

The legacy system is embedded to some extent in current land values in the downtown. In looking to update the system, there is a clear desire to add new amenities and to be aspirational by a 21st Century urban center. All legalities will need to be taken into account as the work to update the system progresses. There could be new requirements added, such as weather protection, while other items may no longer be incentivized, such as structured parking and residential use, both of which the market is providing on its own. It will need to be kept in mind that properties are affected differently by the existing system and the proposed new system. There are market sensitivities to consider, and there is a need to build in periodic updates.

The Council principles for the effort provide some clarity and overall guidance. Among other things, they address the need to avoid modifications that will effectively result in a downzone. They also move the effort toward an understanding of the real value of the incentives for those developers who ~~choose~~ ~~choose~~ to use them because they are real incentives.

Mr. Stroh said the approach for updating the incentive zoning system will include updating and clarifying what is a code requirement versus what is an incentive, and adjusting the basic FAR accordingly. The incentive zoning system is part of a larger structure; the incentives must work as a whole with the design guidelines and the design standards. The approach will also focus on removing features that are no longer real incentives and adjusting the FAR accordingly; creating some additional lift in the system to create value for new public amenities; adjusting the FAR exemption relative to affordable housing; and keeping the spotlight on key livability features

such as placemaking, public open spaces, walkability and cultural elements. The system should promote neighborhood identity, primarily by tailoring the nature and type of bonus open space by neighborhood. Fee payments in lieu of on-site performance should be looked at, as should building in flexibility under a development agreement to allow for amenities that have not been identified but which provide equal or greater value. The notion of building in periodic updates to the system is intended to keep the approach from getting too far off base. Some element of green building and sustainability needs to be incorporated into the system.

Mr. Stroh shared with the Commissioners a diagram that compared the existing system with the proposed conceptual model. He noted that currently the system allows for some level of ~~FAR~~ exemption ~~FAR~~ for ground-level retail. Each zoning district has a ~~base~~ ~~basie~~ and maximum FAR and height, and to reach the maximum requires providing certain amenities. Some portion of the amenities that are bonused must be provided whether or not incentive zoning is used. The proposal also envisions exempting FAR for ground-level retail but also for affordable housing. The proposal adjusts upwards the basic FAR to account for the current incentives that are to be removed from the incentive system, and the new requirements. The model has some headroom between the new base FAR and the old maximum FAR. In some cases, though not in every zone, there is bonus FAR and/or height allowed above and beyond what is available under the existing zoning.

The consultant firm BERK was tapped to conduct an economic analysis. Their work involved building some 588 development prototypes in an attempt to avoid cherry picking for just the best results and testing a range of different assumptions. What can be done on any given site is quite variable based on site size, the intent of the developer relative to uses, potential density yields, and other factors. The recommended system resulting from the proposed approach and the additional economic analysis done by BERK maintains base and maximum FARs and heights, with limits set by residential and non-residential building types; raises the new base FAR to 85 percent of the existing maximum FAR for each district to account for new requirements and the deletion of amenities that are no longer real incentives; raises the new base height to the existing height maximum to ensure being able to use the additional FAR that in the base; allow for exceptions to occur in a few instances, such as where the new base FAR must be raised slightly higher due to legacy issues in the existing zoning; sets new maximum FARs and heights based on Planning Commission recommendations; sets a new exchange rate of \$25 per square foot on bonus FAR, which can be converted into the desired amenities; and will set an exchange rate for height building on the current district maximums. With regard to the latter, height is contemplated to increase without an associated increase in the FAR. The process has always talked about determining what that would really be worth as an incentive.

Mr. Stroh said the ULI peer review process wrapped up earlier in the day with a presentation in the Council Chambers. Their work is still being digested.

Chair deVadoss asked for comments with respect to affordable housing as well as zoning for the station area, particularly the parking minimums. Mr. Stroh said the proposed system includes an FAR exemption for affordable housing that is not taken out from the lift between the new base and the maximum. The new base is raised so high that there is far less legroom compared to what there used to be under the old system. The proposed approach offers additional value for affordable housing. ULI said the city should focus on looking at that in an integrated way, and that it would be best to have the two processes reach the finish line at the same time. The affordable housing piece is also moving forward in a channel that is focused on a citywide strategy; the Council wants to understand how what is done relative to affordable housing in the downtown will affect other parts of the city. Staff are struggling with how to bring the two over

the line at the same time. With regard to the parking ratios, he noted that the downtown livability update did not really focus on parking, with one big exception. The downtown livability proposal includes the ability for a developer to do a special parking study that could serve as a fact-based analysis for departing from the requirements of the code. ULI supported the approach but highlighted the need to do it at the right time in the process. The city plans to conduct a comprehensive downtown parking study in the future.

Commissioner Hilhorst suggested that the downtown livability work will not be complete if there is no parking component. She allowed that the issue is complex but pointed out that many have come to the Commission to talk about parking.

Commissioner Hilhorst asked if the development community and the BDA are in accord with removing some existing incentive amenities. Mr. Stroh said there has been a fear from day one that the city would make major adjustments to the incentive system without realizing how significant that might be in terms of the economics of development. It certainly is a sensitive topic. The challenge will be to move forward in a way that is sensitive to the economics of the downtown, always with an eye on seeking to avoid unintended consequences.

Mr. Stroh said the objective of the economic analysis was to evaluate the economic implications of the proposed changes to the downtown incentive zoning system. ~~The~~ key questions were how the base zoning should be adjusted to reflect the proposed changes to the system, and what the potential value is of the incentive capacity that remains, and what the implications are for the utilization of the incentive system. The challenges were predicated on recognizing that the system has not been updated in 35 years and is out of step with current market conditions, and the fact that there is quite a bit of variation within different zoning districts in the downtown. It was determined that success would be measured in the degree to which the system is aligned with what is important to livability in the 21st Century in the downtown while avoiding unintended consequences.

Residual land value was a key tool used in the analysis. Essentially, residual land value is the result of taking into account all the factors contributing to development costs, and the factors contributing to project value. The equation looks to solve for the maximum value a developer would be willing to pay for the land. The resulting residual land values can be compared to existing land values, which was done in the model. In each of the 588 prototypes that came out of looking at different parcel sizes, different density yields and different ways of dealing with parking by district and by use, the output was the residual land value that allowed for freely comparing the different development types.

Mr. Stroh shared with the Commissioners charts showing the results of the FAR analysis, both for the new base low and the new base high, and for both non-residential and residential. He explained that the non-shaded dots indicated where the residual land value meets the test of being within the market ranges of land values for the particular district. The dots that were shaded in represented where the residual land value failed the test. Having a few prototypes fail is not problematic, but having a lot of prototypes fail is evidence of the approach not working. Zeroing in on the A and B districts in Old Bellevue, it was pointed out that the maximum FARs for non-residential versus residential are very small, and that the much higher residential densities the properties will yield result in higher property values. Based on the current FARs, non-residential development is not feasible in those districts. If a developer chooses to develop office in the Old Bellevue district, participating in the amenity incentive system would not make sense.

Commissioner Laing suggested the analysis illustrates the impact of the commercial penalty associated with the FAR differential between residential and commercial. Mr. Stroh agreed that it does at the extreme. The extreme exists in the perimeter for ~~a~~ very deliberate reasons. When the perimeter districts were adopted in the mid-80s, it was determined that the best transition between the more intense downtown and the adjacent residential areas was residential uses.

Commissioner Laing pointed out that the DT-MU district also stands out on the chart for its similar ~~analysis~~ results relative to non-residential development. Stakeholders have for some time been highlighting the fact that the commercial penalty is stalling development and redevelopment in the district. He said it was encouraging to see how the proposed new base high would improve the situation, though not in Old Bellevue.

Mr. Stroh said every attempt was made to be thoughtful about what is obviously such a sensitive topic. Where things did not seem to make sense at the 85 percent rule, adjustments were made higher to make more of the prototypes work. For DT-MU residential, the conclusion reached was that it would be appropriate to adjust the new base higher.

Commissioner Laing asked why removal of the FAR differential between residential and non-residential was not tested in light of the fact that the CAC unanimously recommended doing so. Mr. Stroh said the recommendation of the CAC was to increase building height in the DT-MU to for non-residential to 200 feet, which is the same for residential currently, and the FAR to 5.0, which is what it is for non-residential currently. It was still necessary, however, to find the right base. Increasing the non-residential base to match that of residential turns the table so much that office will consistently outcompete for the land in the district. Finding the sweet spot between the legacy and the proposed approach is a challenge, and the Council is concerned that fully equalizing residential and non-residential will turn things upside down and kill the residential market. The ULI was asked to comment on that, ~~and they~~ agreed that the changes will actually affect the market ~~moving~~ away from the development of residential. With regard to the DT-MU non-residential, an additional adjustment in the base is needed to get more of the prototypes to work ~~was necessary~~. The same thing is true for the Old Bellevue A residential.

Mr. Stroh said the incentive analysis showed a range of remaining incentive capacity between the new base and the maximum FARs and heights. The issue is how much value that converts into. The consultant took all of the different prototypes and generated models based on building to the base, building to the max, and figured the increment between the base and the max for both residential and non-residential by district. That amount of square footage was valued by the increase in the residual land value.

The Commissioners were shown a matrix that indicated the added values by district and by residential and non-residential. The incremental value of the added bonus FAR between the new base and the new maximum were noted to be fairly high in many cases. Mr. Stroh said it would not be appropriate for all of it to be converted into the incentive zoning purchasing power, because it would no longer be an incentive. There is risk to the developer, there are profit margins to consider, and in order to be real incentives there must be calibration to regional comparables and many other factors. The matrix indicated overall averages. Utilization will depend on where the city sets the exchange rate. In Bel-Red the rates range from \$15 to \$18 per square foot. In South Lake Union, the affordable housing fee is \$25 per square foot. The exercise appears to point to \$25 per square foot as being a reasonable number.

With regard to the value of additional height, Mr. Stroh reminded the Commissioners that as proposed there is no additional FAR in many cases. BERK ran models that both used and did not

use the additional height to determine if there is value to the height alone. They also had to take into account the additional cost that comes with additional height. In the end, they came up with three options. In the first option, the additional height would only be available where the base FAR is exceeded. In the second option there would be a premium placed on additional height above the existing height in addition to the \$25 exchange rate. The third option anticipates two different ways to work the value of the added height into the system, using the greater of the value of added height on its own, or the value of added height as part of the bonus system. The third option was identified as the method to avoid double counting the value of the added height. BERK did a very good job of tackling what turned out to be a very complex assignment. They put honest effort into trying to be sensitive to the economics of what the changes would do.

Mr. Stroh said the ULI technical assistance panel was assembled for the purpose testing whether BERK's homework was on point. The panel met for an intensive day-long session on January 18 and was tasked with reviewing each of the key parts of the analysis to see if it met the Council principles and if it was grounded in market realities. The review process was conducted with complete independence. The panel was chaired by Al Levine, adjunct faculty at the Runstad Center, and the other panelists were all very qualified professionals. Overall, the panel concluded that the objectives of revising the downtown zoning incentives were met. The panel allowed that no plan is perfect or will satisfy all stakeholders, and recommended regular updates to the code going forward to ensure the incentives are current.

The panelists identified several caveats in their findings. They commented that the proposed approach does not necessarily simplify the system from what currently exists. They highlighted the need to recognize that there are significant costs involved with increasing height, and the fact that in many cases the market will not support it. They acknowledged the high level of legacy that is embedded in the proposed approach and suggested that had it been possible to wipe the slate clean and start from scratch, some things might have been done differently. They noted that the proposal makes very limited adjustments to issues like parking, and highlighted the need to be sensitive to things like retail in updating the code. The panel answered the question of whether or not the system will act as an incentive by saying it depends on the specifics of individual properties and where the city is relative to the development cycle.

The ULI peer review process was a very valuable exercise. The findings and recommendations will be reviewed in detail as part of the next steps. Additional work is under way, including populating the incentive zoning framework in the draft Land Use Code with the bonus ratios based on the exchange rate and the cost of amenities; tailoring amenities to promote neighborhood identity and character; clarifying the height valuations; developing fee in-lieu provisions; and making provision for periodic reviews that also recognizes the need to have some level of stability.

Chair deVadoss commended staff for the work done and for the willingness to seek feedback.

Commissioner Hilhorst asked if the panelists were all from the Seattle area or if some were able to bring perspectives from outside the area. Mr. Stroh said it was interesting in establishing the panel because it was necessary to find those who are familiar with the regional market but who are not doing development work in downtown Bellevue. Because Bellevue is a great market, many who work in the Seattle area also work in Bellevue. The panelists chosen by ULI were from the region with the exception of the chief economist for the team who is from Portland.

C. Draft Land Use Code – Continued Review
(8:18 p.m.)

Code Development Manager Patricia Byers said another draft of the Land Use Code amendments will be available for the next Commission meeting. It will reflect the feedback received to date and will be much more refined. The substantial code changes are centered in four areas: the dimensional charts; the green and sustainability factor; the design guidelines; and the FAR and amenity incentive system.

Ms. Byers said staff heard clearly from the Commission the need to take a look at the tower separation issue. Under consideration is a setback above 40 feet measured from the interior property line on single lots. There was also feedback about the difficulties associated with the smaller sites, so consideration is being given to building in some flexibility and a departure for the tower separation and the setback.

With regard to the perimeter overlay stepback, Ms. Byers noted that it is measured from the façade. The proposed approach involves a refinement to ensure consistency with the existing code requirements. She clarified that the stepback will apply not only in the perimeter but also on NE 8th Street, NE 4th Street, and Bellevue Way.

Staff have also been working on the trigger for additional height. The idea has been to require a ten percent reduction in the floor plate above the trigger height, and staff have been focused on getting the averaging to work to gain more slender towers, averaging down to 80 feet. The required outdoor plaza would be ten percent of the project limit. Feedback was received about the need for a sliding scale related to the height, with less outdoor plaza required for those buildings that are just a little over the trigger height, and more for those buildings that are far over the trigger; staff are working on what a sliding scale would look like.

Ms. Byers said staff have also been working to refine the green and sustainability factor. The refinements being addressed include the addition of a tree list to ensure consistency in review; clarifying language that the landmark and evergreen tree bonuses can be used in addition to the preservation of existing trees credit for a single tree; and the need for bike parking to be visible from public areas and open for public use.

Chair deVadoss asked if there is any language about lighting for the bike parking. Ms. Byers said there are design guidelines for lighting, but said she did not know how they applied specifically to bike parking.

Ms. Byers said other changes under consideration involve the minor design guidelines; the FAR and amenity system in response to the BERK report and the work of the ULI panel; the pedestrian corridor super bonus; graphics in the code, and the conformance amendments. She said the issue would be on the Commission's agenda again on February 8.

Commissioner Laing asked if there will be an opportunity to discuss things like definitions, organization of the code, the departure provisions, and the master plan development. Mr. King said some clarifying language is forthcoming and may be ready for discussion at the next Commission meeting.

STUDY SESSION

Planning Commission Post Retreat – Review of Revised Prototype Part B, Suggested Standards and Practices

Commissioner Laing said he was one of the Commissioners that had not attended the retreat. He said he appreciated the time spent by Chair deVadoss and the staff to educate him. However, given the significance of some of the issues in the prototype, he said he would not be in favor of moving ahead with the discussion given that only three of the Commissioners present at the retreat were in attendance.

A motion to amend the agenda to strike the study session on the Planning Commission Post Retreat – Review of Revised Prototype Part B, Suggested Standards and Practices, was made by Commissioner Laing. The motion was seconded by Commissioner Barksdale. The motion carried with Commissioner Hilhorst casting the single vote against.

Chair deVadoss observed that having all seven Commissioners present for a future discussion of the topic may be unlikely and suggested there should be a reconsideration for how to move it forward.

PUBLIC COMMENT

Mr. Carl Van der Hoek, 9 103rd Avenue NE, said he was tired of hearing staff talk about not cherry picking with regard to the downtown livability code amendments. He suggested that the fact that staff continues to use the term leads one to conclude someone should check to see if indeed cherry picking is going on. The supporting documentation for the BERK analysis on page 30 calls for assigning some portion of a building's lower floors to above-ground structured parking is available as a way to make the pro forma prototypes work. That would have the effect of reducing the average cost of parking given that it costs less to construct above-ground parking. The report indicates that while reducing development costs in that way that increase residual land value, it can also move in the other direction. Using some of the allowable building height for parking can result in a lower overall income potential, particularly if a project is in a zone with limited building heights. Of the 84 prototypes in the first 18 pages of the report, 54 use above-ground parking in order to make the prototype pencil out. The approach does not represent the livable environment the city is trying to achieve. He also commented that the proposed approach favors office development. That fact is stated in the ULI analysis.

Chair deVadoss asked Mr. Van der Hoek if he felt development should tilt the other way. He said a 50-50 mix would be the best that can be hoped for, but added it would be nearly impossible for the process to deliver on that objective. In some neighborhoods, such as Old Bellevue, office use is discouraged by the low FAR. The argument is that office is not a good use to have next to residential, but that is not necessarily the case and the two uses can peacefully coexist.

Mr. Phil McBride, 11040 Main Street, called attention to the intersection of 112th Avenue NE and Main Street and noted that light rail will be on the southwest corner, the Red Lion is on the southeast corner, the Sheraton is on the northeast corner, and the John L Scott and BDR properties are on the northwest corner. The zoning for the Red Lion site allows building height to 290 feet, 240 feet for the Sheraton site, but only 70 feet for the John L Scott and BDR properties. Part of the problem is that the properties have both the A and the B overlays; one parcel straddles both. The desire is to redevelop with commercial in the front and residential in the back, but with the way the code is written, that will not happen.

Mr. Andrew Miller with BDR, 11100 Main Street said what is needed is a hundred-year solution. To that end, it would make sense to have the John L Scott and BDR properties join the East Main portion of the downtown. The equivalent would have been to address just the west side of the

Spring District station and leave the east side for some other time. The project never would have seen the light of day. Given the location close to the East Main station, the site should be allowed to develop with higher density, have a mix of residential and office uses, and serve as the front door to the downtown with a design that is open and inviting to the public. The code leads in the direction of low-rise low-density. In May 2016, the Commission claimed that it is form that counts, not function. It should not matter what the use of the building is given that statement. The code sees the John L Scott property as one project and the BDR project as another, but the two sites should in fact be considered as a single project. In an ideal world, the FAR could be pushed back away from Main Street in order to be respectful of the old patterns, and put into the tower closer to 112th Avenue NE, but there are no code provisions that allow for that to happen. The result would be a much more attractive development, and the code and the incentives should make the option available. Staff is overloaded and will not choose to do the work on their own; the Commission should ask the staff to do the work.

Commissioner Laing commented that the Council principles specifically direct avoidance of unintended consequences. The fact is, however, there is the unintended consequence of an ownership and parcel configuration that splits the A and B districts. The issue is the type of thing that should be resolvable through the flexibility the community has called for over the last four years. One option might be to allow flexibility through a development master plan, even where there are multiple parcels and multiple overlays involved, provided that at the end of the day the maximum height and FAR is not exceeded. In situations where the code makes it impossible to achieve something that is desirable because of an orthodox adherence to the law, it would be better to tweak the code to allow for flexibility. It will take looking at some of the procedural aspects of the code in order to make that happen.

DRAFT MINUTES

January 11, 2017

A motion to approve the minutes as submitted was made by Commissioner Laing. The motion was seconded by Commissioner Hilhorst and the motion carried unanimously.

Mr. Cullen informed the Commissioners that as the meeting was starting he received an email from Mayor Stokes indicating that he was participating in a community meeting and would not be able to attend. The email also ~~stated that the Mayor directed that the Commission be informed~~ he had read the meeting minutes in the packet, that he appreciates the work being done, and that he was looking forward to the Commission's eventual review and comments on the prototype.

ADJOURN

A motion to adjourn was made by Commissioner Laing. The motion was seconded by Commissioner Barksdale and the motion carried unanimously.

Chair deVadoss adjourned the meeting at 8:52 p.m.

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
STUDY SESSION MINUTES

February 8, 2017
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair deVadoss, Commissioners Carlson, Hilhorst, Laing, Morisseau, Walter

COMMISSIONERS ABSENT: Commissioner Barksdale

STAFF PRESENT: Terry Cullen, Emil King, Department of Planning and Community Development; Carol Helland, Department of Development Services

COUNCIL LIAISON: Mayor Stokes

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

CALL TO ORDER
(6:36 p.m.)

The meeting was called to order at 6:36 p.m. by Chair deVadoss who presided.

ROLL CALL
(6:36 p.m.)

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Laing, who arrived at 6:37 p.m., and Commissioner Barksdale, who was excused.

APPROVAL OF AGENDA
(6:37 p.m.)

A motion to approve the agenda was made by Commissioner Laing. The motion was seconded by Commissioner Carlson and the motion carried unanimously.

COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCILS, BOARDS AND COMMISSIONS
(6:37 p.m.)

Mayor Stokes said he was very glad to see the Commission reviewing the work accomplished at the annual retreat. Planning is a skill that tends to move along at a certain pace, which is good when it comes to being thorough. There is a need, however, to keep moving things forward and getting things done in a timely fashion. All of the city's boards and commissions do important work, but the work of the Planning Commission is the bedrock in terms of fitting everything together. The materials and framework that flowed from the retreat will be very helpful in moving forward. The city is not what it was five years ago or even two years ago, and the Commission needs to keep that in mind in seeking to determine how the city can be better in the

future. Bellevue is seeing international as well as local business investment, and it must all be balanced with investments made by the citizens and the neighborhoods. There is a clear need to begin reviewing and revising the neighborhood subarea plans, but the work should not take a decade.

Commissioner Walter said she attended the rooming house hearing as it related to an Airbnb operating two blocks from her house. The amount of background work done by the attorney was impressive. The outcome was that the parties responsible signed acknowledgment of having not followed city ordinance, and they will now be held to a higher standard.

STAFF REPORTS

(6:44 p.m.)

Comprehensive Planning Manager Terry Cullen informed the Commission that the error made in how the transient lodging issue related to the Eastgate Land Use Code amendments ~~was reported~~ has been corrected and transmitted to the Council.

With regard to transient lodging in the Neighborhood Mixed Use district, Mr. Cullen said the record reflects the use was shown as allowed with a conditional use at the January 27, 2016 meeting, but somehow it came through as a permitted use when it got adopted. He said the correction will be made and sent back to the Council. The Eastgate Land Use Code amendments are tentatively scheduled to be before the Council on March 6.

Mr. Cullen said he had received a couple of follow-up questions regarding the Factoria land use districts. He said the Eastgate Land Use Code amendments as they relate to Factoria reflect transient lodging as allowed with a conditional use in F1 and as a permitted use in F2 and F3, which is how it is reflected in the current code.

Commissioner Walter commented that transient lodging was an add-on to hotels and motels, which are permitted uses in Factoria. She asked if there ever was a discussion about adding the transient lodging use. Mr. Cullen said transient lodging is a subset of hotels and motels. The use was parsed out into two separate uses.

Land Use Director Carol Helland apologized for the errors that had been made. She explained that the use charts follow standard land use classifications and utilize standardized numbers. For hotels and motels, two numbers are provided, 13 and 15. The standard land use classifications refer to hotels, motels and transient uses such as shelters, YWCAs and YMCAs. For the sake of transparency, the Commission has been interested in making sure the code is understandable and that information is not buried in the charts or the footnotes, so the uses were broken apart. The Commission's task then became deciding the zones in which the uses should be allowed and under what process. The mistakes that were made have been corrected.

With regard to the Commission's upcoming schedule, Mr. Cullen said the Comprehensive Plan amendment cycle for 2017 has begun. Staff is working through a completeness review. Four possible amendments are under consideration: one map amendment, one combination map and text amendments, and two text amendments. A threshold review public hearing will be held in the spring. Certain hard deadlines must be met where plan amendments are concerned, and if the Commission's overall workload starts to back up, it will be necessary to schedule additional meetings.

Mr. Cullen offered his congratulations to the three Commissioners who made it into the final

eight for filling the vacant Council position: Chair deVadoss and Commissioners Laing and Walter. He said in every community he has worked in, the Planning Commission is a proving ground for elected officials.

PUBLIC COMMENT
(6:52 p.m.)

Mr. Alex Smith spoke representing the 700 112th LLC and addressed the issue of base FAR and height. He introduced his development advisor Jeff Taylor and his land use attorney Larry Martin.

Mr. Jeff Taylor, address not given, called attention to the proposed base and max FAR and allowed that in order to get from the base to the max it is required that certain public amenities be provided or pay a fee in-lieu, currently proposed to be \$25 per FAR foot. He showed a map of all the different zones in the downtown that had on it a comparison of how the base FAR compares to the max FAR. He noted that the higher percentages meant less needed to be provided by way of public amenities, and the lower percentage meant more needed to be provided. The map indicated that 70 percent of the zones had a percentage above 75 percent; 20 percent of the zones had a percentage of between 50 and 75; and ~~10~~ten percent of the zones had a ratio below ~~5~~five percent. A similar map using the same kind of analysis except for building height was also shared with the Commissioners. In 53 percent of the zones, the ratio between the base height and the max height was shown to be above 75 percent; 28 percent had ratios of between 50 and 75 percent; and 18 percent had ratios below 50 percent. The ratios, which were in part based on the BERK analysis, are not consistent. In some cases, building to the max height will require development to do nothing by way of providing amenities or a fee in-lieu, while in other zones, 77 percent of the max height will trigger additional payments. He also produced a chart comparing the zones with a 5:1, 6:1 or better FAR. In the case of a ratio of 5:1, he said given the example of 50,000 square feet of land would be allowed a 250,000 square foot office building. For the exact same building, in one building the developer would be required to pay a \$2 million or \$3 million fee, while in another zone the developer would need to pay zero, putting the former zones at a disadvantage in a competitive world.

Mr. Smith suggested there should be something more unilateral implemented, such as 85 percent of the new max as the base. In some instances where the base is so low compared to the max, it will be very difficult to provide enough public amenities to gain what is needed, defeating the purpose.

Commissioner Laing asked why it should be 85 percent rather than 90 percent or 80 percent. Mr. Smith said the majority of the higher pieces where most of the office development is going to take place falls into the 85 percent range.

Commissioner Laing allowed that the BERK analysis takes a snapshot of data in what can be called a robust real estate market. He asked if any pause should be triggered about the fact that what is being talked about is a percent or two difference from what the consultants identified as the absolute threshold of success in some of the models, and questioned whether or not 85 percent will in fact be a de facto downzone that will impose some unintended consequences. Mr. Taylor said he was trying not to be overly aggressive in using the 85 percent figure.

Mr. Larry Martin urged the Commission to move in the direction of uniformity. Applying an approach involving the FAR base to the max would be very arbitrary and would rest on old and outdated zoning laws. The Council gave direction to ensure that the amenity incentive system is

consistent with state and federal law, in particular the process should be sensitive to the requirements of RCW 82.02.020 and to nexus and rough proportionality. The state statute regulates taxing authority and precludes cities from imposing any tax, fee, charge, direct or indirect, on development, on construction, on the classification or reclassification of land. The system that has been set up could not be more clearly a charge on development. The BERK analysis goes to great pains to show how that is the case. It takes the current zone and looks at the amount of allowed development, and looks at the proposed new zone and taxes each zone by how much development will increase under the proposed zoning code. That is absolutely a charge on development. There is case law that is on point. Adopting the approach in anything close to its current form will force a property owner who is disproportionately affected to challenge the system. The system is going to go down because it is clearly illegal. Moving toward uniformity would deter future lawsuits. The amenity system clearly seeks to gain open space in the downtown. The exception in 82.02.020 regarding fees on development is Growth Management Act impact fees, one of which is for parks and open space. The city has thus far elected not to impose a park impact fee. The right thing to do will be to recommend to the City Council the elimination of the amenity incentive system in favor of adopting an impact fee system. The two ideas could be combined by setting the base FAR for everyone at 85 percent of the new maximum height and by setting in motion the adoption of a park impact fee.

Commissioner Carlson noted that adequate parking in the downtown area is one of the current items on the amenity incentive system. He asked what impacts might result from moving to the proposed approach and away from the incentive amenity system. Mr. Martin noted the proposed approach eliminates parking as a bonusable amenity. Everyone wants to accomplish the major objectives, including the pedestrian corridor and open space in the downtown. Moving toward uniformity and adopting a park impact fee would shift the burden between developers and others and put the control and responsibility of determining where the elements end up on the city.

Mr. Andy Lakha, 500 108th Avenue NE, spoke as principal of the Fortress Development Group. He said he has been a citizen of Bellevue for 20 years and has developed projects in the United States, Latin America and Europe, but not previously in Bellevue. He said he has for many years been searching for an iconic project and has finally found it. Fortress Development has been working collaboratively with the Commission for almost a year, and has brought forward a vision and worked through it. In the summer of 2015, it was agreed that a development agreement would be the way to clear the path for development. The Commission directed the staff to prepare the concept and to come back with it for the Commission to reconsider. More than six months have passed since then and nothing has come forward. No efforts have been made by the staff to respond to the Commission or to prepare the development agreement concept. The Commission was asked to direct the staff again to do what they were supposed to do six months ago. It was surprising to learn a week ago that the latest draft of the new ordinance includes an entirely new concept of a 40-foot tower setback from all internal property lines. Fortress Development has been working on its plans for four years through the CAC process and the Commission process, and the new idea has been sprung at the eleventh hour. The new concept was not recommended by the CAC, nor was it proposed by the Commission. It has received no public review or input. He said to date he has spent hundreds of thousands of dollars working through the project plan, only to discover at a late hour that it may all have been a waste. The 40-foot setback rule would make it impossible to locate even a single realistic tower on the Fortress site. When compounded with the 45-foot podium height limit and the throughblock connector requirements, it will not be possible to achieve the allowable FAR on many sites, and in other cases it will prevent development of anything taller than 45 feet. The approach will produce an apparent downzone when compared to the existing code allowances. The Commission was asked to direct staff to restore the 20-foot tower setback that has been the

rule for the entire process.

Mr. Jack McCullough, 701 5th Avenue, Suite 6600, Seattle, introduced project manager Arnie Hall. He agreed that Fortress Development has spent much of the last year making presentations to the Commission. In the first part of the exercise, attempts were made to persuade the Commission to increase the allowed height. The CAC had recommended 300 feet but the Commission had reduced that to 250 feet. It became clear the Commission was not going to increase building heights as requested so the idea of leaving the height as proposed was floated along with the concept of a development agreement that would serve as a vehicle for allowing the Council in the future to change the height should the project warrant it. On July 27, the Commission gave direction to the staff to work with Fortress Development on the development agreement concept and to bring something back to the Commission for review. Chair deVadoss suggested the approach could possibly be used elsewhere in the downtown. Fortress Development drafted language to jumpstart the process and met with staff on October 27. The thinking at the time was that staff would begin working on language to be brought back to the Commission. More time passed, and two new versions of the ordinance came forward, and still nothing was included regarding the development agreement concept. The staff likely will say the Commission did not give them direction to include the development agreement concept in the ordinance, and they will be right in saying that. The fact is the Commission has not yet had the chance to make that decision. The concept needs to be brought before the Commission for a determination as to whether or not it belongs in the ordinance. It is understood that everyone is under pressure to get the process done, but the development agreement concept is work that has been left undone. The Commission was asked to direct staff to bring the issue to the table. With regard to the 20-foot rule, he noted that the setback occurs above the podium height. That has been the approach operated under for the last year or more in working through the code. The midblock connector and 80-foot tower spacing requirements can be accommodated on the Fortress Development site, but when the 40-foot tower setback from all internal property lines requirement is added into the mix, less than 32 percent of the site is left to build on, meaning there is not enough roof to develop a tower that anyone would live in. The assumption is that the 40-foot rule was based on a concept of fairness and enshrining the 80-foot tower spacing by requiring a 40-foot setback on either side of each internal property line. The problem is that the approach protects the rights of parcels that may not be built on for decades and interferes with those who want to build in the near term. The 20-foot setback should be retained and a departure process should be created that would allow some future development from having to assure a full 80-foot tower separation. Seattle has a tower separation code that was adopted in 2006, and in the 11 years since there has only been one case involving a tower separation battle in the downtown, even though their blocks are a fraction of the size of those in Bellevue.

Commissioner Carlson asked if the proposed 40-foot rule would kill the Fortress Development project. Mr. Lakha said it absolutely would.

Mr. Brian Franklin, 15015 Main Street, Suite 203, spoke on behalf of PMF Investments. He said he has watched the downtown process for the almost five years it has been ongoing. Throughout the process there has been a consistent message from the East Main CAC and from the Council to avoid effectively creating a downzone. Property owners have not tried reaching for anything extra and has tried to stay consistent throughout the process. He voiced support for applying the 85 percent concept throughout the downtown in order to be consistent. In the OLB the current max FAR is 3.0 and that can easily be achieved through the current incentive system. Under the proposal, much of what is now incented will be required, so the base FAR should be increased to 4.25 for the OLB district. Nothing should be put in place that would hamper development of what are arguably the most underutilized areas of the downtown, which is the OLB along the

freeway.

Commissioner Laing said he understood the call for giving everyone 85 percent of the new max across the board as a way to be fair. He asked, however, if 85 percent is the correct number. He noted that under the current incentive system, a developer could gain sufficient bonus points for providing structured parking to max out the FAR and even have points left over. He asked how going to 85 percent while requiring the development of parking could be determined to be the right number. Mr. Franklin said the word he used was consistent, not fair. If the new base FAR were to be set at 2.5 instead of the current 3.0, and if the current incentives needed to achieve 3.0 are removed and some of what currently are incentives become requirements, developers will either have to pay \$25 per foot or provide certain amenities, which is something developers have not previously had to do. In the end, to do the same project under the proposed approach would cost more than under the current approach, and that effectively would be a downzone.

Mr. Phil McBride, 11040 Main Street, spoke representing Lennox Scott and John L. Scott Realtors. He said Andrew Miller's property is adjacent and over a year ago he came forward with the notion of considering doing a project together on the two respective properties. All who have seen the proposed project have embraced it. However, with the way the new code has been proposed, it does not appear the project will get built.

Mr. Andrew Miller, 11100 Main Street, spoke representing BDR. He said his property along with the John L. Scott property will serve as the front door to the downtown from the East Main station. The desire is to build a project that continues to offer a lower scale face toward Main Street and that pushes the bulk toward the higher density downtown. The incentives should be crafted to make the project feasible. In May 2016 renderings of the project were shared with the Commission and met with a favorable response. The notion of averaging the FAR out between the A and B districts was raised at the meeting, and there was a discussion about office versus residential in the front building, and the Commission indicated a preference for form over the uses located inside. However, under ~~neither~~ the first draft or the latest version of the code, the project cannot be done, even though the project fits the desired height limits and FAR. What is missing is a mechanism in the code to get from point A to point B. In addition to the concerns raised by others, he said the biggest challenge to be addressed is how to average out the FAR. It was previously suggested that it could be done through the use of a footnote, but another way would be to include the notion as an exception to the dimensional requirements allowing projects within a walkshed having transit-oriented developments of a certain size to create a single building concept within the project limit. The proposed two buildings, which would all be built on a single parking garage, would be deemed a single building. As envisioned, the single building would need to be more than 50 percent residential in order to utilize the FAR. If the Commission likes the project as outlined, it should direct the staff to find a way to make it happen.

Mr. David Dowd, 3211 Evergreen Point Road, Medina, spoke on behalf of the Fortin Group. He pointed out the need to make a small correction in the draft code. There are several instances in which the document indicates 101st Avenue NE is a public right-of-way. The fact is that 101st Avenue NE is owned by the Fortin family and it has a tax parcel number recorded by the King County tax assessor. The city does not own an easement to turn it into a public right-of-way, and all such references should be removed.

Mr. Walter Scott, 400 112th Avenue NE, spoke on behalf of Legacy Companies. He said he has been following the process and has seen that the various developers who have stepped forward have highlighted specific problems for their specific sites. Some sites are too narrow. The

Legacy site in the winter has ground water at about ten feet. Sound Transit will be driving in two pylons on the southwest corner of the site to support the light rail line, and that will be problematic given that the load spreads as it goes deeper and will impact the ability to dig down and construct parking. Some flexibility will likely be needed, particularly in regard to parking. Legacy would like to provide plenty of parking, particularly given that Meydenbauer Center does not have enough to accommodate their events, and the close proximity of the transit station. The development community trusts the city staff having worked with them over the years and having found them to be very professional. The BERK report is to be applauded and represents a real effort to understand current market conditions. The numbers in the draft code, however, are just not where they need to be. The 85 percent rule work ~~is~~ workable. Some level of flexibility certainly will be needed, and the staff should be authorized to approve those exceptions. Legacy is currently acting to extend leases with its tenants, which in turn will extend the timeframe in which new development will occur. The longer the process goes on, the longer it will take to see the future development of the downtown.

STUDY SESSION

(7:47 p.m.)

Downtown Livability – Review Draft of Downtown Land Use Code Amendment

Chair deVadoss asked for some clarification based on the public comment. Land Use Director Carol Helland said the issue of the amenity incentive system would be discussed as part of the study session. With regard to the development agreement, she noted that it was included in the legislative departures found on pages 18 and 19 of the packet materials. The actual development agreement process would be part of a conformance amendment. It was never the intention of the staff to move forward without a development agreement. The staff has been working to weave together the direction received from the CAC and from the Planning Commission in response to the work of the CAC. She said she did not dispute that the notion of allowing for flexibility in the form of a development agreement regarding the property referred to by Mr. Lakha was identified, but the Commission also held a robust conversation regarding height in the Deep B district. Accordingly, the staff has not felt enabled to actually exceed the height limit given the Commission's specific conversation, and that is why the footnote proposed by the property owner's representatives was not included. To run with the proposed format would be to create an approach applicable only to the one site, which raises issues of fairness relative to piercing the maximum height limits citywide.

Commissioner Carlson agreed that the Commission had been clear about setting a height limit of 250, but never insinuated moving the 20-foot setback to 40 feet. Ms. Helland allowed that the process of writing code is iterative and is full of unintended consequences. Feedback was offered about the 80-foot tower separation requirements, and the inclusion of the 40-foot setback was an attempt at fairness. Other developers raise the "what about us" question relative to how the 80-foot separation requirement would be measured across intervening property lines when someone else goes first. The concern was that should someone put the tower portion of a building 20 feet from an interior property line, the adjacent development would have to step back 60 feet. If directed, the approach can be calibrated differently.

Commissioner Carlson commented that the 20-foot setback was developed after a great deal of negotiation, research and public input. He asked why it suddenly was doubled. Ms. Helland said the intention was not to double the setback, rather to apply the direction of the Commission with regard to separating towers by 80 feet. In amending the code, it was concluded that the 80-foot building separation applies to multiple buildings on a single site. That left the need to deal with

the edges and separating towers on adjacent properties. The 40-foot setback was intended to accommodate the 80-foot separation the Commission had directed staff to draft. If the conclusion of the Commission is that the approach ushers in an unintended consequence, the Commission can direct the staff to make a change.

Ms. Helland clarified for Commissioner Walter that the setback relates to towers and is measured from interior property lines. The existing setback from the side and rear property lines for towers above 40 feet is 20 feet.

With respect to the development agreement, Ms. Helland suggested the Commission should think more broadly across all of the downtown about a system that will work fairly for piercing the maximum building height on a single property. If deviations from the maximum building height are going to be allowed, the citywide consequences will need to be considered.

Chair deVadoss suggested there is merit to the approach proposed by Mr. Miller and Mr. McBride for their respective properties. He said he wanted to see the staff engage with them to explore an agreeable outcome. Ms. Helland said staff has in fact engaged with them. The rub comes in trying to reconcile the direction received from the Commission with their proposed project. The project as depicted in renderings is easy to approve of; drafting the approach into code is more problematic. The Commission had a conversation about the downtown boundary and the associated setbacks. The site is constrained by its location across the street from the tunnel portal and the fact that the downtown border runs along Main Street. The site is faced with a 20-foot setback, something the Commission talked about, and something the Commission expressed concerns about eliminating. The required setback serves to shrink the developable portion of the site. Additionally, while the form-based code concept is understandable, functionally there is a reason for taking a tower-by-tower approach and treating each as a separate building. Sometimes the locations of towers and the uses within them are important to the activities seen on the streets adjacent to them. While the form of the gateway project has been rearranged in keeping with the wedding cake approach, the uses proposed for the space right along Main Street are just office. What will happen between 5:00 p.m. and 6:00 a.m. daily, the space will be dark, it will not be pedestrian activated, and it will not create the desired environment in what has been noted to be a major connection between the East Main station and the downtown. The proposed building form makes for a good theoretical argument, but would be difficult to make work in light of the expectations of the CAC about activities at the street level and the Commission's feedback with regard to livability at locations where pedestrian activity will be very dense.

Chair deVadoss thanked Ms. Helland for her detailed clarification of the issues. He asked how the Commission and the staff should engage with those who have for many months been seeking closure in a timely fashion. Ms. Helland said feedback will be needed from the Commission in regard to the appropriate level of latitude when it comes to departures. To date there has been mixed feedback on the maximum height limits that have been attached, and the opportunity to pierce the maximum height limits, even through a legislative process involving Council approval of a development agreement, has ramifications.

Chair deVadoss asked staff to carry on with their agenda items.

Strategic Planning Manager Emil King briefly reviewed the process to date and the Commission's engagement points since June 2015 when the Council directed the Commission to begin working on the downtown code amendments. A number of topics have been addressed in the 20 meetings held to date. The joint Council/Commission workshop in November 2015 was a

milestone, as was the early wins package in March 2016 and the two iterations of the draft Land Use Code in November 2016 and February 2017.

Ms. Helland said the latest draft of the code includes comment bubbles with information regarding what has changed and where sections came from. In addition, all references to King County Records and Elections ~~were~~ was changed to King County Recorder's Office; graphics and maps were added; a footer was added at the bottom of pages to help with navigation; and definitions were added and alphabetized. She said she worked with Commissioner Laing on some of the procedural requirements and identified the need for some changes which are essentially clarifications, namely that the general definitions apply in the downtown until specifically noted otherwise; clarification of how the departures have been characterized as being legislative when in fact they are project specific; clarification of the nature of the departures, where they are possible and the criteria for approving them; and identification of a flexible amenity package and clarification that support for a development not specifically identified in the amenities charts would need to come from the Council. Staff wrote the departure to reflect what was deemed to be the direction from the CAC and the Commission, but should the Commission see the need to tinker with them, additional conversation will be needed. No changes were made relative to the use charts. Commissioner Laing did note, however, the need to make it clear there is an interpretation process for the use charts and recommended that a cross reference be made to the general interpretations provisions of the code.

With respect to the dimensional charts beginning on page 41 of the packet, Ms. Helland pointed out that in the third column the minimum tower setback above 45 was added for buildings that exceed 75 feet. She reiterated that the 40-foot setback was an attempt to reconcile the 80-foot tower separation requirement as it relates to side property lines. She allowed that the approach would in fact end up being a greater separation than is currently required under the code.

Commissioner Laing noted that Mr. McCullough made reference to the issue coming up only once in Seattle. The fact is there was an article published in the *Puget Sound Business Journal* that focused on the tower spacing issue in Seattle. The basic issue is first in time, first in right. Seattle's code, however, is somewhat more nuanced than what has been proposed for Bellevue. Seattle has a rule that says the tower width cannot be more than 80 percent of the north-south façade width. The tower spacing requirements are different for the east-west side. Often where there are within a single block alley ways or public or private rights-of-way, the concern is focused on maintaining the tower spacing. That works out well when the measurement is between adjoining towers. The approach of basing it on property lines can be complicated where there is a 30-foot-wide alley. The concerns voiced by Mr. McCullough and Mr. Lakha are well taken. With regard to who should have to request a departure to allow for a de facto encroachment, he suggested it should be both the first person and the second person. Otherwise there could be the unintended consequence of rendering someone's property undevelopable.

Commissioner Hilhorst asked what problem the proposed approach was intended to fix, and what unintended consequence might result from staying with the current code requirement. Ms. Helland said the problem was the staff did not believe they had appropriately addressed the Commission's direction relative to tower separation. As previously written, the code simply required an 80-foot separation. For the owner of a property adjacent to a tower constructed under the current code requirements, which call for only a 20-foot setback, maintaining a separation of 80 feet would require setting any new tower back 60 feet, even if the existing tower is ripe for redevelopment. The 40-foot setback requirement flowed from an attempt to distribute the 80-foot tower separation requirement across an interior property line to effectuate the direction received from the Commission for 80-foot tower separations. Part of the complexity associated with the

Lakha property is that it is filled with interior property lines, resulting in an even bigger hit. Furthermore, the departure added for small sites is probably not applicable to the Lakha site.

Mr. King said the issue of having an 80-foot tower separation dates back to the middle of 2016. The current code calls for a 40-foot tower separation. Ms. Helland said the Commission's direction to require 80-foot tower separation would not be achieved by retaining the current code language, unless the 80-foot tower separation was applied only to multi-building projects. By doing so, however, there would be the unintended consequence of pushing buildings to the outside of sites.

Commissioner Laing that approach would push tower massing toward rights-of-way, which will have the effect of moving towers closer to neighboring properties.

Commissioner Hilhorst asked if Mr. Lakha is the only property owner who has voiced concern about increasing the setback from 20 feet to 40 feet. Ms. Helland said Mr. Lakha was the only developer to raise the issue since the information went out on February 3. That is not to say his is the only property that would be impacted. With regard to the Lakha site, the Commission could determine it should be allowed to depart from the parking standards. Retaining the 40-foot setback requirement for purposes of the public hearing would likely increase the number of comments received, and it could always be changed back to something less after the hearing. Changing it to 20 feet for the public hearing would generate no creative thinking about how to achieve the 80-foot tower separation.

Commissioner Carlson said the obvious fallout from those who have firsthand knowledge of who the 80-foot rule will play out is that it will not work. Commissioner Morisseau said she did not know that was necessarily the case. There is a reason the Commission came to recommend the 80-foot tower separation consideration to begin with. She suggested staff should go back and look at how other cities have dealt with the issue. Commissioner Hilhorst concurred. The desire of the Commission all along has been to assure plenty of daylighting in the city, and the conclusion reached was that separating towers by 80 feet would help achieve that goal.

Ms. Helland proposed leaving the 40-foot setback proposal in place while looking for other alternatives for accomplishing the initial direction relative to separating towers by 80 feet. She said staff would also look at how the approach might be applied to various parcels in the downtown.

Commissioner Walter pointed out that the 80-foot tower separation rule was actually developed in concert with allowing taller buildings. Rethinking the one approach could trigger the need to rethink the other. Ms. Helland pointed out that while the two issues play hand in hand, the trigger for height did not immediately relate to the 80-foot rule. Getting rid of one will not compromise the other.

Mr. King called attention to page 8 of the packet. He noted that at a previous meeting a question was raised about one of the sentences regarding the DNTN-O1 district that encouraged transit and pedestrian facilities and activities and discouraged long-term parking and other automobile uses. Staff was directed to research where the language came from and discovered it has been in the code for many decades. At the direction of the Commission, he agreed to look at revising the language to reflect the notion that all modes should be treated equally.

Commissioner Walter referred to the land use chart on page 26 and said it appeared to her that transient lodging was permitted in all downtown districts. She said she would like the

Commission to discuss whether or not permitted should be changed to conditional use. Ms. Helland said the use charts were done as part of the early wins process, which preceded the conversation regarding Eastgate. If directed to do so, staff will separate hotels and motels from transient lodging on the chart as was done for Eastgate.

Commissioner Laing said part of the confusion that arose in regard to Eastgate centered on the fact that the classification 13 and 15 reads hotels and motels, when in fact 13, which is hotels and motels, and 15, which is transient lodging, are very different things. There should be a separate row in the table for 15, with C's in the boxes. The other Commissioners concurred and staff agreed to make the change.

Commissioner Laing commented that the way the land use charts work is that for each land use type there is a P for permitted, C for conditional use and A for administrative conditional use indicated for each zoning district. Where there are no letters shown at all, the use is not permitted. He questioned why uses that are not permitted in any zoning district should even be shown on the chart.

Commissioner Walter suggested that showing uses that are not permitted in any zoning district offers the opportunity for discussion during the review process. Commissioner Morisseau agreed and pointed out that the practice is all about consistency table to table. Ms. Helland pointed out that in fact the tables are not the same for each area of the city. The tables for the downtown are different from the tables in Bel-Red, for instance. In Bel-Red, the approach taken was to collapse some of the categories, which simplified the charts and made them more flexibility. With flexibility, however, comes the ability for the Director to make a best judgment about what box the standard land use classification uses fit into. By including uses that are not allowed in any district, it becomes clear that the Director can never reach the conclusion that building maintenance and pest control services can be permitted in the downtown. The practice provides for certainty in some areas and flexibility in others.

Commissioner Morisseau urged staff to go through the entire document looking for grammatical errors and inconsistencies. Additionally, where something is deleted from one table it should be deleted from all tables. Ms. Helland said each iteration of the draft becomes more refined, but said the point was well taken.

Commissioner Walter called attention to the building height maximum column in the chart on page 43 and said she would like to see it retained to clarity in regard to the new column of maximum building height with 15 percent or 15 feet. Ms. Helland clarified that the new column includes either the 15 percent or the 15 feet. The intention of staff was to remove the old maximum building height table and the information shown in brackets, leaving only the new maximum building height. Commissioner Walter said it was her understanding the new maximum would only be achieved with the 15 percent or 15 feet. Ms. Helland said the 15 percent or 15 feet is to be given as a right except for the highest building height. Mr. King clarified that the additional height is awarded only where interesting roof forms, façades or articulations are provided.

Commissioner Walter observed that the land use table on page 28 showed religious activities as allowed through conditional use in the DNTN-R district. Religious activities are allowed in all residential neighborhoods and it should be outright permitted in the downtown residential district as well. Ms. Helland said the land use classification of religious activities refers to churches, mosques and temples, which are allowed only through conditional use in all residential districts.

Commissioner Laing asked staff to comment on the issue raised by Mr. Dowd about 101st Avenue NE not actually being a public right-of-way. Ms. Helland Mr. Dowd was correct and that the document would be amended to fix the error.

Commissioner Walter asked for a clarification of the social services providers land use classification relative to allowing them in residential districts. Ms. Helland said the use is allowed in as an administrative conditional use in residential districts. However, there is a footnote that restricts the use to Bellevue School District schools when under control of the school district. The is use is otherwise not permitted at all in residential districts.

Mr. King turned to the issue of the amenity incentive system. He noted that a new section beginning on page 50 of the packet had been added. Where the previous draft essentially just had a list of the 18 amenities, the new draft is more specific and represents an outgrowth of the BERK analysis and the third-party peer review by the ULI panel. While there were a number of caveats in the ULI recommendations, staff felt there was sufficient information to proceed toward flushing out the amenity incentive system.

Mr. King said tailoring the amenities by neighborhood is a concept that emanated from the work of the CAC. The idea was to place more of an emphasis on certain incentives in some neighborhoods, less of an emphasis in others, and having them not apply at all in some neighborhoods. As drafted, the section is in line with the Council principle of tying any increases in height or FAR to amenity incentive system. The fee in-lieu provision was also included in accord with direction from the Council, the CAC, the Commission and the ULI panel. There are also provisions included that call for period reviews.

With respect to tailoring by neighborhood, Mr. King reminded the Commissioners that the Comprehensive Plan for the downtown includes the notion of downtown neighborhoods that are easier to understand than the convoluted zoning districts. He said the way the amenities are laid out, they are bonused by neighborhood. In its final report, the CAC went through a number of the amenity categories, including park improvements, plazas and pedestrian connections and produced a matrix highlighting the need for specific amenities in certain neighborhoods.

Mr. King briefly reviewed the current incentive zoning system and reminded the Commissioners that a certain amount of FAR is exempt for ground floor and second-level retail uses. There is also a basic FAR and there are basic amenity requirements that all developments must provide to varying amounts. The maximum FAR can be achieved only by earning bonus points by providing certain amenities. It was clearly stated in the land use audit and by various stakeholders that as written many of the points can be garnered by doing a residential use or underground parking. The approach given the thumbs up by the Commission and the Council provides in addition to ground-floor and second-level retail an FAR exemption of up to 1.0 for affordable housing, though there is recognition of the need to coordinate the affordable housing exemption with the strategy being developed by the affordable housing technical advisory group. As proposed, affordable housing is separate from the list of 18 amenities.

It has been recognized that the recommendation of the ULI panel and various stakeholders that the basic FAR will need to be significantly increased to account for withdrawn incentives such as parking and residential, as well as to adjust for new requirements. It has also been recognized that there should be some amount of lift going from the new basic FAR to the current maximum FAR. For most zones, the BERK report proposed setting the lift at 85 percent of the current maximum FAR. In some zones, including the OLB and the MU for non-residential, there was CAC and Commission direction to significantly increase the maximum FAR as well as the

maximum height. For other zones, the recommendation is to increase the allowed height but not to increase the allowed FAR.

Commissioner Walter asked if staff has a feel for whether or not developers will put affordable housing in if the only incentive they have is additional FAR. Mr. King said much will depend on the work that comes out of the affordable housing technical advisory group. There is currently a citywide affordable housing bonus that is essentially a one-to-one bonus for up to 15 percent of the overall FAR; a small number of developers have used the bonus, which would seem to indicate a one-to-one bonus is not enticing enough. To make the bonus attractive, it will need to be in the range of two-to-one or three-to-one.

Commissioner Laing suggested the bonus may need to be as high as five-to-one, especially in the downtown environment where construction costs are vastly higher. Unless the city allows for an FAR bonus and the use of the multifamily tax exemption program, affordable housing will not be achieved in the downtown.

Commissioner Walter stressed that unless affordable housing gets developed in the downtown where people work, the workers will be forced to live elsewhere and commute in, putting more cars and buses on the streets.

Commissioner Laing asked if having up to 1.0 FAR exempted for ground-floor and second-floor retail and the same for affordable housing would allow for a development having an FAR of 7.0 in a zone that has maximum FAR of 5.0. Ms. Helland said the initial discussion did not contemplate taking advantage of multiple exemptions, even though the affordable housing was added on. In Eastgate, up to 1.0 FAR is exempted for affordable housing. Getting a full 1.0 FAR in affordable housing is unlikely, but any affordable housing added should not count against the maximum. Should a project in a zone that has a maximum FAR of 5.0 include a 0.5 FAR of affordable housing, the project could come in at 5.5 FAR. Mr. King allowed that the maximum FAR can technically be exceeded by virtue of having some FAR exempted.

By way of example, Mr. King referenced the DT-MU district and noted that the proposal increases the basic FAR from 2.0 to 4.25, or 85 percent of the maximum FAR of 5.0, to accommodate for removing the incentives of parking and the residential use, leaving only 0.75 available to achieve through bonuses. The exchange rate or cost per point as articulated in the ratios equates to \$25 per square foot, an amount that was in the BERK analysis and reviewed by the ULI panel. There is also a focus on trying to target 75 percent of the bonus points on the first eight amenities, which deal with public open space.

One of the scenarios analyzed by the BERK report involved a development that chooses to use only the basic FAR and pay a lesser amount per square foot for additional height. The report identified a host of different rates, but the proposed approach is to use half the value of additional FAR, or \$12.50 per square foot. Mr. King pointed out that the maximum FAR for office in the DT-MU zone is only 3.0. The basic amenity requirements amount to only 0.1 FAR, and the as of right FAR is only 0.5. To go from 0.5 up to 3.0 requires working through the incentive system. The CAC and Commission were both clear about wanting to see similar FAR for office and residential in the DT-MU zone. The direction of the Commission was to increase the maximum FAR in the zone to 5.0. Consideration was given to raising it to 85 percent of 3.0, but based on the economic modeling, the conclusion reached by staff was that the FAR should be increased to 3.25, which is higher than the only maximum. For nearly all of the other zones, the new basic FAR has been set using the 85 percent rule; the exceptions are the DT-MU district and the perimeter overlay A and B districts.

Commissioner Laing asked if a non-residential project even under the new system could actually reach an FAR of 5.0 with the bonus system. Mr. King said it would take some analysis to determine that. He agreed to run some scenarios aimed at determining how it would play out for individual projects. He pointed out that the fee in-lieu provisions would allow developers to avoid providing all amenities on site.

Commissioner Laing pointed out that both the CAC and the Commission recommended eliminating the commercial penalty. Even so, there remains some pushback to retain it, which means there will continue to be an incentive to continue building residential projects in the DT-MU. Mr. King explained that currently residential in the DT-MU has a maximum FAR of 5.0 and a basic FAR of 4.25. A project would need to work up through the incentive system of 0.75 FAR. The current proposal also has a height limit of 288 feet. Non-residential in the DT-MU also has a maximum FAR of 5.0, which represents an increase to be equal with residential. However, the BERK analysis and the staff proposal both include a different basic FAR, making commercial participate at a different level in the incentive system. Based on the Commission's recommendation, the maximum height is different for the two uses. Residential towers may reach the maximum height easier because of the smaller floor plates.

Commissioner Laing noted that for at least 20 years the Bellevue Downtown Association, the Chamber of Commerce and individual stakeholders have been asking to do away with the commercial penalty. Many voiced their opinions before the CAC which ultimately recommended unanimously to overturn it. In the early wins process, the Commission signaled that things would go in that direction, but the proposal does not in fact do that.

Mr. King offered the Commission two conditions relative to valuing height. For both conditions, the projects were assumed to be participating in the incentive system. Where there is no intent to exceed the basic FAR and/or the basic height, there is no need to get involved with the incentive system. In the first condition, a building not wanting to exceed the maximum height, the basic height is the current maximum height. The developer is at \$25 per square foot, picks the amenities and is done. In the second condition, the project takes its basic FAR and ~~seeks~~ through the bonus FAR exceeds the basic height. In the condition there is an amount of FAR above the basic FAR, and an amount of FAR that is a subset of that amount that is above the basic height. In the staff materials and in the text of the code examples are given for when the amount of bonus FAR will be the guiding factor.

Mr. King noted that each of the 18 amenities could be found in the packet between pages 56 and 61. He said the section also includes the fees in-lieu and the periodic review process. The new basic FARs were shown on page 41 of the packet.

Mr. King commented that most of the public comment received regarding the perceived inequity relative to the base FAR was for the OLB Central and OLB South areas. The current FAR in those areas is set at 3.0, but through the BERK analysis a new FAR of 2.5 has been recommended based on the new maximum FAR.

Commissioner Laing urged the Commissioners to go back and read the findings and recommendations of the Downtown Livability Initiative CAC, the Council Downtown Livability Initiative principles, and the Council guidance for updating the downtown incentive zoning. In kicking off downtown livability at the CAC level, there was clear direction given to avoid effecting a de facto downzoning. He said he was concerned that the process has in fact reached that point. The Commission is being asked to make changes that do not necessarily add up. The

CAC had staff provide examples of how much FAR developments were earning through structured parking and residential. Under the current system, a project can earn 120 percent of the maximum FAR by putting in structured parking. By tossing in residential and pedestrian-oriented frontage, the figure rises closer to 150 percent of the maximum FAR. The basic amenity requirements are not in fact incentives given that they are required, though they do earn extra floor area. The reality is that there is no real need to do any of the basic requirements to gain FAR given the bonus earned for structured parking. The city knew that, which is why the basic amenities were required. The whole idea of having an amenity system is based on mitigating impacts caused by projects. The proposed approach essentially allows developments to get 85 percent of the way to the maximum before seeking to squeeze out another five percent. In short, whatever the Commission decides is the acceptable maximum height should be the acceptable maximum height, and what the Commission decides is the acceptable maximum FAR should be the acceptable maximum FAR irrespective of what uses are in the buildings. The basic FAR should be 90 percent of the maximum FAR, and the last ten percent should be gained through providing an amenity from the table.

Commissioner Walter suggested the risk of that approach would be seeing developers building boxes that fit into the 90 percent window. That would mean a very uninteresting downtown. Commissioner Laing said that could be addressed by doing what Seattle does, namely requiring open space amenities and the like as part of projects. Even getting to the maximum FAR from 90 percent is a fairly heavy lift. Commissioner Walter agreed with the notion of instigating a simpler program that would be easier for developers and for the staff, but stressed the need to keep an eye out for the possible downsides.

Commissioner Morisseau said the question not satisfactorily answered in her mind is what the amenity incentive system is intended to bring about. She asked if the desire is to see public open space or funding for developers who did not want to build amenities on site. She also asked if the maximum FAR can even be going with 75 percent of the amenities for open space, and questioned whether the fee in-lieu should be \$25 or \$28. Mr. King said the concept of focusing 75 percent of the amenities on the broad context of open space goes beyond outdoor plazas and includes street front improvements and other amenities. The amenities seek to incorporate all of the Council principles. Including a fee in-lieu option was also in the Council principles. Other cities only incentivize a small list of things; in the South Lake Union area, Seattle requires sustainable buildings and incentivizes only affordable housing and child care. As proposed, the amenity incentive system lists 18 items and a fee in-lieu provision. It cannot be said with any degree of certainty which of the 18 items developers will choose in the coming years, and some likely will be chosen more than others.

Ms. Helland added that the fee in-lieu is capped at 50 percent of the amenity requirement, which means at least half of the amenities must occur on site. Mr. King said hopefully developers will see some of the amenities as things they will want to do anyway, and the more of them that get incorporated into projects, the better the public realm and the projects will be. The fee in-lieu number of \$28 was arrived at by taking ten percent above \$25 and rounding it up as the starting point for discussion. Currently there is no fee in-lieu option in place in the downtown.

Commissioner Hilhorst asked if staff had the direction needed to address the site directly across from the East Main station. Ms. Helland noted that the public had simply asked the Commission to direct staff to fix the issue. However, there is a tension between meeting the objectives across the city and the way in which some projects have been designed in anticipation of a future outcome. She added that it would be helpful for staff to know if they should be talking to developers about being able to negotiate through a development agreement. Currently the

parameter for a development agreement as outlined on page 61 allows for working with the Council to define individual amenities, cost them out, and have them support development. The development agreement process, however, does not allow for deviating from the maximum FAR and height limits. The code amendments suggested for the gateway project seek to amend things the Commission has been looking at for some time, and which were specifically talked about in November. If given direction to work with the gateway project folks with an eye on making their project work, staff would need the flexibility to reconsider the downtown boundary setback, the maximum height limit for the district, the trigger height, the tower setback, the lot coverage and the street classification issues.

Chair deVadoss suggested staff should in good faith be asked to work with the two teams to better understand the tradeoffs. Once the tradeoffs are identified, the Commission might be in a better position to provide input. Ms. Helland said staff would be happy to take that approach. She stressed that staff did not want to create a level of distrust by departing from the very clear standards given by the Commission.

Mr. King said the next steps will involve working toward a level of comfort with a draft code for purposes of conducting a public hearing. Ms. Helland added that if the Commission were to give staff the go-ahead on the current draft, the earliest a public hearing could be scheduled would be March 8 given the noticing requirements. She said focus group conversations could occur ahead of the public hearing in order to gather additional information for incorporation in the staff report.

Commissioner Laing said he would prefer to schedule the public hearing for March 22 to allow the staff and Commission more time to do what needs to be done ahead of the public hearing.

There was agreement to schedule a Commission meeting for March 1 on the understanding that the public hearing draft will have by that date already been published, and to set the public hearing for March 8.

A motion to extend the meeting by 20 minutes was made by Commissioner Hilhorst. The motion was seconded by Commissioner Laing and the motion carried unanimously.

STUDY SESSION (10:06 p.m.)

Mr. Cullen reminded the Commissioners that the November 16, 2016, retreat was attended by Commissioners, staff members and the Council liaison Mayor Stokes. The prototype that was created prior to the retreat was discussed and consensus was sought. Part A of the prototype, which was focused on local governance and planning, was mainly for informational purpose. Part B, the suggested standards and practices, became the focus of the retreat. Part C, the guiding principles, was tabled for discussion at another time and has yet to be programmed. Following the retreat, notes from the facilitator and staff were used to add to and edit the draft Part B document. Staff has reviewed the edited version and have offered small edits in the form of footnotes at the bottom of the page.

Mr. Cullen reminded the Commissioners that Part B was put together by consensus, thus it was not up for additional discussion. He asked them to focus on the staff comments and determine whether or not they accurately reflect what was agreed on. The document will next be forwarded to Mayor Stokes who as Council liaison has the final review authority. A separate study session will then be scheduled to talk about Part C, the guiding principles. The principles will be owned

by the Commission and as such it will not be necessary to have the staff and the Council liaison play a role. The final piece will be a discussion regarding public participation. Once all is said and done, the Commission will have a comprehensive package that will be operationalized.

Commissioner Walter commented that the guideline principles, which belong to the Commission, came about at a time when there was a lot of contention between the expectations of the Commissioners and expectations of the staff. The principles were developed to show both give and take and mutual respect. When the time comes to discuss them, the staff should be part of the dialogue.

Turning to Part B, Mr. Cullen noted that the Commission had agreed on items 1, 2 and 3. The discussion regarding item 4 triggered the proposed redraft. He said the revisions to item 5 represented little more than wordsmithing. The Commissioners had agreed on items 6, 7 and 8. Additional wording for item 9 was agreed to by the Commission at the retreat. There was agreement with item 10.

With regard to item 11, Mr. Cullen said the revision was triggered by the City Attorney's review. He noted that there may, on occasion, be certain topics discussed in executive session by the City Council that could impact work the Commission has undertaken. It is possible that in certain instances the Council liaison could share confidential information with the Commission chair and/or vice-chair, but in other instances sharing such information would not be possible.

Commissioner Hilhorst asked if the paragraph could include verbiage calling for halting any work currently before the Commission or set to be given to the Commission until issues before the Council in executive session, such as property deals, are resolved.

Commissioner Walter said she would support including that idea. She said it would have been better for the Commission to halt its work on the Eastgate subarea while the Council was deliberating a property deal in regard to the homeless shelter.

Mr. Cullen said he would craft some wording to that effect and include a footnote for the Mayor's review.

Mr. Cullen noted that there was Commission agreement relative to item 12. The added sentence at the end of item 13 was added by the Commission.

Commissioner Morisseau questioned what value the added sentence brings to the paragraph. Commissioner Walter said the Commission was discussing the need to stay within the parameters. Often the Commission wanders outside the parameters in theory to look at things, but the resolutions determined are within the guiding principles. The overall conversation is richer and better for having strayed outside the box.

Commissioner Hilhorst said the Aegis project serves as a good example. The Commission was given a scope for the work but chose to look at the issue of affordable housing more holistically. The bigger conversation is what led to the final recommendation.

Mr. Cullen said the additional sentence in item 14 was brought forward at the retreat. The Commission was in agreement with respect to item 15. With regard to item 16, staff provided a comment, but the focus of the issue, public engagement, has been postponed for further discussion. The Commission agreed to items 17, 18 and 19. The new language for item 20 was agreed on at the retreat.

Commissioner Hilhorst said she understood the intent of the additional sentence in item 20, namely that the Commission needs to look to the staff to provide technical expertise. However, the Commission should not be limited just to the knowledge possessed by the staff. There are experts in various fields and the Commission would do itself a disservice if it did not allow those experts to come to the table as needed. Mr. Cullen agreed. He explained that staff is the primary source of technical expertise but not the only source. Commissioner Hilhorst said she would bring a suggestion for revising the wording to a future meeting.

With regard to item 21, Commissioner Walter zeroed in on the phrase “angry rhetoric damages working relationships” and suggested that there was some history from before her time that is reflected in the statement. She said if she were a new Commissioner reading the language, she would find it worrisome. She proposed rewording the second sentence to read “Everyone understands that open, thoughtful and honest communication is essential for good working relationships.”

Mr. Cullen noted that the proposed revisions to items 22, 23, 25 and 27 came from the Commission at the retreat, and that the Commission had agreed to items 24 and 26.

MINUTES TO BE SIGNED
(10:36 p.m.)

January 11, 2017

NEW DRAFT MINUTES TO THE REVIEWED
(10:36 p.m.)

January 25, 2017

ADJOURN
(10:36 p.m.)

A motion to adjourn was made by Commissioner Hilhorst. The motion was seconded by Commissioner Morisseau and the motion carried unanimously.

Chair deVadoss adjourned the meeting at 10:36 p.m.