

# 2017 PLANNING COMMISSION



BELLEVUE

**Meeting**  
**6:30 pm March 8**

**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](mailto:planningcommission@bellevuewa.gov)

[www.bellevuewa.gov](http://www.bellevuewa.gov)

**MARCH 8**



# Bellevue Planning Commission

## AGENDA

### Public Hearing

March 8, 2017

6:30 PM – Public Hearing

City Hall, Room 1E-113, 450 110<sup>th</sup> Avenue NE, Bellevue WA

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6:30 PM – 6:35 PM

Call to Order  
Roll Call  
Approval of Agenda

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6:35 PM – 6:50 PM

Public Comment  
Comments regarding the topic of the public hearing should be made during that part of the agenda. This portion of the agenda is for people who wish to make comments unrelated to the topic of the public hearing.

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6:50 PM – 7:10 PM

*Introductory Comments by Staff*  
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 – Staff will provide introductory comments for the public hearing including any follow-up items from the March 01 Planning Commission meeting.

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7:10 PM – No end time specified

**PUBLIC HEARING**  
***Downtown Livability – Downtown Land Use Code Amendment***  
General Order of Business – The public is invited to address the Planning Commission regarding the proposed Downtown Land Use Code Amendment.  
*Anticipated Outcome – The study session will help the Planning Commission be prepared for the upcoming public hearing.*

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No start time specified. Study Session will occur following the public hearing, time permitting.

Study Session

1

*Downtown Livability – Downtown Land Use Code Amendment*

General Order of Business – The Planning Commission will discuss the public comment received during the public hearing and use it to inform a recommendation to be sent to City Council.

*Anticipated Outcome – The Planning Commission will make a recommendation to City Council regarding the proposed code amendment to either: adopt as proposed, adopt with modifications or not adopt.*

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Public Comment

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Adjourn

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Please note:

- Agenda times are approximate only.
- Public comment is limited to 5 minutes per person. The Chair has the discretion at the beginning of the comment period to change this.

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 Gullede, 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).*



March 2, 2017

**SUBJECT**

Downtown Livability Land Use Code Update – Public Hearing

**STAFF CONTACTS**

Carol Helland, Land Use Division Director, 452-2724  
[chelland@bellevuewa.gov](mailto:chelland@bellevuewa.gov) *Development Services Department*

Patricia Byers, Code Development Manager 452-4241  
[pbyers@bellevuewa.gov](mailto:pbyers@bellevuewa.gov) *Development Services Department*

Emil A. King AICP, Strategic Planning Manager 452-7223  
[eaking@bellevuewa.gov](mailto: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. 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, and sent to stakeholders.

Tonight, on March 8, 2017, the Planning Commission will hold a public hearing on the Draft Land Use Code Update dated February 16, 2017. Following the hearing, and at subsequent Commission sessions, 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 (draft dated February 16, 2017). Changes made to the Land Use Code following the February 8 Planning Commission meeting are indicated in the February 16 draft in strike/underline format for ease of review. Also included in the packet as Attachment 3 is an Errata Sheet that itemizes technical errors and associated corrections applicable to the February 16, 2017 Draft Land Use Code Update published for public hearing.

### Public Comment on the Draft Land Use Code Update

The Public Hearing is an opportunity for stakeholders to provide comment on the Draft LUC Update that is included with this memorandum as Attachment 2. Since the draft was originally released in November 2016, it has gone through several iterations and refinements. The Planning Commission has welcomed public comment as they have considered the draft code in preparation for the Public Hearing on March 8, 2017. At this point, there are several outstanding issues that are still being discussed by the Planning Commission.

The Planning Commission will be asked to finalize the Draft LUC Update following the Public Hearing, and will be considering stakeholder requested changes to the draft code as part of its deliberations. In addition to comments on the draft code, the Planning Commission has expressed an interest in receiving feedback on the outstanding issues that are described in Section VI of the Staff Report that is included with this memorandum as Attachment 1. The Planning Commission also expressed an interest in receiving feedback on code changes that it discussed during the March 1 Study Session. The changes to the Public Hearing Draft code discussed by the Planning Commission are summarized below.

1. Set the new base FARs at 90% of the new maximum FARs. The Public Hearing Draft code currently sets the new base FARs at 85% of the current maximum FARs. Refer to LUC 20.25A.060.A.4.
2. Allow administrative approval of the Flexible Amenity by the Development Services Director. The Public Hearing Draft code currently requires that the flexible amenities be approved by the City Council. Refer to LUC 20.25A.070.D.4 Amenity 18.
3. Provide an option for a project to apply for a “super bonus” of additional FAR or height beyond the maximums through a Development Agreement approved by the City Council. The Public Hearing Draft code currently provides a transferable bonus for construction of the Pedestrian Corridor or Major Public Open Space. Refer to LUC 20.25A.070.F.
4. Advance the Affordable Housing FAR Exemption in the Downtown Livability code package. The Public Hearing Draft code currently defers inclusion of the affordable housing exemption pending conclusion of the Citywide Affordable Housing Technical Advisory Group work. Refer to LUC 20.25A.070.C.2.
5. Provide additional height flexibility in the A-1 perimeter overlay district, specifically allowing projects to reach 70 feet in the A-1 Overlay District. The Public Hearing Draft code currently allows a maximum building height of 40 feet for nonresidential buildings and 55 feet for residential buildings. Refer to LUC 20.25A.060.A.4.
6. Remove the 40 foot required setback from internal property lines and retain the 20-foot separation imposed by the existing land use code. In the alternative, if the 40-foot setback were retained, a

greater range of modifications to the tower setback requirement could be provided. The Public Hearing Draft code imposes a 40-foot tower setback above 45 feet from interior (side and rear) property lines located at the perimeter of a project limit. Refer to LUC 20.25A.060.A.4. A reduction to 20 feet is allowed for parcels that are less than 30,000 square feet in size. Refer to LUC 20.25A.060.B.4.

7. Reduce the fee-in-lieu exchange rate to match the bonus amenity exchange rate. The Public Hearing Draft code currently values the FAR exchange rate at \$25 if the amenity is provided on-site as a component of the proposed development. Developers wanting to pay a fee-in-lieu of providing on-site amenities would pay an FAR exchange rate of \$28 under the terms of the Public Hearing Draft code. Refer to LUC 20.25A.070.D.2.c.
8. Allow modification of required parking ratios through an administrative departure approved by the Development Services Director based on a technical study. This modification of required parking ratios is a flexibility amendment currently included in the Public Hearing Draft code. Refer to LUC 20.25A.080.H.

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](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 (dated February 16, 2017)
3. Errata Sheet in Reference to February 16, 2017 Draft Code



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, 2016 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.

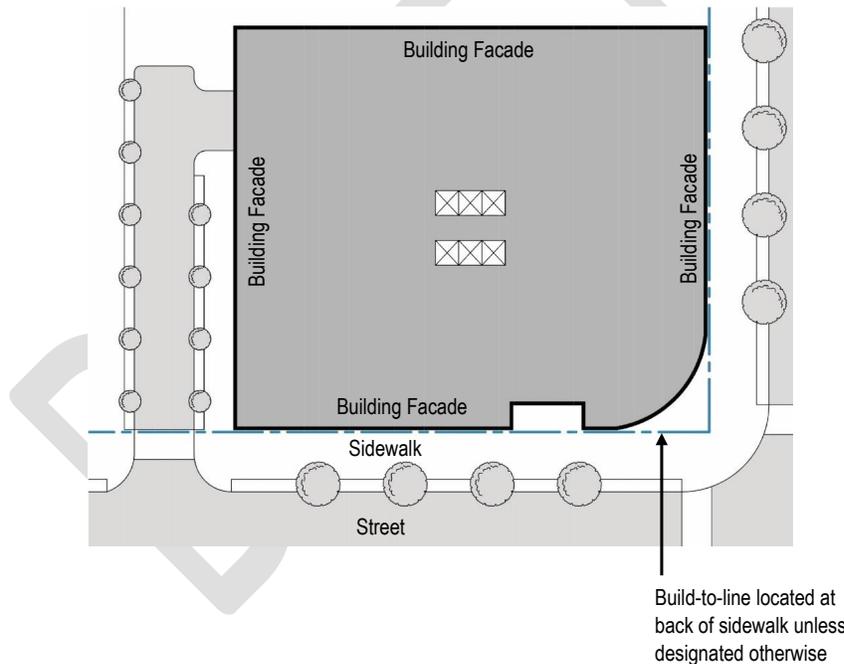
**Comment [HC7]:** MOVED from Design Guidelines Building/Sidewalk Relationships IV.E. Limits references outside Downtown Code Part.

20.25A.020 Definitions

A. Definitions Specific to Downtown

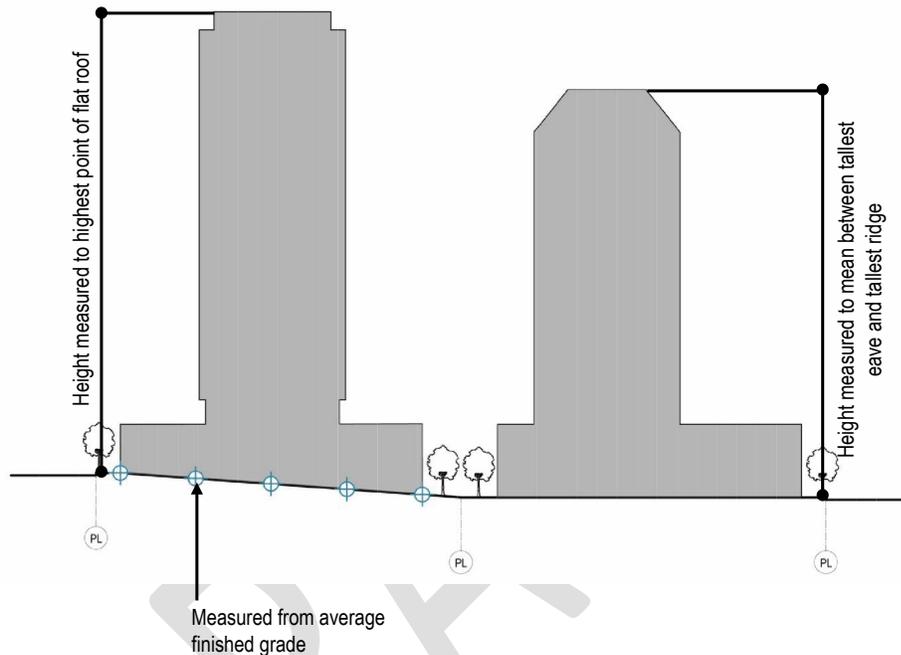
**DT - Active Uses:** Uses within a building that support pedestrian activity and promote a high degree of visual and physical interaction between the building interior and adjacent public realm. Entrance lobbies, private indoor amenity space, service uses, and enclosed privatized spaces are typically 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.

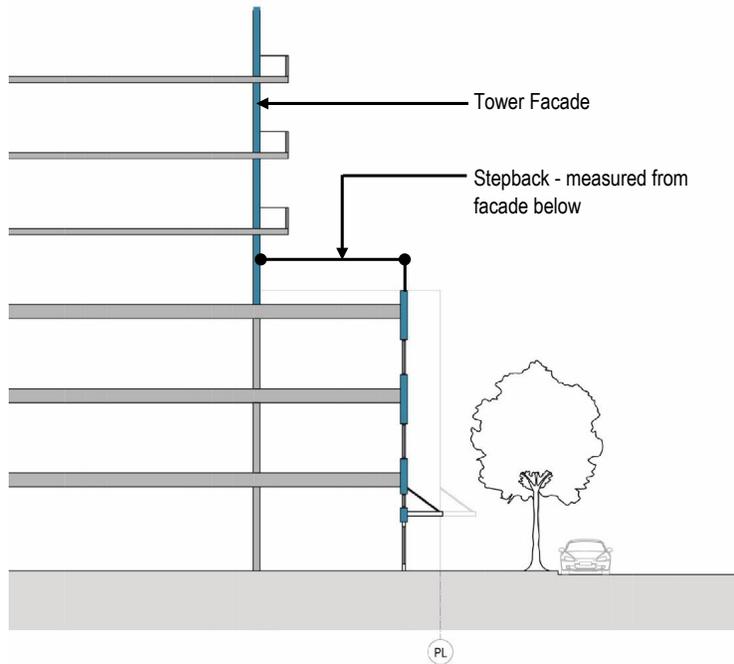
**DT- Point of Interest:** Elements of a building’s façade at the street level or in the streetscape that contribute to the active enrichment of the pedestrian realm and design character of a building. Some examples include permanent public artwork, architectural elements, landscape features, special 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 department.

**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
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**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.

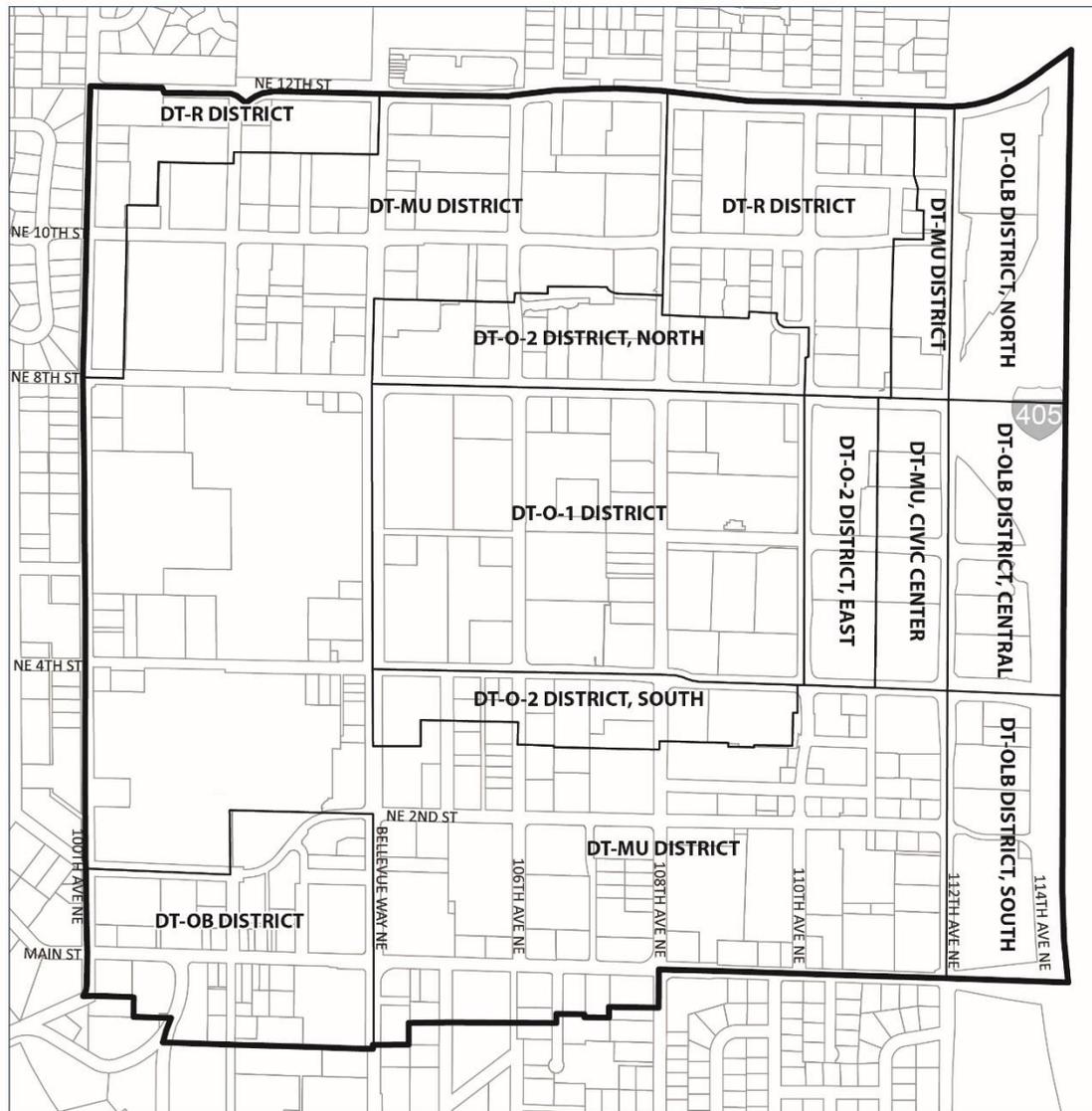
UPDATED to divide DT-O-2 and DT-OLB into 3 smaller districts each. The DT-MU was divided into 2 smaller districts. Renamed Design Districts A and B to Perimeter Overlay Districts A and B. Divided each Perimeter Overlay District into 3 smaller districts. Increased maximum heights in some districts.

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.

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Figure 20.25A.060.A.2



LAND USE DISTRICT CLASSIFICATIONS

LEGEND

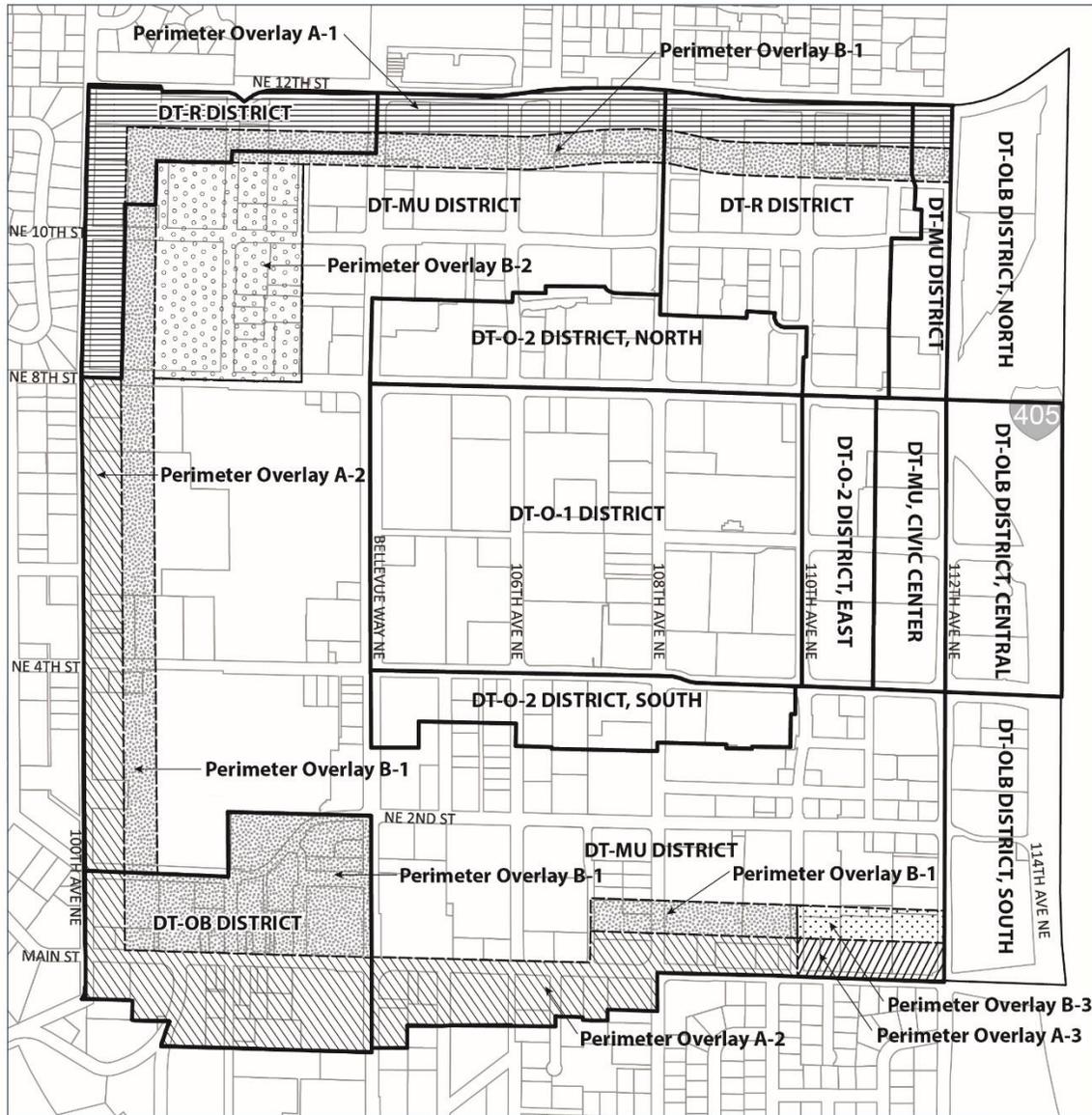
- Land Use District
- Parcels
- Downtown Boundary

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.

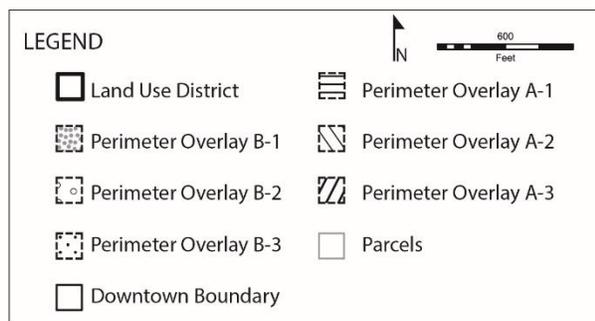
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**Figure 20.25A.060.A.3**

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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 <sup>th</sup> 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 <sup>th</sup> 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 <sup>th</sup>	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

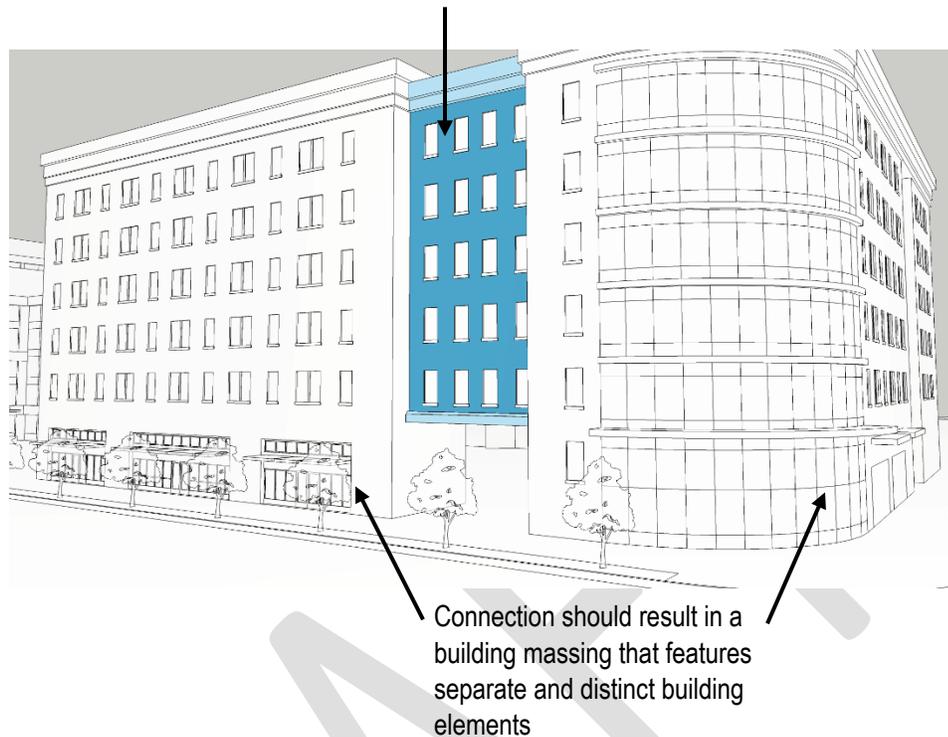
a. Connecting Floor Plates. For structures that do not exceed 70 feet in height (as defined by the International Building Code, as adopted and amended by the City of Bellevue), the Director may approve the connection of floor plates above 40 feet such that those floor plates exceed the "Maximum Building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

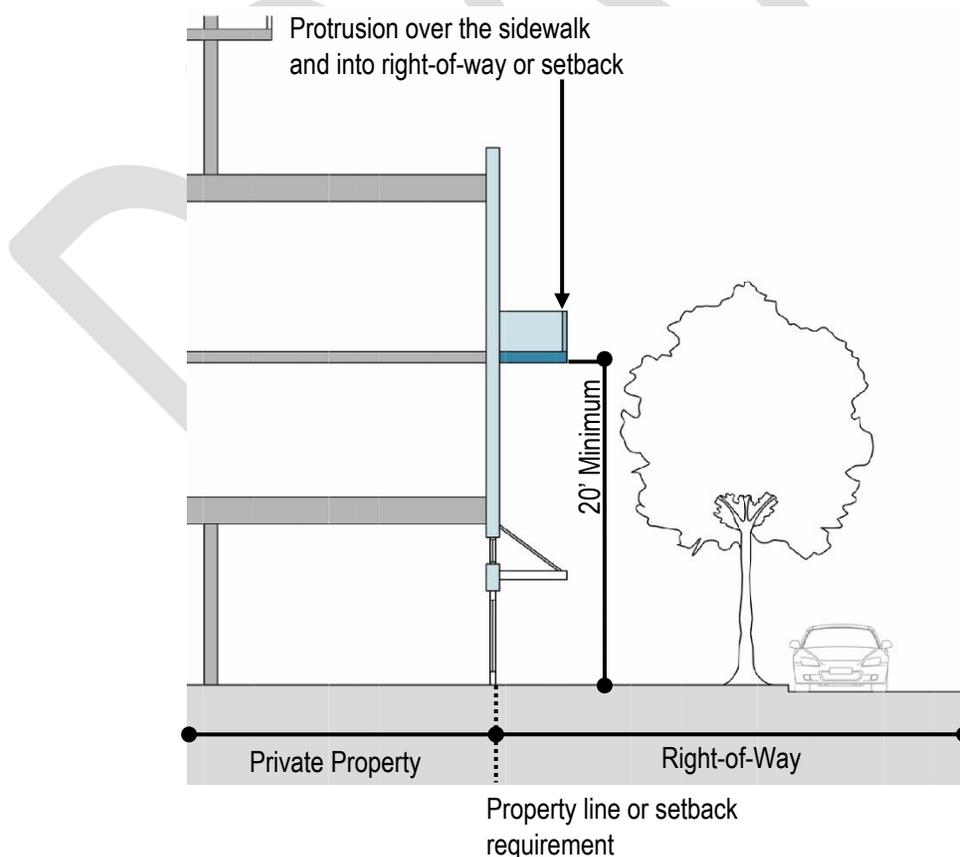
## 2. Intrusions into Required Dimensional Standards.

### 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.

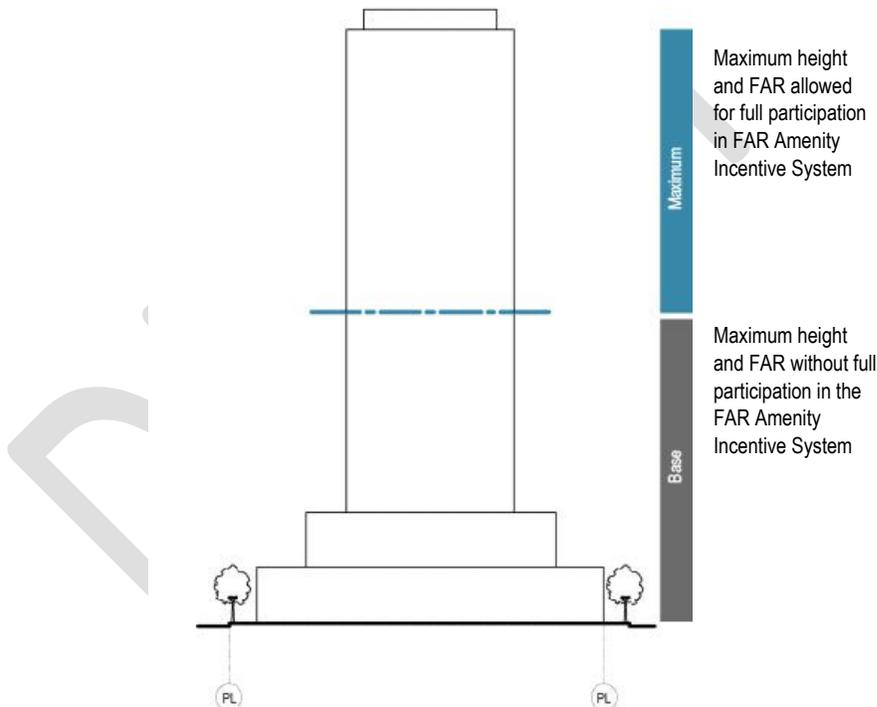
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20.25A.070 Amenity Incentive System and Floor Area Ratio

**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.

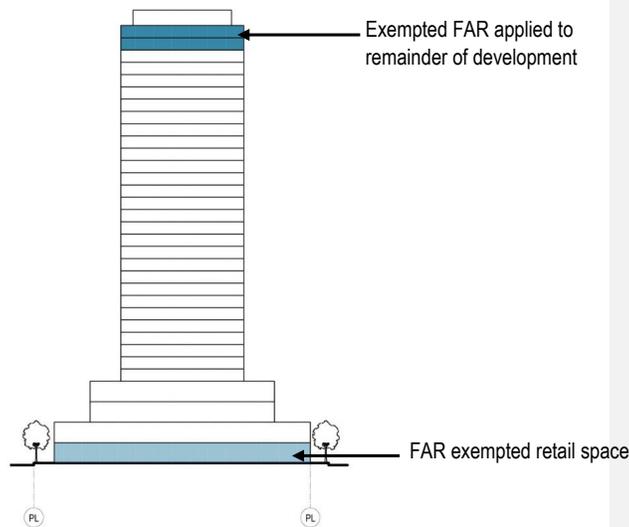
The Director may approve an amenity which complies with subsection D of this section if all the specific amenity system requirements are satisfied and established design criteria for the amenity have been met.

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

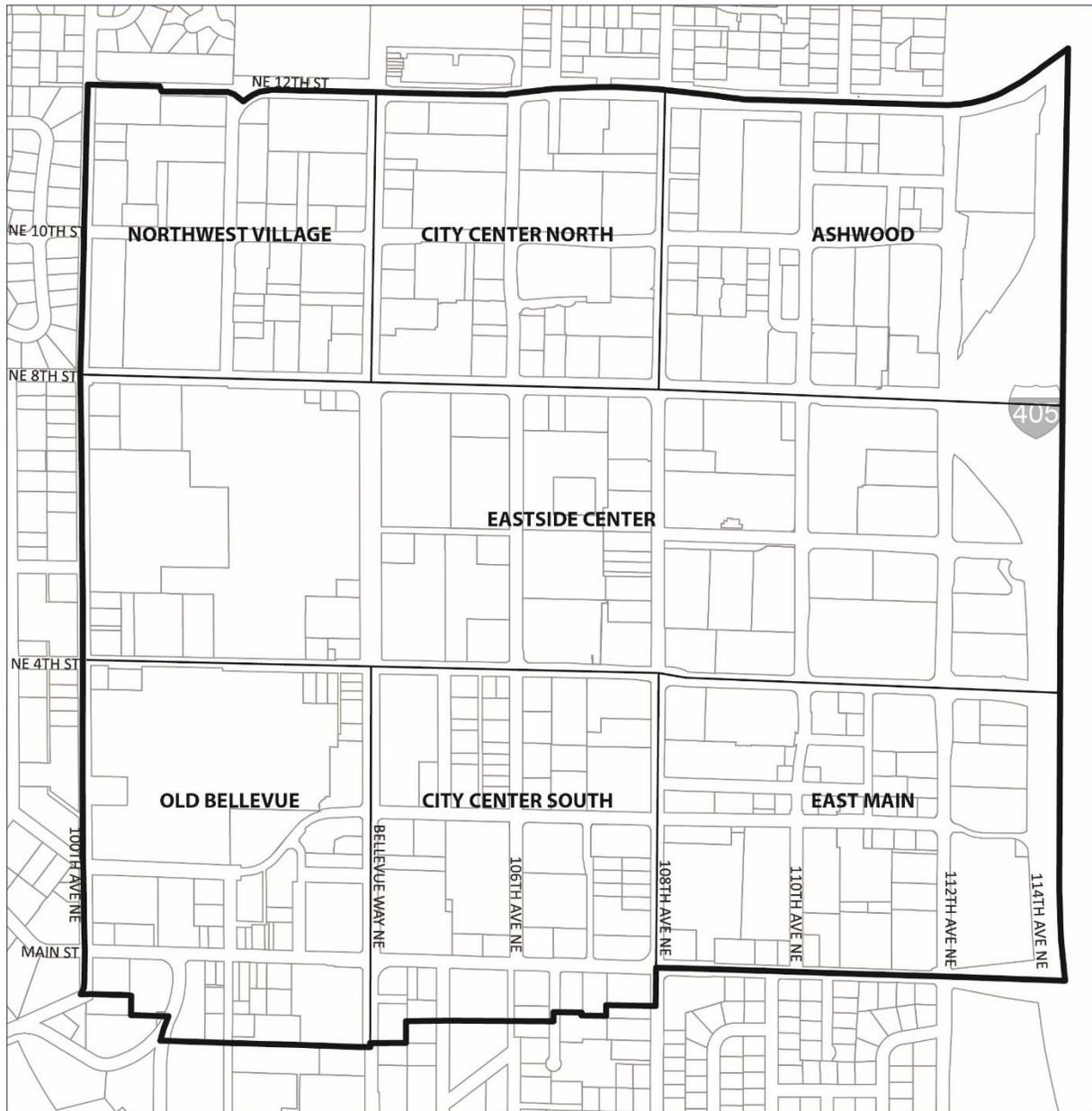
- (3) The converted space shall be retrofit, to the maximum extent feasible, to comply with the requirements of LUC 20.25A.170.B.1 (Pedestrian Corridor / High Streets – A Rights of Way).

**D. Specific Amenity Incentive System Requirements.**

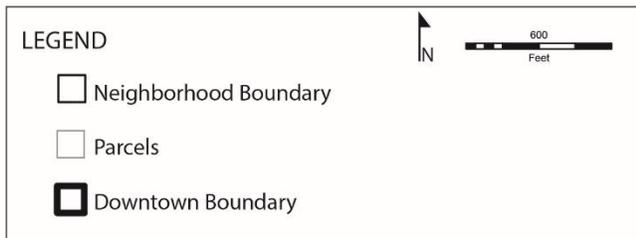
1. Participation in the Amenity Incentive System shall comply with Chart 20.25A.070.D.4, provided below. Amenity bonus rates and applicability will follow Downtown Neighborhood boundaries as shown in Figure 20.25A.070.D.1.

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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
<b>PUBLIC OPEN SPACE FEATURE AMENITIES</b>							
<b>1. Major Pedestrian Corridor and Major Public Open Spaces:</b> 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.						
<b>2. Outdoor Plaza:</b> 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.						
<b>DESIGN CRITERIA:</b> <ol style="list-style-type: none"> <li>1. Pedestrian Corridor and Major Public Open Space improvements must comply with the requirements of LUC 20.25A.090.C+.</li> <li>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.</li> <li>2. Minimum plaza size may be met through the linking of smaller plaza spaces in a cohesive, logical manner with a strong design narrative.</li> <li>3. Minimum seating provided shall be 1 linear foot of seating space per 30 square feet of plaza space.</li> <li>4. A minimum of 20 percent of the area eligible for bonus amenity points in the plaza must be landscaped.</li> <li>5. Plaza amenities to enhance the users experience must be provided, e.g. art and water elements.</li> <li>6. Provide physical and visual access to the plaza from the sidewalk and be located within thirty inches of adjacent sidewalk grade.</li> <li>7. Provide for sense of security to users through well-lit and visible spaces.</li> <li>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.</li> <li>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.</li> </ol>							

**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.						
<b>3. Donation of Park Property:</b> 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.  <b>DESIGN CRITERIA:</b> 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						
<b>4. Improvement of Public Park Property:</b> 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.  <b>DESIGN CRITERIA:</b> 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.						
<b>5. Enhanced Streetscape:</b> 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.  <b>DESIGN CRITERIA:</b> 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
<b>6. Active Recreation Area:</b> 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. <b>DESIGN CRITERIA:</b> 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.						
<b>7. Enclosed Plaza:</b> 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. <b>DESIGN CRITERIA:</b> 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><b>8. Alleys with Addresses:</b> 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><b>DESIGN CRITERIA:</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>2. May not be enclosed.</li> <li>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.</li> <li>4. Alley frontage must meet guidelines for C Rights-of-Way, Mixed Streets in LUC 20.25A.170.B.</li> <li>5. Residential use must provide a strong connection to the alleyway through the use of patios or stoops.</li> <li>6. Must provide pedestrian scaled lighting.</li> <li>7. Must provide signage to show open to the public and the hours.</li> <li>8. Automobile access and use shall be secondary to pedestrian use and movement.</li> <li>9. Must meet design guidelines at LUC 20.25A.170.C.</li> <li>10. Square footage for purposes of calculating amenity points shall not include vehicle or loading drive surfaces.</li> </ol>							
<p><b>OTHER AMENITIES</b></p>							
<p><b>9. Freestanding canopies at street corners and transit stops (non-building weather protection)</b></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><b>DESIGN CRITERIA:</b> 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><b>10. Pedestrian bridges:</b> 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><b>DESIGN CRITERIA:</b></p> <ol style="list-style-type: none"> <li>1. This bonus shall apply only to pedestrian bridges meeting the location and design criteria of LUC 20.25A.100.</li> <li>2. Bridge must connect to upper level Active Uses on both sides to qualify for bonus.</li> </ol>							
<p><b>11. Performing Arts Space:</b> 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><b>DESIGN CRITERIA:</b> This bonus shall apply only to performing arts spaces that are less than 10,000 square feet.</p>							
<p><b>12. Public Art:</b> 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><b>DESIGN CRITERIA:</b>                      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><b>13. Water Feature:</b> 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><b>14. Historic Preservation of Physical Sites/Buildings:</b>                      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><b>DESIGN CRITERIA:</b>                      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><b>15. Historic and Cultural Resources Documentation:</b>                      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><b>DESIGN CRITERIA:</b>                      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><b>16. Neighborhood Serving Uses:</b> 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><b>17. Sustainability Certification:</b> 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><b>DESIGN CRITERIA:</b></p> <ol style="list-style-type: none"> <li>1. Bonusable neighborhood serving uses include child care, community meeting rooms, or non-profit space,</li> <li>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.</li> <li>3. The floor area delineated for these uses will be required to remain dedicated to Neighborhood Serving Uses for the life of the project.</li> <li>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.</li> <li>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.</li> <li>6. Tenant spaces must remain open to the public and may not require fees or admissions to enter.</li> <li>7. Spaces must provide visual access from the street.</li> </ol> <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><b>DESIGN CRITERIA:</b></p> <ol style="list-style-type: none"> <li>1. Buildings shall meet minimum criteria for LEED, Built Green or Living Building Challenge certification in chosen category.</li> <li>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.</li> </ol>						
<p><b>FLEXIBLE AMENITY</b></p>							
<p><b>18. Flexible Amenity:</b> 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><b>DESIGN CRITERIA:</b></p> <ol style="list-style-type: none"> <li>1. Bonus proposal must be approved by City Council through a Legislative Departure and Development Agreement.</li> <li>2. Proposed bonus must have merit and value to the community.</li> <li>3. Proposed bonus must be outside of the anticipated amenity bonus structure.</li> <li>4. Proposed bonus shall not be in conflict with existing Land Use Code regulations.</li> </ol>						

**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.



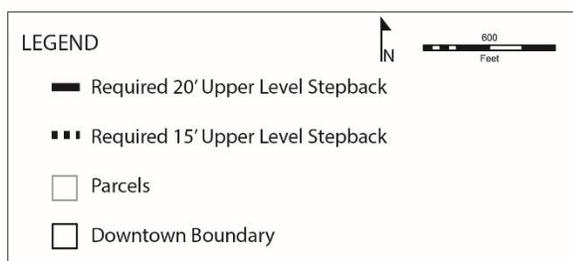
- a. Such stepback is not feasible due to site constraints, such as a small or irregularly shaped lot;  
or
- b. The modification is necessary to achieve design elements or features encouraged in the design guidelines of 20.25A.140-.180, and the modification does not interfere with preserving view corridors. 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.

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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

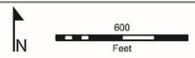
Figure 20.25A.090.A.1



DOWNTOWN SIDEWALK DIMENSIONS

LEGEND

- Pedestrian Corridor
- 16' sidewalk width
- Parcels
- 20' sidewalk width
- ... 12' sidewalk width
- Downtown Boundary



**20.25A.090A.1 Plate A**

**PLATE A - Downtown Bellevue Planter Strip/Tree Pits Required**

<b>East-West</b>	<b>Planter Strip/Tree Pits</b>
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
<b>North-South</b>	
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 108<sup>th</sup> 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 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.

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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.

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**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

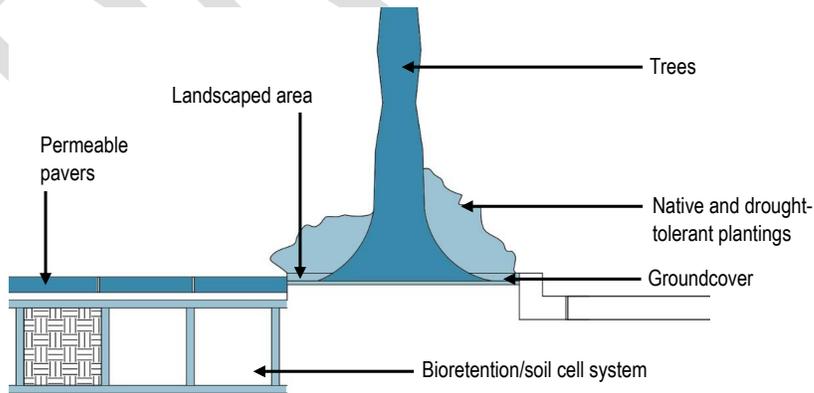
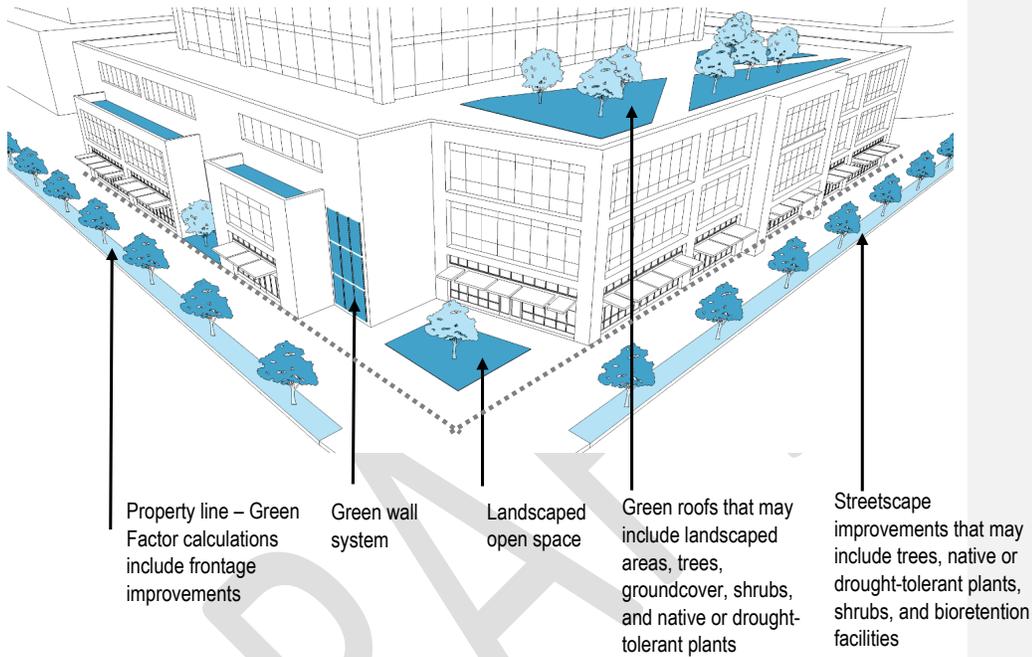
	<del>8. Preservation of Existing Evergreen Trees Bonus. Existing evergreen trees proposed for this bonus shall be calculated at 20 square feet per inch d.b.h. and shall have a minimum diameter of 6 inches at d.b.h.</del>	<del>0.1</del>
	89. Shrubs or Large Perennials. Shrubs or large perennials that are taller than 2 feet at maturity shall be calculated at 12 square feet per plant.	0.4
	<del>9</del> 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
	<del>10</del> 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
	<del>11</del> 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		
	<del>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.</del>	<del>0.2</del>
	<del>2</del> 1. Green Wall System. Façade or wall-structural surface planted with a green wall system. <del>with</del> A year-round irrigation and maintenance plan <del>calculated with an estimate of 3 years' growth shall be provided.</del>	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.

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**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**

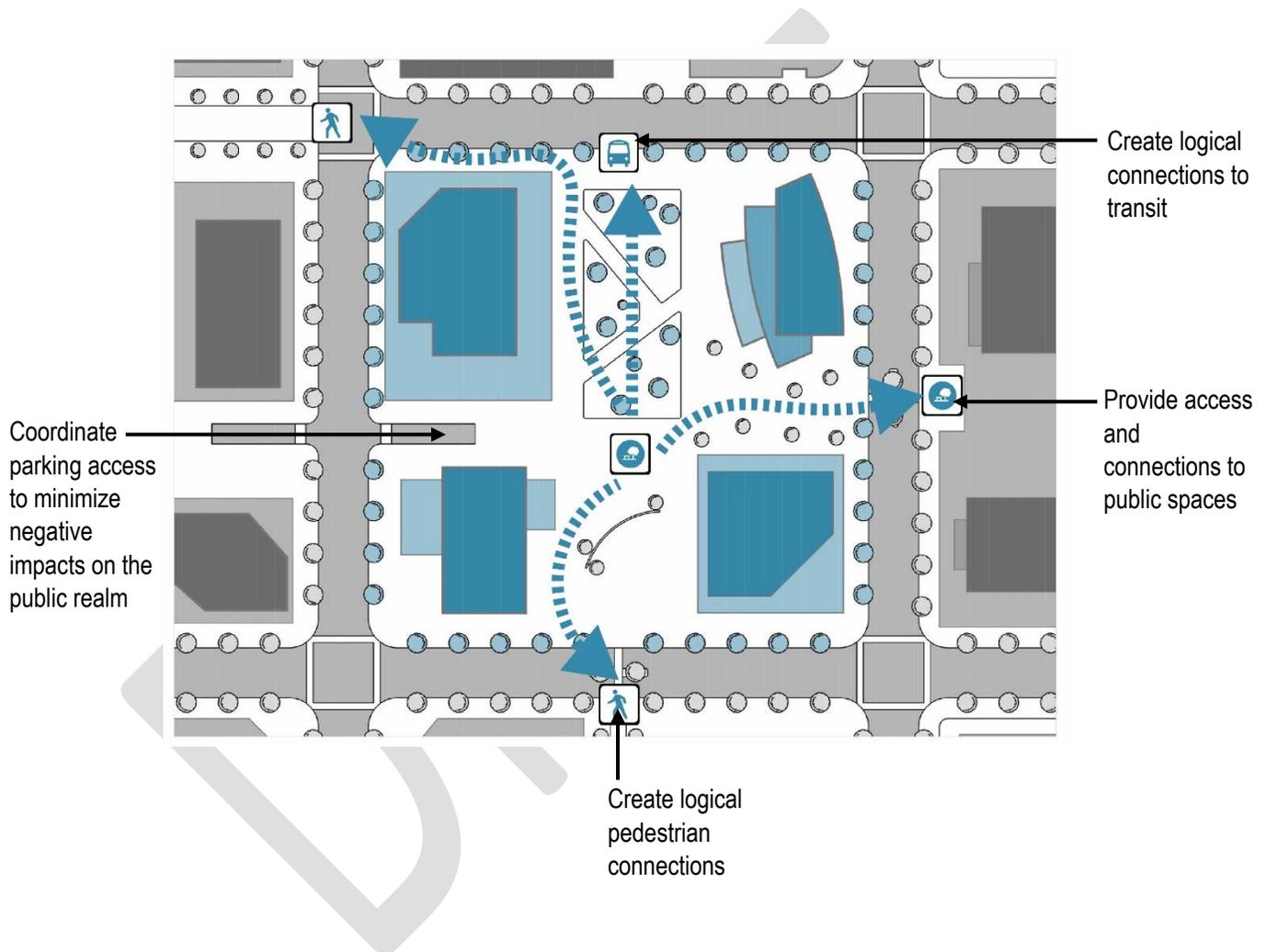
1. Intent. Publicly accessible open spaces including Outdoor Plazas, Major Pedestrian Open Spaces and Minor Publicly Accessible Spaces are provided for public enjoyment and are an area of respite for those who live and work in the area. Publicly accessible open spaces provide numerous benefits for people 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.

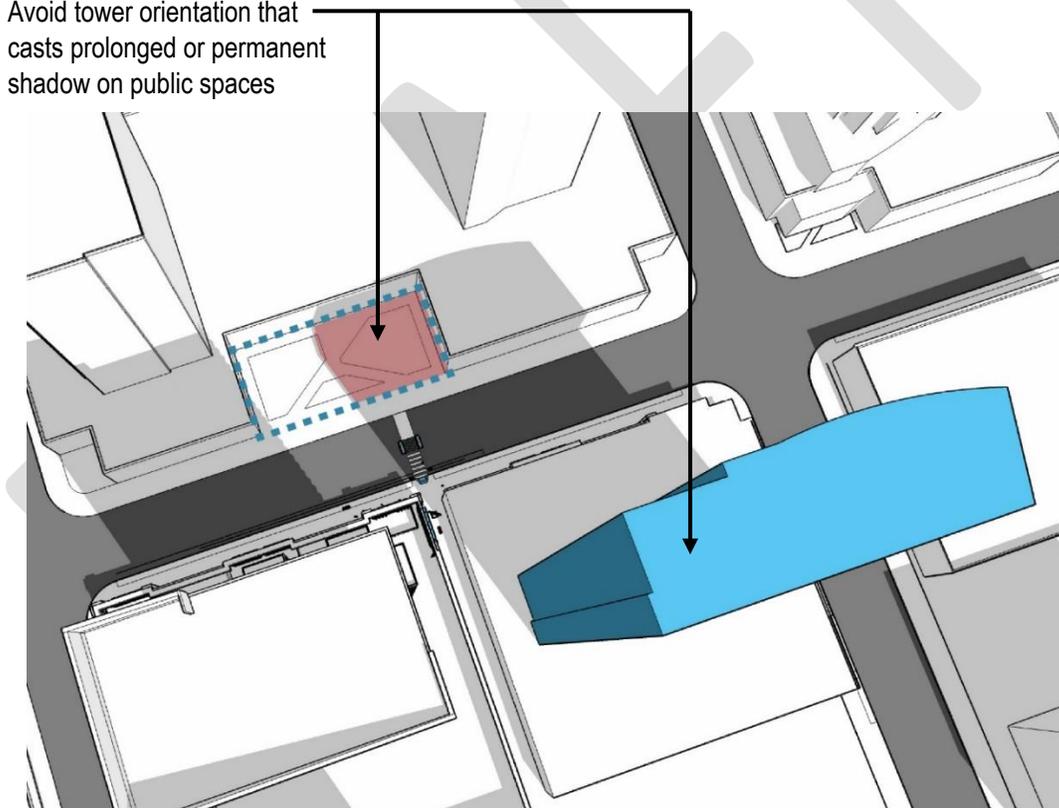
**D. Emphasize Gateways**

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.

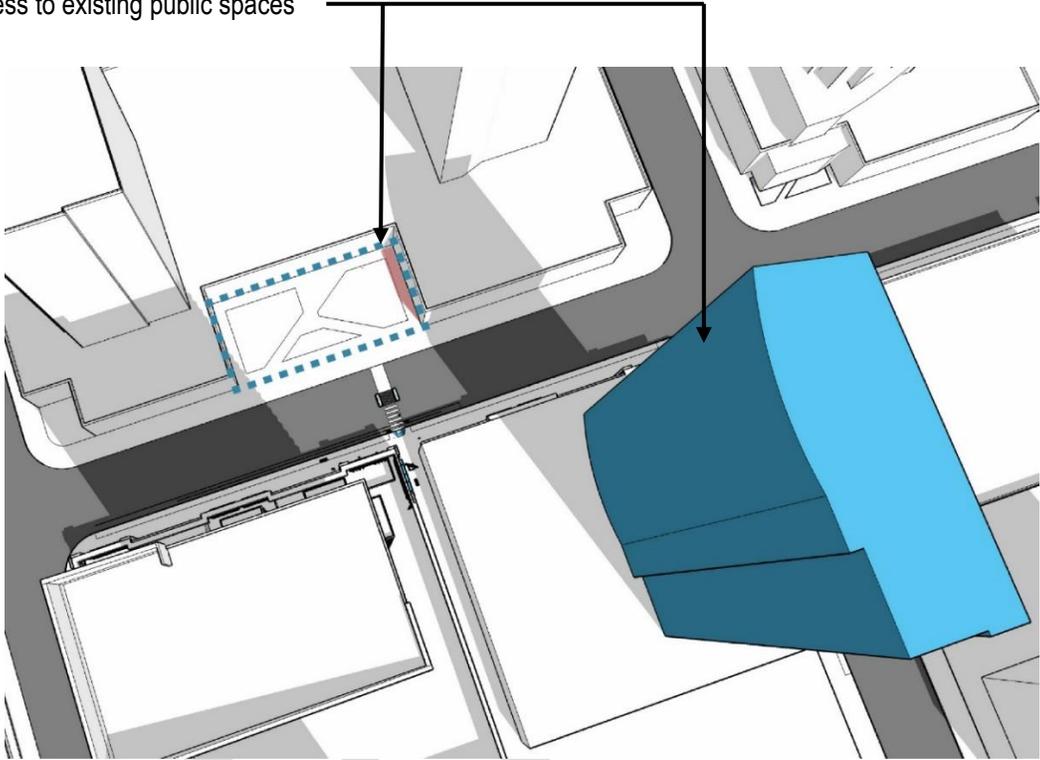
**E. Maximize Sunlight on Surrounding Area**

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



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**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

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

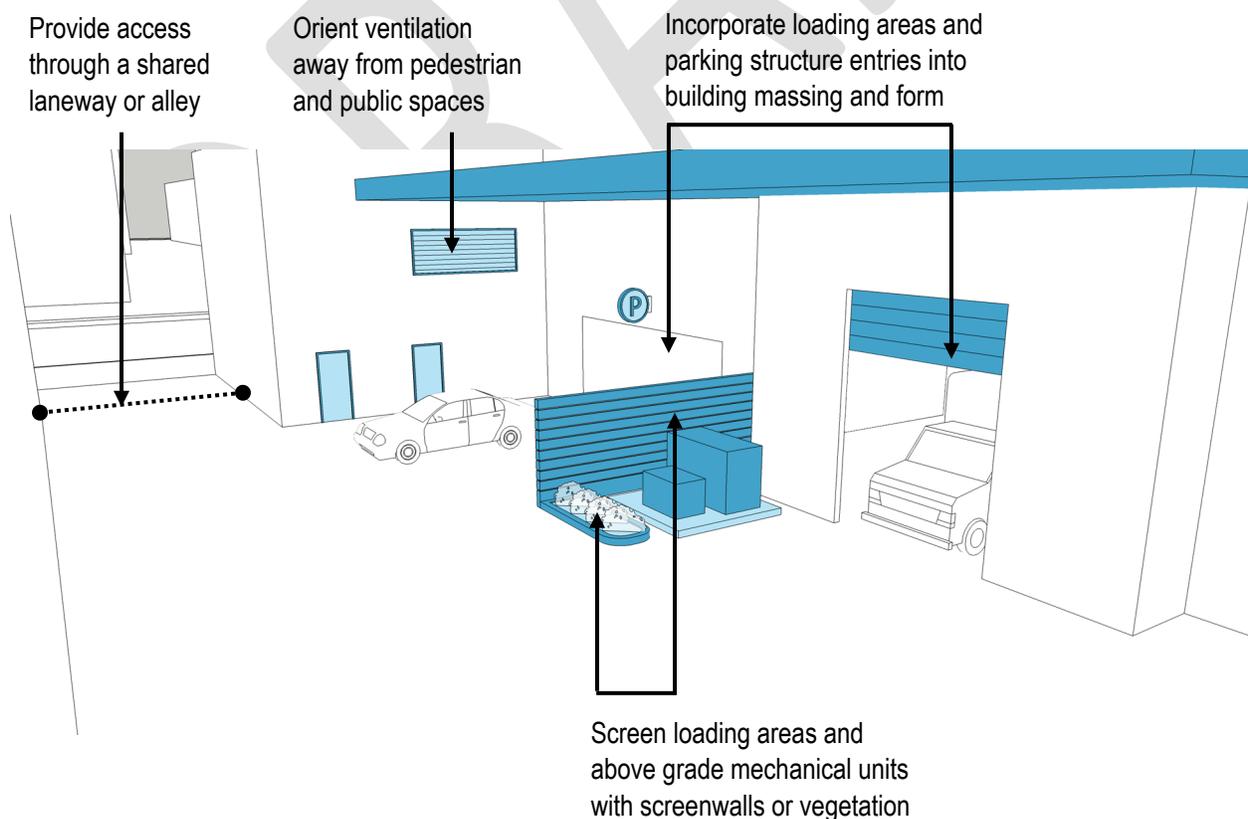
iv. Walkways should be placed to provide pedestrian access from the public sidewalk to the building entry without requiring pedestrians to walk in the driveway or come into conflict with vehicles;

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;

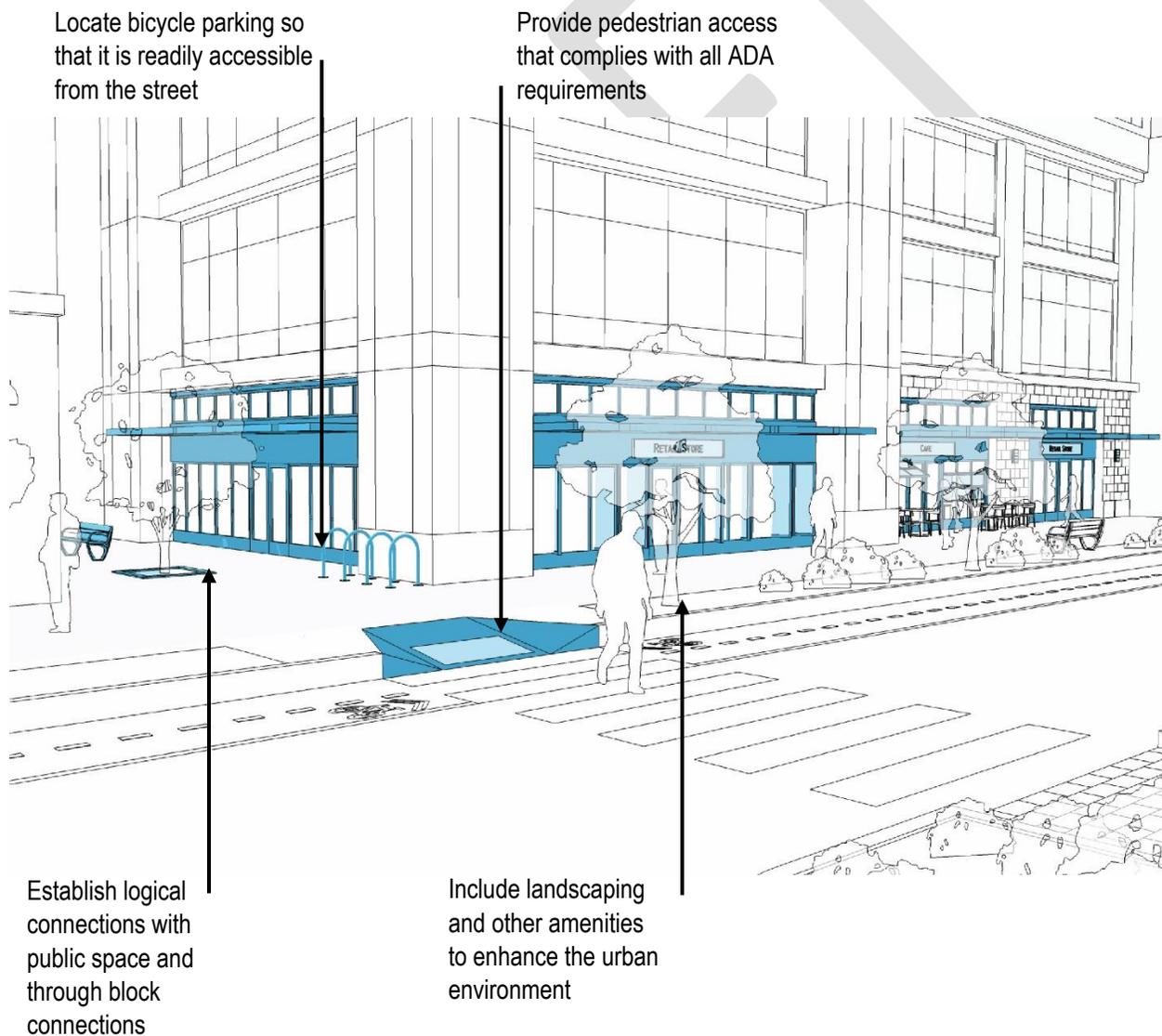
vii. If private bus activity is anticipated, provide an off-street passenger loading area for this size of a vehicle. Passenger loading functions may not take place in the public right-of-way; and

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

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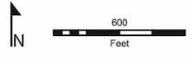
Figure 20.25A.160.D.1



**DOWNTOWN THROUGH-BLOCK CONNECTIONS**

**LEGEND**

- Through-Block Connections
- Parcels
- Downtown Boundary

IN 

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;

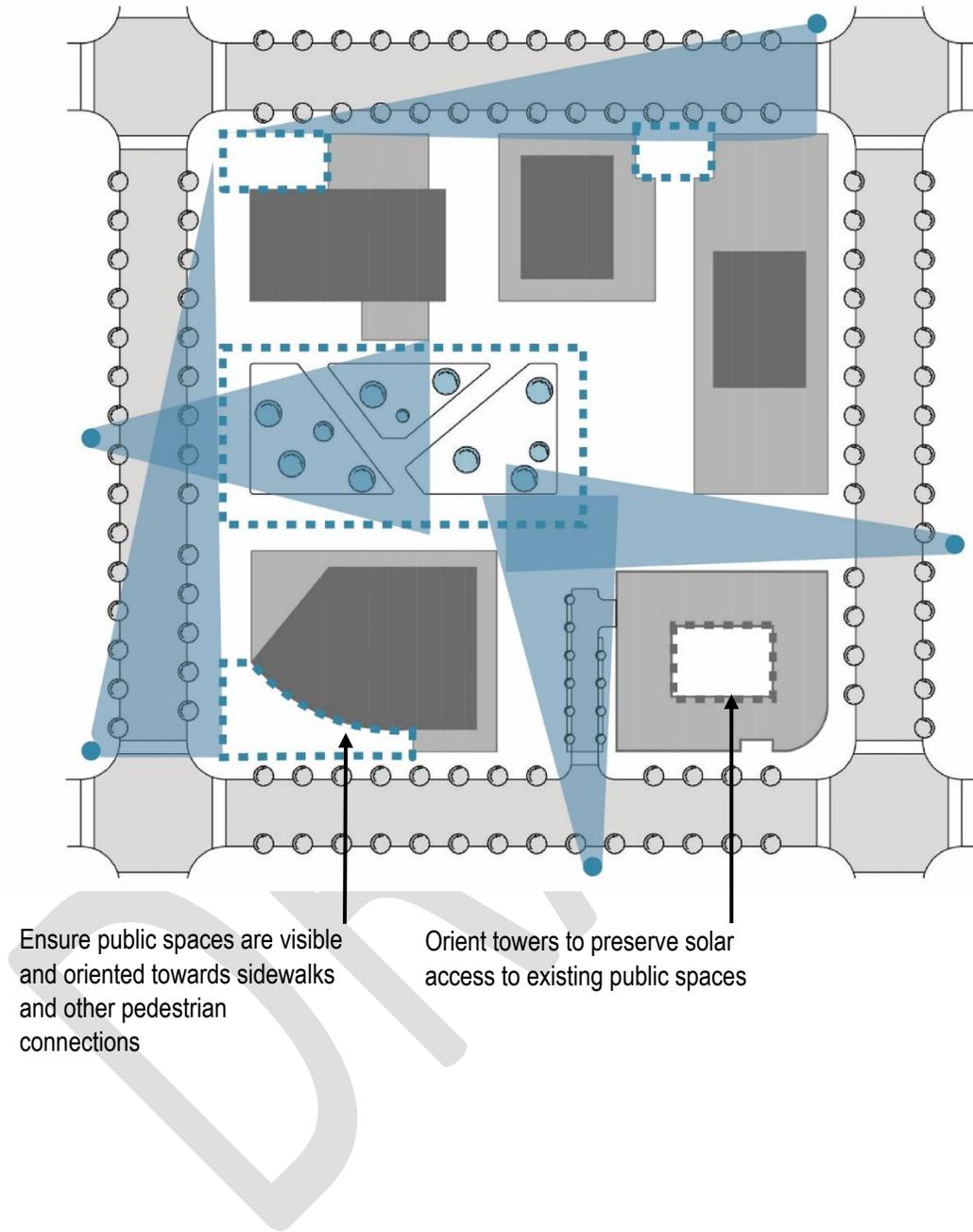
- i. Incorporate trees and landscaping to provide enclosure and soften the experience of the built environment;
- j. The use of artistic elements and water features is encouraged to provide moments of interest for the user;
- k. Provide access that complies with the Americans with Disabilities Act, additional 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.



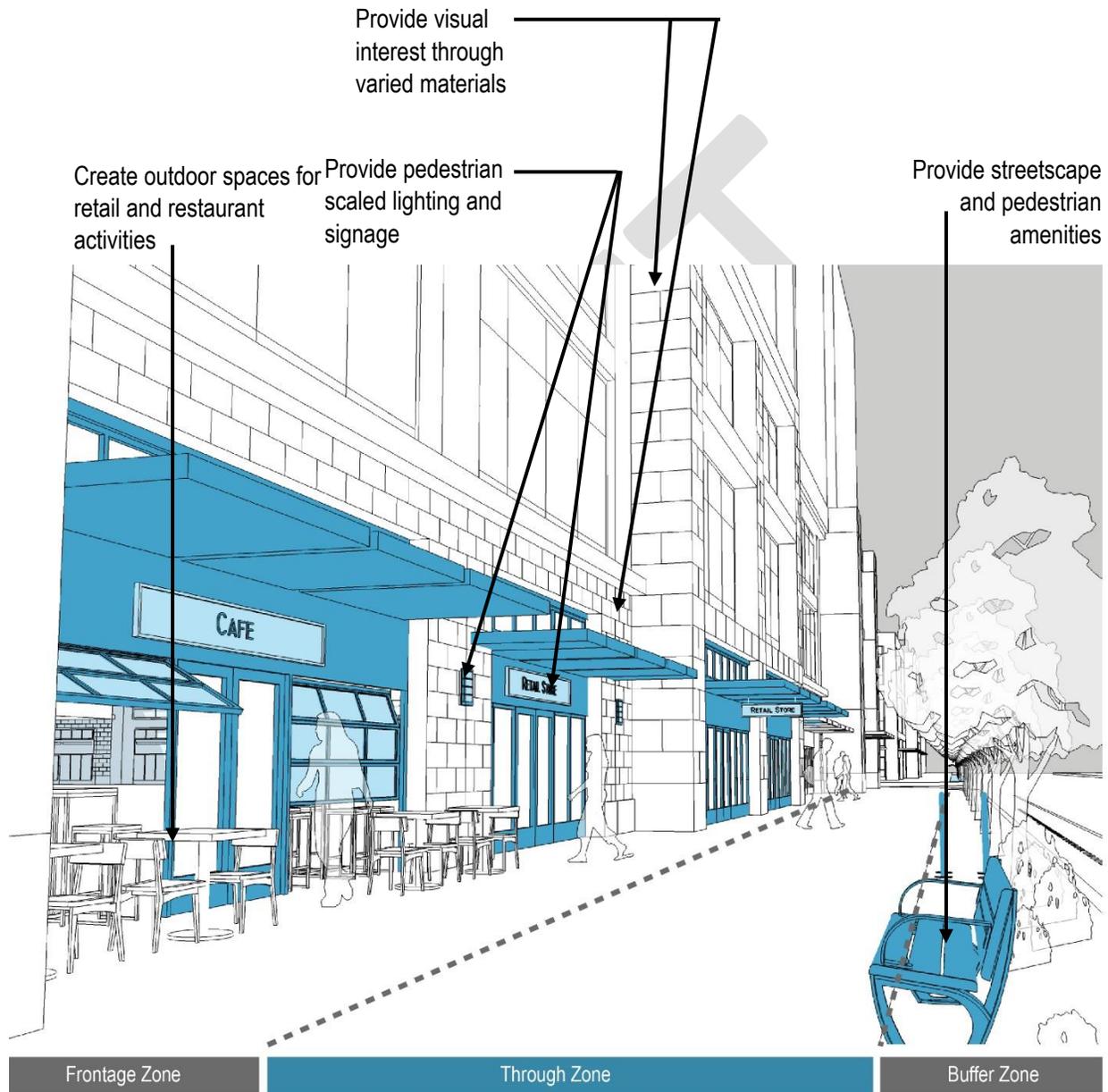
Ensure public spaces are visible and oriented towards sidewalks and other pedestrian connections

Orient towers to preserve solar access to existing public spaces

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

## 1 Define the Pedestrian Environment.

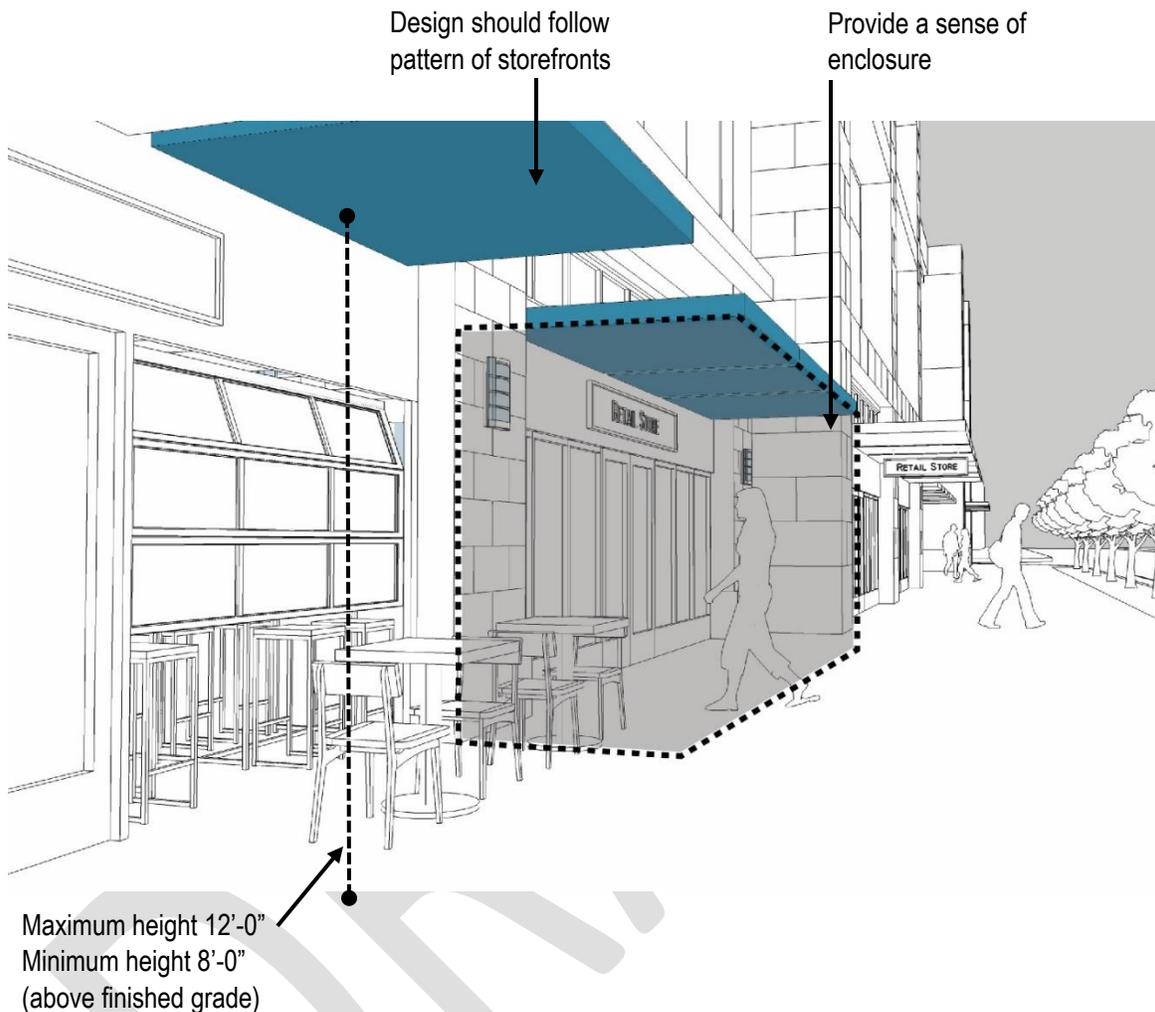
- a. Intent. A building should provide a continuous, visually rich pedestrian experience along its ground-floor or second floor street front where active uses are present
- b. Guidelines.
  - i. The most important part of a building to a pedestrian is its ground floor which a person experiences walking 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 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.

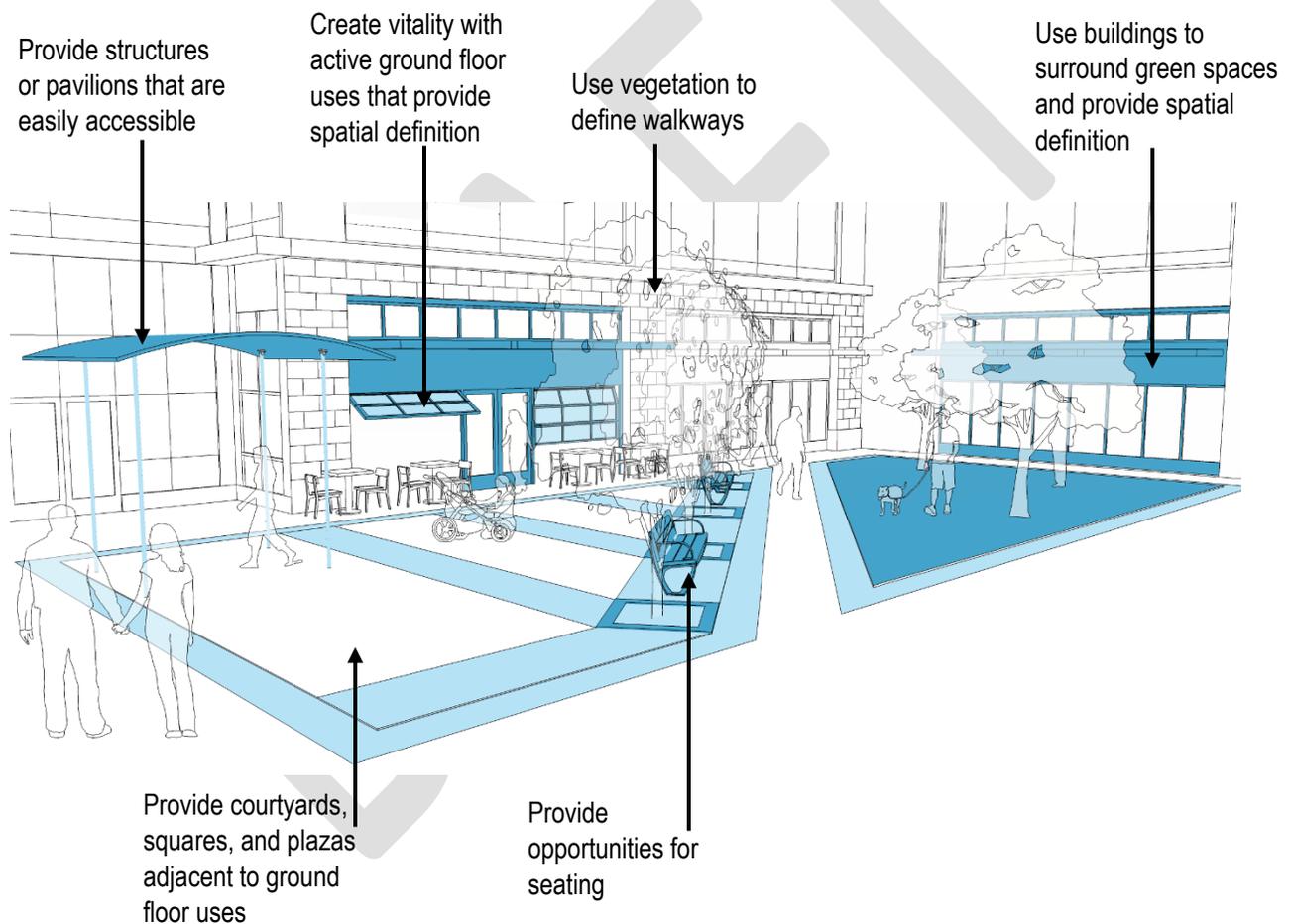
- i. Weather protection along the ground floor of buildings should protect pedestrians from rain and provide shade in summer, but allow some daylight penetration;
- ii. The design of weather protection should be an integral component of the building façade;
- iii. Weather protection should be in proportion 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.

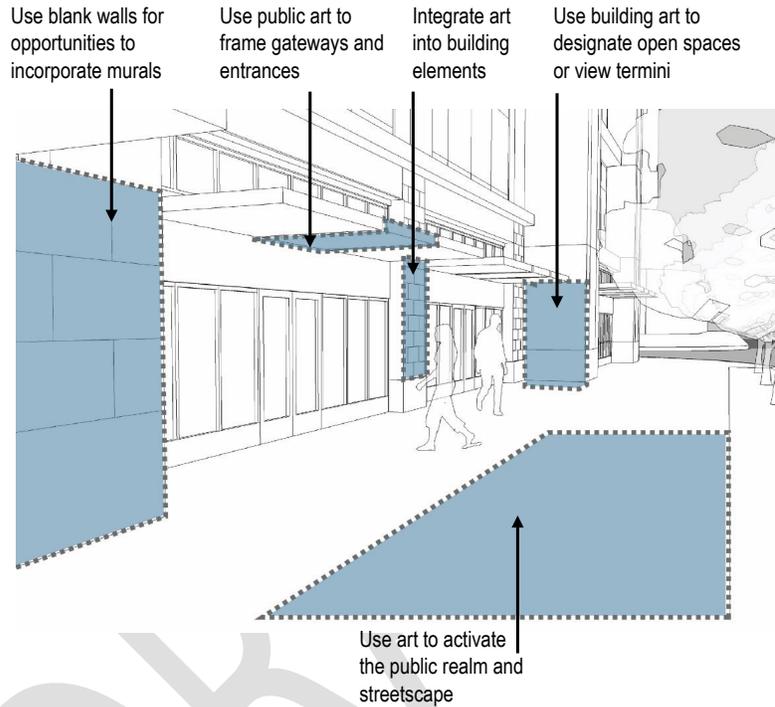
- iv. Use buildings to surround green spaces and give the space visual definition. Vitality can be generated by active ground floor uses and programming within the space;
- v. Use trees, shrubs, and plants to help define walkways, create transitions from open spaces to the street, and provide visual 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.

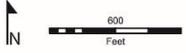
Comment [HC84]: MOVED from Design Guideline Building/Sidewalk Relationships IV.E and UPDATED in response to CAC Recommendations and Updated Comprehensive Plan.

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

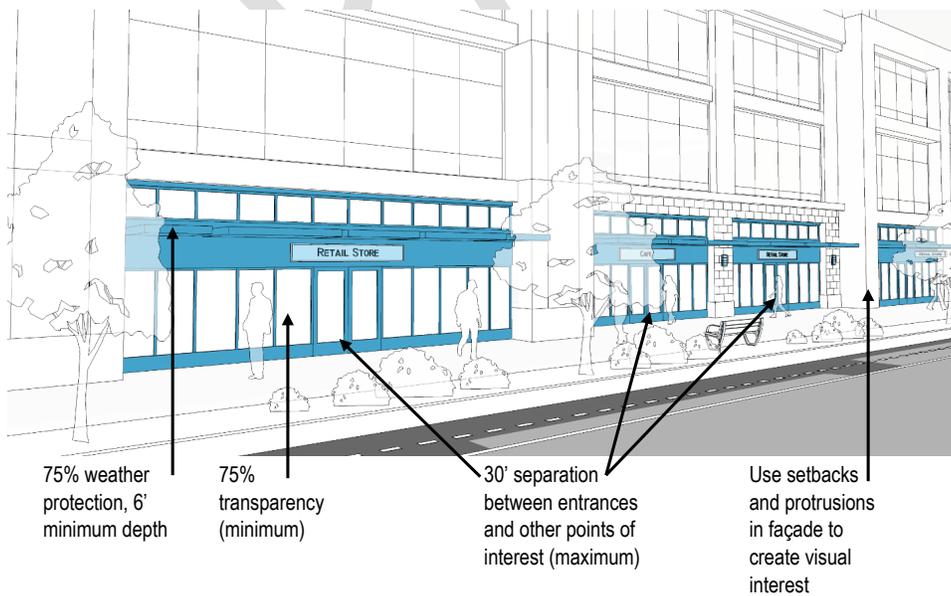
1. Pedestrian Corridor / High Streets - A Rights-of-Way

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

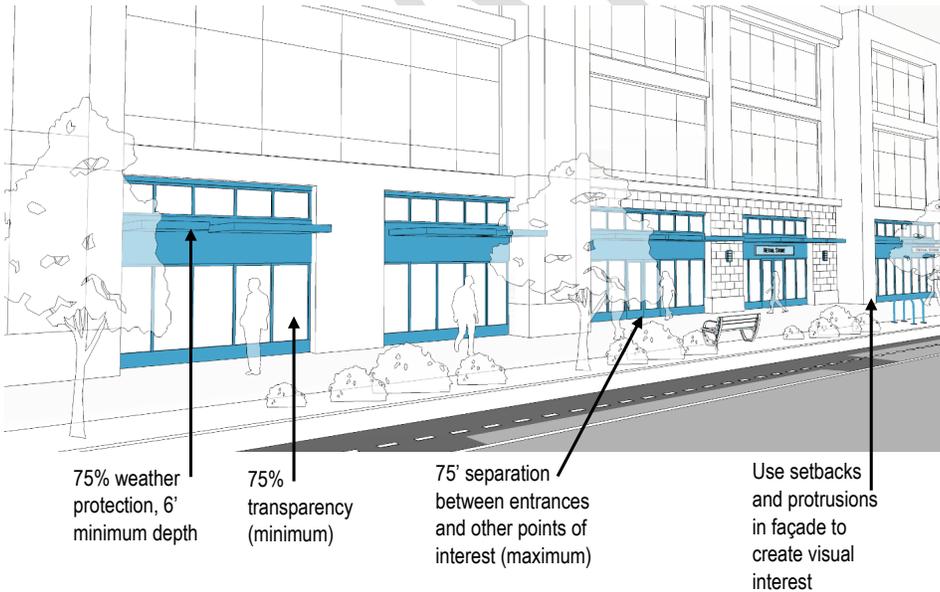
3. Mixed Streets - C Rights-of-Way

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.

20.25A.170 126

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.

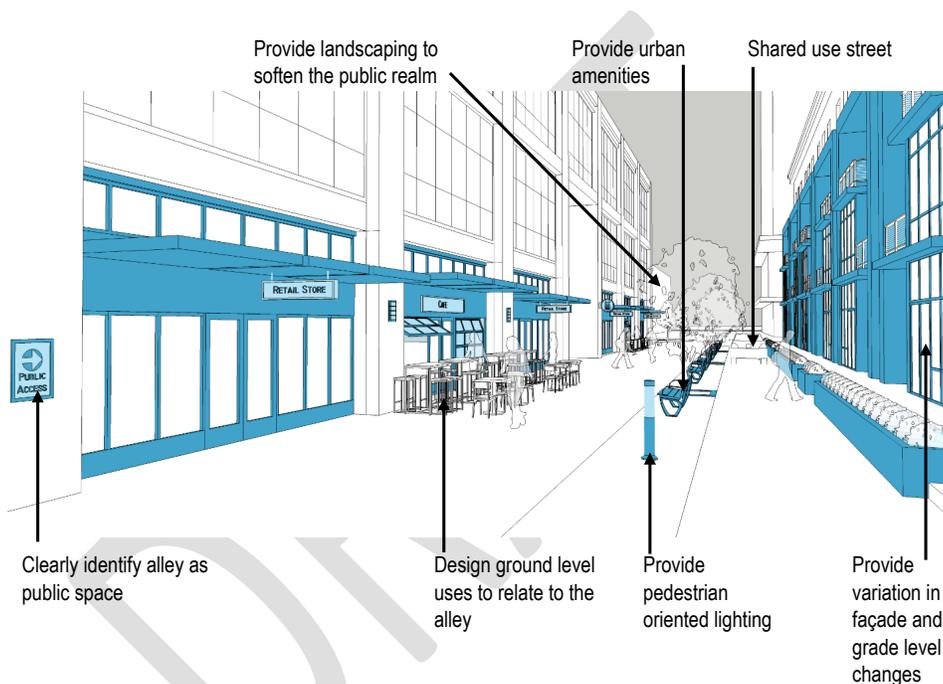
## 2. Standards

- 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)

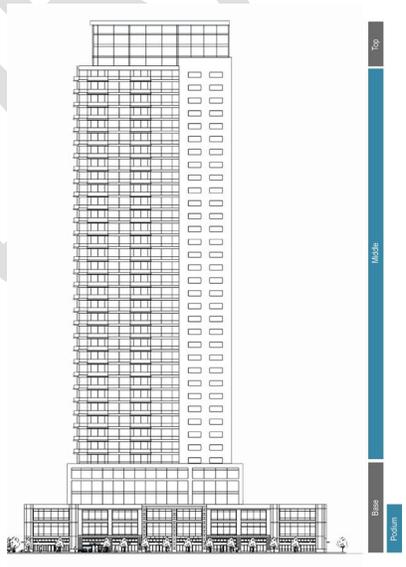
Comment [HC93]: NEW – Incorporated CAC Recommendations, Updated Comprehensive Plan Policy direction and Design Criteria from LUC 20.25A.110, and aligned with BelRed code organization (LUC 20.25D.150). Improves Land Use Code Consistency and Ease of Use.

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.

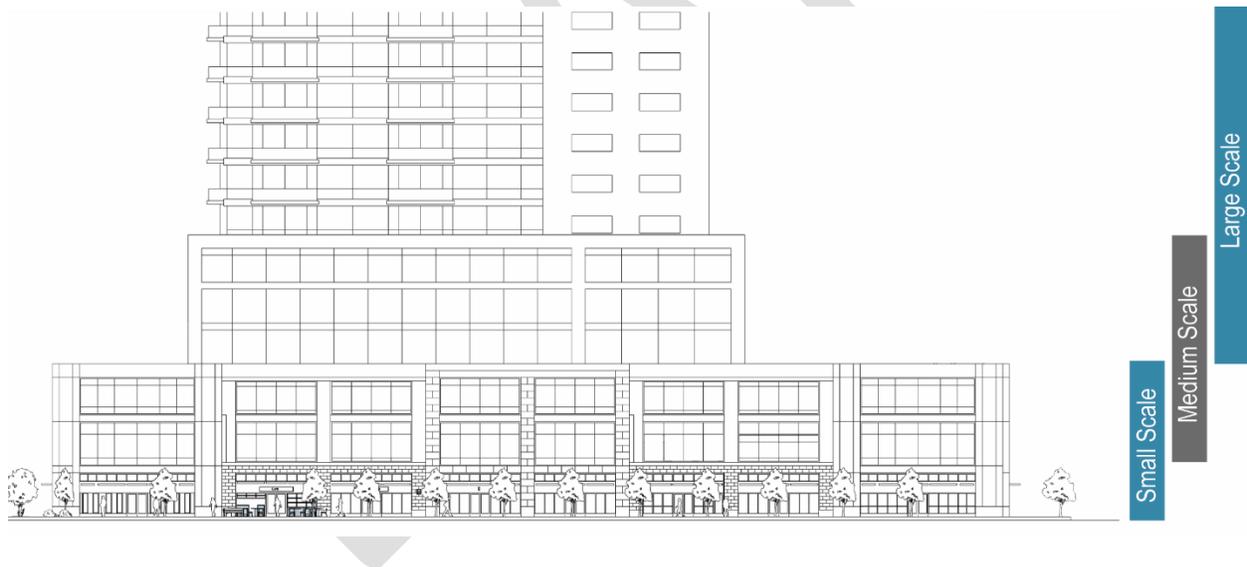
i. The length and breadth of a building should be pedestrian-scaled. Portions of a large building mass should be broken into smaller, appropriately scaled modules, with changes in plane indicated by bold projections and recesses. This results in larger elevations being reduced to human scale;

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.

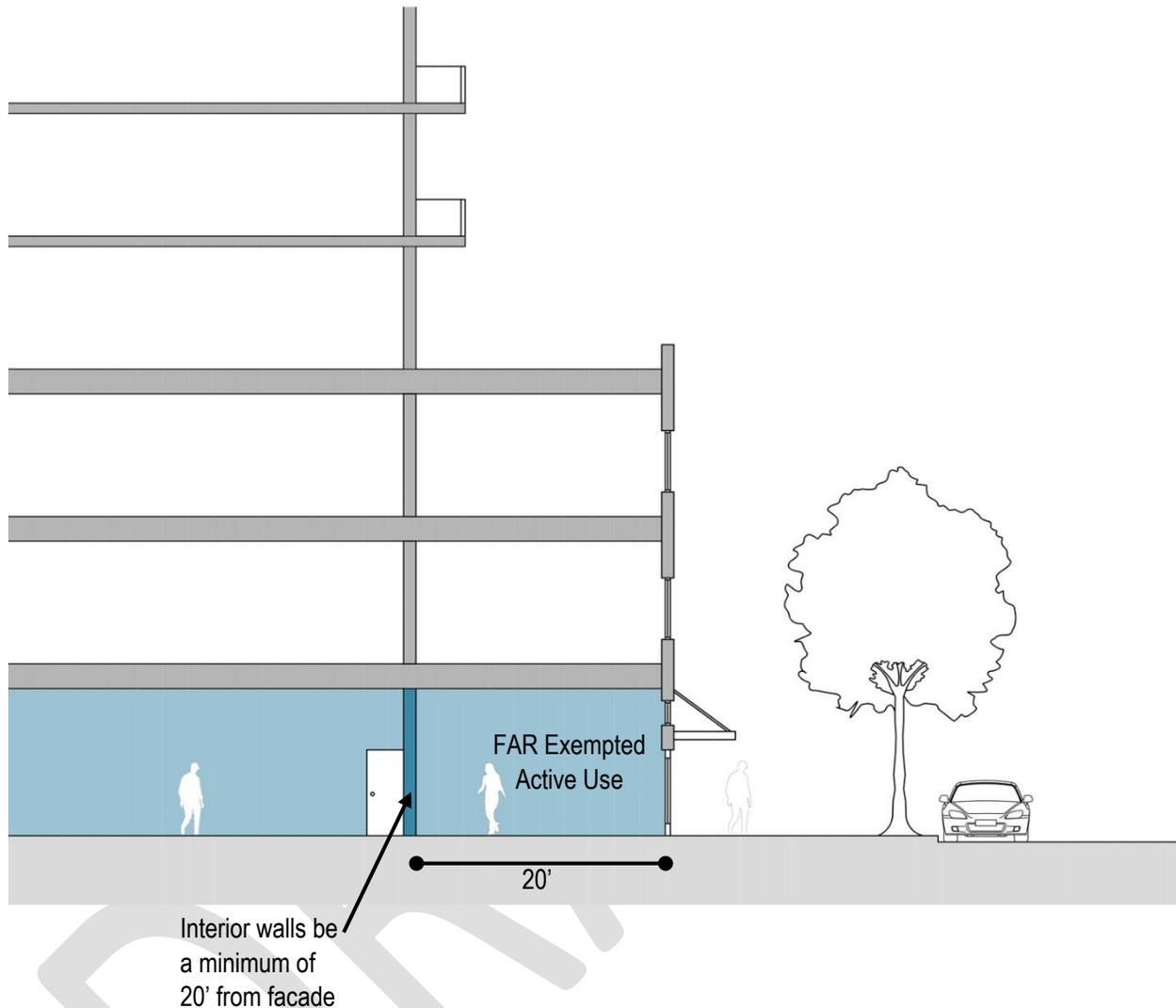
### 2. Guidelines.

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)**

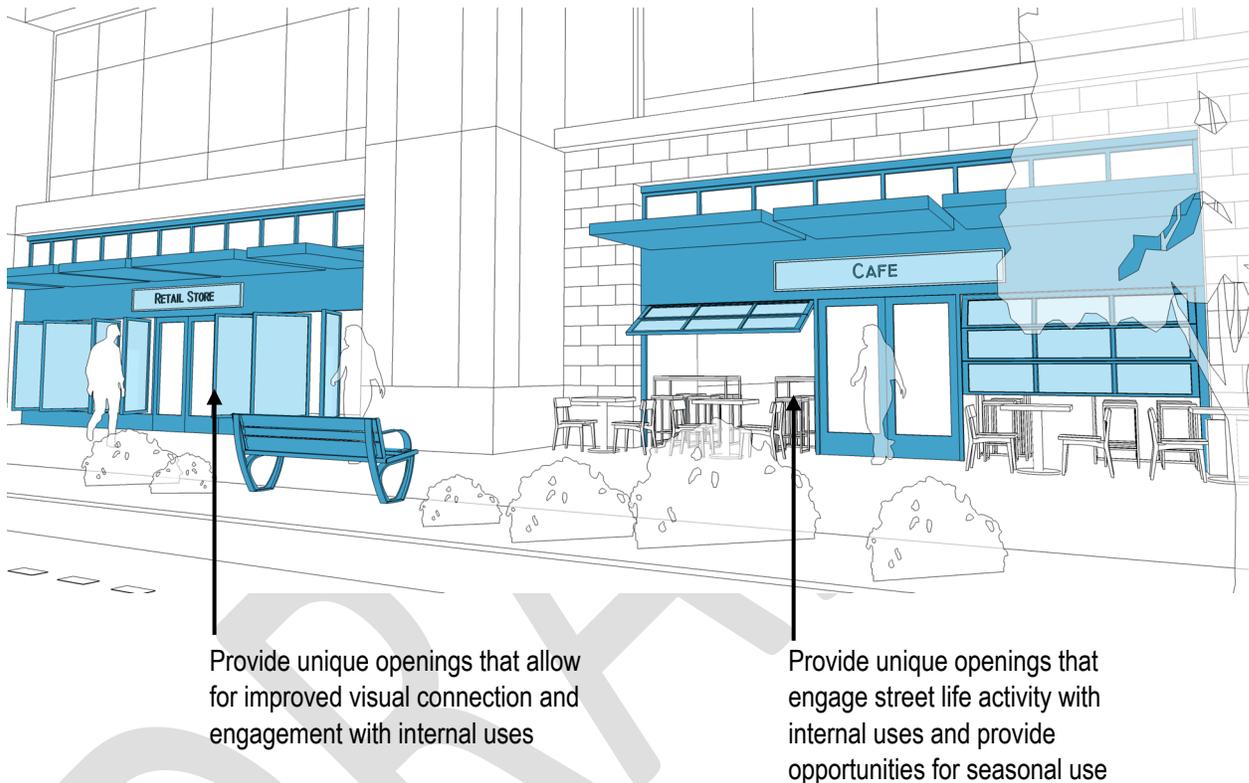
1. Introduction. The role of the building base is to relate tall buildings to the human scale and fit harmoniously within the existing or planned street wall context; define the edges of adjacent streets, parks, and open space in good proportion; and maintain access to sunlight for pedestrians, open 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.



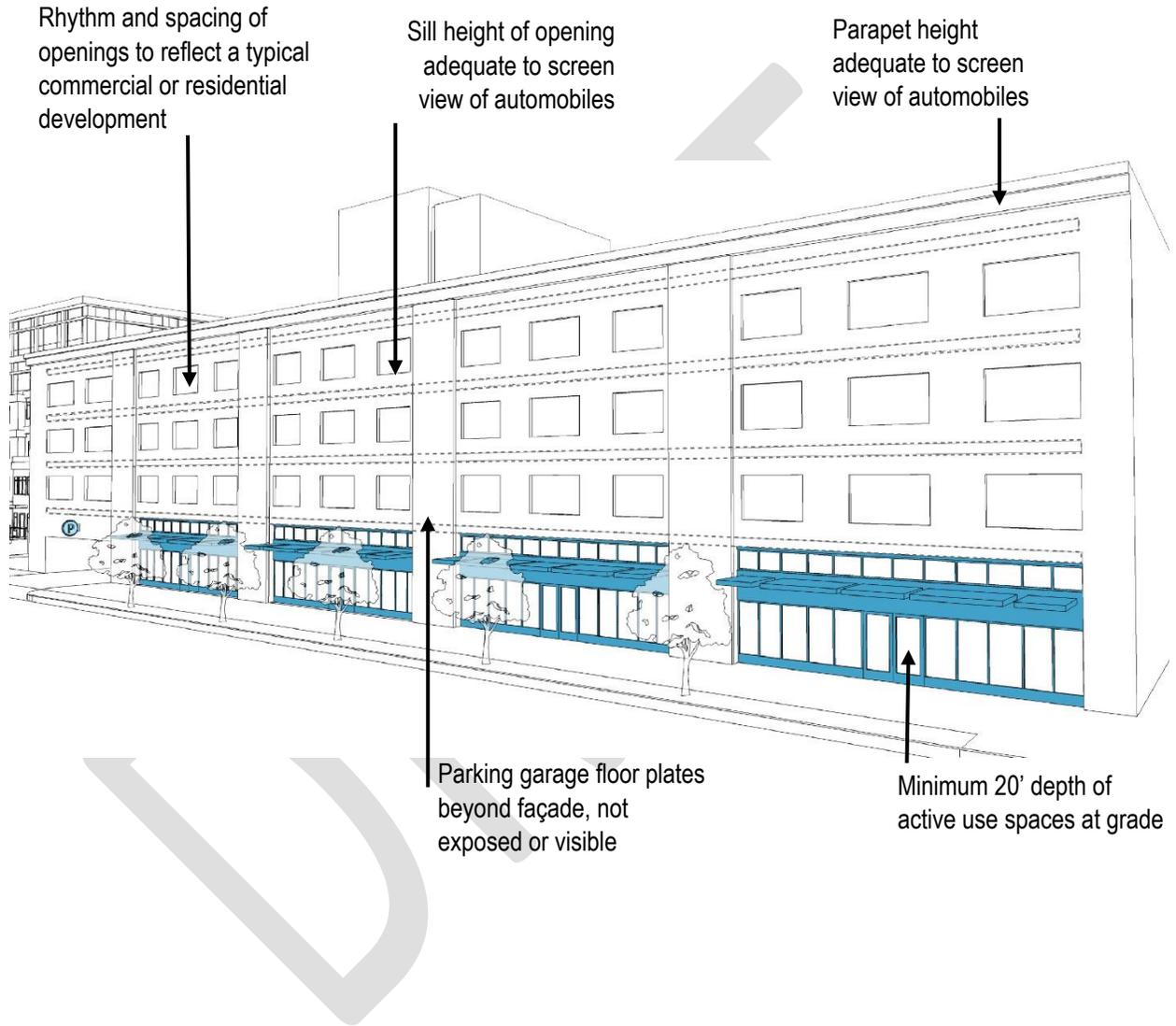
### 3. Encourage Retail Corner Entries.

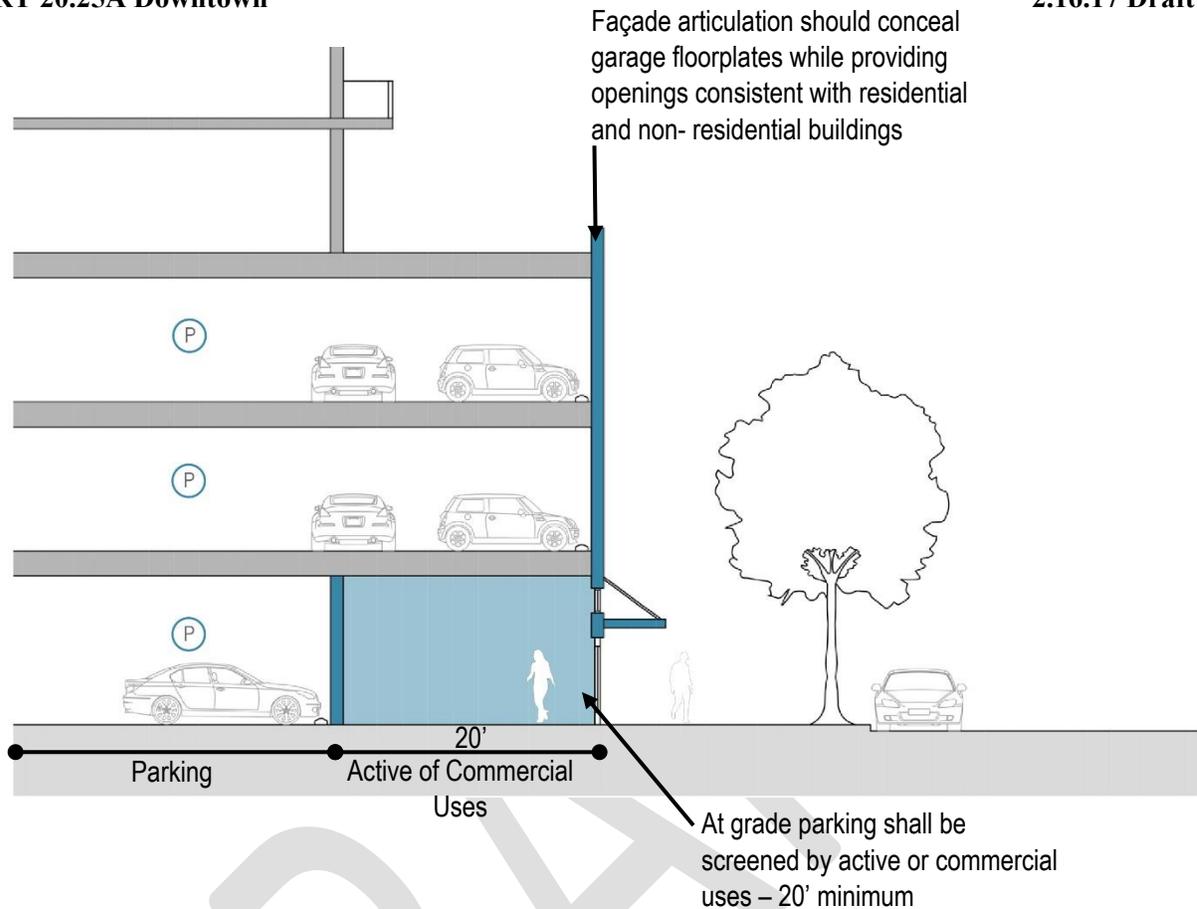
- a. Intent. Use corner entries to reinforce intersections as important places for pedestrian interaction and activity.
- b. Guidelines.
  - i. Locate entry doors on the corners of retail buildings wherever possible. Entries at 45-degree angles and free of visual obstructions are encouraged;
  - ii. 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.



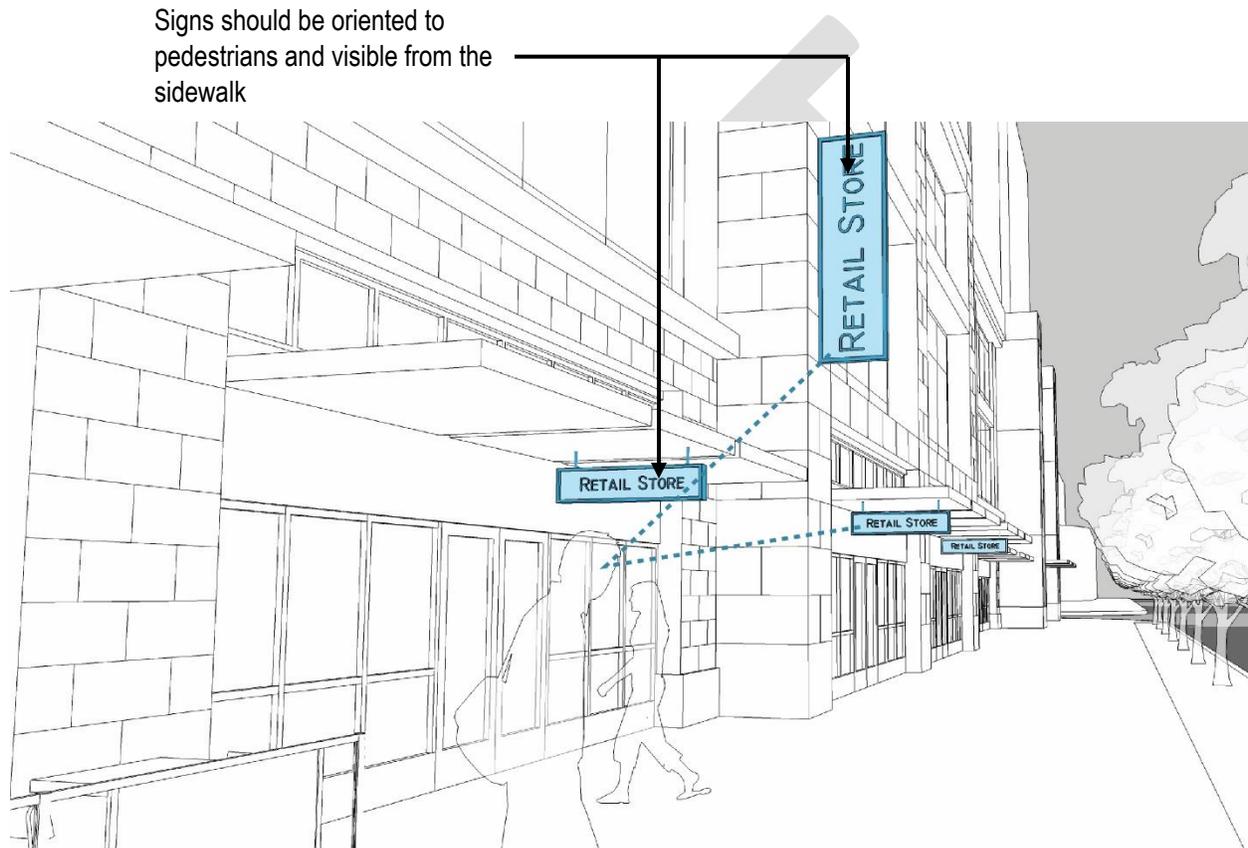


#### 7. Integrate Building Lighting.

- 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

## Downtown Livability Land Use Code Update

## Errata Sheet in Reference to February 16, 2017 Draft Code

Last Updated on March 2, 2017

Code Section	Error in 2/16/2017 Draft Code	Correction				
20.25A.060.A.4	Density and Dimensional chart shows a Base FAR for Residential in the DT-O-1 District of 6.5; Base Residential FAR of 8.5 in DT-O-1 is consistent with BERK report and ULI Panel feedback.	<table border="1"> <tr> <td>Floor Area Ratio: Base / Maximum (3)</td> </tr> <tr> <td>6.75/ 8.0</td> </tr> <tr> <td><del>6.5</del> <u>8.5</u> / 10.0</td> </tr> <tr> <td>N/A</td> </tr> </table>	Floor Area Ratio: Base / Maximum (3)	6.75/ 8.0	<del>6.5</del> <u>8.5</u> / 10.0	N/A
Floor Area Ratio: Base / Maximum (3)						
6.75/ 8.0						
<del>6.5</del> <u>8.5</u> / 10.0						
N/A						
20.25A.110.C.3.b.	“Are” should be changed to “area”	“ b. Shall not be used for parking, and vehicular access drives shall be no more than 25 percent of the percent of the total <u>area</u> of the linear buffer;”				
20.25A.060.B.2.c.ii.(1) illustration	Label change	“Protrusion” should be changed to “Intrusion” in illustration label.				
20.25A.070.C.1.b illustration	Illustration should be moved to C.1.a and labeled differently to distinguish from Upper Level Active Uses.	Move illustration directly after C.1.a. Relabel illustration.				
20.25A.070.C.4.b.ii.(3)	“Retrofit” should be “retrofitted”	“(3) The converted space shall be <u>retrofitted</u> , ...”				
20.25A.070.D.4	Amenity Incentive System chart includes reference to “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.”	The amount of additional bonus points for large plazas was omitted. It should read “Plazas larger than 10,000 square feet may earn <u>10 percent</u> additional bonus points if they are designed in a manner to provide for activities to promote general public assembly.”				
20.25A.075.A.1.	<p>20.25A.075.A.1</p> <ul style="list-style-type: none"> <li>Replace the word “an” with “the”</li> <li>Omitted the words “in paragraphs A.2 and A.3 respectively.”</li> </ul>	“1. Applicability. Buildings with heights that exceed the trigger for additional height shall be subject to the diminishing floor plate requirement and <del>an</del> <u>the</u> outdoor plaza requirement. <u>in paragraphs A.2 and A.3 respectively</u> ”				



# 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>
17-5	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 study session post public hearing to make recommendation to City Council.	City Hall
17-7	12-Apr-17	Downtown Livability Land Use Code	2	Placemaker for study session post public hearing to make recommendation to City Council.	City Hall
		Planning Commission Post Retreat - Guiding Principles & Public Engagement	1	Commission reviews current guiding principles and public engagement practices and amends, as needed.	
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.