

2016 PLANNING COMMISSION



BELLEVUE

Meeting

6:30 pm October 12

Location

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

Public Access

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

425-452-6800

planningcommission@bellevuewa.gov

www.bellevuewa.gov

OCTOBER 12



Bellevue Planning Commission

AGENDA

Public Hearing and Regular Meeting

October 12, 2016

6:30 PM - Regular Meeting

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

6:30 PM – 6:35 PM	Call to Order
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6:35 PM – 6:40 PM	Roll Call
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6:40 PM – 6:45 PM	Approval of Agenda
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6:45 PM – 6:50 PM	Communications from City Council, Community Council, Boards and Commissions
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6:50 PM – 6:55 PM	Staff Reports
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6:55 PM – 7:10 PM	Public Comment
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7:10 PM – 9:10 PM	Study Session
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1

Downtown Livability – Part 1 of the Land Use Code Amendment Package

Land Use Code Amendments

Staff: Emil King AICP, Strategic Planning Manager, Planning & Community Development Dept.

Staff: Trish Byers, Code Development Manager, Development Services Dept.

General Order of Business – Staff will present the proposed code amendments. The Planning Commission will ask questions and discuss the consistency of the amendments with the overall policy direction of the Bellevue Comprehensive Plan.



Bellevue Planning Commission

Anticipated Outcome – Based on this policy discussion, the Planning Commission will provide staff direction for any additional information needs for the Commission and staff to consider as part of the overall code amendment package.

9:10 PM – 9:15 PM	Draft Minutes Review
	September 14, 2016

9:15 PM – 9:30 PM	Public Comment
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9:30 PM	Adjourn
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Please note:

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

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

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Kristin Gulledge, Administrative Assistant 425-452-4174

** Unless there is a Public Hearing scheduled, "Public Comment" is the only opportunity for public participation.*

Wheelchair accessible. American Sign Language (ASL) interpretation available upon request. Please call at least 48 hours in advance: 425-452-5262 (TDD) or 425-452-4162 (Voice). Assistance for the hearing impaired: dial 711 (TR).



October 5, 2016

SUBJECT

Downtown Livability Initiative – Installments 1 & 2a of the Land Use Code Amendment Package

STAFF CONTACT

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Planning and Community Development

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

DIRECTION NEEDED FROM PLANNING COMMISSION

- Action
- Discussion
- Information

BACKGROUND

Recommendations from the Citizen Advisory Committee

The Planning Commission is working through the Downtown Livability Citizen Advisory Committee’s (CAC) recommendations for a targeted set of Land Use Code topics including public open space, landscaping, walkability and the Pedestrian Corridor, design guidelines, incentive zoning, and building height and form. Direction for the CAC’s recommendations drew heavily from a set of Land Use Code audits and focus groups that analyzed what was working regarding each topic, what wasn’t working, and areas for improvement. The current Commission work on updating the Downtown Land Use Code through the Livability Initiative is part of a broader agenda to make Downtown more people-friendly, vibrant and memorable, and add to the amenities that make for a great city center.

Focus of October 12 Study Session

The Planning Commission’s October 12 Study Session will focus on review of Installments 1 and 2a of the Land Use Code Amendment Package which is included with this memorandum as Attachment A. Installment 1 was on the Commission’s September 14 meeting agenda and included in the packet, but not discussed due to time constraints. The Planning Commission study session memorandum for September 14 has been included as Attachment B for ease of reference. A map depicting the preliminary recommendation for height and form by Downtown Land Use District has been included as Attachment C.

The Commission has been reviewing Downtown code topics over the past year and staff is now forming the consolidated package to take to public hearing at a future date to be determined. Also included in this memorandum is an update on the transportation-related Downtown policy amendments previously discussed with the Commission on July 27.

Review of Installment 1 & 2a of the Land Use Code Amendment Package

On October 12 staff will introduce Installments 1 & 2a of the Downtown Livability Land Use Code Packet to the Commission. Staff will highlight key elements of the code package, answer Commission questions, and seek guidance to ready these materials for public hearing.

Installment 1

The code sections comprising Installment 1 were included in the Planning Commission Packet materials for September 14 and included:

- 20.25A.010 – General
- 20.25A.030 – Applicable Review
- 20.25A.040 – Nonconforming Uses, Structures and Sites
- 20.25A.050 – Downtown Land Use Charts
- 20.25A.080 – Parking Standards
- 20.25A.090 – Street and Pedestrian Circulation Standards
- 20.25A.100 – Pedestrian Bridges
- 20.25A.110 – Landscape Development
- 20.25A.130 – Mechanical Equipment Screening and Location Standards.

Installment 2a

The code sections comprising installments 2a were prepared for the October 12 study session and include:

- 20.25A.020 - Definitions
- 20.25A.050 - Land Use Charts
- 20.25A.060 - Dimensional Chart (Installment 1 and 2)
- 20.25A.120 - Green and Sustainability Factor

Installment 2b will be provided on a later date.

- 20.25A.140 - Downtown Design Guidelines
- 20.25A.150 - Neighborhood Specific Guidelines

Installment 3 will be provided on a later date.

- 20.25A.070 - Amenity Incentive System

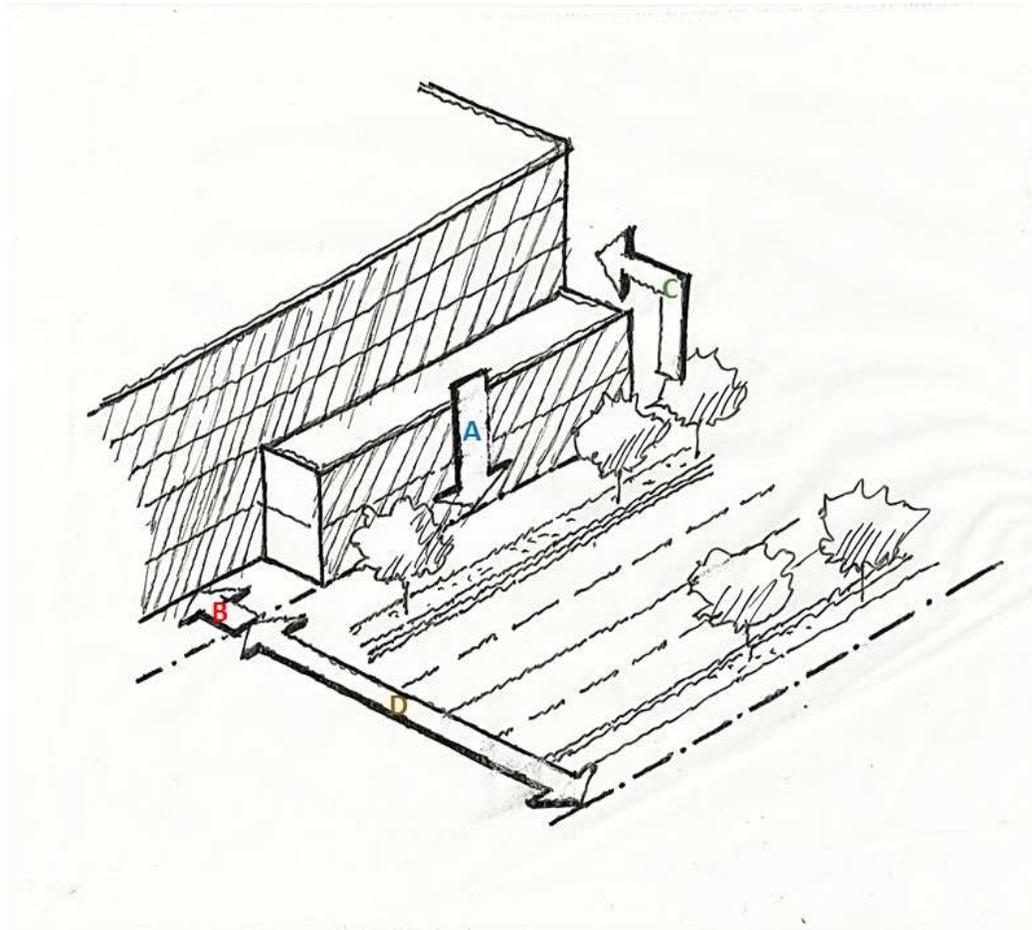
DISCUSSION

Staff will present Installments 1 and 2a to the Planning Commission during the October 12 Study Session. Refer to Attachment A. Attachment B includes the memorandum from September 14

that described the Installment 1 Code Package. The balance of this memorandum describes the Installment 2a code sections that were added to Attachment A for the October 12 study session.

1. Definitions 20.25A.020

Installment 2a begins with several definitions that will help with administration of the land use code in downtown. As we go through the rest of the code, the need for these definitions will become apparent. There are three definitions that can be discussed now. They are the definitions of setback, stepback and build-to line. We have also included the right-of-way definition for clarity.



A. 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 required sidewalk unless designated otherwise by the Director.

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

C. DT - Stepback - A building setback 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.

D. Right-of-Way, Public. All public streets and property dedicated to public use for streets together with public property reserved for public utilities, transmission lines and extensions, walkways, sidewalks, bikeways or equestrian trails. LUC 20.50.044

These definitions will become more important as we discuss the dimensional chart, especially the setbacks. The proposed setbacks result in narrower towers and provide light and air between towers to the streets below.

2. Land Use Charts 20.25A.040

The land use charts have two small changes. One permits adult day care in all districts outright. The current code makes no mention of adult day care. Another change adds a note that allows forty percent of a Senior Congregate Care Center in the O-2 to be a nursing home so that seniors can stay in one place rather than move when their medical needs become greater.

3. Dimensional Chart 20.25A.050 Additional Height Requirements

When additional height was discussed with the Planning Commission at an earlier meeting, the Planning Commission expressed that the higher building heights should be subject to additional open space requirements, diminished floor plates, and greater tower spacing. To accomplish this request, staff has revised the dimensional charts to describe the maximum height from the existing code as a trigger to apply the additional requirements. Staff recommends a 10% decrease in floorplate size and provision of open space at grade through the amenity incentive system in return for the added right. The 10% floor plate reduction has not yet been drafted into the code, and a recommended open space requirement has not yet been determined. In response to the Planning Commission's direction to provide greater tower spacing for projects benefitting from increased heights, staff recommends that not greater tower spacing be required beyond that which is already proposed in the LUCA. The LUCA already doubles the existing tower spacing requirements and should adequately address the Planning Commission's goals to provide increased light and air to the downtown. Note: As a part of this revision, Staff has removed the base height on the dimensional chart because it provides no guidance and replaced it with the additional height trigger discussed above.

15 Feet or 15 Percent Height Exception

Currently in the dimensional chart, the height of a building may be increased by 15 feet or 15% over the maximum height except in projects located in DT-O-1 and Perimeter Overlay District A. Existing LUC provisions allow for these additional height increases when applicants provide exemplary design. Staff proposes to include the 15 feet or 15 percent height exception within the table rather than in the exceptions carved out after the table to be more transparent. See Attachment D. The exemplary design requirement would be addressed elsewhere in the LUCA because the requirements and guidelines have been clarified as a part of this effort. In return for the 15 feet or 15 percent height exception granted as of right, Staff recommends that all mechanical equipment with the exception of elevator overruns should be integrated into the

envelope of the structure. There may be a departure necessary for the smaller 5 over 1 buildings on the edges of downtown where mechanical screening and clustering would be sufficient. If the Planning Commission were to include the additional height as a matter of right, the other exception allowing for 10 feet or 10 % for special dedications of right-of-way for light rail would no longer be available. This exception is rarely, if ever, used and is not as large as the 15 feet and 15 percent height exception.

4. The Green and Sustainability Factor

A Downtown Bellevue Green and Sustainability Factor is proposed. Please see Attachment E for background, methodology, and proposed worksheet. The Downtown Green and Sustainability Factor incorporates some elements and lessons learned from the Seattle Green Factor while developing a system for Bellevue that meets its needs and the goals laid out by City Council and the Downtown Livability CAC. It is a scoring system for developments, proposed to help increase the quantity and improve the livability and sustainability of Downtown. It will reduce stormwater runoff, encourage green building technologies, increase tree canopy, provide habitat for urban wildlife and improve the look and feel neighborhoods. The system provides flexibility to a development in meeting this requirement through a menu of elements to select from. These elements include things like green roofs, green walls, trees, soil cells, green building incentives, and permeable paving. The area of each element, such as a green roof, is multiplied by a multiplier. All of these products are added together to form the numerator of a fraction. The denominator is the area of the project site. The result of this fraction must be 0.3 or higher. The worksheet is neither difficult, nor time consuming as the majority of information is already calculated during planning and permitting.

Installment 2b

Installment 2b will include the Design Guidelines. The Design Guidelines will include the Through-Block Connections, the Building Sidewalk Relationship Guidelines and the Right-of-Way Designations.

Installment 3 will add:

- The results of the on-going work on the Incentive Zoning System. Staff previously discussed the proposed regulatory framework and approach for updating the system with the Commission on June 8 and July 27.
- The City's consultant, Berk, is currently working on the economic modeling. Staff and Berk are coordinating work sessions with the Bellevue Downtown Association and other interested stakeholders on details of this analysis.
- Based on Council interest, staff is arranging for third party review of the economic modeling by an Urban Land Institute (ULI) Technical Assistance Panel.
- As has been previously discussed, the Incentive Zoning System will also include a process "off-ramp" where developers may suggest bonusable amenities not on the formal list and pursue an alternative approach that provides an equal or greater contribution to meeting the intent of the incentive system.

Update on Transportation-Related Downtown Policy Amendments

On July 27, staff presented a set of Downtown-specific transportation policy amendments which had been previously developed by the Transportation Commission in 2014 as part of the

Downtown Transportation Plan Update. The Planning Commission expressed concern about the age of the data supporting these policy amendments, and requested an alternative approach to facilitate a more up-to-date review.

Staff recommends that review of Downtown-specific transportation policy amendments be deferred to the 2017 annual Comprehensive Plan Amendment (CPA) process. This recommendation is based on the following factors:

- The recommended policy language would to be reviewed to take into account changes since the recommendations were formed in early 2014. Additional public comment would also be sought during the annual CPA process.
- Policy amendments are not essential at this time in order to advance implementation of key elements of the Downtown Transportation Plan. This is because transportation projects were adopted in the Comprehensive Transportation Project List as part of the 2015 Major Comprehensive Plan Update.
- There is the potential that policy and/or narrative updates may be forthcoming from the Grand Connection visioning effort. Deferral until 2017 would allow policies to be consolidated for inclusion into the Downtown Subarea Plan in 2017 with appropriate review by the Planning Commission, Transportation Commission, and public.

NEXT STEPS FOR DOWNTOWN LIVABILITY

It is a Council priority to complete the work on Downtown Livability code amendments. A multi-departmental staff team has been working hard to complete this work in 2016. The following important milestones have occurred this year:

- January 19, 2016 – Received set of Council Principles to guide work on the Downtown Incentive Zoning System.
- March 7, 2016 – Council adopted Planning Commission’s package of “Early Win” Code Amendments which are now in use.
- May 12, 2016 – Council adopted interim official provisions for the definition of Pedestrian Oriented Frontage and Retail Activity.
- June 8 & 20, 2016 – Received feedback from Planning Commission and Council on the proposed structure and approach for updating the Incentive Zoning System.
- January-July 2016 – Received preliminary direction from the Planning Commission over the course of 7 meetings on code topics encompassed in the Citizen Advisory Committee (CAC) Final Report.
- September 14 & October 12, 2016 – Released Installments 1 & 2a of the Land Use Code Amendment Packages for public review.

While progress is being made on major portions of the code, there is concern that the Incentive Zoning economic modeling is taking longer than planned. The city’s consultant, Berk, has had internal delays and remains significantly behind schedule on their tasks. We had originally anticipated their economic modeling results by early summer, and we do not yet have a full product. Staff have been working to manage this situation as a top priority. Staff and Berk have also been meeting in several installments with the BDA Land Use Committee to receive their input on model inputs and approach. Based on Council feedback, staff is also in the process of

setting up a third party review process by an Urban Land Institute (ULI) technical assistance panel.

Due to this delay in the Incentive Zoning modeling work, the formal transmittal of the Planning Commission's recommendations to Council is likely to occur in Q1 2017 rather than the end of this year. Staff's tentative schedule for Downtown Livability Planning Commission time for the remainder of 2016 is shown below.

October 12, 2016	Commission Study Session: Installments 1 & 2a of the LUCA Package
October 26	Commission Study Session
November 16	Commission Study Session
December 7	Commission Study Session
December 14	Commission Study Session

ATTACHMENTS

- A. Draft Land Use Code Amendment, Installments 1 and 2a
- B. September 14 Planning Commission Study Session Memo
- C. Map of Commission's Height and Form Recommendation as of September 7, 2016
- D. Comparison of Current Dimensional Chart's Maximum Heights and Heights with 15 feet or 15 percent included.
- E. Downtown Bellevue Green and Sustainability Factor

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.2 of this section, the provisions of the Land Use Code, other development codes, the City development standards, and all other applicable codes and ordinances shall apply to development and activities in the 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. **Regulations not applicable in Downtown.** The following regulation 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 regulations apply.
 - a. 20.10.400
 - b. 20.10.440
 - c. 20.20.005 through 20.20.025
 - d. 20.20.060 and 20.20.070
 - e. 20.20.120 and 20.20.125
 - f. 20.20.135 and 20.20.140
 - g. 20.20.190 and 20.20.192
 - h. 20.20.250
 - i. 20.20.400
 - j. 20.20.520
 - k. 20.20.525
 - l. 20.20.700 and 20.20.720
 - m. 20.20.750 through 20.20.800
 - n. 20.20.890 and 20.20.900

B. Organization of Part 20.25A Descriptions to come later

Organization of Part 20.25A is composed of several regulatory layers inform the development of Downtown.

1. Land Use Classifications (or zoning) 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.
 - a. Downtown Office 1 (DNTN-O-1)
 - b. Downtown Office 2 (DNTN-O-2)
 - c. Downtown Mixed Use (DNTN-MU)
 - d. Downtown Residential (DNTN-R)
 - e. Downtown Old Bellevue (DNTN-OB)
 - f. Downtown Office Limited Business (DNTN-OLB)
2. Perimeter Overlay Districts (formerly Perimeter Design Districts) may impose more stringent dimensional requirements than are allowed by the underlying land use classification 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.
 - a. Perimeter Overlay District A
 - A-1
 - A-2
 - A-3
 - b. Perimeter Overlay District B
 - B-1
 - B-2
 - B-3
3. 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. Specific sections of the Downtown code apply only within neighborhood districts which are listed below.
 - a. Northwest Village
 - b. City Center North
 - c. Ashwood
 - d. Bellevue Square

- e. City Center
 - f. Convention Civic
 - g. Old Bellevue
 - h. City Center South
 - i. East Main
- 4. Right-of-Way Designations
 - 5. Pedestrian Corridor

20.25A.020 Definitions (NEW) INSTALLMENT 2A

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. Grand entrance lobbies, private indoor amenity space, guest suites, and large-format retail or commercial facilities 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 required sidewalk unless designated otherwise by the Director. (NEW)

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 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. (NEW)

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 includes the area of an easement and public right-of-way as provided in LUC 20.25A.070C. (NEW)

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. (NEW)

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. (NEW)

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

DT -Public Realm-Streets, parks and other open spaces and the accessible parts of public buildings. (NEW)

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

DT-Stepback - A building setback 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. (NEW)

DT Façade Length-TBD

B. General Definitions not applicable to Downtown

Floor Area Ratio (FAR). LUC 20.50.016.

20.25A.030 Review Required (NEW)

A. Applicable Review

1. Review is Required. All development in Downtown shall be reviewed by the Director of the Development Services Department through the application of a Master Development Plan and the Design Review process consistent with this section, Part 20.30V LUC, Part 20.30F LUC, and the applicable procedures of Chapter 20.35 LUC. A Master Development Plan is required where there is more than one building or a phased project. A design review is required on all downtown projects.
2. Effect of Approval. Approval of the Design Review and the Master Development Plan, where required, shall constitute the regulations governing development and operation of the approved use. Such approval shall be contingent upon compliance with the conditions specified on 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 section. The approval shall run with the land.
3. Recording is Required. Upon approval of the Design Review and the Master Development Plan, the applicant will forward an approved Master Development Plan to the King County Recorder's Office or its successor agency for recording. Signature of approval from the appropriate, authorized administrator in the Development Services Department shall constitute approval by the City for recording of the Master Development Plan.

B. Master Development Plan

C. Design Review

D. Departures

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;
4. Variance, Part [20.30G](#) LUC; and
5. Critical Areas Land Use Permit, Part [20.30P](#) LUC

20.25A.040 Downtown Land Use Charts (Moved from 20.25A.015, Early Wins)(Pending marijuana amendments will be added shortly.)

A. Permitted Uses.

Specific categories of uses are listed in Chart 20.25A.050.D. Subsection 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 Described.

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.

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

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
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

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
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	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
	Two or More Dwelling Units Per Structure	P	P	P	P	P	P
12	Group Quarters: Dormitories, Fraternal Houses, Excluding Military and Correctional	P	P	P	P	P	P

Residential – 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
	Institutions and Excluding Secure Community Transition Facilities						
13 15	Hotels and Motels	P	P	P	P	P	P
	Congregate Care Senior Housing (1)	P	P2	P	P	P	P
6516	Nursing Home, Assisted Living			P	P	P	P

Notes: Uses in Downtown land use districts – Residential

(1) An agreement must be recorded with the King County Department of Records and Elections and filed with the Bellevue City Clerk, 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, forty percent of the area of a Congregate Care Senior Housing facility may be dedicated to a nursing home use.

INSTALLMENT 2A

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
629	Adult Day Care	P	P	P	P	P	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
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 Functions and Related Activities			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
	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	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
	Wireless Communication	6, 7, 10	6, 7, 10	6, 7, 10	6, 7, 10	6, 7, 10	6, 7, 10

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
	Facility (WCF): (without WCF Support Structures)						
	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 of the Development Services Department. 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.050 Nonconforming uses, structures and sites. (Moved from 20.25A.025 and amended)**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 only pursuant to an Administrative Conditional Use Permit if the expansion is not more than 20 percent or 20,000 square feet, whichever is less, or by a Conditional Use Permit if the expansion is over 20 percent or 20,000 square feet.

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 provision of the Land Use Code, except that the requirements of 20.25A.____ (Design Guidelines) shall be applied as provided in _____ (Design Guidelines) below 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:

_____ (Design Guidelines).

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

_____ (Design Guidelines).

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.

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. 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 _____ (reference back to B.3 which will be changed) of this section.

4. 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.

5. 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 of the Development Services Department 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.

20.25A.060 Dimensional Charts (Moved from 20.25A.020 and amended)

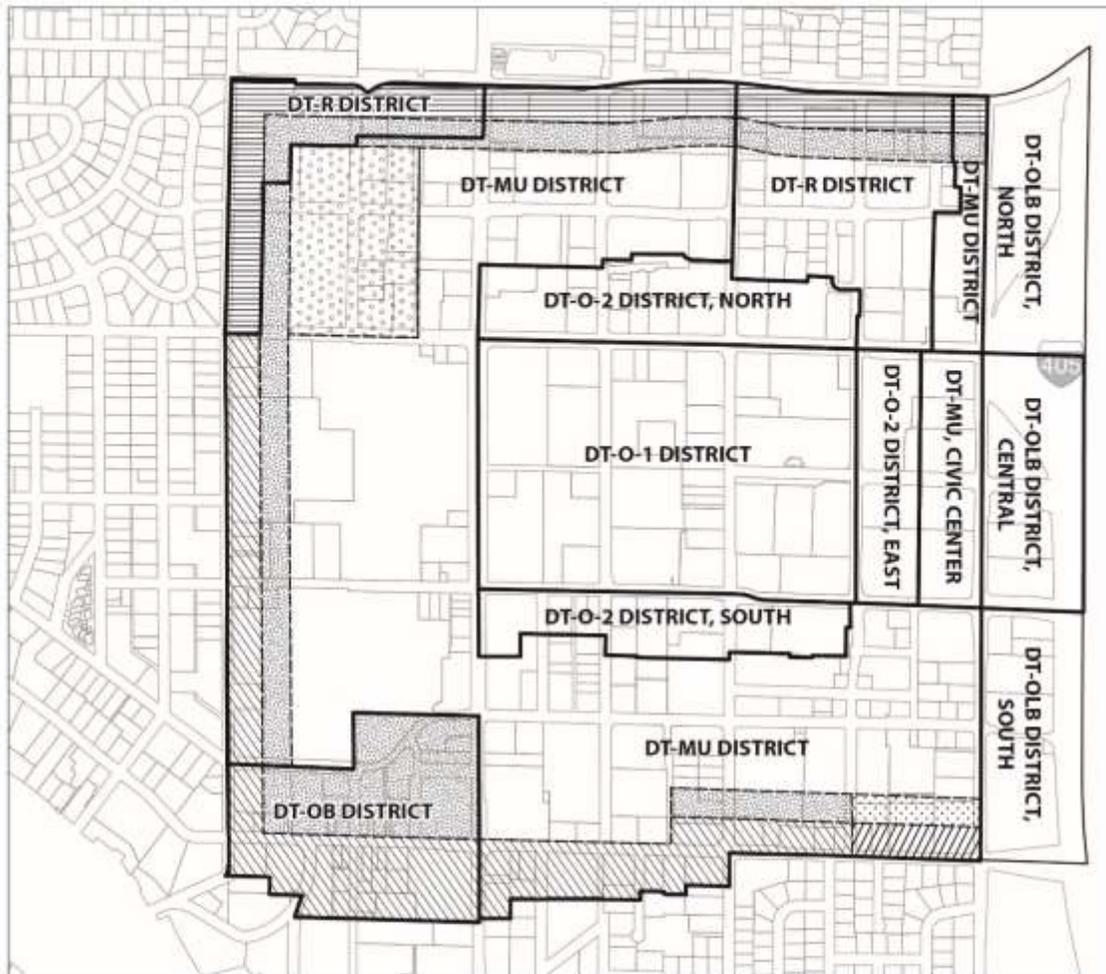
A. Dimensional Requirements in Downtown Districts.

1. General. Paragraph A.2 of this section (Chart: Dimensional Requirements in Downtown Districts) sets forth the dimensional requirements for each land use district and Perimeter Overlay District in the Downtown. Each structure, development, or activity in a Downtown Land Use District shall comply with these requirements except as otherwise provided in this section.

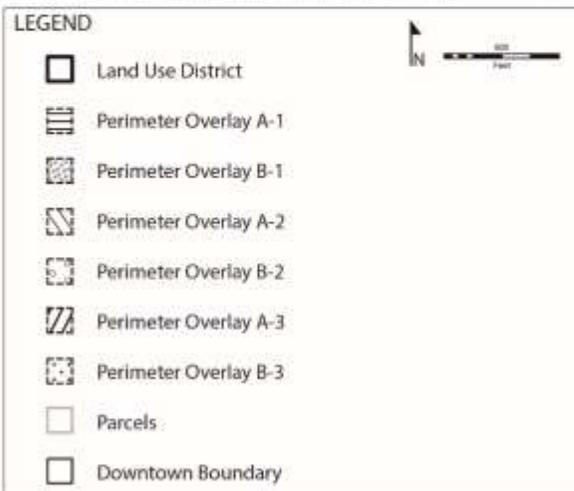
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2. Land Use District Map

Figure 20.25A.060A.2



LAND USE DISTRICTS



Date: September 2016

3. Chart 20.25A.060A.3

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

Dimensional Requirements in Downtown Districts

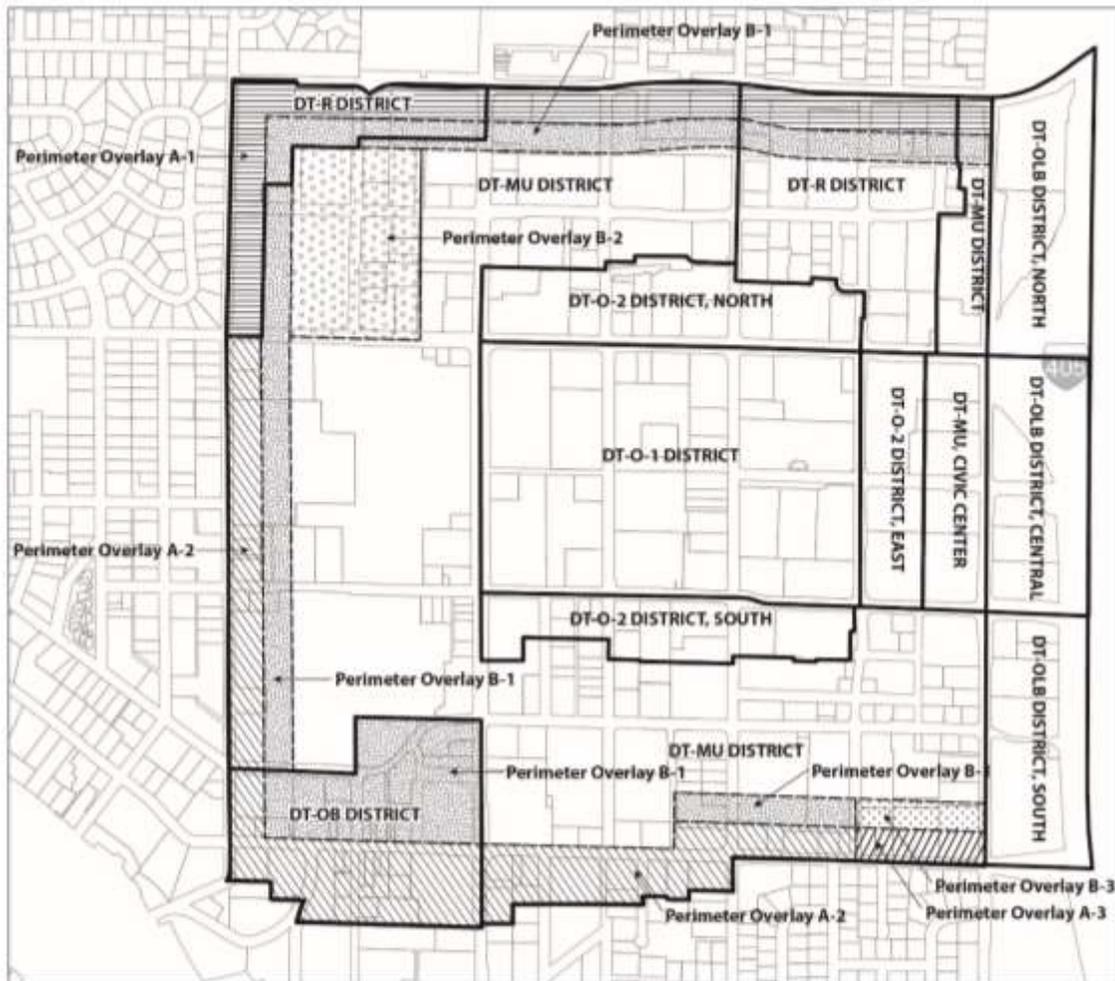
Downtown Land Use District	Building Type (7) (4)	Maximum Floor Plate Above 40' (9) (24)	Maximum Floor Plate Above 80' (9)(24)	Maximum Lot Coverage	Building Height Maximum	Floor Area Ratio: Basic / Maximum (10) (8)	Minimum Upper Level Stepback above 45' Where Building Height Exceeds 75' (9)	Tower Separation Above 45'	Trigger for additional height INSTALLMENT 2A
DT-O-1	Nonresidential	24,000 gsf/f	24,000 gsf/f	100%	600'	TBD / 8.0	20'	80'	300'
	Residential	22,000 gsf/f	13,500 gsf/f	100%	600'	TBD / 10.0	20'	80'	450'
	Above-Grade Parking	20,000 gsf/f	20,000 gsf/f	100%	100'	N/A	20'	80'	100'
DT-O-2 North of NE 8 th St.	Nonresidential	24,000 gsf/f	24,000 gsf/f	100%	400'	TBD / 6.0	20'	80'	250'
	Residential	22,000 gsf/f	13,500 gsf/f	100%	400'	TBD / 6.0	20'	80'	250'
	Above-Grade Parking	20,000 gsf/f	20,000 gsf/f	100%	100'	TBD / 6.0	20'	80'	100'
DT-O-2 East of 110 th Ave. NE	Nonresidential	24,000 gsf/f	24,000 gsf/f	100%	350'	TBD / 6.0	20'	80'	250'
	Residential	22,000 gsf/f	13,500 gsf/f	100%	350'	TBD / 6.0	20'	80'	250'
	Above-Grade Parking	20,000 gsf/f	20,000 gsf/f	100%	100'	TBD / 6.0	20'	80'	100'
DT-O-2 South of NE 4 th	Nonresidential	24,000 gsf/f	24,000 gsf/f	100%	300'	TBD / 6.0	20'	80'	250'
	Residential	22,000 gsf/f	13,500 gsf/f	100%	300'	TBD / 6.0	20'	80'	250'
	Above-Grade Parking	20,000 gsf/f	20,000 gsf/f	100%	100'	TBD / 6.0	20'	80'	100'
DT-MU	Nonresidential	22,000 gsf/f	20,000 gsf/f	100%	200'	TBD / 5.0	20' (46)	80'	100'
	Residential	20,000 gsf/f	13,500 gsf/f	100%	250'	TBD / 5.0	20'(46)	80'	200'
	Above-Grade Parking	20,000 gsf/f	N/A	75%	60'	N/A	20'(46)	NA	60'
DT-MU Civic Center	Nonresidential	22,000 gsf/f	20,000 gsf/f	100%	350'	TBD / 6.0	20'	80'	100'
	Residential	20,000 gsf/f	13,500 gsf/f	100%	350'	TBD / 6.0	20'	80'	200'
	Above-Grade Parking	20,000 gsf/f	N/A	75%	60'	N/A	20'	N/A	60'
DT-OB	Nonresidential	20,000 gsf/f	13,500 gsf/f	100%	100'	TBD / 1.0	20'	80'	100'
	Residential	20,000 gsf/f	13,500 gsf/f	100%	200'	TBD / 5.0	20'	80'	200'
	Above-Grade Parking	N/A	N/A	75%	40'	N/A	N/A	N/A	40'

Downtown Land Use District	Building Type (7) (4)	Maximum Floor Plate Above 40' (9) (24)	Maximum Floor Plate Above 80' (9)(24)	Maximum Lot Coverage	Building Height Maximum	Floor Area Ratio: Basic / Maximum (10) (8)	Minimum Upper Level Stepback above 45' Where Building Height Exceeds 75' (9)	Tower Separation Above 45'	Trigger for additional height INSTALLMENT 2A
DT-R	Nonresidential	20,000 gsf/f	NA	75%	65'	0.5 / 0.5	20'	N/A	65'
	Residential	20,000 gsf/f	13,500 gsf/f	100%	200'	TBD / 5.0	20'	80'	200'
	Above-Grade Parking	N/A	N/A	75%	40'	N/A	N/A	N/A	40'
DT-OLB North (between NE 8th Street and NE 12th Street)	Nonresidential	30,000 gsf/f	20,000 gsf/f	100%	75'	TBD / 3.0	20'	80'	75'
	Residential	20,000 gsf/f	13,500 gsf/f	100%	90'	TBD / 3.0	20'	80'	90'
	Above-Grade Parking	20,000 gsf/f	N/A	75%	45'	N/A	N/A	N/A	45'
DT-OLB Central (between NE 4th Street and NE 8th Street)	Nonresidential	30,000 gsf/f	20,000 gsf/f	100%	350'	TBD / 6.0	20'	80'	75'
	Residential	20,000 gsf/f	13,500 gsf/f	100%	350'	TBD / 6.0	20'	80'	90'
	Above-Grade Parking	20,000 gsf/f	N/A	75%	45'	N/A	N/A	N/A	45'
DT-OLB South (between Main Street and NE 4th Street)	Nonresidential	30,000 gsf/f	20,000 gsf/f	100%	200'	TBD / 5.0	20'	80'	75'
	Residential	20,000 gsf/f	13,500 gsf/f	100%	200'	TBD / 5.0	20'	80'	90'
	Above-Grade Parking	20,000 gsf/f	N/A	75%	45'	N/A	N/A	N/A	45'

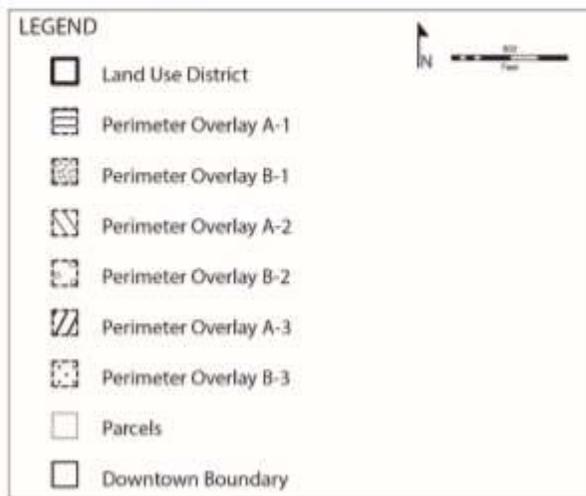
Notes to this chart can be found on page 23

4. Perimeter Overlay District Map

Figure 20.25A.060A.4



DIMENSIONAL REQUIREMENTS BY LAND USE DISTRICT AND PERIMETER OVERLAY



Additional Dimensional Requirements in Downtown Perimeter Overlay Districts

Downtown Perimeter Overlay District	Building Type (7)	Minimum Setback from Downtown Boundary (3)	Maximum Lot Coverage	Building Height: Maximum (8)	Floor Area Ratio: Basic / Maximum (3) (44)	Triggers for Additional Height INSTALLMENT 2A
Perimeter Overlay A-1 (26)	Nonresidential	20'	75%	40'	TBD / 1.0 in DT-MU and DT-OB; 0.5 in DT-R	40'
	Residential	20'	75%	55'	TBD / 3.5	55'
	Above-Grade Parking	20'	75%	40' (9)	N/A	40'
Perimeter Overlay A-2 (26) (46)	Nonresidential	20'	75% in DT-MU 100% in DT-OB	40'	TBD / 1.0	40'
	Residential	20'	75% in DT-MU 100% in DT-OB	70' (26)	TBD / 3.5	55'
	Above-Grade Parking	20'	75%	40' (9)	N/A	40'
Perimeter Overlay A-3 (26) (44)	Nonresidential	20'	75%	70'	TBD / 1.0	40'
	Residential	20'	75%	70'	TBD / 5.0	55'
	Above-Grade Parking	20'	75%	40' (9)	N/A	40'
Perimeter Overlay B-1	Nonresidential	N/A	75% in DT-MU and DT-R 100% in DT-OB	65'	TBD / 1.5 in DT-MU; 1.0 in DT-OB; 0.5 in DT-R	65'
	Residential	N/A	75% in DT-MU and DT-R 100% in DT-OB	90'	TBD / 5.0	90'
	Above-Grade Parking	N/A	75%	40'	N/A	40'
Perimeter Overlay B-2	Nonresidential	N/A	75%	65'	TBD / 1.5 in DT-MU; 0.5 in DT-R	65'
	Residential	N/A	75%	160'-240' (45)	TBD / 5.0	90'
	Above-Grade Parking	N/A	75%	40'	N/A	40'
Perimeter Overlay B-3 (44)	Nonresidential	N/A	75%	65'	TBD / 1.5	65'
	Residential	N/A	75%	200'	TBD / 5.0	90'
	Above-Grade Parking	N/A	75%	40'	N/A	40'

20.25A.060

Notes: Dimensional requirements in Downtown Districts and Perimeter Overlay Districts

Footnotes 1, 2, 4 will be deleted and added into “build to” provisions of 20.25A.090.

Footnotes identified as “intentionally deleted will be removed prior to code adoption.

(1) Measured from inside edge of the required perimeter sidewalk. If existing utilities, which cannot reasonably be relocated, require the planting of street trees on the property side of a sidewalk as provided for in LUC [20.25A.090](#), four feet is added to the required setback.

- (2) No parking or vehicle access lane is permitted between the required perimeter sidewalk and the main pedestrian entrance to the building.
- (3) Minimum setbacks are subject to required landscape development. See LUC [20.25A.110](#).
- (4) The maximum setback from Main Street in the Downtown-OB District is 0 feet. (Add into “Build To” Line)
- (5) Intentionally deleted.
- (6) Intentionally deleted.
- (7) 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 “gross floor area.”
- (8) 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 (7).
- (9) See subsection B of this section for exceptions to the minimum setback and maximum building floor plate requirements.
- (10) Intentionally deleted.
- (11) Intentionally deleted.
- (12) Intentionally deleted.
- (13) Intentionally deleted.
- (14) Hotels and motels shall be considered as residential structures for all dimensional standards except for maximum floor plate where they shall be considered nonresidential.
- (15) Intentionally deleted.
- (16) Intentionally deleted.
- (17) Intentionally deleted.
- (18) Intentionally deleted.
- (19) Intentionally deleted.
- (20) Intentionally deleted.
- (21) Intentionally deleted.
- (22) Intentionally deleted.
- (23) Intentionally deleted.
- (24) The floor plate is the floor area in square feet per floor within the surrounding exterior walls, measured from the interior wall surface and including all openings in the floor plate.
- (25) Intentionally deleted.
- (26) 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 subsection B of this section. This provision may be used to modify only the setback location and not the minimum setback size.

(44) TBD

(45) Within Perimeter Overlay B-2, multiple tower projects are allowed variable tower heights of 160 feet to 240 feet with an average of no more than 200 feet. Master Development Plan approval required. Single tower projects within the Perimeter Overlay B-2 shall be limited to 160 feet.

(46) Within Perimeter Overlay A-2, any building exceeding 55 feet is subject to upper level stepback above 40 feet and special open space requirements through TBD.

B. Exceptions to Dimensional Requirements.

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 allow 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;
- iii. The alternative design results in a building mass that features separate and distinct building elements;
- iv. The connection shall extend from the grade to the roofline and be a minimum of 10 feet in depth and a minimum of 15% of the façade length; and
- v. The connecting floor area must comply with the design guidelines for Connecting Floor Areas in _____ (the Design Guidelines).

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 into Rights-of-Way

- i. Marquees or awnings which comply with the requirements of LUC _____ are permitted to extend over the public right-of-way upon approval of the Director of the Transportation Department and the Director of the Development Services Department

notwithstanding the provisions of the Sign Code, Chapter 22B.10 BCC, or any other City Code.

ii. External decks and balconies that intrude into the right-of-way are permitted to extend over the setback upon approval of the Director and shall be a minimum clearance of 20 feet above the right-of-way.

b. Intrusions into Setbacks

i. Marquees or awnings which comply with the requirements of LUC_____ are permitted to extend over the setback upon approval of the Director.

ii. External decks and balconies that intrude into the right-of-way are permitted to extend over the setback upon approval of the Director and shall be a minimum of 20 feet above average finished grade.

c. Intrusions into Stepbacks

i. The Director may allow modifications to the minimum required stepback if:

aa. The applicant can demonstrate that the resulting design will be more consistent with the Design Guidelines of 20.25A.150; and

bb. The intrusions for building modulation or weather protection features shall be a maximum of twenty percent of the length of the whole façade, twenty five percent of the depth of the required stepback, and a maximum of ten feet in length per intrusion.

ii. Stepbacks may be modified, but shall not be eliminated except where the adjacent roadway width is greater than 70 feet. Otherwise, the maximum modification is 60% of the depth of the required stepback.

iii. The Director may allow modifications to the stepback requirements for performing arts centers if:

aa. The applicant can demonstrate that the resulting design will be more consistent with the Design Review criteria of LUC [20.25A.110](#); and

bb. 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.

a. Mechanical equipment such as elevator overruns, may intrude a maximum of 20 feet or as necessary to accommodate new technology above the maximum height limit if the following conditions are met:

- i. The applicant can demonstrate that the intrusion is the minimum necessary to serve the needs of the building.
- ii. Maximum of twenty percent of the rooftop can be covered with mechanical structures or housings.

- iii. All mechanical equipment must be clustered at the center of the roof.
- iv. Equipment and housing shall be integrated into the design of the rooftop.

INSTALLMENT 2A

b. The applicant may increase the building height with one of two provisions below, but may not use both provisions in the same project.

- i. The maximum building height for nonresidential and residential buildings may be increased by 15% or 15 feet, whichever is greater, if the additional height provides architecturally integrated mechanical equipment and interesting roof form, Not applicable in the O-1 District or Perimeter Overlays A-1, A-2, and A-3; and limited to a maximum of 10% (9 feet) in Perimeter Overlay B-1; or
- ii. The maximum building height can be exceeded if the right-of-way is dedicated as provided by subsection B.5 but only to the extent of the floor area earned as a result of the dedication. The increase over maximum building height shall not be increased more than 10 percent or 15 feet whichever is larger, as a result of the is subsection. This is not applicable in the Perimeter Overlay Districts.

4. Lot Coverage Exceptions.

- a. Underground buildings as defined in LUC [20.50.050](#) are not structures for the purpose of calculating lot coverage.

5. Floor Area Ratio Computation – Right-of-Way Designation. **INSTALLMENT 2A**

- 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 b.ii of this section is included in land area for the purpose of computing maximum FAR notwithstanding LUC [20.50.020](#), floor area ratio (FAR).
- 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 Applicant must record the amount (square footage) of floor area earned by area dedicated in conformance with subsection b.ii of this section and the increase in maximum building height acquired in conformance with subsection B.3.d of this section with the King County Recorder’s Office or its successor agency.

20.25A.070 FAR / Amenity Incentive System (Moved from 20.25A.030 and amended)

- A. General.
- B. Required Review.
- C. How to Calculate FAR
- D. Amenity Table
- E. Amenity Values
- F. Buy out of existing system to use new code
- G. Transfer of FAR

20.25A.080 Parking Standards (Moved from 20.25A.050 and amended)

- 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:

Downtown Parking Requirements

Land Use			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.	(Deleted by Ord. 5790)					
h.	Manufacturing/Assembly (Other than High Technology/Light Industrial)	per 1,000 nsf	0.7	1.0	1.0	1.5

			Downtown Zones			
Land Use	Unit of Measure	-O-1,-O-2		-R,-MU,-OB, -OLB		
		Min.	Max.	Min.	Max.	
		i.	Office (Business Services/Professional Services/General Office)(3)	per 1,000 nsf	2.0	2.7
j.	Office (Medical Dental/Health Related Services)	per 1,000 nsf	3.0	4.0	4.0	5.0
k.	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
l.	Residential (6)	per unit	0	2.0	1.0(5)	2.0
m.	Restaurant	per 1,000 nsf	0	15.0	10.0(4)	20.0
n.	Retail	per 1,000 nsf	3.3	5.0	4.0(4)	5.0
o.	Retail in a Mixed Development (except Hotel)(2)	per 1,000 nsf	0	3.3	2.0(4)	4.0
p.	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 of the Development Services Department 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 Division of Records and Elections.
- (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 of the Development Services Department 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 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).
2. Number of Spaces Required.
 - a. Where the uses to be served by shared parking have overlapping hours of operation, the property owner or owners shall provide parking stalls equal to the total of the individual parking requirements for the uses served reduced by 20 percent of that total number; provided, that the Director may approve a further reduction of that total number if the property owner or owners demonstrate to the satisfaction of the Director that the resulting provision of parking will be adequate for the proposed uses.
 - 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.
3. 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 Division of Records and Elections and

with the Bellevue City Clerk a written agreement approved by the Director of the Development Services Department providing for the shared parking use. The agreement shall be recorded on the title records of each affected property.

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 of the Development Services Department may authorize a portion of the approved parking 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 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 Division of Records and Elections and with the Bellevue City Clerk a written agreement approved by the Director of the Development Services Department providing for the shared parking use. The agreement shall be recorded on the title records of each affected property.

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 of the Development Services Department 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 of the Development Services Department may approve 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 of the Development Services Department may approve a proposal for a parking structure through Design Review, Part 20.30F LUC. The Director of the Development Services Department 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 _____ (Design Guidelines).

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

G. Interim and Phased Parking.

1. Interim Parking.

- a. **When Allowed.** The Director of the Development Services Department may approve the installation of interim parking up to the maximum parking allowed if determined to be necessary to mitigate spillover parking impacts. Such interim parking may exist for a period not to exceed five years from the date of Temporary or Final Certificate of Occupancy, whichever comes first. The Director of the Development Services Department may upon written request grant no more than two one-year extensions to the five-year interim parking time limit.
- b. **Approval Required.** The Director of the Development Services Department must review and approve a plan indicating current parking demand, how much interim parking is proposed, when the parking will be removed, and how the interim parking area will be restored.
- c. **Design.** The property owner must provide perimeter and interior parking lot landscaping as required by LUC 20.25A.110 and must comply with all dimensional standards of this Code.
- d. **Removal of Interim Parking.** The Director of the Development Services Department may require the removal of interim parking prior to the expiration of the approval period when parking supply exceeds demand. The property owner proposing interim parking shall file a written agreement containing this limitation with the Bellevue City Clerk.
- e. **Assurance Device.** The Director of the Development Services Department may require an assurance device pursuant to LUC 20.40.490 to insure conformance with the requirements and intent of paragraph G.1 of this section.

2. Phased Parking.

- a. **Schedule Required.** The property owner may install the required parking spaces in phases if the schedule has been approved by the Director of the Development Services Department. Each phased parking installation must include enough parking to meet the parking requirements for the completed phases of the development for which the parking is provided. This phasing schedule must specifically indicate when all parking approved pursuant to this section will be provided.
- b. **Assurance Device.** The Director of the Development Services Department may require an assurance device pursuant to LUC 20.40.490 to insure compliance with the requirements and intent of paragraph G.2 of this section.

H. 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.

I. Director's Authority to Modify Required Parking. INSTALLMENT 2A

The Director of the Development Services Department may modify the minimum or maximum parking ratio for any use in LUC20.25A.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; and
5. Any required Transportation Management Program will remain effective.

20.25A.090 Street and Pedestrian Circulation Standards

A. Walkways and Sidewalks – Standards and Map (Moved from 20.25A.060 and amended. Includes Early Wins)

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.

Plate 20.25A.090A.1

Downtown Bellevue Planter Strip/Tree Pits Required

East-West	Planter Strip/Tree Pits
NE 12th (102nd to I-405)	Planter Strip
NE 11th (110th to 112th)	Planter Strip
NE 10th (100th to 106th)	Planter Strip
NE 10th (106 to I-405)	Planter Strip
NE 9th (110th to 111th)	Tree Pits
NE 8th (100th to 106th)	Planter Strip
NE 8th (106th to 112th)	Planter Strip
NE 6th (Bellevue Way to 106th)	See Pedestrian Corridor Design Guidelines
NE 6th (106th to 108th)	See Pedestrian Corridor Design Guidelines
NE 6th (108th to 110th)	Tree Pits
NE 6th (110th to 112th)	Planter Strip on the south side, Tree Pits on the north side
NE 4th (100th to I-405)	Planter Strip
NE 3rd Pl (110th to 111th)	Tree Pits
NE 2nd Pl (108th to 111th)	Planter Strip
NE 2nd (Bellevue Way to I-405)	Planter Strip
NE 1st/2nd (100th to Bellevue Way)	Planter Strip
NE 1st (103rd to Bellevue Way)	Tree Pits
Main St (100th to Bellevue Way)	Tree Pits
Main St (Bellevue Way to I-405)	Planter Strip
North-South	
100th (NE 12th to Main)	Planter Strip
100th (NE 10th to NE 1st)	Planter Strip
100th (NE 1st to Main)	Planter Strip
101st (near NE 10th)	Tree Pits

Downtown Bellevue Planter Strip/Tree Pits Required

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

20.25A.100 Downtown Pedestrian Bridges (Moved from 20.25A.130)

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, and may amend any approved Downtown Pedestrian Bridge Location and Design Plan, using the City Council Design Review Process, LUC 20.30F.116.

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.
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 Division of Records and Elections and Bellevue City Clerk.

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; and
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 with retail activities, as defined by the Building/Sidewalk Design Guidelines, at the ground level immediately adjacent to both sides 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 Division of Records and Elections and Bellevue City Clerk.

20.25A.110 Landscape Development(Moved from 20.25A.040 and amended)

- A. Street trees and landscaping – Perimeter – Plate B (Moved from 20.25A.060 and amended, Early Wins)
 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

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: Pyrus calleryana 'Aristocrat'	Small
100th (NE 10th to NE 1st)	Scarlet oak: Quercus coccinia	Large
100th (NE 1st to Main)	Ginkgo: Ginkgo biloba 'Magyar'	Medium
101st (near NE 10th)	Ginkgo: Ginkgo biloba 'Autumn Gold'	Medium
101st Ave SE (south of Main St)	Katsura: Cercidiphyllum japonicum	Large
102nd (NE 12th to NE 8th)	Miyabe maple: Acer miyabei 'Rugged Ridge'	Large
102nd (NE 1st to south of Main St)	Katsura: Cercidiphyllum japonicum	Large
103rd (near NE 10th)	Ginkgo: Ginkgo biloba 'Autumn Gold'	Medium
103rd (NE 2nd to Main St)	Katsura: Cercidiphyllum japonicum	Large

Bellevue Way (NE 12th to NE 10th)	Tulip tree: <i>Liriodendron tulipifera</i> 'JFS-oz'	Large
Bellevue Way (NE 10th to NE 4th)	Honeylocust: <i>Gleditsia tricanthos</i> 'Shademaster'	Medium
Bellevue Way (NE 4th to Main)	Tulip tree: <i>Liriodendron tulipifera</i> 'JFS-oz'	Large
105th (NE 4th to NE 2nd)	Sweetgum: <i>Liquidambar styraciflua</i> 'Worplesdon'	Large
105th SE (near Main St)	London planetree: <i>Platanus x acerifolia</i> 'Bloodgood'	Large
106th (NE 12th to NE 8th)	Elm: <i>Ulmus propinqua</i> 'Emerald Sunshine'	Large
106th (NE 8th to NE 4th)	Elm: <i>Ulmus Americana</i> 'Jefferson'	Large
106th (NE 4th to Main)	Elm: <i>Ulmus</i> 'Morton Glossy'	Large
106th PI NE (near NE 12th)	London planetree: <i>Platanus x acerifolia</i> 'Bloodgood'	Large
107th (NE 2nd to south of Main)	Hornbeam: <i>Carpinus caroliniana</i> 'Palisade'	Medium
108th (NE 12th to NE 8th)	Persian ironwood: <i>Parrotia persica</i> 'Ruby Vase'	Medium
108th (NE 8th to NE 4th)	Sweetgum: <i>Liquidambar styraciflua</i> 'Worplesdon'	Large
108th (NE 4th to south of Main)	Zelkova serrata 'Green Vase'	Medium
109th (near NE 10th)	Linden: <i>Tilia cordata</i> 'Chancole'	Large
110th (NE 12th to NE 8th)	Linden: <i>Tilia americana</i> 'Redmond'	Large
110th (NE 8th to NE 4th)	Zelkova serrata 'Village Green'	Medium
110th (NE 4th to Main)	Red maple: <i>Acer rubrum</i> 'Somerset'	Large
111th (NE 11th to NE 9th)	Ginkgo: <i>Ginkgo biloba</i> 'Autumn Gold'	Medium
111th (NE 4th to NE 2nd)	Ginkgo: <i>Ginkgo biloba</i> 'Autumn Gold'	Medium
112th (NE 12th to Main)	Scarlet oak: <i>Quercus coccinia</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 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 or the Director’s designee.

B. On-site landscaping (Moved from 20.25A.040)

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.

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.

C. Linear Buffer (Moved from 20.25A.090.D.4 and amended)

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 adjacent to the Downtown boundary required by LUC Chart 20.25A.060A.3. The purpose of this feature is to produce a green buffer that will soften the visual impact of larger buildings. 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;
 - c. Shall not be used for parking and vehicular access drives shall be kept to a minimum; and
 - d. Must include seasonal color in an amount of at least 10 percent of the perimeter setback area.
 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 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 26 of subsection [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 mid-block pedestrian 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; and
 - 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.

INSTALLMENT 2A

20.25A.120 Green and Sustainability Factor (NEW)

A. 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:

2. Identify all proposed elements, presented in 20.25A.120, Table A.
3. Multiply the square feet, or equivalent square footage where applicable, of each landscape element by the multiplier provided for that element in Table A according to the following provisions:
 - a. If multiple elements listed in 20.25A.120, Table A occupy the same physical area, they may be 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 20.25A.120, Table A that are provided to satisfy any other requirements of this Code may be counted.
 - d. For trees, large shrubs and large perennials, use the equivalent square footage of each tree or shrub provided in 20.25A.120, Table B.
 - e. For green walls, use the square footage of the portion of the wall that will be covered by vegetation at three years. Green walls must include year-round irrigation and a submitted maintenance plan to be included as an element in the calculation for a project's Green and Sustainability Factor Score.
 - f. All vegetated structures, including fences counted as green walls shall be constructed of durable materials, provide adequate planting area for plant health, and provide appropriate surfaces or structures that enable plant coverage.
 - g. 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.
 - h. All permeable paving and structural soil credits may not count for more than one third of a project's Green and Sustainability Factor Score.

3. Add together all the products calculated under subsection Table A 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.

5. The Director has the final authority in determining the accuracy of the calculation of the Green and Sustainability Factor score.

Section 20.25A.120 Table A Green and Sustainability Factor Elements

A. Landscape Elements		Multiplier
	1. Bioretention Facilities (horizontal square footage) and/or Soil Cells. (Must comply with Bellevue's Storm and Surface Water Engineering Standards. Volume of soil cell systems may be calculated up to 3 feet in depth.)	1.2
	2. Structural Soil Systems (Volume of structural soil systems can be calculated up to 3 feet in depth.)	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 – calculated at 20 square feet per inch dbh (Trees must have a minimum diameter of 6 inches at dbh. Existing street trees proposed for preservation must be approved by the Director or designee.)	1.0
	6. Preservation of landmark tree bonus – calculated at 20 square feet per inch dbh. Trees must meet the City's definition for Landmark Trees.	0.1
	7. Preservation of existing evergreen trees bonus- calculated at 20 square feet per inch dbh Preserved evergreen trees shall have a minimum diameter of 6 inches at dbh.	0.1
	8. Ground cover or other low plants –Calculated at less than or equal to 2 feet at maturity.	0.1
	9. Shrubs or Large Perennials-Calculated at 12 square feet per plant greater than 2 feet tall at maturity.	0.4
	10. Small Trees-Calculated at 90 square feet per tree with a canopy spread of 10 feet to 15 feet at maturity.	0.3
	11. Medium Trees – Calculated at 230 square feet per tree with a canopy spread 18 square feet to 24 square feet at maturity.	0.3
	12. Large Trees-calculated at 360 square feet per tree with a canopy spread 26 ft. or larger.	0.4
	B. Green Roofs	
	1. Area planted with at least 2 inches of growth medium but less than 4 inches of soil.	0.4
	2. Area planted with at least 4 inches of growth medium.	0.7
	C. Green Walls	

	1. Façade or wall surface obstructed with vines calculate with an estimate of 3 years' growth.	0.2
	2. Façade or wall surface planted with a green wall system with have year-round irrigation and maintenance plan.	0.7
D. Landscape Bonuses		
	1. Landscaped areas for food cultivation.	0.2
	2. Landscaped areas planted with native or drought-tolerant plants.	0.1
	3. Landscape areas at sidewalk grade.	0.1
	4. Rainwater harvesting for landscape irrigation shall be calculated as a percentage of total water budget times total landscape area.	0.2
E. Permeable Paving		
	1. Permeable paving over a minimum 6 inches and less than 24 inches soil or gravel	0.2
	2. Permeable paving over at least 24 inches of soil or gravel.	0.5
F. Bicycle Parking		
	1. Bicycle racks in publically accessible locations – calculated at 9 square feet per bike locking space and must be visible from sidewalk or public area.	1.0
	2. Bicycle lockers in publically accessible locations – calculated at 12 square feet per locker, and must be visible from public areas and open for public use.	1.0
G. Green Building Incentives		
	Tier 1 - Living Building Full Certification, Living Building Petal Certification, Living Building Net Zero, Built Green Emerald Star –Calculated with entire parcel area.	0.3
	Tier 2 - Built Green 5 Star, LEED Platinum – Calculated with entire parcel area.	0.1
	Tier 3 – Built Green 4 Star, LEED Gold – Calculated with entire parcel area.	0.05

Section 20.25A.120 Table B

Equivalent square footage of trees and large shrubs

Shrub/Tree	Equivalent Square Feet
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Large shrubs or large perennials	12 square feet per plant
Small trees (1)	90 square feet per tree
Medium trees (1)	230 square feet per tree
Large trees (1)	350 square feet per tree
Existing large trees	20 square feet per inch of trunk diameter 4.5 feet above grade

(1) The Director or his designee will determine which tree species are small, medium and large within the meaning of this table.

Heritage Trees and Landmark Trees -TBD

20.25A.130 Mechanical Equipment Screening and Location Standards. (Moved from 20.25A.045, Early Win)

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; or
 - 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 section, 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 allow modifications to the requirements in this section 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.140 ROW Designations (BSRG's)

- A. Description
- B. Figure 20.25A.140
- C. Design Guidelines
- D. Overhead Weather Protection

20.25A.150 Downtown-Wide Design Guidelines (Outline Subject to Change)

- A. Architecture
- B. Open Space
- C. Use Specific Design Guidelines
- D. Major Pedestrian Corridor -Moved from LUC 20.25A.100E.1 and 4 will be incorporated. These provisions are likely to be amended with the Grand Connection project, thus no changes will be made at this time.

20.25A.160 Neighborhood-Specific Design Standards and Guidelines



September 7, 2016

SUBJECT

Downtown Livability Initiative – Installment 1 of the Land Use Code Amendment Package

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DIRECTION NEEDED FROM PLANNING COMMISSION

- Action
- Discussion
- Information

DISCUSSION

Recommendations from the Citizen Advisory Committee

The Planning Commission is working through the Downtown Livability Citizen Advisory Committee’s (CAC) recommendations for a targeted set of Land Use Code topics including public open space, landscaping, walkability and the Pedestrian Corridor, design guidelines, incentive zoning, and building height and form. Direction for the CAC’s recommendations drew heavily from a set of Land Use Code audits and focus groups that analyzed what was working regarding each topic, what wasn’t working, and areas for improvement. The current Commission work on updating the Downtown Land Use Code through the Livability Initiative is part of a broader agenda to make Downtown more people-friendly, vibrant and memorable, and add to the amenities that make for a great city center.

Focus of September 14 Study Session

The Planning Commission’s September 14 Study Session will focus on review of Installment 1 of the Land Use Code Amendment Package which is included with this memorandum as Attachment A. The Commission has been reviewing Downtown code topics over the past year and staff is now forming the consolidated package to take to public hearing. Also included in this packet is an update on the transportation-related Downtown policy amendments previously discussed with the Commission on July 27.

Review of Installment 1 of the Land Use Code Amendment Package

On September 14 staff will introduce Installment 1 of the Downtown Livability Land Use Code Packet to the Commission. Staff will highlight key elements of the code package, answer Commission questions, and seek guidance to ready this portion for public hearing.

The Downtown Livability Land Use Code Amendment Package is being brought forward to the Commission in 3 installments.

Highlights of Installment 1 of the Land Use Code Amendment Package are as follows:

20.25A.010 – General

This section serves as a roadmap for 20.25A. It explains how the code creates regulatory layers to inform the development of Downtown.

- Land Use Classifications – Determines uses, dimensional requirements and participation in the amenity incentive system.
- Perimeter Overlay Districts – Perimeter Overlay Districts (formerly Perimeter Design Districts) may impose more stringent dimensional requirements than are allowed by the underlying land use classification. This provides a buffer for less intense development usually at the edges of downtown.
- Neighborhood Design Districts – 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.
- Right-of-Way Designations – Right-of-Way Designations allow for development standards and design guidelines to be organized by street.
- Pedestrian Corridor – The Pedestrian Corridor remains the same, but will be updated as a part of the Grand Connection Project.

20.25A.020 – Definitions

- The definitions will be provided in a subsequent installment.

20.25A.030 – Applicable Review (New)

- Review includes Master Development Plan (MDP) and Design Review.
- Procedural Merger allows all administrative Land Use permits to be reviewed concurrently and issued as a single administrative decision.

20.25A.040 – Nonconforming Uses, Structures and Sites (Moved from 20.25A.025 and amended)

- Nonconforming is defined as a use, structure, site or lot which conformed to the applicable codes in effect on the date of creation but which no longer complies because of changes in code requirements or annexation. Defined in 20.20.036.
- Nonconforming Uses
 - Nonconforming uses may be continued by successive owners or tenants unless it has been abandoned.

- A use is abandoned if it is discontinued for 12 months with the intention of abandoning the use.
- A nonconforming use may be expanded pursuant to an Administrative Conditional Use Permit (ACUP) if not more than 20% or 20,000 sq.ft. whichever is less, or by a Conditional Use Permit (CUP) if the expansion is over 20% or 20,000 sq. ft.
- Nonconforming Structures
 - May repair or remodel the structure if there is no expansion of the building and it will not increase the nonconforming condition of the structure.
 - The application of the Design Guidelines will be determined when the Design Guidelines have been completed, except that where any expansions in a three year period exceed 50% of the floor area of the previously existing structure, the structure shall be brought into conformance with the current Design Guidelines.
 - If structure is destroyed by fire, explosion or other unforeseen circumstances, then it may be reconstructed consistent with its nonconformity, but not expanded.
- Nonconforming Sites
 - The site not be changed unless the change conforms to the Code, except reconfiguration of parking lots.
 - A structure on a nonconforming site may be repaired or remodeled as long as there is no expansion of the building and the repair or remodel will not increase the nonconforming condition of the site.
 - Expansions of a structure on a nonconforming site made within 3 years which together exceed 50% of the floor area of the previously existing structure shall require compliance with the site development provisions of the code.
 - Expansions of a structure on a nonconforming site made within 3 years which together exceed 20% shall provide easements for public sidewalks unless the Director of Transportation determines that the easements are not necessary.

20.25A.050 – Downtown Land Use Charts (Moved from 20.25A.015, Early Wins)

- Provisions have moved, but substance remains the same. In October, there will be a few changes to the use charts to align with code amendments adopted by the City Council for marijuana uses.

20.25A.060 – Dimensional Charts (Moved from 20.25A.020 and amended)

- For a visual representation of the Land Use Districts, Perimeter Overlay Districts, the building heights and the Floor Area Ratio, see Attachment B.
- In Perimeter Overlay B-2, Multiple tower projects may have variable tower heights from 160 -240 feet with an average of no more than 200 feet. Single towers are limited to 160 feet, provided the Commission wanted to further discuss the maximum single tower project height east of 102nd Avenue NE.
- Intrusions into right-of-way or setbacks allowed for marquees, awnings, external decks and balconies.
- Intrusion into stepbacks
 - May eliminate stepback if adjacent street is wider than 70 feet

- If adjacent street is 70 feet wide or less, stepback may be modified up to 60% of the depth of the required stepback.
- Modifications allowed for building modulation or weather protection.
- Height Exceptions
 - Mechanical equipment may intrude a maximum of 20 feet or as necessary, if it is the minimum necessary, 20% of the rooftop can be covered with mechanical structures and they must be clustered at the center, equipment and housing is integrated into the design of the rooftop.
 - Maximum building height may be exceeded by either 15% / 15 feet (whichever is greater) for architecturally integrated mechanical equipment and interesting roof form or by 10% / 15 feet (whichever is greater) for dedication of right-of-way or linear alignment for light rail.
- Underground buildings are not structures for purposes of calculating lot coverage.

20.25A.070 – FAR/Amenity System (Moved from 20.25A.030 and amended)

- Will be provided in a subsequent installment.

20.25A.080 – Parking Standards (Moved from 20.25A.050 and amended)

- Deleted references to commercial parking stalls and facilities that were approved for construction prior to March 23, 1981.
- Amended to require screening from above for parking structures.
- Increased the vehicle clearance heights for entries to parking garages from 7.5 to 8 feet to accommodate accessible van parking.
- Added requirement for residential visitor parking.
- Added requirements for bicycle parking.
 - 50% of the spaces must be covered
 - Nonresidential – 1 space for every 10,000 net square feet (nsf) over 20,000 nsf.
 - Residential – 1 space per every 10 dwelling units.

20.25A.090 – Street and Pedestrian Circulation Standards (Moved from 20.25A.060 and amended)

- Sidewalk widths map added. Sidewalk widths are 20, 16, or 12 feet.
- Tree pits and planter strips provisions have moved but the substance remains the same.
- Through-block connections will be provided in a subsequent installment.
- “Build to” line will be provided in a subsequent installment.

20.25A.100 – Pedestrian Bridges (Moved from 20.25A.130)

- This provision has been moved, but the substance remains the same.

20.25A.110 – Landscape Development (Moved from 20.25A.060 and amended, Early Wins)

- Street Tree Plate B, installation, and irrigation remain the same from the Early Wins package.

- Added flexibility to change tree species if listed species becomes unavailable.
- Removed conflict provision as unnecessary.
- On-site landscaping remains the same. (Moved from 20.25A.040)
- In all districts on street frontage, if buffering vehicular access or parking area, 8 foot, Type III buffer with ability for applicant to propose an alternative buffer.
- In DT-MU, R, OLB, and Perimeter Overlay Districts, 5 foot, Type III buffer in rear and side yards for vehicular access and parking areas.
- Linear Buffers
 - All linear buffers
 - Minimum 20 feet wide
 - Not used for parking, vehicular access kept to a minimum
 - If adjacent to the right-of-way or public property
 - 3 deciduous trees, 2 flowering trees, and 10 evergreen shrubs per 1000 sq. ft.
 - Paved no more than 25% of area
 - Ground cover at least 50% of area
 - Walls less than 30 inches
 - Within 3 feet of the elevation of the sidewalk.
 - If adjacent to private property
 - Allows for vehicular entrance drives, patios, and residential entries
 - Requires evergreen and deciduous trees
 - Requires evergreen shrubs
 - Requires living ground cover.

20.25A.120 – Green Factor Standards (New)

- Will be provided in a subsequent installment.
- Heritage and Landmark Trees will be defined by Low Impact Development Project.

20.25A.130 – Mechanical Equipment Screening and Location Standards. (Moved from 20.25A.045, Early Win)

- These provisions have moved, but the substance remains the same.

20.25A.140 – Right-of-Way Designations (Moved from Building/Sidewalk Relationships Design Guidelines and amended)

- Will be provided on a later date.

20.25A.150 – Downtown-Wide Design Guidelines (Moved from 20.25A.115, Building/Sidewalk Design Guidelines and amended; Outline Subject to Change)

- Will include the Major Pedestrian Corridor LUC 20.25A.100E.1 and 4.
- The provisions for the Major Pedestrian Corridor have moved, but the substance remains the same. It is likely that the Grand Connection Project will amend these Major Pedestrian Corridor Guidelines at a future date, so not updated are currently proposed.

20.25A.160 – Neighborhood-Specific Design Standards and Guidelines (New)

- Will be provided in a subsequent installment.

Installment 2 (tentatively scheduled for October 12) will include:

- Downtown Definitions
- Additional Height Triggers
- Through-Block Connections
- The Green Factor
- Right-of-Way Designations
- Design Guidelines

Installment 3 (tentatively scheduled for as early as October 26) will add:

- The results of the on-going work on the Incentive Zoning System. Staff previously discussed the proposed structure and approach for updating the system with the Commission on June 8 and July 27.
- The City’s consultant, Berk, is currently working on the economic modeling. Staff and Berk are coordinating work sessions with the Bellevue Downtown Association and other interested stakeholders on details of this analysis.
- Based on Council interest, staff is arranging for third party review of the economic modeling by an Urban Land Institute (ULI) Technical Assistance Panel. This may occur as early as mid-October.
- As has been previously discussed, the Incentive Zoning System will also include a process “off-ramp” where developers may suggest bonusable amenities not on the formal list and pursue an alternative approach that provides an equal or greater contribution to meeting the intent of the incentive system.

Update on Transportation-Related Downtown Policy Amendments

On July 27, staff presented a set of Downtown-specific transportation policy amendments which had been previously developed by the Transportation Commission in 2014 as part of the Downtown Transportation Plan Update. The Planning Commission expressed concern about the timing of these policy amendments and desired to have an alternative approach brought back for consideration that allowed for a more up-to-date review.

Staff now recommends that review of Downtown-specific transportation policy amendments be deferred to the 2017 annual Comprehensive Plan Amendment (CPA) process. This recommendation is based on these factors:

- The recommended policy language will be able to be reviewed to take into account changes since the recommendations were formed in early 2014. Additional public comment will also be sought during the annual CPA process.
- Policy amendments are not essential at this time in order to advance implementation of key elements of the Downtown Transportation Plan. This is because transportation projects were adopted in the Comprehensive Transportation Project List as part of the 2015 Major Comprehensive Plan Update.
- There is the potential that policy and/or narrative updates may be forthcoming from the Grand Connection visioning effort. These could also be incorporated into the Downtown Subarea Plan in 2017 with appropriate review by the Planning Commission and Transportation Commission.

NEXT STEPS FOR DOWNTOWN LIVABILITY

It is a Council priority to complete the work on Downtown Livability implementation in 2016. Staff is working to meet this Council priority. Staff's tentative schedule for Downtown Livability Planning Commission time for the remainder of the year is shown below. It is an aggressive schedule, but would allow for the Planning Commission to transmit a recommended Land Use Code Package to Council in January 2017 for final action to occur in Q1 2017 based on the Council calendar.

September 14, 2016	Commission Study Session: Installment 1 of the LUCA Package
October 12	Commission Study Session: Installment 2 of the LUCA Package
October 26	Commission Study Session
November 16	Commission Study Session
December 7	Commission Study Session
December 14	Commission Study Session

ATTACHMENTS

- A. Installment 1 of the Downtown Livability Land Use Code Amendment Package
- B. Map of Commission's Height and Form Recommendation as of September 7, 2016
- C. Land Use Code Table of Contents

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.2 of this section, the provisions of the Land Use Code, other development codes, the City development standards, and all other applicable codes and ordinances shall apply to development and activities in the 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. Regulations not applicable in Downtown. The following regulation 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 regulations apply.
 - a. 20.10.400
 - b. 20.10.440
 - c. 20.20.005 through 20.20.025
 - d. 20.20.060 and 20.20.070
 - e. 20.20.120 and 20.20.125
 - f. 20.20.135 and 20.20.140
 - g. 20.20.190 and 20.20.192
 - h. 20.20.250
 - i. 20.20.400
 - j. 20.20.520
 - k. 20.20.525
 - l. 20.20.700 and 20.20.720
 - m. 20.20.750 through 20.20.800
 - n. 20.20.890 and 20.20.900

B. Organization of Part 20.25A Descriptions to come later

Organization of Part 20.25A is composed of several regulatory layers inform the development of Downtown.

1. Land Use Classifications (or zoning) 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.
 - a. Downtown Office 1 (DNTN-O-1)
 - b. Downtown Office 2 (DNTN-O-2)
 - c. Downtown Mixed Use (DNTN-MU)
 - d. Downtown Residential (DNTN-R)
 - e. Downtown Old Bellevue (DNTN-OB)
 - f. Downtown Office Limited Business (DNTN-OLB)
2. Perimeter Overlay Districts (formerly Perimeter Design Districts) may impose more stringent dimensional requirements than are allowed by the underlying land use classification 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.
 - a. Perimeter Overlay District A
 - A-1
 - A-2
 - A-3
 - b. Perimeter Overlay District B
 - B-1
 - B-2
 - B-3
3. 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. Specific sections of the Downtown code apply only within neighborhood districts which are listed below.
 - a. Northwest Village
 - b. City Center North
 - c. Ashwood
 - d. Bellevue Square

- e. City Center
 - f. Convention Civic
 - g. Old Bellevue
 - h. City Center South
 - i. East Main
- 4. Right-of-Way Designations
 - 5. Pedestrian Corridor

20.25A.020 Definitions (NEW)

A. Definitions Specific to Downtown

- DT Building Height –
- DT Floor Area Ratio (FAR) -
- DT Floor Plate -
- DT Pedestrian Activated Design -
- DT Project Limit-
- DT Setback -
- DT Stepback –
- DT Façade Length-

B. General Definitions not applicable to Downtown

Floor Area Ratio (FAR). LUC 20.50.016.

20.25A.030 Review Required (NEW)

A. Applicable Review

- 1. Review is Required. All development in Downtown shall be reviewed by the Director of the Development Services Department through the application of a Master Development Plan and the Design Review process consistent with this section, Part 20.30V LUC, Part 20.30F LUC, and the applicable procedures of Chapter 20.35 LUC.
- 2. Effect of Approval. Approval of the Master Development Plan and Design Review shall constitute the regulations governing development and operation of the approved use. Such approval shall be contingent upon compliance with the conditions specified on 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 section. The approval shall run with the land.

3. Recording is Required. Upon approval of the Master Development Plan and Design Review, the Development Services Department will forward an approved Master Development Plan to the King County Recorder's Office or its successor agency for recording. Signature of approval from the appropriate, authorized administrator in the Development Services Department shall constitute approval by the City for recording of the Master Development Plan.

B. Master Development Plan

C. Design Review

D. Departures

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;
4. Variance, Part [20.30G](#) LUC; and
5. Critical Areas Land Use Permit, Part [20.30P](#) LUC

20.25A.040 Nonconforming uses, structures and sites. (Moved from 20.25A.025 and amended)

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 only pursuant to an Administrative Conditional Use Permit if the expansion is not more than 20 percent or 20,000 square feet, whichever is less, or by a Conditional Use Permit if the expansion is over 20 percent or 20,000 square feet.

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 provision of the Land Use Code, except that the requirements of 20.25A.____ (Design Guidelines) shall be applied as provided in _____ (Design Guidelines) below 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:

_____ (Design Guidelines).

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 _____ (Design Guidelines).

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.

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. 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 ____ (reference back to B.3 which will be changed) of this section.

4. 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.

5. 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 of the Development Services Department 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.

20.25A.050 Downtown Land Use Charts (Moved from 20.25A.015, Early Wins) (Pending marijuana amendments will be added shortly.)

A. Permitted Uses.

Specific categories of uses are listed in Chart 20.25A.050.D. Subsection 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 Described.

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.

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

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
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

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
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	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
	Two or More Dwelling Units Per Structure	P	P	P	P	P	P
12	Group Quarters: Dormitories, Fraternal Houses, Excluding Military and Correctional	P	P	P	P	P	P

Residential – 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
	Institutions and Excluding Secure Community Transition Facilities						
13 15	Hotels and Motels	P	P	P	P	P	P
	Congregate Care Senior Housing (1)	P	P	P	P	P	P
6516	Nursing Home, Assisted Living			P	P	P	P

Notes: Uses in Downtown land use districts – Residential

(1) An agreement must be recorded with the King County Department of Records and Elections and filed with the Bellevue City Clerk, restricting senior citizen dwellings or congregate care senior housing to remain for the life of the project.

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
63	Business Services, Duplicating and Blue Printing, Steno, Advertising (Except Outdoor), Travel Agencies, Employment, and	P	P	P	P 4, 5	P	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
	Printing and Publishing						
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 Functions and Related Activities Excluding Maintenance Shops			P	C	C	P
	Limited Governmental Services: Executive and Administrative,	P	P	P	P 5	P 5	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
	Legislative and Protective Functions (6)						
674 675	Military and Correctional Institutions						
	Secure Community Transition Facility						
681	Education: Primary and Secondary (7)	A	A	A	A/C	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
	Wireless Communication	6, 7, 10	6, 7, 10	6, 7, 10	6, 7, 10	6, 7, 10	6, 7, 10

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
	Facility (WCF): (without WCF Support Structures)						
	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 of the Development Services Department. 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

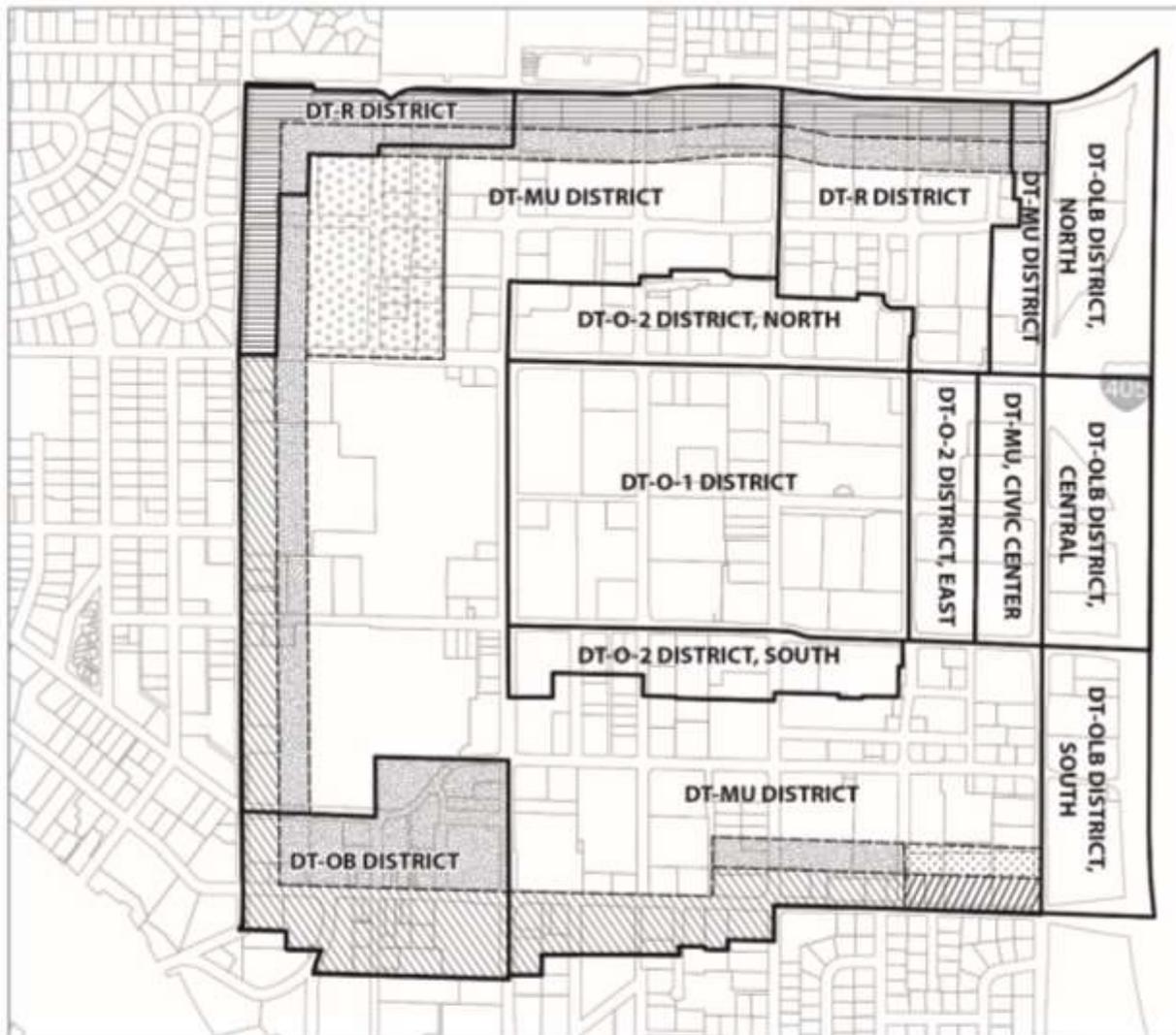
- (1) See LUC 20.20.130 for general requirements applicable to this use.
- (2) When the veterinary clinic and hospital occupies less than or equal to 2,000 square feet, the use is permitted outright. When the veterinary clinic and hospital occupies more than 2,000 square feet, an Administrative Conditional 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 (Moved from 20.25A.020 and amended)**A. Dimensional Requirements in Downtown Districts.**

1. General. Paragraph A.2 of this section (Chart: Dimensional Requirements in Downtown Districts) sets forth the dimensional requirements for each land use district and Perimeter Overlay District in the Downtown. Each structure, development, or activity in a Downtown Land Use District shall comply with these requirements except as otherwise provided in this section.

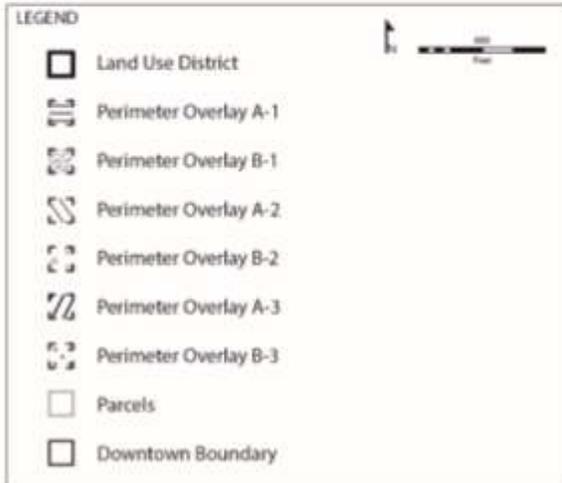
2. Land Use District Map

Figure 20.25A.060A.2



Date: September 2016

LAND USE DISTRICTS



3. Chart 20.25A.060A.3

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

Dimensional Requirements in Downtown Districts

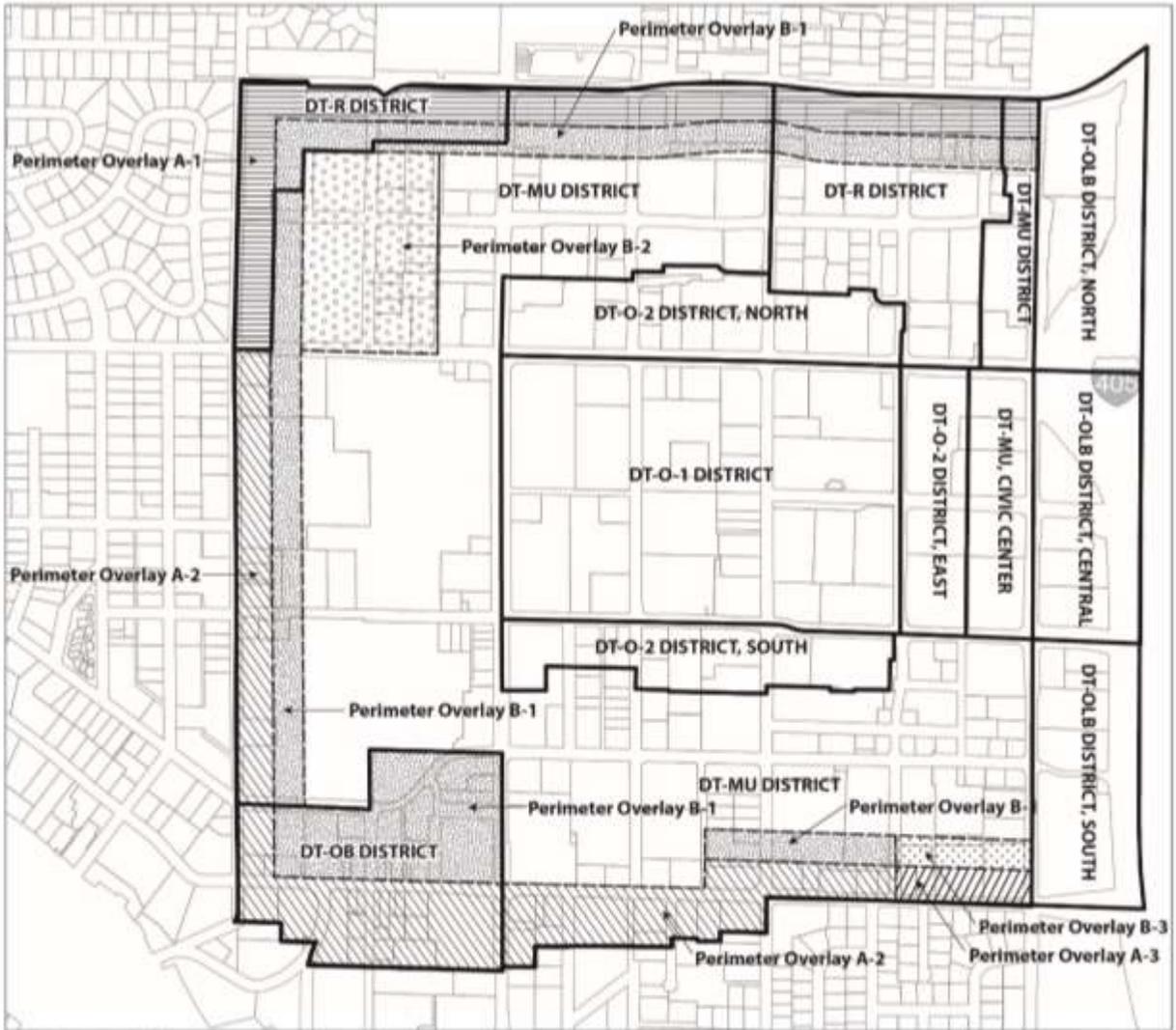
Downtown Land Use District	Building Type (7) (4)	Maximum Floor Plate Above 40' (9) (24)	Maximum Floor Plate Above 80' (9)(24)	Maximum Lot Coverage	Building Height: Basic / Maximum	Floor Area Ratio: Basic / Maximum (10) (8)	Minimum Upper Level Stepback above 45' Where Building Height Exceeds 75' (9)	Tower Separation Above 45'	Trigger for additional height TBD
DT-O-1	Nonresidential	24,000 gs/f	24,000 gs/f	100%	TBD / 600'	TBD / 8.0	20'	80'	
	Residential	22,000 gs/f	13,500 gs/f	100%	TBD / 600'	TBD / 10.0	20'	80'	
	Above-Grade Parking	20,000 gs/f	20,000 gs/f	100%	100' / 100'	N/A	20'	80'	
DT-O-2 North of NE 8 th St.	Nonresidential	24,000 gs/f	24,000 gs/f	100%	TBD / 400'	TBD / 6.0	20'	80'	
	Residential	22,000 gs/f	13,500 gs/f	100%	TBD / 400'	TBD / 6.0	20'	80'	
	Above-Grade Parking	20,000 gs/f	20,000 gs/f	100%	100' / 100'	TBD / 6.0	20'	80'	
DT-O-2 East of 110 th Ave. NE	Nonresidential	24,000 gs/f	24,000 gs/f	100%	150' / 350'	TBD / 6.0	20'	80'	
	Residential	22,000 gs/f	13,500 gs/f	100%	150' / 350'	TBD / 6.0	20'	80'	
	Above-Grade Parking	20,000 gs/f	20,000 gs/f	100%	100' / 100'	TBD / 6.0	20'	80'	
DT-O-2 South of NE 4 th	Nonresidential	24,000 gs/f	24,000 gs/f	100%	TBD / 300'	TBD / 6.0	20'	80'	
	Residential	22,000 gs/f	13,500 gs/f	100%	TBD / 300'	TBD / 6.0	20'	80'	
	Above-Grade Parking	20,000 gs/f	20,000 gs/f	100%	100' / 100'	TBD / 6.0	20'	80'	
DT-MU	Nonresidential	22,000 gs/f	20,000 gs/f	100%	TBD / 200'	TBD / 5.0	20' (46)	80'	
	Residential	20,000 gs/f	13,500 gs/f	100%	TBD / 250'	TBD / 5.0	20'(46)	80'	
	Above-Grade Parking	20,000 gs/f	N/A	75%	60' / 60'	N/A	20'(46)	NA	
DT-MU Civic Center	Nonresidential	22,000 gs/f	20,000 gs/f	100%	TBD / 350'	TBD / 6.0	20'	80'	
	Residential	20,000 gs/f	13,500 gs/f	100%	TBD / 350'	TBD / 6.0	20'	80'	
	Above-Grade Parking	20,000 gs/f	N/A	75%	60' / 60'	N/A	20'	N/A	
DT-OB	Nonresidential	20,000 gs/f	13,500 gs/f	100%	TBD / 100'	TBD / 1.0	20'	80'	
	Residential	20,000 gs/f	13,500 gs/f	100%	TBD / 200'	TBD / 5.0	20'	80'	
	Above-Grade Parking	N/A	N/A	75%	40' / 40'	N/A	N/A	N/A	
DT-R	Nonresidential	20,000 gs/f	NA	75%	65' / 65'	0.5 / 0.5	20'	N/A	

Downtown Land Use District	Building Type (7) (4)	Maximum Floor Plate Above 40' (9) (24)	Maximum Floor Plate Above 80' (9)(24)	Maximum Lot Coverage	Building Height: Basic / Maximum	Floor Area Ratio: Basic / Maximum (10) (8)	Minimum Upper Level Stepback above 45' Where Building Height Exceeds 75' (9)	Tower Separation Above 45'	Trigger for additional height TBD
	Residential	20,000 gs/f	13,500 gs/f	100%	150' / 200'	TBD / 5.0	20'	80'	
	Above-Grade Parking	N/A	N/A	75%	40' / 40'	N/A	N/A	N/A	
DT-OLB North (between NE 8th Street and NE 12th Street)	Nonresidential	30,000 gs/f	20,000 gs/f	100%	75' / 75'	TBD / 3.0	20'	80'	
	Residential	20,000 gs/f	13,500 gs/f	100%	75' / 90'	TBD / 3.0	20'	80'	
	Above-Grade Parking	20,000 gs/f	N/A	75%	45' / 45'	N/A	N/A	N/A	
DT-OLB Central (between NE 4th Street and NE 8th Street)	Nonresidential	30,000 gs/f	20,000 gs/f	100%	TBD / 350'	TBD / 6.0	20'	80'	
	Residential	20,000 gs/f	13,500 gs/f	100%	TBD / 350'	TBD / 6.0	20'	80'	
	Above-Grade Parking	20,000 gs/f	N/A	75%	45' / 45'	N/A	N/A	N/A	
DT-OLB South (between Main Street and NE 4th Street)	Nonresidential	30,000 gs/f	20,000 gs/f	100%	TBD / 200'	TBD / 5.0	20'	80'	
	Residential	20,000 gs/f	13,500 gs/f	100%	TBD / 200'	TBD / 5.0	20'	80'	
	Above-Grade Parking	20,000 gs/f	N/A	75%	45' / 45'	N/A	N/A	N/A	

Notes to this chart can be found on page 23

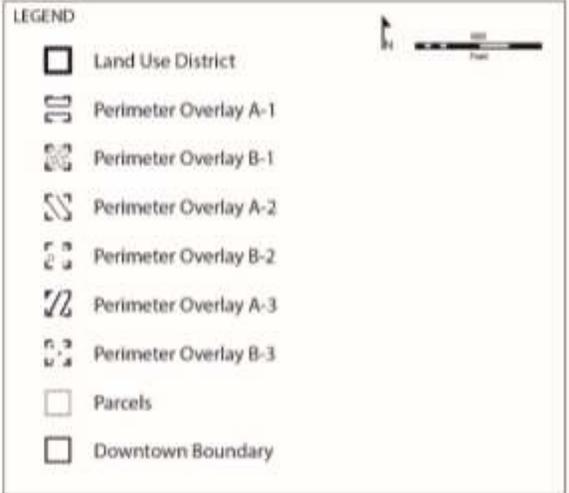
4. Perimeter Overlay District Map

Figure 20.25A.060A.4



Date: September 2016

DIMENSIONAL REQUIREMENTS BY LAND USE DISTRICT AND PERIMETER OVERLAY



Additional Dimensional Requirements in Downtown Perimeter Overlay Districts

Downtown Perimeter Overlay District	Building Type (7)	Minimum Setback from Downtown Boundary (3)	Maximum Lot Coverage	Building Height: Basic / Maximum (10) (8)	Floor Area Ratio: Basic / Maximum (3) (44)	Triggers for Additional Height TBD
Perimeter Overlay A-1 (26)	Nonresidential	20'	75%	TBD / 40'	TBD / 1.0 in DT-MU and DT-OB; 0.5 in DT-R	
	Residential	20'	75%	TBD / 55'	TBD / 3.5	
	Above-Grade Parking	20'	75%	30' / 40' (9)	N/A	
Perimeter Overlay A-2 (26) (46)	Nonresidential	20'	75% in DT-MU 100% in DT-OB	TBD / 40'	TBD / 1.0	
	Residential	20'	75% in DT-MU 100% in DT-OB	TBD / 70' (26)	TBD / 3.5	
	Above-Grade Parking	20'	75%	30' / 40' (9)	N/A	
Perimeter Overlay A-3 (26)	Nonresidential	20'	75%	TBD / 70'	TBD / 1.0	
	Residential	20'	75%	TBD / 70'	TBD / 5.0 (44)	
	Above-Grade Parking	20'	75%	30' / 40' (9)	N/A	
Perimeter Overlay B-1	Nonresidential	N/A	75% in DT-MU and DT-R 100% in DT-OB	TBD / 65'	TBD / 1.5 in DT-MU; 1.0 in DT-OB; 0.5 in DT-R	
	Residential	N/A	75% in DT-MU and DT-R 100% in DT-OB	TBD / 90'	TBD / 5.0	
	Above-Grade Parking	N/A	75%	40' / 40'	N/A	
Perimeter Overlay B-2	Nonresidential	N/A	75%	TBD / 65'	TBD / 1.5 in DT-MU; 0.5 in DT-R	
	Residential	N/A	75%	TBD / 160'-240' (45)	TBD / 5.0	
	Above-Grade Parking	N/A	75%	40' / 40'	N/A	
Perimeter Overlay B-3 (44)	Nonresidential	N/A	75%	TBD / 65'	TBD / 1.5	
	Residential	N/A	75%	TBD / 200'	TBD / 5.0 (44)	
	Above-Grade Parking	N/A	75%	40' / 40'	N/A	

20.25A.060

Notes: Dimensional requirements in Downtown Districts and Perimeter Overlay Districts

Footnotes 1, 2, 4 will be deleted and added into “build to” provisions of 20.25A.090.

Footnotes identified as “intentionally deleted will be removed prior to code adoption.

(1) Measured from inside edge of the required perimeter sidewalk. If existing utilities, which cannot reasonably be relocated, require the planting of street trees on the property side of a sidewalk as provided for in LUC [20.25A.090](#), four feet is added to the required setback.

- (2) No parking or vehicle access lane is permitted between the required perimeter sidewalk and the main pedestrian entrance to the building.
- (3) Minimum setbacks are subject to required landscape development. See LUC [20.25A.110](#).
- (4) The maximum setback from Main Street in the Downtown-OB District is 0 feet. (Add into “Build To” Line)
- (5) Intentionally deleted.
- (6) Intentionally deleted.
- (7) 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 “gross floor area.”
- (8) 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 (7).
- (9) See subsection B of this section for exceptions to the minimum stepback and maximum building floor plate requirements.
- (10) Intentionally deleted.
- (11) Intentionally deleted.
- (12) Intentionally deleted.
- (13) Intentionally deleted.
- (14) Hotels and motels shall be considered as residential structures for all dimensional standards except for maximum floor plate where they shall be considered nonresidential.
- (15) Intentionally deleted.
- (16) Intentionally deleted.
- (17) Intentionally deleted.
- (18) Intentionally deleted.
- (19) Intentionally deleted.
- (20) Intentionally deleted.
- (21) Intentionally deleted.
- (22) Intentionally deleted.
- (23) Intentionally deleted.
- (24) The floor plate is the floor area in square feet per floor within the surrounding exterior walls, measured from the interior wall surface and including all openings in the floor plate.
- (25) Intentionally deleted.
- (26) 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 subsection B of this section. This provision may be used to modify only the setback location and not the minimum setback size.

- (44) 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 from Perimeter Overlay District A-3 to B-3 within the project limit so long as the average FAR throughout the project may not exceed 5.0 FAR.
- (45) Within Perimeter Overlay B-2, multiple tower projects are allowed variable tower heights of 160 feet to 240 feet with an average of no more than 200 feet. Master Development Plan approval required. Single tower projects within the Perimeter Overlay B-2 shall be limited to 160 feet.
- (46) Within Perimeter Overlay A-2, any building exceeding 55 feet is subject to upper level stepback above 40 feet and special open space requirements through TBD.

B. Exceptions to Dimensional Requirements.

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 allow 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; and
 - ii. The connecting floor area shall include required corridor areas; and
 - iii. The alternative design results in a building mass that features separate and distinct building elements.
 - iv. The connection shall extend from the grade to the roofline and be a minimum of 10 feet in depth and a minimum of 15% of the façade length.
 - v. The connecting floor area must comply with the design guidelines for Connecting Floor Areas in _____ (the Design Guidelines).
- 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 into Rights-of-Way

- i. Marquees or awnings which comply with the requirements of LUC _____ are permitted to extend over the public right-of-way upon approval of the Director of the

Transportation Department and the Director of the Development Services Department notwithstanding the provisions of the Sign Code, Chapter 22B.10 BCC, or any other City Code.

ii. External decks and balconies that intrude into the right-of-way are permitted to extend over the setback upon approval of the Director and shall be a minimum of 20 feet above the right-of-way.

b. Intrusions into Setbacks

i. Marquees or awnings which comply with the requirements of LUC _____ are permitted to extend over the setback upon approval of the Director.

ii. External decks and balconies that intrude into the right-of-way are permitted to extend over the setback upon approval of the Director and shall be a minimum of 20 feet above average finished grade.

c. Intrusions into Stepbacks

i. The Director may allow modifications to the minimum required stepback if:

aa. The applicant can demonstrate that the resulting design will be more consistent with the Design Guidelines of 20.25A.150; and

bb. The intrusions for building modulation or weather protection features shall be a maximum of twenty percent of the length of the whole façade, twenty five percent of the depth of the required stepback, and a maximum of ten feet in length per intrusion.

ii. Stepbacks may be modified, but shall not be eliminated except where the adjacent roadway width is greater than 70 feet. Otherwise, the maximum modification is 60% of the depth of the required stepback.

iii. The Director may allow modifications to the stepback requirements for performing arts centers if:

aa. The applicant can demonstrate that the resulting design will be more consistent with the Design Review criteria of LUC [20.25A.110](#); and

bb. 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.

a. Mechanical equipment such as elevator overruns, may intrude a maximum of 20 feet or as necessary to accommodate new technology above the maximum height limit if the following conditions are met:

i. The applicant can demonstrate that the intrusion is the minimum necessary to serve the needs of the building.

- ii. Maximum of 20% of the rooftop can be covered with mechanical structures or housings.
- iii. All mechanical equipment must be clustered at the center of the roof.
- iv. Equipment and housing shall be integrated into the design of the rooftop.

b. The applicant may increase the building height with one of two provisions below, but may not use both provisions in the same project.

- i. The maximum building height for nonresidential and residential buildings may be increased by 15% or 15 feet, whichever is greater, if the additional height provides architecturally integrated mechanical equipment and interesting roof form, Not applicable in the O-1 District or Perimeter Overlays A-1, A-2, and A-3; and limited to a maximum of 10% (9 feet) in Perimeter Overlay B-1; or
- ii. The maximum building height can be exceeded if the right-of-way is dedicated as provided by subsection B.5 but only to the extent of the floor area earned as a result of the dedication. The increase over maximum building height shall not be increased more than 10 percent or 15 feet whichever is larger, as a result of the is subsection. This is not applicable in the Perimeter Overlay Districts.

4. Lot Coverage Exceptions.

- a. Underground buildings as defined in LUC [20.50.050](#) are not structures for the purpose of calculating lot coverage.

5. Floor Area Ratio Computation – Right-of-Way Designation.

- 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 b.ii of this section is included in land area for the purpose of computing maximum FAR notwithstanding LUC [20.50.020](#), floor area ratio (FAR).

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 Director of the Development Services Department must record the amount (square footage) of floor area earned by area dedicated in conformance with subsection b.ii of this section and the increase in maximum building height acquired in conformance with subsection B.3.d of this section with the King County Recorder's Office or its successor agency.

20.25A.070 FAR / Amenity Incentive System (Moved from 20.25A.030 and amended)

- A. General.
- B. Required Review.
- C. How to Calculate FAR
- D. Amenity Table
- E. Amenity Values
- F. Buy out of existing system to use new code
- G. Transfer of FAR

20.25A.080 Parking Standards (Moved from 20.25A.050 and amended)

- 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:

Downtown Parking Requirements

Land Use			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.	(Deleted by Ord. 5790)					

			Downtown Zones			
			-O-1,-O-2		-R,-MU,-OB, -OLB	
Land Use		Unit of Measure	Min.	Max.	Min.	Max.
h.	Manufacturing/Assembly (Other than High Technology/Light Industrial)	per 1,000 nsf	0.7	1.0	1.0	1.5
i.	Office (Business Services/Professional Services/General Office)(3)	per 1,000 nsf	2.0	2.7	2.5	3.0
j.	Office (Medical Dental/Health Related Services)	per 1,000 nsf	3.0	4.0	4.0	5.0
k.	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
l.	Residential (6)	per unit	0	2.0	1.0(5)	2.0
m.	Restaurant	per 1,000 nsf	0	15.0	10.0(4)	20.0
n.	Retail	per 1,000 nsf	3.3	5.0	4.0(4)	5.0
o.	Retail in a Mixed Development (except Hotel)(2)	per 1,000 nsf	0	3.3	2.0(4)	4.0
p.	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 of the Development Services Department 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 Division of Records and Elections.

(6) Residential 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 of the Development Services Department 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 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).

2. Number of Spaces Required.

a. Where the uses to be served by shared parking have overlapping hours of operation, the property owner or owners shall provide parking stalls equal to the total of the individual parking requirements for the uses served reduced by 20 percent of that total number; provided, that the Director may approve a further reduction of that total number if the property owner or owners demonstrate to the satisfaction of the Director that the resulting provision of parking will be adequate for the proposed uses.

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.

3. 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 Division of Records and Elections and with the Bellevue City Clerk a written agreement approved by the Director of the Development Services Department providing for the shared parking use. The agreement shall be recorded on the title records of each affected property.

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 of the Development Services Department may authorize a portion of the approved parking 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 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 Division of Records and Elections and with the Bellevue City Clerk a written agreement approved by the Director of the Development Services Department providing for the shared parking use. The agreement shall be recorded on the title records of each affected property.

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 of the Development Services Department 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 of the Development Services Department may approve 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 and that is contained within the required parking and circulation areas. The facility must be adjacent to an entrance door to the structure served by the parking or as nearly so as possible and must be consistent with all applicable design guidelines.

4. Performance Standards for Parking Structures. The Director of the Development Services Department may approve a proposal for a parking structure through Design Review, Part 20.30F LUC. The Director of the Development Services Department 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 _____(Design Guidelines).
- 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.
- h. Vehicle height clearances for structured parking must be at least eight feet for the entry level to accommodate accessible van parking.

G. Interim and Phased Parking.

1. Interim Parking.

a. When Allowed. The Director of the Development Services Department may approve the installation of interim parking up to the maximum parking allowed if determined to be necessary to mitigate spillover parking impacts. Such interim parking may exist for a period not to exceed five years from the date of Temporary or Final Certificate of Occupancy, whichever comes first. The Director of the Development Services Department may upon written request grant no more than two one-year extensions to the five-year interim parking time limit.

b. Approval Required. The Director of the Development Services Department must review and approve a plan indicating current parking demand, how much interim parking is proposed, when the parking will be removed, and how the interim parking area will be restored.

c. Design. The property owner must provide perimeter and interior parking lot landscaping as required by LUC 20.25A.110 and must comply with all dimensional standards of this Code.

d. Removal of Interim Parking. The Director of the Development Services Department may require the removal of interim parking prior to the expiration of the approval period when parking supply exceeds demand. The property owner proposing interim parking shall file a written agreement containing this limitation with the Bellevue City Clerk.

e. Assurance Device. The Director of the Development Services Department may require an assurance device pursuant to LUC 20.40.490 to insure conformance with the requirements and intent of paragraph G.1 of this section.

2. Phased Parking.

a. Schedule Required. The property owner may install the required parking spaces in phases if the schedule has been approved by the Director of the Development Services Department. Each phased parking installation must include enough parking to meet the parking requirements for the completed phases of the development for which the parking is provided. This phasing schedule must specifically indicate when all parking approved pursuant to this section will be provided.

b. Assurance Device. The Director of the Development Services Department may require an assurance device pursuant to LUC 20.40.490 to insure compliance with the requirements and intent of paragraph G.2 of this section.

H. 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.

I. Director's Authority to Require Parking Exceeding Maximum.

In Downtown Districts, the Director of the Development Services Department may require the installation of more than the maximum number of parking stalls, for other than office uses, if the Director determines that:

- 1. Such additional parking is necessary to meet the parking demand for a specified use; and

2. Shared or off-site parking is not available or adequate to meet demand; and
3. Any required Transportation Management Program will remain effective.

20.25A.090 Street and Pedestrian Circulation Standards (May include more standards from BSDG and will include a section about “build to” line

A. Walkways and Sidewalks – Standards and Map (Moved from 20.25A.060 and amended. Includes Early Wins)

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. Included within the prescribed minimum width of the walkway or sidewalk shall be a planter strip or tree pit as prescribed in Plate 20.25A.090A.1 of this section.

DRAFT

Figure 20.25A.090.A.1



Date: September 2016

DOWNTOWN SIDEWALK DIMENSIONS

LEGEND

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



Plate 20.25A.090A.1

Downtown Bellevue Planter Strip/Tree Pits Required

East-West	Planter Strip/Tree Pits
NE 12th (102nd to I-405)	Planter Strip
NE 11th (110th to 112th)	Planter Strip
NE 10th (100th to 106th)	Planter Strip
NE 10th (106 to I-405)	Planter Strip
NE 9th (110th to 111th)	Tree Pits
NE 8th (100th to 106th)	Planter Strip
NE 8th (106th to 112th)	Planter Strip
NE 6th (Bellevue Way to 106th)	See Pedestrian Corridor Design Guidelines
NE 6th (106th to 108th)	See Pedestrian Corridor Design Guidelines
NE 6th (108th to 110th)	Tree Pits
NE 6th (110th to 112th)	Planter Strip on the south side, Tree Pits on the north side
NE 4th (100th to I-405)	Planter Strip
NE 3rd Pl (110th to 111th)	Tree Pits
NE 2nd Pl (108th to 111th)	Planter Strip
NE 2nd (Bellevue Way to I-405)	Planter Strip
NE 1st/2nd (100th to Bellevue Way)	Planter Strip
NE 1st (103rd to Bellevue Way)	Tree Pits
Main St (100th to Bellevue Way)	Tree Pits
Main St (Bellevue Way to I-405)	Planter Strip
North-South	
100th (NE 12th to Main)	Planter Strip
100th (NE 10th to NE 1st)	Planter Strip
100th (NE 1st to Main)	Planter Strip
101st (near NE 10th)	Tree Pits

Downtown Bellevue Planter Strip/Tree Pits Required

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

B. Through-Block Pedestrian Connections.

20.25A.100 Downtown Pedestrian Bridges (Moved from 20.25A.130)

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, and may amend any approved Downtown Pedestrian Bridge Location and Design Plan, using the City Council Design Review Process, LUC 20.30F.116.

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.
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 Division of Records and Elections and Bellevue City Clerk.

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; and
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 with retail activities, as defined by the Building/Sidewalk Design Guidelines, at the ground level immediately adjacent to both sides 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 Division of Records and Elections and Bellevue City Clerk.

20.25A.110 Landscape Development

- A. Street trees and landscaping – Perimeter – Plate B (Moved from 20.25A.060 and amended, Early Wins)
 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

Plate B – Downtown Bellevue Street Tree Species Plan

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

101st Ave SE (south of Main St)	Katsura: <i>Cercidiphyllum japonicum</i>	Large
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 PINE (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 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 or the Director's designee.

B. **On-site landscaping (Moved from 20.25A.040)**

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.

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 surface vehicular access or parking area – 8' Type III (1)	None Required	None Required
Downtown-MU Downtown-R Downtown OLB	If buffering a surface vehicular access or	If buffering a surface vehicular access or	If buffering a surface vehicular access or

Land Use District	Location On-Site		
	Street Frontage	Rear Yard	Side Yard
Perimeter Overlay Districts	parking area – 8' Type III (1)	parking area – 5' Type III	parking area – 5' Type III

(1) An alternative design may be approved through Alternative Landscape Option, LUC 20.20.520.J.

C. Linear Buffer (Moved from 20.25A.090.D.4 and amended)

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 adjacent to the Downtown boundary required by LUC Chart 20.25A.060A.3. The purpose of this feature is to produce a green buffer that will soften the visual impact of larger buildings. 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;
- c. Shall not be used for parking and vehicular access drives shall be kept to a minimum; and
- d. Must include seasonal color in an amount of at least 10 percent of the perimeter setback area.

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. Paved surfaces that comprise no more than 25 percent of the perimeter setback area and these surfaces may be used for private residential recreational space and residential entries;
- e. Ground cover on at least 50 percent of the perimeter setback area;
- f. Paved areas that are use brick, stone or tile in a pattern and texture that is level and slip-resistant; and
- g. Walls and fences that shall not exceed 30 inches.
- h. Accessibility both visually and physically by abutting the sidewalk and being within three feet in elevation of the sidewalk.

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 26 of subsection [20.25A.060.A.4](#)) shall be landscaped as follows:

- a. The entire setback (20 feet) shall be planted. No portion may be paved except for vehicular entrance drives, required mid-block pedestrian 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; and
 - 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.

20.25A.120 Green Factor Standards (New)

A. Insert Table

B. Heritage Trees and Landmark Trees

Landmark tree will be defined by LID Project. Place cross reference here.

20.25A.130 Mechanical Equipment Screening and Location Standards. (Moved from -20.25A.045, Early Win)

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; or
 - 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.

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 section, 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 allow modifications to the requirements in

this section 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.140 Right-of-Way Designations (BSRG's)

- A. Description
- B. Figure 20.25A.140
- C. Design Guidelines
- D. Overhead Weather Protection

20.25A.150 Downtown-Wide Design Guidelines (Outline Subject to Change)

- A. Architecture
- B. Open Space
- C. Use Specific Design Guidelines
- D. Major Pedestrian Corridor -Moved from LUC 20.25A.100E.1 and 4 will be incorporated. These provisions are likely to be amended with the Grand Connection project, thus no changes will be made at this time.

20.25A.160 Neighborhood-Specific Design Standards and Guidelines

Part 20.25A Downtown

20.25A.010 General (NEW)

20.25A.020 Definitions (NEW)

20.25A.030 Review Required (NEW)

20.25A.040 Nonconforming Uses, Structures and Sites. (Moved from 20.25A.025 and amended).

20.25.050 Downtown Land Use Charts (Moved from 20.25A.015, Early Wins)

20.25A.060 Dimensional Charts (Moved from 20.25A.060)

20.25A.070 FAR / Amenity Incentive System.

20.25A.080 Parking Standards (Moved from 20.25A.050 and amended.)

20.25A.090 Street and Pedestrian Circulation Standards

20.25A.100 Downtown Pedestrian Bridges (Moved from 20.25A.130.)

20.25A.110 Landscape Development 20.25A.120 Green Factor Standards (NEW)

20.25A.130 Mechanical Equipment Screening and Location Standards. (Formerly 20.25A.045, Early Win)

20.25A.140 Right-of-Way Designations (Building/Sidewalk Relationships Design Guidelines)

20.25A.150 Downtown-Wide Design Guidelines (Moved from 20.25A.115 and amended)

20.25A.160 Neighborhood-Specific Design Standards and Guidelines (NEW)

Maximum Heights With and Without 15 feet and 15 Percent Increase

District	Building Type	New Max Height	New Max Height + 15% or 15'
DT-O-1	Nonresidential	600'	600' *
	Residential	600'	600' *
	Above grade Parking	100'	100' **
DT-O-2 (N)	Nonresidential	400'	460'
	Residential	400'	460'
	Above grade Parking	100'	100' **
DT-O-2 (E)	Nonresidential	350'	402.5'
	Residential	350'	402.5'
	Above grade Parking	100'	100' **
DT-O-2 (S)	Nonresidential	300'	345'
	Residential	300'	345'
	Above grade Parking	100'	100' **
DT-MU	Nonresidential	200'	230'
	Residential	250'	287.5'
	Above grade Parking	60'	60' **
DT-MU (CC)	Nonresidential	350'	402.5'
	Residential	350'	402.5'
	Above grade Parking	60'	60' **
DT-OB	Nonresidential	100'	115'
	Residential	200'	230'
	Above grade Parking	40'	40' **
DT-R	Nonresidential	65'	75' (74.75')
	Residential	200'	230'
	Above grade Parking	40'	40' **
DT-OLB (N)	Nonresidential	75'	86' (86.25')
	Residential	90'	103.5'
	Above grade Parking	45'	45' **
DT-OLB (C)	Nonresidential	350'	402.5'
	Residential	350'	402.5'
	Above grade Parking	45'	45' **
DT-OLB (S)	Nonresidential	200'	230'
	Residential	200'	230'
	Above grade Parking	45'	45' **

Perimeter Overlay Districts			
A (1)	Nonresidential	40'	40' *
	Residential	55'	55' *
	Above grade Parking	40'	40' **
A (2)	Nonresidential	40'	40'*
	Residential	70'	70' *
	Above grade Parking	40'	40' **
A (3)	Nonresidential	70'	70' *
	Residential	70'	70' *
	Above grade Parking	40'	40' **
B (1)	Nonresidential	65'	72'
	Residential	90'	99'
	Above grade Parking	40'	40' **
B (2)	Nonresidential	65'	72'
	Residential	160'-240'	176'-264'
	Above grade Parking	40'	40' **
B (3)	Nonresidential	65'	72'
	Residential	200'	220'
	Above grade Parking	40'	40' **
* = No additional height to be granted, all standards must be followed	** - No additional height granted to parking garages, all mechanical equipment shall be placed within the structure		

Downtown Green and Sustainability Factor

Based on Council's principles for Downtown Livability and the CAC's recommendations, staff is proposing a Downtown "Green and Sustainability Factor." With Commission direction, this system would be included in the Downtown Land Use Code. The Green and Sustainability Factor shown below includes a menu of elements for developers to choose from, to provide flexibility in balancing the unique goals of a specific project with the broader goals of the City.

The Factor's purpose is to mitigate some of the environmental effects of developing in a dense urban environment, creating softer, greener places for people, and enhancing livability and environmental sustainability.

On June 8, staff met with the Planning Commission and received general concurrence regarding the direction of the proposed framework for the Green and Sustainability Factor. Comments from the commission included a desire for the factor to incorporate more elements related to green building and sustainability. Following this direction, elements such as rainwater harvesting for irrigation use, and green building incentives have been added to the proposed system.

How the Green and Sustainability Factor Would Work: Each development would be required to meet an equivalent of 30 percent of the parcel being developed as green or sustainable elements. It is important to note that frontage improvements constructed in Rights-of-way as part of the development would be included in this calculation. Flexibility in how to achieve this requirement would be provided through a menu of elements to choose from, such as permeable paving, rainwater harvesting, green walls, tree canopies, green roofs and other elements as set forth below.

The system would allow features to be layered vertically. An example of this would be seen in a location with required street trees and planting strips. The development would be able to include the square footage of permeable paving and the volume of soil cell systems underneath sidewalk areas if used, the total square footage of the street frontage landscaping areas as a second element, the square footage of the street frontage landscaping as a third, the number of large shrubs or perennials used in that same space as a fourth element, and the mature canopy size of the street tree as a fifth element. Since the Green and Sustainability Factor considers the positive impact that plants, trees, and other features have in urban environments beyond square footage allocated to green space, a better outcome is provided that helps to achieve multiple goals for livability and sustainability. Concurrently, this system allows for greater flexibility to ensure sites are designed to achieve the specific goals of the development while meeting this requirement. Each element listed below is ultimately assigned a multiplier, or factor, that prioritizes and promotes the incorporation of such features.

As part of an evaluation of the proposed system, staff calculated Green and Sustainability Factor scores for several types of developments seen in the Downtown. In some instances, proposed projects exceeded the minimum score requirement easily and in others, a minimum score wasn't met. In all cases where the minimum score wasn't met, simple remedies, such as providing additional soil volume for trees or planting a vegetated wall or small green roof would have allowed these examples to meet the minimum requirement.

On October 12 staff will introduce Installments 1 & 2 of the Downtown Livability Land Use Code Packet to the Commission. Staff will highlight key elements of the code package, answer Commission questions, and seek guidance to ready this portion for public hearing.

The Green and Sustainability Factor worksheet, showing all the elements and associated factors, is located on the following pages.

DOWNTOWN GREEN AND SUSTAINABILITY FACTOR		MINIMUM REQUIRED SCORE	0.3
Project:	enter sq ft of parcel	SCORE	0.000
	PARCEL SIZE	1	
	enter total gallons		
	TOTAL ESTIMATED WATER USE FOR IRRIGATION	1	

Factor Total

1 Landscape Elements

	enter sq ft or volume if soil cells		Factor	Total
A. Bioretention facilities and/or soil cells (must comply with Bellevue Storm and Surface Water Engineering Standards. Volume of soil cell systems can be calculated up to 3' in depth.)	<input type="text"/>	1.2		0.0
B. Structural soil systems	enter sq ft <input type="text"/>	0.2		0.0
C. Landscaped areas with soil depth less than 24"	enter sq ft <input type="text"/>	0.1		0.0
D. Landscaped areas with soil depth of 24" or more	enter sq ft <input type="text"/>	0.6		0.0
E. Preservation of existing trees - calculated at 20 sq ft per inch dbh (Trees must have a minimum diameter of 6" at dbh. Existing street trees proposed for preservation must be approved by Development Services Director or designee.)	enter inches dbh <input type="text"/>	0	1.0	0.0
F. Preservation of landmark trees bonus - calculated at 20 sq ft per inch dbh (Trees must meet City of Bellevue's definition of Landmark Trees)	enter inches dbh <input type="text"/>	0	0.1	0.0
G. Preservation of existing evergreen trees bonus - calculated at 20 sq ft per inch dbh (Preserved evergreen trees must have a minimum diameter of 6" at dbh)	enter inches dbh <input type="text"/>	0	0.1	0.0
H. Ground covers or other low plants (less than or equal to 2' tall at maturity)	enter sq ft <input type="text"/>	0.1		0.0
I. Shrubs or large perennials - calculated at 12 sq ft per plant (greater than 2' tall at maturity)	enter plant totals <input type="text"/>	0	0.4	0.0
J. Small Trees or equivalent - calculated at 90 sq ft per tree (canopy spread 10' to 15' at maturity)	enter plant totals <input type="text"/>	0	0.3	0.0
K. Medium Trees or equivalent - calculated at 230 sq ft per tree (canopy spread 16' to 24' at maturity)	enter plant totals <input type="text"/>	0	0.3	0.0
L. Large Trees - calculated at 350 sq ft per tree (canopy spread 25' and greater at maturity)	enter plant totals <input type="text"/>	0	0.4	0.0

2 Green Roofs

- | | | | | |
|----|---|--|-----|-----|
| A. | Area planted with at least 2" of growth medium but less than 4" of soil | enter sq ft
<input style="width: 80px; height: 20px;" type="text"/> | 0.4 | 0.0 |
| B. | Area planted with at least 4" of growth medium | enter sq ft
<input style="width: 80px; height: 20px;" type="text"/> | 0.7 | 0.0 |

3 Green Walls

- | | | | | |
|----|--|--|-----|-----|
| A. | Façade or wall surface obstructed with vines (calculate at 3 years of growth) | enter sq ft
<input style="width: 80px; height: 20px;" type="text"/> | 0.2 | 0.0 |
| B. | Façade or wall surface planted with a green wall system (must have year round irrigation and maintenance plan) | enter sq ft
<input style="width: 80px; height: 20px;" type="text"/> | 0.7 | 0.0 |

4 Landscape Bonuses

- | | | | | |
|----|---|--|-----|-----|
| A. | Landscape areas in food cultivation | enter sq ft
<input style="width: 80px; height: 20px;" type="text"/> | 0.2 | 0.0 |
| B. | Landscape areas planted with native or drought tolerant plants | enter sq ft
<input style="width: 80px; height: 20px;" type="text"/> | 0.1 | 0.0 |
| C. | Landscape areas at sidewalk grade | enter sq ft
<input style="width: 80px; height: 20px;" type="text"/> | 0.1 | 0.0 |
| D. | Rainwater harvesting for landscape irrigation - calculated as a percentage of total water budget times total landscape area | enter total projected gallons harvested
<input style="width: 80px; height: 20px;" type="text"/> | 0 | 0.2 |

5 Permeable Paving

- | | | | | |
|----|--|--|-----|-----|
| A. | Permeable paving over a minimum 6" and less than 24" of soil or gravel | enter sq ft
<input style="width: 80px; height: 20px;" type="text"/> | 0.2 | 0.0 |
| B. | Permeable paving over at least 24" of soil or gravel | enter sq ft
<input style="width: 80px; height: 20px;" type="text"/> | 0.5 | 0.0 |

6 Bicycle Parking

- | | | | | | |
|----|--|--|---|-----|-----|
| A. | Bicycle racks in publically accessible locations - calculated at 9 sq ft per bike locking space (must be visible from sidewalk or public areas) | enter total bike spaces
<input style="width: 80px; height: 20px;" type="text"/> | 0 | 1.0 | 0.0 |
| B. | Bicycle lockers in publically accessible locations - calculated at 12 sq ft per locker (must be visible from public areas and open for public use) | enter number bike lockers
<input style="width: 80px; height: 20px;" type="text"/> | 0 | 1.0 | 0.0 |

7 Green Building Incentives (See 20.25A.XXX for Incentive System)

- | | | | | |
|----|--|--|------|-----|
| A. | Tier 1 - Living Building Full Certification, Living Building Petal Certification, Living Building Net Zero, Built Green Emerald Star | if yes, enter parcel size
<input style="width: 80px; height: 20px;" type="text"/> | 0.3 | 0.0 |
| B. | Tier 2 - Built Green 5 Star, LEED Platinum | if yes, enter parcel size
<input style="width: 80px; height: 20px;" type="text"/> | 0.1 | 0.0 |
| C. | Tier 3 - Built Green 4 Star, LEED Gold | if yes, enter parcel size
<input style="width: 80px; height: 20px;" type="text"/> | 0.05 | 0.0 |



Bellevue Planning Commission

Upcoming Meeting Schedule

<u>Mtg #</u>	<u>Date</u>	<u>Agenda Items</u>	<u>Priority</u>	<u>Agenda detail</u>
20	26-Oct-16	Standard Items		Roll Call, Agenda, Minutes, Public Comment, Staff Reports, etc.
		Downtown Livability Land Use Code	2	Tentative Date for Commission Deliberations
21	9-Nov-16	Standard Items		Roll Call, Agenda, Minutes, Public Comment, Staff Reports, etc.
		Downtown Livability Land Use Code	2	Tentative Date for Final Commission Recommendations
		2016 CPAs Final Review	1	Public Hearing and Study Session - Nicholas
22	16-Nov-16	Standard Items		Roll Call, Agenda, Minutes, Public Comment, Staff Reports, etc.
	New Date	Downtown Livability Land Use Code	2	Tentative Date for Commission Deliberations
	23-Nov-16	NO MEETING - Thanksgiving Week		
23	7-Dec-16	Standard Items		Roll Call, Agenda, Minutes, Public Comment, Staff Reports, etc.
	New Date	Downtown Livability Land Use Code	1	Tentative Date for Public Hearing
24	14-Dec-16	Standard Items		Roll Call, Agenda, Minutes, Public Comment, Staff Reports, etc.
		Downtown Livability Land Use Code	2	Tentative Date for Final Commission Recommendations
	28-Dec-16	NO MEETING - End of Year.		
1	4-Jan-17	To be determined.		
2	18-Jan-16	To be determined.		

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

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
STUDY SESSION MINUTES

September 14, 2016
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair deVadoss, Commissioners Carlson, Hilhorst, Laing, Morisseau, Walter

COMMISSIONERS ABSENT: Commissioner Barksdale

STAFF PRESENT: Terry Cullen, Department of Planning and Community Development; Catherine Drews, City Attorney's Office; Camron Parker, Department of Parks and Community Services; Paul Bucich, Department of Utilities; Camron Parker, Department of Parks and Community Services

COUNCIL LIAISON: Not Present

GUEST SPEAKERS: Wayne Carlson, AHBL; Steve Roberts, Congregations for the Homeless

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 6:35 p.m. by Chair deVadoss who presided.

2. ROLL CALL

(6:35 p.m.)

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Laing, who arrived at 6:45 p.m.; Commissioner Morisseau, who arrived at 7:16 p.m.; and Commissioner Barksdale, who was excused.

Chair deVadoss took a moment to thank Commissioner Hilhorst for her role serving as Chair of the Commission. He said he learned from her commitment to serving and professional dedication, as well as personal conviction.

3. APPROVAL OF AGENDA

(6:36 p.m.)

A motion to approve the agenda was made by Commissioner Walter. The motion was seconded by Commissioner Carlson and the motion carried unanimously.

4. COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCILS, BOARDS AND COMMISSIONS – None

(6:36 p.m.)

5. STAFF REPORTS

(6:37 p.m.)

Comprehensive Planning Manager Terry Cullen reminded the Commissioners that the annual Commission retreat was scheduled for October 5 at Robinswood House at 5:00 p.m. A facilitator will assist by setting up interviews with all of the Commissioners, some of the staff, and with Mayor Stokes. The information garnered will be used in crafting the agenda for the retreat.

Mr. Cullen called attention to the upcoming short course on local planning notice to be held in Burien on September 28.

Mr. Cullen said discussions are under way with the City Clerk's office in regard to moving to fully digital Commission packets. The process of getting the packets to the printer and have them delivered by courier is not only expensive, it is full of opportunities for things to go awry. The current thinking is that the Commissioners will be issued a city tablet for use at the meetings.

The Commissioners were each provided with a photo of the Commission taken on July 27.

6. PUBLIC COMMENT – None

(6:44 p.m.)

Mr. Jack McCullough, 701 5th Avenue, Suite 6600, Seattle, said he has been working with staff on the development agreement concept for Andy Lakha's development project. The expectation is that it will be ready in about a month. A similar approach is being taken for Dave Meisner's proposal for the DNTN-O2. He noted that the pedestrian corridor has never been fully built out. One of the important features of the existing code with respect to the corridor was a super bonus. Properties along the corridor are required to dedicate property to the corridor and build it out as well in exchange for additional FAR and height. The Bellevue Corporate Center is one of the two remaining important projects; the SRO property is another. The owners of those properties want to see the super bonus retained when the new FAR schedule is adopted. The incentive is critically important to getting the pedestrian corridor built out and it has worked well over the last 30 years. With regard to the issue of retirement facilities in the downtown, he said in urban centers such facilities are typically in highrise structures. The model generally involves caring for residents from the age of retirement through the end of life, from independence to assisted living to nursing home care. In the DNTN-O1 and DNTN-O2 areas, however, senior housing is a permitted use and assisted living and nursing homes are not permitted uses. When the downtown chart was put together 30 years ago, assisted living and nursing home uses were much different affairs, typically in suburban areas. He said he has been working with staff to come up with a concept to address the issues.

Mr. Todd Woosley, PO Box 3325, shared with the Commission the latest information on the impacts of the Land Use Code recommendation for the Eastgate NMU zone that will soon be presented to the City Council. He noted that the property owner has worked with the city and the Commission for quite some time to come up with a code that will be economically viable in terms of redeveloping the property. As proposed, redevelopment will not be viable. The developer that has had an option on the property has walked away from the deal. Even so, work to craft a viable development scenario to maximize the income stream of the property continues

under the details of the code language. The Commissioners were provided with printouts showing two scenarios. The first was what could be built under what the alternative code language proposed by the property owner had been approved, which would have yielded 450 units in a six-story structure, with approximately 75 of the units affordable. The second was the reality of what the proposed code language will allow. It was noted that most of the FAR capacity for the entire site would need to be used to build two, short, urban-style apartment buildings on the front portion of the site, with none of the units earmarked as affordable units, while retaining the rear portion of the site as an RV park to generate income. Given the code language, that is the highest and best use. Under the recommended code language, it is unlikely any housing will be built in the Eastgate NMU. The code language is not yet set in stone and there is still time to revise it. It will be eight to ten years before the city will again review the zoning for the Eastgate area, and given the acute shortage of affordable housing, the city cannot afford to wait that long.

Commissioner Carlson asked if the city will require the RV use to remain in place. Mr. Woosley said that will not be a city requirement, but will be necessary for the property owner to maximize income from the property. Under the proposed code language, the development yield is too low to justify redevelopment.

Mr. Carl Vander Hoek, 9 103rd Avenue NE, said earlier in the week staff and the Commission chair and vice-chair attended a Bellevue Downtown Association meeting that was focused on downtown livability. The key assumptions the consultant Berk will use to analyze the code changes that have been proposed were discussed. The general feedback was that the consultant was off on the initial take. The Bellevue Downtown Association and staff will seek feedback from specific stakeholders with regard to what rents are, what construction costs are, and other details. Time limits prevented the Bellevue Downtown Association from reviewing the draft Land Use Code amendment language. He suggested it would be helpful to have a red line version to clarify the specific changes.

Ms. Betsy Hummer, 14541 SE 26th Street, a member of the East Bellevue Community Council (EBCC), pointed out that Larson Lake is zoned R-1. When the EBCC first met, Larson Lake was rezoned from higher density multifamily to open use and the result was a fabulous park. R-1 is a residential zone which means that houses could be built there. In the Mercer Slough where there is a large parking lot, the adjacent parcel is zoned R-1 and commercial. She said she did not understand how a park could be zoned R-1. She said her specific concern with regard to Larson Lake was that it would be turned into a little transit center, something which should be avoided. Additionally, she noted that she had attended many of the meetings of the Eastgate/I-90 CAC, which she said her husband was a member of, and at none of those meetings was the public health center ever addressed. It was very surprising to hear that a homeless shelter has been proposed to be located there, and that speaks to an overall lack of transparency with regard to how things get done.

Commissioner Laing pointed out that prior to the August break, the Commission addressed a couple of proposed Comprehensive Plan amendments related to parks. One of them would have effectively required park land to be zoned as park land. The Commission unanimously recommended moving the amendments on for substantive review, but the Council chose not to do so.

A motion to amend the agenda to hold the study session for the proposed men's permanent shelter before the study session for the downtown livability Land Use Code amendment was made by Commissioner Laing. The motion was seconded by Commissioner Carlson and the

motion carried unanimously.

7. PUBLIC HEARING AND STUDY SESSION

Low-Impact Development Principles Project

Mr. Cullen said the low-impact development (LID) principles project involves a series of code amendments. He said the anticipated outcome was that the Commission would make a recommendation to the Council on the proposed code amendments. The public hearing was started in late July.

Assistant City Attorney Catherine Drews said the proposal regarding the impervious surface limits had been revised based on input from the Commission.

Wayne Carlson, consultant with AHBL, explained that the public hearing was focused on the proposed land use amendments for the low-impact development principles project, to review the proposed revisions to the hard surface standards, and to receive and consider public comments. He reminded the Commissioners that the permit goals are to minimize native vegetation loss, minimize impervious surface coverage, and minimize storm water runoff by making low-impact development the preferred and commonly used approach to site development. The project is half of the city's response to the National Pollutant Discharge Elimination System (NPDES) permit requirements. The permit requires that the city address the LID best management practices and the LID principles.

Mr. Carlson said a gap or opportunity analysis was conducted which identified several areas of opportunity. In the Land Use Code they included evaluating the use of LID earlier in the site design process; reducing impervious surface coverage; preserving and enhancing the tree canopy; and improving options for clustering development. The Transportation Commission reviewed the transportation design code and standards and identified as opportunities reducing impervious surfaces within rights-of-way and enhancing the tree canopy within transportation facilities.

The Council has a project interest statement that has guided the project. The statement establishes that Bellevue supports the objective of maintaining the region's quality of life, including that of making low-impact development the preferred and commonly used approach to site development. The language was lifted out of the NPDES permit and is the standard that permittees such as Bellevue are intended to comply with.

The Council also approved a list of principles to guide the project. The principles direct that the solutions identified be Bellevue appropriate; recognize and seek to balance competing needs; build on existing information and programs; engage stakeholders; and maintain Bellevue's compliance record with its NPDES storm water permit.

With regard to impervious surface, Mr. Carlson said the proposal establishes a hard surface limit, seeks to reduce the impervious surface limits by zone, and provide off-ramps for sites where permeable paving is technically infeasible. "Hard surface" is an umbrella term that includes impervious surface such as roofs, roads, walkways and driveways. It also includes permeable paving such as pervious concrete, porous asphalt and pavers. Under the proposal, there is no change to the allowed building coverage. Within each zone there is a maximum lot coverage by structure allowed expressed as a percentage. The proposal introduces a new hard surface coverage limit, and reduces the existing impervious surface coverage. However, for sites that

cannot infiltrate per the ecology standards in the storm water management manual, the use of existing pervious surface limits is maintained where they currently stand. The proposed hard surface limit provides for amenities. Section 20.20.460 maintains the innovative techniques, albeit with a cap, consistent with the city's Comprehensive Plan and neighborhood plans for reducing impervious surface.

There are a variety of Comprehensive Plan policies that support the proposed direction, including EN-43, EN-44, and LU-13.

Mr. Carlson called attention to Chart 20.20.010 which he noted outlines the maximum lot coverage by structure, which remains unchanged, and in a new row the maximum hard surface coverage limits which, for residential districts, was shown to range from 70 percent to 85 percent. He said the chart also lists the maximum impervious surface percentage for each residential district, and explained that the percentages are proposed to be reduced from where they currently stand. The reductions range from ten percent in the designations that are primarily single family in nature, to 20 percent in the multifamily designations. As previously indicated, an off-ramp is provided in the alternative maximum impervious surface row of the chart for those sites where permeable surfaces are not feasible for reasons such as steep slopes, high ground water and poor soils; the percentages shown as the alternative maximum impervious surface limits are the same as the current maximum impervious surface limits.

In conversations with the Planning Commission and the Master Builders Association, it was identified that although the use of permeable paving through the exemption allowed under LUC 20.20.460.G is not common, it is also not rare. Things such as sport courts and paver driveways occasionally are being exercised for various reasons in various single family residential zones. Mr. Carlson said several site plans were reviewed and meetings were held with several stakeholders in an attempt to craft a number that reflects the realities of some of the newer developments that are coming into the city, many of which are using a combination of hard surfaces and impervious surfaces for a total of between 60 and 70 percent coverage.

For sites where permeable surfaces cannot feasibly be utilized, the innovative techniques approach has been expanded. One instance would be a driveway of pavers with a drain underneath that behaves like a permeable driveway surface, which would qualify as an innovative technique. The related code language states that surfaces paved with permeable pavement and other innovative techniques designed to mimic the function shall not be included in the calculation of pervious surface so long as they are designed by an engineer. They will, however, be included in the calculation for determining the maximum hard surface coverage. The code language also states that the Director may require continued long-term maintenance to ensure the continued function of the innovative techniques.

Mr. Carlson said the recommendation of the staff was to recommend approval of the amendments as proposed to the City Council.

Commissioner Laing called attention to section 20.20.425.B and pointed out that there is currently no definition in the code for hardscape. The current code includes a definition for greenscape, which supposedly is the opposite of hardscape. He asked if the definition of hardscape will in fact be the opposite of greenscape, and if so, whether it would be easier to rely on the greenscape definition. Ms. Drews pointed out that section 20.20.425 relates to hard surface rather than hardscape. She said the definition of hard surface is the definition in the Department of Ecology manual and it will be included in the code. Hard surfaces are essentially permeable surfaces. Commissioner Laing asked if meeting areas that meet the greenscape

definition will also not be considered to be hard surfaces.

Commissioner Laing pointed out that the exemptions under section 20.20.425.B, as well as the existing exemptions under section 20.20.460.D, impervious surface, exempts decks and platforms. However, the existing definition in section 20.50.026 includes decks, patios, sport courts and swimming pools. Things like that need to be clarified.

Commissioner Laing shared with the Commission photos of grasscrete, an approach that is fully permeable. He said it is grass that can be driven and parked on and is used extensively in Europe. He asked if the innovative technique will under the proposal be listed as a hard surface. Department of Utilities Assistant Director for Engineering Paul Bucich said under the Department of Ecology definition, grasscrete is non-native vegetation and is classified as a hard surface. The issue is not the type of vegetation used, rather it is the fact that it is an engineered system which is viewed as a hard surface.

Commissioner Hilhorst noted that pavers are much different and have no grass associated with them. Mr. Bucich allowed that pavers and grasscrete perform essentially the same functions. Grasscrete involves vegetation in closed cells that captures some of the water but is engineered to allow some of the water to go into the ground.

Mr. Carlson explained that when the Department of Ecology made the move toward the use of more permeable paving, which grasscrete is, there was some concern, justified or not, that in some of the more urban settings the use of permeable pavement to the largest extent possible could potentially fall below the thresholds for storm water treatment. The issue is not the use of vegetation or the lack thereof, rather it is the use of different pavement types that the storm water from those surfaces will not be treated.

Commissioner Carlson suggested that just as rooftop gardens are aesthetically more appealing than black tar roofs, grasscrete would be preferable to gravel or blacktop. Mr. Bucich said from an aesthetics perspective that would definitely be the case. Well designed and maintained vegetative roofs can be very attractive, but they can also be eyesores if they do not survive. There are examples of grasscrete installations that are thriving, and a multitude of examples where they have not survived. Grasscrete installations used primarily for parking will over time see their soils become very compacted, after which storm water does not infiltrate very well. Irrigation is essentially to the survival of grasscrete. Additionally, through normal rainfall and parking activities, the resulting compaction means less water is reaching the roots, and during the summer as the concrete portion heats up, the grass gets baked and killed. In a very high percentage of grasscrete installations, they end up acting more like compacted gravel.

Commissioner Hilhorst suggested that if maintained correctly, grasscrete could be an excellent option. She proposed including language calling for the exploration of new technologies and approaches to see if they would fit with the city going forward. Mr. Bucich said in the right applications grasscrete is very beautiful and works very well. The question is whether or not native vegetation could be used, and if it could be exempt from being counted as a hard surface. The Department of Ecology has looked at grasscrete along with green roofs and pavers and has concluded that they are hard surfaces and should be counted as such. To allow new techniques that are not in the Department of Ecology manual will put the city in direct conflict with the permit requirements. That will not preclude looking for new approaches and new opportunities, and requests for exceptions can be made.

Mr. Carlson said the tree retention issue is covered in section 20.20.900. The proposal

incorporates a hierarchy for selecting the trees to be retained. Assurance devices may be required for the trees that are retained as a condition of project approval, including a note on the face of the plat. In the event of a conflict between the tree retention requirements and the critical areas requirements, the latter will prevail. The hierarchy priority order is landmark trees, significant trees over 60 feet in height, significant trees that form a continuous canopy, significant trees located within a rear yard, and significant trees that do not constitute a safety hazard. Items 6, 7 and 8 were proposed to be stricken based on discussions with staff who indicated the provisions are challenging to implement because they are vague relative to winter wind protection, summer shade, grouping significant trees to create a distinctive skyline feature, and significant trees in areas of steep slopes and adjacent to water courses and wetlands.

Mr. Carlson said the tree preservation hierarchy is much the same as the current requirements, but they emphasize the trees deemed most important to retain based on meetings with stakeholders, the public and staff. He pointed out that paragraph 20.20.900.G provides for an alternative tree retention and replacement option. No changes to the provision are proposed.

Mr. Carlson said the recommendation of staff was to recommend to the Council approval of the tree retention amendments as proposed.

Commissioner Hilhorst asked if homeowners would still be allowed to retain trees for the specific purpose of providing wind protection or summer shade. Ms. Drews said they would be allowed to do so. The code provision establishes a hierarchy, but if there is a better way to preserve trees, it can be done under the alternative plan option. The provisions do not apply to existing homeowners unless they are seeking to develop or redevelop their properties.

With regard to groups of trees that create a distinctive skyline feature, Commissioner Hilhorst proposed keeping the provision given that a skyline is different than a canopy. She noted that in her neighborhood an entire skyline of trees was impacted by development that was located in the middle of the trees. Ms. Drews said the issue staff has with the provision is that the criteria is subjective. What constitutes a distinctive skyline may not be the same thing for two different people. There are cases in land use law that argue against requiring an applicant to figure out what the regulations direct them to look for. It would be far more preferable to have criteria that provide more guidance.

Commissioner Laing asked why the proposal included removal of the word “healthy” in paragraph in paragraph (2). Ms. Drews said staff chose to go with the definition by the American Arborists Association, which simply refers to significant trees. Under the proposal, the Director can discount those trees for age, health or other reasons that may be an impairment to development. Commissioner Laing expressed concern about removing the “healthy” modifier, making it necessary for property owners to keep a dead tree or prove that a tree is a hazard.

Commissioner Laing commented that in the event a developer were to forward wanting to tear down an existing home in order to build a new home, a certain amount of trees would need to be retained on the property. Neighbor A might have a 10,000 square foot lot with five 60-foot trees in their backyard. Neighbor B elects to sell their home to a developer and the developer comes in, scrapes off the existing house, knocks down two trees in the process, and leaves five 60-foot trees in the back yard in accord with the requirements of the proposed provisions. The two neighbors end up with the same number of trees. The difference is that the new homeowner will not be allowed to remove any of the five significant trees, whereas Neighbor A could chose to cut down all five of his trees. As soon as anyone does anything with their single family homes, the new requirements will be triggered and they will be locked in to having a certain number of

trees on their properties going forward. Ms. Drews said that would be the case. She stressed that the larger discussion about tree retention overall in the city and what specific neighborhoods want to see done with their trees will take a long time. The proposal reflects what the city already requires for new development and redevelopment, including a requirement to have a tree plan as part of the building permit that gets recorded on the survey.

Mr. Carlson said the concept of clustering includes the conservation of on-site soils and the minimization of pervious surface coverage as criteria covered by a PUD approval. Under the proposal zero lot lines are allowed to facilitate the clustering of buildings to address those criteria, provided that the combined width of the side yard setbacks meet the minimum requirements. The goal is to allow for flexibility in terms of siting structures within the lot line envelope. The clustering proposal is supported by Comprehensive Plan policies HO-16 and EN-49.

The decision criteria are housed in section 20.30D.150. The proposal adds to the criteria conservation natural features, vegetation and on-site soils, as well as reduction in hard surfaces or requests for modification of zoning requirements as outlined in section 20.30D.165. The section does not introduce new housing types that have not previously been allowed, such as attached housing in single family zones, rather it allows for flexibility in the siting of a structure.

Commissioner Walter said absent a shared wall between two properties, there should be a minimal amount of space between the two structures to permit passage for various reasons. Mr. Carlson said there would be in that the separation would be the same distance as the current setbacks. He said where there are two properties with five-foot side yards, the total separation would be ten feet even if one structure is located on the lot line.

Mr. Carlson said the proposal includes conservation of on-site soils and minimization of impervious surface coverage within the list of what is allowed for PUD approval, and zero lot line development allowed to facilitate the clustering of buildings. He said the recommendation of staff was to recommend approval of the clustering amendments as proposed.

With regard to site design, the provisions include adding to the general requirements a soils report within the submittal checklist, and a protection and preservation plan where applicable, which would be where there are significant trees on site.

A motion to open the public hearing was made by Commissioner Carlson. The motion was seconded by Commissioner Laing and the motion carried unanimously.

(8:13 p.m.)

Mr. David Hoffman, 33500 16th Avenue SE, spoke representing the Master Builders Association. He said after reviewing the most recent draft with Association members, staff and the consultant, the organization is generally supportive of the LID code amendments. The changes to the PUD code, which will allow for zero lot line construction, have been requested by the Association for many years. The amendments to the landmark tree code should include incentive language rather than a general priority list for tree retention, though it is recognized that the provisions include off-ramps. Since virtually all of the land for residential development left in Bellevue is constrained in one way or another, it cannot be fully known how the proposed code requirements will affect real future residential development. Some flexibility will be needed going forward, as well as allowing for potential future amendments to the provisions if necessary in order to accommodate growth.

Mr. Jack McCullough, 701 5th Avenue, Suite 6600, Seattle, commented that most of the commercial development that is occurring in the city and will take place in the future will involve the redevelopment of existing sites. The city is working to rezone places such as Eastgate and Wilburton where there is already development that has certain impervious surface coverage levels that are well in excess of what the code and the new standards that have been proposed. In most cases, the impervious surface allowance will be diminished by 20 percent. He said his reading of section 20.20.460.F indicates that legally established impervious surface on a site prior to the date the ordinance is adopted that exceed the limits of the code shall not be considered nonconforming, and it will not be necessary to meet the new standards when the site is redeveloped, though the amount of impervious surface cannot be increased beyond what exists without removing some and converting it to pervious surface. In general, the nonconformity provisions do not apply, which could be very disconcerting to some.

Ms. Catherine Hughes, 10203 NE 31st Place, called attention to the last paragraph on page three of the packet and the reference to limiting hard surfaces, amending the dimensional chart, and allowing for new impervious surface techniques. The statement is made that the result is less impervious surfaces and hard surfaces overall and therefore should help to minimize runoff. There are a lot of issues still in talking about permeable, impermeable, and tree retention to help reduce storm runoff and increasing tree canopy, but there are little more than fractional changes in percentages. The tree retention concept has been batted around on and off for the last 20 years. The city is counting the trees is loses, but does not seem to be doing anything about replacing them. Trees that are 60 feet tall certainly are significant, but so are some at 45 feet and they should be included. The document refers to pervious pavement and impervious pavement. The word "pavement," however, has to do with hard surfaces period, surfaces that do not allow any give and take. In several places there is reference to unlimited pervious pavement; the reference should be to pervious materials. The word "pavement" is not generally associated with things that are supposed to be pervious. Gravel driveways exist in Bellevue that people are calling rain gardens. The fact is the soil between the road and a garage door is the most compacted soil on an entire lot. Throwing three inches of gravel on it cannot be called pervious. It is also questionable as to why gravel should be allowed at the edge of the street in that it can be a hazard to bicycles and motorcycles and can clog storm water drains.

Ms. Pamela Johnson, 3741 122nd Avenue NE, noted that between 300 and 400 people attended the recent Bridle Trails night out event. Those who attended were asked what is important to them about the Bridle Trails area, and overwhelmingly the answer given was trees. Trees are important to all areas of the city, not just in Bridle Trails. With regard to page 4 of 5, she said the reference is to significant trees within five feet of a rear yard above 20 feet of the adjacent property line, which is an agreed-upon code in Bridle Trails. The 15 feet should be changed to below 20 feet of the adjacent property line as far as significance is concerned. One thing that is very confusing about the proposal is what the fees and processes are, and how enforcement will be carried out. Assurances without enforcement means nothing will happen. The LID process is flawed because it has a narrow approach focused on new development. Even with the focus, there is an absence of fees and a process for maintenance and enforcement. It is also concerning that staff is allowed to determine what is important relative to significant and landmark trees. There is no public process involved in determining what a landmark tree is. She recommended a 50 percent tree canopy for parking. The Comprehensive Plan calls for 30 percent tree canopy master plan but there is no way to get there. The city should create an urban forestry commission to ensure public involvement in the tree preservation issue.

Mr. Todd Woosley, PO Box 3325, said he has plans to construct a new house on his lot and said

he hopes he will not have to choose between having a backyard patio and parking on the lawn after the site is redeveloped. In a single family neighborhood, the current code could be used to retain only 14 percent of a site as non-hard surface. Bellevue, however, is an urban area and under the Growth Management Act the rural areas are preserved for macro environmental functions. The Department of Ecology has an insatiable appetite for restricting things, even in urban areas where all growth is supposed to be accommodated. Comprehensive Plan policy EN-44 encourages an incentive approach, but the proposal is more on the order of a mandate unless it can be proved something is technically impossible. The Commission should reverse that to make it consistent with the incentive program that is part of the adopted Comprehensive Plan environmental policies. People should be motivated to put in pervious surfaces rather than impervious surfaces. With regard to the Eastgate neighborhood mixed use, for some reason it has the lowest total hard surface coverage of any of the non-residential areas, and that should be brought up to the hard surface level of 85 or 90 percent afforded to all other commercial areas in the city. The costs are more significant than may be assumed in some cases. For example, the transportation plan calls for a six-block sidewalk project, and because of current storm water compliance requirements, that six blocks of sidewalk will cost nearly \$5 million. In moving forward, the Commission should be cognizant of the costs involved. Consideration should also be given to the potential loss of buildable land capacity, which could impact housing supply and affordability. If the code does not conform with the incentive approach outlined in the Comprehensive Plan policies, the policies themselves should be changed prior to adoption of a code which is clearly a mandate.

Commissioner Carlson said he was struck by the array of comments on the tree retention policy and said he wondered if it should be addressed as a standalone issue.

Mr. Jonathan Kagel, PO Box 312, spoke as president of the Viewcrest Community Association. He said the community was founded in 1947, at which time the protective restrictions and covenants were enacted. One thing the restrictions and covenants do is protect the views that create the area's unique sense of community relative to the low-profile look and feel and the relative lack of significant trees. In Viewcrest, it is not necessary to build a taller house in order to have views. The concern is that an enhanced tree retention approach may cause significant trees to eventually grow and block views in the community. In developing the code language, consideration should be given to well-established communities that have their own rules.

Commissioner Hilhorst asked what about the proposed approach would keep the Viewcrest Community Association from imposing its covenants and restrictions relative to trees that block views. Mr. Kagel said the Association would certainly continue to enforce the covenants. Enforcement takes place primarily when properties are sold or redeveloped, but sometimes people just do not comply. The concern is that trees not in compliance could reach a certain threshold making them protected, spurring the argument that the city will not allow the tree to be removed.

Commissioner Laing said he did not see in the current tree retention code a savings clause or any reference to applicability when there are covenants or view protections in place that were enacted prior to the adoption date of the ordinance.

Ms. Drews provided the Commissioners with copies of emails received on the topic that had not been included in the packet. She noted that the questions asked in them included whether or not the changes will apply retroactively; if the changes will impact the way storm water fees are calculated; and how the best management practices requirements will apply in the downtown. The emails included comments on the transportation requirements as they relate to paving

requirements on driveways. An example of a zero lot line ordinance from another jurisdiction was provided, and there were questions related to changes to the storm water code, which is a different code. There were questions asked about how the proposal would address site planning, and what the scope of the public hearing was.

Commissioner Carlson noted that much had been said about tree requirements and restrictions, and about punitive measures against people who cut down trees. Nothing has been said, however, about incentives for planting trees. He asked what policies are in place that encourage tree planting. Ms. Drews said that is certainly something the city could address. There are some programs in place, but the City could consider if it wanted to offer additional incentives for planting trees.

A motion to close the public hearing was made by Commissioner Laing. The motion was seconded by Commissioner Carlson and the motion carried unanimously.

(8:43 p.m.)

Ms. Drews returned to the issue of how the tree retention requirements apply. She said section 20.20.900, particularly subsection (F), applies to permits for new single family structures and for additions to impervious surface areas that exceed 20 percent when located on a single family lot developed with a residential use. She also noted that significant trees are defined in the definition section as a healthy evergreen or deciduous tree eight inches in diameter or greater measured four feet above existing grade. The Director may authorize the exclusion of any tree which for reasons of health, age or site development is not desirable to retain. With regard to the issue of private covenants, Ms. Drews said the city has not taken a policy to protect views. There are a lot of different viewpoints related to trees and how they should or should not be regulated, which is why the proposed amendment seeks to effect only minimal adjustments to section 20.20.900.

Chair deVadoss asked for a response on the issue of incentives. Ms. Drews said incentives can include things like reducing permit fees and expediting permit times. Under the NPDES permit, the city is charged with looking at things that are enforceable, and hopefully when the process is done it will be possible to step back and sit down with stakeholders to determine what kind of incentives they would like to see put in place.

Chair deVadoss asked how the comments made about potentially being able to take down from one to four trees on a recurring basis. Ms. Drews the loophole involves the clearing and grading code and is being looked at as part of the LID principles project.

Commissioner Morisseau noted that some had commented on the need for flexibility. Ms. Drews said the staff are always monitoring codes to see how they are working both administratively and for the public. The public can always recommend amendments through the proper channels.

Chair deVadoss noted that comments had been made about how the topic of trees generally should be approached, and that the staff had agreed with the need to address the topic on a larger scale. Ms. Drews said the Commission could as part of its recommendation to the Council put forward what its recommendations are toward trees based on the comments the commission has received. .

Commissioner Hilhorst asked if the city directs the planting of new trees and whether or not any tracking is being done to determine progress toward achieving the 40 percent tree canopy goal.

Ms. Drews explained that typically when a developer removes a tree, they are required to provide mitigation. The mitigation can occur on site or off site on a ratio of 2:1. She said she was not able to say that the Department of Development Services is specifically tracking the level of tree canopy, but there are GIS maps of the canopy coverage that are updated periodically. Commissioner Hilhorst commented that was how it came to be known a few years ago that the tree canopy coverage percentage was falling, which led to setting the 45 percent goal. She said it would be good for the Commission to receive an update with regard to what the tree canopy percentage is currently. Additionally, it would be good to know if there is a specific plan of action in place to meet the goal. Ms. Drews said that would fall outside the scope of the LID project; it is part of the larger discussion that needs to occur with the city at large and all the stakeholders.

Commissioner Walter said five percent pervious surface in addition to the maximum lot coverage by structure is not all that much. She said she checked into putting in a pervious driveway and found that the cost is substantially more. Pervious surfaces also require vacuuming three times a year to keep the pores from getting clogged up. The level of maintenance alone could be prohibitive for many, especially the elderly. Mr. Bucich said it is in fact not necessary to vacuum pervious driveways three times per year. Commissioner Walter suggested the approach is overly ambitious. It would be better to take small steps rather than a full leap. It is too much to ask existing and new residents to do. The maximum impervious surface limit should be kept at 50 percent. The approach represents an overreach on the part of the city, particularly in regard to pervious and impervious surface surfaces.

Ms. Drews said she has reviewed the documentation put out by the Department of Ecology, Eco Northwest and the Environmental Protection Agency going back to 2007. She allowed that there are costs associated with moving toward pervious surfaces, but the conclusion reached has been that for most situations the costs are less.

Mr. Bucich clarified that if the proposed amendment were to be halted and the city were to do nothing else, under the new storm water requirements developers will be required to evaluate the use of LID best management practices on site. Where the best management practices are deemed suitable for a site, the developer will be required to install them. Currently, sites are allowed to have up to 50 percent impervious surfaces, whereas the proposal is to reduce that to 40 percent and where suitable given site conditions, to use a pervious solution for the additional ten percent. Sidewalks on site can be pervious concrete, pavers or grasscrete instead of hardened surfaces that do not give the ground any chance to absorb storm water. The use and application of infiltrative best management practices will be required. While new to some, they have been applied and implemented across the country for 30 years, including in the Puget Sound area since the late 1990s. Bellevue has been encouraging the use of low-impact development best management practices for many years and has seen some success. With the new permit provisions, the city no longer gets to simply encourage the practices, they are now required where a site is suitable. The LID principles project recognizes that the opportunity exists to incrementally reduce the amount of impervious surface and to utilize pervious techniques where feasible. Pervious surfaces are different from what most people are used to, and they do require some maintenance. The fact is, traditional hard surfaces and the associated storm water systems also require regular maintenance, and those costs are born by everyone through their storm water rates. Developments that have a more dispersed way of approaching storm water find it less costly to maintain over the long term.

Commissioner Walter agreed that the reason for making the change is good, but it is a very large change that will in fact cost residents more. It is too much too fast, giving people time to adapt

and understand.

Commissioner Laing asked what ratepayers can reasonably expect to get back under the new approach in terms of reduced storm water charges. Mr. Bucich allowed that the topic is very complex. There are many different factors that go into the storm water rates. They include the operation and maintenance of the infrastructure. As more infrastructure is brought online, the overall maintenance budget increases. What is less well understood are the impacts to the natural environment that have not been repaired or restored. Part of what the Department of Ecology is trying to do is slow the rate of bleeding in the environment so that over the next decade restoration can take place. Everything being proposed falls under the federal Clean Water Act, which focuses on restoring the nation's fishable and swimmable waters. The question of how much residents will get back cannot be answered, but without doubt as more degradation of the environment is allowed to continue, the eventual costs of restoring them will only increase. It has been fully acknowledged that the highly urbanized settings it will never be possible to return to fully forested conditions; that is why there are provisions in the storm water requirements that allow for off-ramps. The proposed code amendments represent an approach that will reduce the amount of new impervious surface and reduce the loss of native vegetation.

Commissioner Walter recommended maintaining the table on page 19 of Attachment A, but without reducing the maximum impervious surface limit to 40 percent.

Commissioner Hilhorst recommended not striking out "groups of significant trees which create a distinctive skyline feature."

Commissioner Laing suggested it would not be appropriate for the Commission to make a recommendation regarding the tree issues. The impact of what is being proposed is a significant change citywide. There are a variety of opinions regarding the degree to which the tree retention requirements should be prescriptive. Bridle Trails has their own regulations and at one time Enatai was asked if they would like to have their own regulations as well. The provisions that are being proposed are new and there are aspects that remain not fully understood. With regard to the LID elements, he said he was generally supportive of them. He pointed out, however, that the proposal represents a huge change in that it ushers in a 20 percent reduction in the allowed square footage of impervious surface. For a 10,000 square foot lot, 20 percent is 2000 square feet. If that lot is 80 feet wide and has a 20-foot setback requirement, that accounts for 1600 square feet. There is also the green factor, so 800 square feet of the front setback must be greenscaped. A driveway for a three-car garage is 20 feet deep and about 30 feet wide, taking up 600 square feet. The proposed approach would reduce the impervious surface allowance by more than three times the area of the typical driveway. The Department of Ecology has not established a specific standard, and the city could choose to reduce the impervious surface limits by ten percent instead of 20 percent, and that would still be a big deal. The 70 percent hardscape provision is okay overall. For the 10,000 square foot lot, the 35 percent structure coverage accounts for 3500 square feet. Adding in 600 square feet for the driveway brings the total to 4100 square feet, which exceeds the 40 percent maximum impervious surface limit that has been proposed. He said his concern is in going immediately to the bottom line. In moving past the 70 percent mark, anything the city is asked to do to single family neighborhoods will significantly impact how people use and enjoy their properties.

Commissioner Laing recommended setting the maximum impervious surface limit at 45 percent, and the maximum hard surface limit at 75 percent.

With regard to establishing incentives, Commissioner Laing said the Commission over the years

has been clear about its preference for the carrot rather than the stick. He said he saw nothing in the proposal by way of incentives. There are benefits associated with the LID principles, and the benefit is not going to be lower utility rates.

A motion to recommend to the Council approval of the LID elements, with the maximum hard surface coverage limit and maximum impervious surface limit increased by five percent from what was proposed for each single family zone, was made by Commissioner Laing. The motion was seconded by Commissioner Walter and the motion carried unanimously.

It was clarified that the motion did not include moving forward with any of the tree retention elements.

A motion to recommend adoption of the proposed clustering provision amendments as presented was made by Commissioner Laing. The motion was seconded by Commissioner Carlson and the motion carried unanimously.

****BREAK****

(9:27 p.m. to 9:38 p.m.)

Chair deVadoss announced that the Downtown Livability Initiative study session would be rescheduled to another date.

8. STUDY SESSION

Proposed Men's Permanent Shelter Briefing

(9:39 p.m.)

Senior Planner Camron Parker explained that the city is working in partnership with King County, Congregations for the Homeless and Imagine Housing on the homeless men's shelter project. The site identified as the prospective location for the shelter is the Eastgate public health clinic, which is adjacent to the Eastgate park and ride. He said homelessness has always been an issue in Bellevue, but it has become increasingly visible and prevalent over the last several years in the form of increased car camping and the use of open space for unpermitted encampments. While there are homeless single men, there are also homeless families and women. An increasing number of children enrolled in the Bellevue School District are also enrolled in homelessness programs.

Mr. Parker said the number of unsheltered persons sleeping outside on the night of the annual One Night Count was 245 in 2016, up from 134 in 2015. While accurate counts of homeless persons are difficult to achieve, the estimate based on various sources is that there are some 1200 persons who are homeless on the Eastside, many of whom were served by shelters over the course of the last year.

Commissioner Laing asked how students can be enrolled in the Bellevue School District without having a residence given that there are residency requirements within the school district for those students wanting to participate in extracurricular activities. Mr. Parker said the district is required under the federal McKinney-Vento act to continue providing educational services to students who are enrolled and then become homeless. They may move from shelter to shelter, even in a different city, but they are still entitled to stay in the school where they started. Transportation to

their home school is provided by the state.

The response of Bellevue to homelessness is primary community driven by local non-profit agencies. The city has had a longstanding relationship with a number of the agencies and funds them from the Human Services Fund. For the most part, homeless services in Bellevue are provided by and through non-profit agencies as opposed to specific city programs. The city also works very closely with the neighboring cities of Kirkland, Redmond and Issaquah on the understanding that homelessness is a regional issue. Homeless clients tend to move from city to city, and the shelter needs have been divided up among the cities, with each city addressing a part of the overall task. For shelter services, Bellevue is focused on the project of identifying a permanent shelter for single men; Kirkland is working on a permanent shelter project for women; and families; and Redmond already has a shelter that provides services to young adults. Bellevue and the other cities also have a relationship with the King County All Home homelessness initiative and are players on that level.

A number of homeless services are provided in Bellevue. Congregations for the Homeless has been providing services via a rotating shelter that moves through 12 different churches, staying one month at each. Ten of the 12 churches are located in Bellevue; one is in Medina and one is in Redmond. The program has been operating consistently in Bellevue since 1993. Congregations for the Homeless has also been operating a winter shelter for men in Bellevue since 2008. The shelter has moved through a variety of interim locations during those years. The main goal of the current project is to find a permanent location for the shelter.

Commissioner Hilhorst asked about the tent cities that are hosted by various cities. Steve Roberts with Congregations for the Homeless explained that there are two tent encampments that move around on the Eastside. Bellevue has established regulations for how often they can locate in Bellevue. The tent city program is operated in a different group under a different philosophy.

Commissioner Morisseau asked about the shelter at the YMCA on Bel-Red Road. Mr. Parker said the program called The Landing began there and serves young adults. The shelter has since moved to Redmond.

Mr. Parker said in the past three years there have been policies adopted that provide a basis for addressing homelessness in the city. The Council's vision priorities for 2016-2017 established an action item for having an Eastside permanent winter homeless shelter ready for the winter of 2018-2019. That is what has led to the focus on siting the shelter in Eastgate. There is also policy language in the updated Comprehensive Plan, and a Council interest statement and action item in the Council diversity action plan adopted in 2014.

Mr. Roberts said Congregations for the Homeless since its inception has been working with the city to operate shelters in churches. There are 12 host churches and the shelter operates for one month at each location; other churches support the shelter operation with food, volunteers and financial assistance. The winter shelter is a separate operation and provides a safe place to sleep, food, a place to store belongings, hygiene facilities, and full case management. The specific objective is to assist homeless men in moving from life on the street into stable housing and ultimately to independence. Over the last year, 60 percent of the men in the shelter moved on to permanent housing. Additionally, about 30 men are graduated annually from the program into independence.

Commissioner Hilhorst asked if there is a timeframe men are allowed to stay in the shelter before they have to move on. Mr. Roberts said the shelter is designed for those who want to leave

homelessness. Those who are obviously just shelter hopping are given food and shelter for a couple of months only before they are asked to move to other facilities. The average stay in the shelter is 90 days but some men stay for as long as six months. Those who are making progress toward getting jobs and getting stabilized are allowed to stay until they reach their goals. He pointed out that of the 12 original churches that participated in the program in 1993, nine are still hosting the shelter for a month every year.

Commissioner Morisseau asked if any of the men who leave the shelter for permanent housing end up back in the shelter at some point. Mr. Roberts said if they get placed in housing operated by Congregations for the Homeless their progress can be tracked. The program enjoys a 95 percent housing success rate. Those who go into private housing are not easily tracked.

Mr. Roberts said the winter shelter started in 2008 by the city of Bellevue and Chief of Police Pillo in response to someone dying in the intersection of NE 8th Street and I-405 in 2007. The shelter was initially rudimentary and operated only during the coldest weather. It has evolved over the years and has moved locations, most recently in the Sound Transit building on 120th Avenue NE. That building is being torn down and the shelter will move to an interim space until a permanent space can be built. The shelter serves between 85 and 100 men.

A total of 571 unduplicated men were served by the shelter in 2015, 96 percent of whom reported as residents of the Eastside. The shelter does on occasion serve men from Seattle, but they do not typically stay for long as it is too difficult to go back and forth. In addition to the rotating shelter, Congregations for the Homeless also operates an outreach service to the community, a program that was also initiated by the city of Bellevue. Shelter staff go out on the streets and meet with homeless men both proactively and reactively. The rotating shelter, the winter shelter and the subsidized housing units taken together will serve about 1200 men in 2016.

Chair deVadoss asked what policy Congregations for the Homeless imposes in terms of addictions. Mr. Roberts said the shelters are different. The winter shelters are behaviorally based, which means they are designed for life safety. Anyone living on the street can come into the shelter, even if they are under the influence of alcohol or drugs, though they cannot use them in the shelter. They must be able to behave. The case managers will work with those with addiction issues. The rotating shelter is a clean sober program and is often utilized by those in recovery. The housing units are also often used by those in recovery.

Commissioner Morisseau pointed out that the city's population is less than 50 percent Caucasian, yet 58 percent of those in the shelter are white homeless persons. African-Americans make up only two percent of Bellevue's population, yet 20 percent of the homeless are black.

Mr. Roberts said the planned facility in Eastgate will include an emergency shelter of 100 beds, a day center offering food service all day long, and 60 to 65 affordable housing units built on top of the shelter in partnership with Imagine Housing. The services provided at the day center will be key to helping people get out of homelessness. The services include medical, case management, employment assistance, addiction programs, housing placement, mental health services, and legal assistance, all of which will be located adjacent to the day center.

Mr. Parker said the site up for discussion is the Eastgate public health center site. He shared photos of the site and the surrounding area with the Commissioners. The site is within the proposed EG-TOD zone. The King County parcel is four acres so there is ample room to build a new facility, allowing the existing clinic to remain operational. Proximity to the clinic and to

transit services is a large factor. The fact that the site is located predominantly in a commercial area makes the shelter a good fit. The publicly owned site, coupled with King County's interest in supporting the project, led to investigating the site and the partnership.

Some work has been done to determine how the facility would fit within the transit-oriented development (TOD) vision of the Eastgate subarea. There are basically two building pad options, one involving an area where there is existing surface parking, and one in the corner of the property that is closer to the hill that rises up toward Bellevue College. The goal has been to make sure that building a new structure on the site will not in any way impede the TOD vision for the area, and to look for opportunities to help bring the vision along through early implementation. Utilizing the area where there is existing surface parking will require reconfiguring the displaced parking and/or building structured parking, which would add to the cost of the project. The street connection could be started by the project, along with pedestrian access and connections to the transit center. Constructing the building closer to the slope would entail a different set of complications but would not preclude the ability to construct the future east-west connection through the TOD area.

Mr. Parker clarified that no final decision has been made about whether or not the site will ultimately be selected. The city and King County have drafted a letter of agreement that outlines the steps to be taken through the end of the year that will yield the decision-makers what they need to make a decision, probably in the first quarter of 2017. One key element the city has taken on is the community outreach effort that is under way. There have already been several meetings with surrounding businesses, property owners and residents, and preparations are under way for larger community meetings.

Commissioner Morisseau asked about the structured parking option and Mr. Parker said it would be some combination of above and below ground parking. Commissioner Morisseau also asked about who makes up the development team and who the development partners are. Mr. Parker said the team and the partner members would be Congregations for the Homeless and Imagine Housing. Imagine Housing is a non-profit housing developer based in Bellevue and the organization brings to the table experience both in building affordable units and operating them. The organization has expertise in funding as well.

Commissioner Hilhorst asked what conversations have taken place with Bellevue College. Mr. Parker said there have been talks with staff from several different levels of the organization. They have offered a mix of different questions regarding the organization and the shelter clientele. They will need to evaluate what the facility would mean in terms of the campus and their security plan. They expressed interest in having service learning opportunities for their students, and they have pointed out that they have a robust career center that could benefit the men in the shelter.

Mr. Roberts said the winter shelter for men has been operated for some time in both residential and commercial areas for many years. Every site and facility has a different set of security issues, and Congregations for the Homeless is committed to solving all of them to protect the neighborhood, the residents and the shelter staff. A number of creative approaches have been used to ensure safety. There is always a need for education given that most people are afraid of the homeless. The fact is there is very little difference between those who are homeless and those who are not; the men are not homeless by character, they simply happen to be facing a homeless situation. A number of Bellevue College students use the transit center for parking, and the lighting along the pathway that connects the college and the park and ride is very good.

Mr. Parker said there is an interdepartmental team of city staff that is working on the project. The police department serves on the team and is focused on the issue of security. Mr. Roberts added that the policy like having the shelter operations because it makes it possible for the homeless to avoid camping under bridges or in parks, rather they are inside where it is warm and they are all being fed.

Commissioner Walter said she has some serious reservations about the Eastgate site. She pointed out that the Eastgate rezone package and the Eastgate shelter project were presented to the Council separately and suggested it would have been better to have them combined. She said she lives just to the north of the site in a neighborhood that has issues such as room rentals that could have been helped by having student housing on campus. The documentation talks about siting shelters where there are no residences, but the Eastgate master plan establishes that there will be many residential units in the area. People showing aggressive behaviors are not allowed into the shelter, but there is a question about where they go once they are turned away. People are allowed to come to the shelter while inebriated or otherwise under the influence but they are not allowed to engage in those activities in the shelter, but there is a question as to whether or not they simply go outside the shelter to the nearby neighborhoods to drink or use drugs. She said she would like to know what the economic impact typically is on areas surrounding men's shelters, the impact on emergency services, and the impact on the hospital. She noted that mental health services are offered, but nationwide medical facilities are lacking in being able to address mental health issues. She said she would also like to know what happens to housing prices in neighborhoods around shelters. The problems in Seattle are enormous and broken, and she said she is concerned about them coming to Bellevue, especially since the Eastgate facility would be on a transit line. Some of the policies in place in Seattle have drawn homeless people to that city.

Mr. Roberts allowed that many residents of Bellevue likely have many of the same concerns, particularly those who have not experienced homelessness themselves. The fact is shelters have been operated in churches in Bellevue for the past 23 years, many of them immediately adjacent to a childcare center. Usually what happens when people take the time to get to know the homeless is they bring their children over to help make sandwiches for them. Congregations for the Homeless is not at all interested in attracting homeless persons from Seattle; the strategies that have been developed have been focused on making sure that does not happen, and indeed that has not been an issue. The homeless do tend to stay in the areas with which they are familiar; those who do come over from Seattle are always encouraged to go back and access services there. The homeless continuum of care in King County measures where people come from to the extent they share accurate information, and the data shows that less than eight percent of those served in King County come from outside King County.

Commissioner Laing said his perception is that the visible homeless population ebbs and flows. There clearly is a correlation to the local government's current position relative to homelessness and the provision of services. He asked if the proposal for the Eastgate site is for a facility that will serve as a regional shelter, or if it is intended to serve as a continuation of the work that has been going on in Bellevue for many years. Mr. Roberts said the focus is on a continuation of the work in Bellevue and on avoiding the siting problems. Siting is the main reason Bellevue and the other cities have decided to build a permanent facility; it is very complex to identify a new space every year or so and have to establish relationships. There are also efficiencies and improvements that can occur when there is a permanent space. There is no anticipation that attendance at a permanent shelter in Eastgate will see any different kinds of folks being served. It will be an Eastside facility for Eastside residents and having a permanent location will make it possible to come close to ending homelessness on the Eastside for men. There will always be those who do not want to move out of homelessness, but they total no more than ten or fifteen

percent. Currently the cities have little recourse in dealing with that population, and those who want to go live in the woods will do so. Panhandlers can be encouraged to seek food and a warm place to sleep at the shelter rather than being given money.

Commissioner Morisseau suggested it would be fair to say that there is a connection between the ten or fifteen percent who do not want to end homelessness and mental health issues. She asked if once open, the shelter will be providing mental health care for those who need it. Mr. Roberts said there are a number of mental health providers in the community. The shelter case managements facilitate the necessary connections, but the clients must travel to where the services are provided. Once up and running, the permanent shelter will be able to provide those services on site, which will yield a much higher success rate. Employment services is a major contributing factor for getting people out of homelessness.

Chair deVadoss acknowledged the good work done in the community by Congregations for the Homeless. With regard to the timing of the Eastgate initiative and the communications, things were out of sync and somewhat awkward. He suggested it would behoove everyone to be very up front as to why things happened as they did. To the extent possible, data should be used to support the decision-making process. There is a clear desire on the part of the Commissioners to help the homeless in Bellevue, but if there is a plan beyond Bellevue everyone should be up front about it and put it on the table for debate.

Mr. Roberts reported that Congregations for the Homeless hopes to open an interim shelter in Bellevue in November. He invited the Commissioners to visit the facility, serve a meal and get to know the clients. The focus of the proposed facility is entirely on the issue of homelessness on the Eastside.

9. DRAFT MINUTES REVIEW

(10:49 p.m.)

June 22, 2016

A motion to approve the minutes as submitted was made by Commissioner Morisseau. The motion was seconded by Commissioner Hilhorst and the motion carried unanimously.

July 13, 2016

A motion to approve the minutes as submitted was made by Commissioner Laing. The motion was seconded by Commissioner Walter and the motion carried without dissent; Chair deVadoss and Commissioners Hilhorst and Laing abstained from voting because they had been absent from the July 13th meeting.

July 27, 2016

A motion to approve the minutes as submitted was made by Commissioner Laing. The motion was seconded by Commissioner Morisseau and the motion carried unanimously.

10. PUBLIC COMMENT - None

(10:54 p.m.)

11. ADJOURN

Chair deVadoss adjourned the meeting at 10:54 p.m.