

2017 PLANNING COMMISSION



BELLEVUE

Meeting
6:30 pm February 8

Location

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

Public Access

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

425-452-6800
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www.bellevuewa.gov

FEBRUARY 8



Bellevue Planning Commission

AGENDA

Regular Meeting

February 8, 2017

6:30 PM - Regular Meeting

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

6:30 PM – 6:35 PM	Call to Order
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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 – 7:10 PM	Staff Reports
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7:10 PM – 7:30 PM	Public Comment
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7:30 PM – 9:00 PM	Study Session <u>1</u>
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Downtown Livability – Review of Draft Downtown Land Use Code Amendment (LUCA)

Staff: Carol Helland, Land Use Director, Development Services Dept.; chelland@bellevuewa.gov (425) 452-2724; Patricia Byers, Code Development Manager, Development Services Dept.; pbyers@bellevuewa.gov (425) 452-4241; Emil King, AICP, Strategic Planning Manager, Planning & Community Development Dept.; eaking@bellevuewa.gov (425) 452-7223

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.

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.

9:00 PM – 9:30 PM

Study Session

159

Planning Commission Post Retreat – Review of Revised Prototype Part B – Suggested Standards & Practices

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

General Order of Business – The Planning Commission will review and discuss the prototype as revised based on the outcomes of the retreat November 16, 2016.

Anticipated Outcome – The Planning Commission will come to an agreement on the retreat results for the Suggested Standards & Practices.

Note: This item was scheduled for discussion on January 11, 2017, postponed to January 25, 2017 and postponed again to February 8, 2017. The materials in the packet for this agenda item are unchanged from the original publication to the Planning Commission on January 11, 2017.

9:30 PM – 9:45 PM

Minutes to be Signed (Chair):

January 11, 2017

Draft Minutes Previously Reviewed & Now Edited:

-

New Draft Minutes to be Reviewed:

January 25, 2017

9:45 PM – 10:00 PM

Public Comment

10:00 PM

Adjourn

Please note:

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

Planning Commission Members:

John deVadoss, Chair

Stephanie Walter, Vice Chair



Bellevue Planning Commission

Jeremy Barksdale
John Carlson
Michelle Hilhorst
Aaron Laing
Anne Morisseau

John Stokes, Council Liaison

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



February 2, 2017

SUBJECT

Downtown Livability Land Use Code Update

STAFF CONTACTS

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DIRECTION NEEDED FROM PLANNING COMMISSION

- Action
- Discussion
- Information

BACKGROUND

The Planning Commission is in the process of readying a draft Downtown Land Use Code Amendment (LUCA) package for a formal public hearing (to be scheduled). On January 25, staff reviewed information with the Commission relating to: tower spacing and setbacks, perimeter overlay stepbacks, open space provisions and floor plate reduction tied to use of additional height, and the Green and Sustainability Factor.

Tonight's Study Session will focus on new and updated elements that have been included in the draft Downtown Land Use Code Amendment (LUCA) package since its original release in November 2016. The draft dated February 1, 2017, is included in Attachment A and incorporates the following changes:

- Comment bubbles added to describe the relationship of the draft Downtown code to the existing code.
- Footers added to improve document navigation.
- New definitions added for commonly used terms.
- Edits made to ensure common use of terminology throughout the draft code.
- Edits made to ensure code clarity and ease of use.
- Graphics and Maps added.

In addition to the above-described general edits, the Departures section of the draft code (LUC 20.25A.030.D) was updated to address stakeholder feedback, and the Amenity Incentive System section of the draft code (LUC 20.25A.070) was updated and replaced to include information from the BERK analysis and the ULI Panel input. Updates to the Departure section and the Amenities Incentive System are described in greater detail below.

DISCUSSION:

Updated Departures Section (LUC 20.25A.030.D)

Stakeholders reviewing the draft code noted that the departure language was confusing. In response to that feedback, staff met with a small group of stakeholders to discuss the code flexibility, administrative departures and legislative departures that were included in the November 2016 draft code. Attachment B provides a summary of the Departures and Code flexibility that were incorporated into the Downtown Overlay based on Citizen's Advisory Committee direction and Planning Commission feedback. Changes to the code have been included in the February 1, 2017 draft to respond to stakeholder concerns and ensure that the language used to describe the departures accurately reflects the scope of the departure that is authorized.

Draft amenity incentive system (LUC 20.25A.070)

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

The structure and approach to update the incentive system follows the Downtown CAC recommendations and guidance provided by the Council Principles, with specific details grounded in the BERK economic analysis and peer review recently completed by the ULI Panel.

The newly released draft of the Downtown Land Use Code Amendment in your packet incorporates details into the Amenity Incentive System, section 20.25A.070. This includes the provisions that apply when development seeks to exceed their base FAR and/or base height up to defined maximums by incorporating amenities. On February 8, staff will walk the Commission through the specific elements of the proposed incentive system and related code sections, including:

- **Recommended new base FARs and base heights.** Within the density and dimensional chart, 20.25A.060.A.4 the recommended new base FAR and base building height for each land use district and perimeter overlay are now included. These FAR and height thresholds were reserved in the November 17, 2016 Draft Land Use Code Amendment pending the BERK economic analysis and ULI Technical Assistance Panel. The ULI Panel concluded that the base FARs and base heights were adequately adjusted upward to maintain existing property values.
 - **New base FARs.** Consistent with Council Principles, to account for new code requirements and the deletion of amenities that are no longer real incentives, new base FARs are proposed as follows:

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

- In the Downtown MU District and Perimeter Overlays A-2 and A-3, the new base FARs for residential development are raised above 85 percent of the current maximum FAR based on the BERK economic modeling.
- In the Downtown R and all Perimeter Overlays (A-1, A-2, A-3, B-1, B-2 and B-3), the new base FAR for nonresidential development is set at the current maximum nonresidential FAR based on the BERK economic modeling.
- **New base heights.** The new base (as-of-right) building heights are raised to the existing maximum heights for each district or perimeter overlay to ensure the new base FAR can be utilized.
- **Maximum FAR and height.** The maximum FARs and maximum building heights follow previous Planning Commission direction and remain unchanged from the November 17, 2016 draft code.
- **Calculation of amenity need, value of additional height.** The incentive system includes guidance on how to determine the “amenity incentive need” for each new building based on a developer’s desire to exceed the base (as-of-right) FAR and/or base building height. This is consistent with the Council Principles and ULI Panel recommendations to incorporate the value of height into the incentive system.

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

Condition 2: A portion of the building floor area is developed above the base building height. In this case, the greater of the floor area being constructed above base FAR, OR the floor area being constructed above base building height divided by two shall count as the amenity need in points for each building. For example: A building has 60,000 square feet above base FAR and 30,000 square feet above base building height divided by two = 15,000; the amenity need would be 60,000 amenity points. A building with zero square feet above base FAR and 20,000 square feet above base building height divided by two would have an amenity need of 10,000 amenity points. The BERK analysis showed that additional FAR was about twice the value on a per square foot basis (\$25 per square foot) as additional height alone (using a \$12.50 per square foot value), so that is why the square footage above base height is divided by two for a direct comparison.

- **List of bonusable amenities.** The proposed amenity incentive system includes a list of 18 bonusable amenities, consistent with the list in the November 17, 2016 draft Land Use Code Amendment. Each amenity includes specific design criteria and bonus rates by Downtown Neighborhood. The Downtown Neighborhood boundaries are used to help to promote neighborhood identity through tailoring the type of bonusable amenities and bonus ratios. For example, the Downtown CAC provided direction in their Final Report

for “priority” and “high priority” public open space features by neighborhood. Based on Commission direction, the amenity list includes #16 Neighborhood Serving Uses for child care, community meeting rooms or non-profit space, and #17 Sustainability Certification to incentive building practices significantly above the industry norm. Amenity #18 is the Flexible Amenity where a developer may propose an amenity not on the formal list that will substantially increase livability and result in public benefit equal to or exceeding what would otherwise be provided by amenities on the standard list.

- **Bonus ratios.** A key part of the BERK economic analysis and ULI Panel review was determining an appropriate FAR exchange rate. The ULI Panel concluded that the proposed FAR exchange rate of \$25 per square foot seemed reasonable with some caveats. Moving forward, a rate of \$25 per square foot is being used as a starting point to determine the bonus ratios. For some amenities, such as outdoor plaza space, an estimated construction cost of \$210 per square foot is divided by \$25 to arrive at a bonus ratio of 8.4 bonus points for every square foot of outdoor plaza provided. For high priority neighborhoods, the construction cost of \$210 per square foot is divided by a lower exchange rate of \$22.50 to arrive at a bonus ratio of 9.3 bonus points per outdoor plaza square foot provided. For amenities such as park improvements or public art where unit costs vary, the bonus ratio is measured by \$1,000s of investment in the specific amenity. An example for park improvements is for every \$1,000 of investment (divided by \$25) equals 40 bonus points. For high priority park improvement locations, every \$1,000 of investment (divided by \$22.50) equals 45 bonus points.
- **Allocation of amenities.** The amenity incentive system has a focus on public open space features because of their importance to livability. It is required that 75 percent or more of a project’s amenity need must utilize one or more of the following amenities: Major Pedestrian Corridor and Major Public Open Space, Outdoor Plaza, Donation of Park Property, Improvement of Public Park Property, Enhanced Streetscape, Active Recreation Area, Enclosed Plaza or Alleys with Addresses. Up to 25 percent of a project’s amenity need may utilize any other amenity on the amenity list or continue to use public open space feature amenities. This is consistent with the proposed approach reviewed with the Commission and Council in June 2016 and furthers the Council Principles.
- **In-lieu fees.** The amenity incentive system includes a new option for in-lieu fees to be paid as an alternative to on-site development of amenities. The collected fees will be used for public open space improvements by the City consistent with the urban design vision for Downtown Bellevue. The proposed fee would be \$28.00 per amenity point (slightly higher than the \$25 FAR exchange rate to encourage on-site performance), and be available for up to 50 percent of a project’s amenity need. A best practice is to adjust the in-lieu fee each year based on the Seattle Consumer Price Index.
- **Periodic review.** Consistent with the Council Principles and ULI Panel recommendations, the Amenity Incentive System will be periodically reviewed every 7-10 years upon initiation by City Council.

Affordable housing: Separate from the Amenity Incentive System, the proposed 1.0 FAR exemption for affordable housing that was discussed with the Commission and Council in June 2016 will be deferred pending Council direction from the citywide Affordable Housing Technical Advisory Group’s work.

Newly incorporated design guideline and code graphics and updated maps

The design guidelines have been completely updated. As a part of this new draft, the anticipated graphics have been included. They help to illustrate streetscapes, stepbacks, active uses and other ideas. The maps have been enlarged and now have street names so that a specific Downtown location is easier to find.

Next Steps

Staff will continue to work with the Commission to review and refine the Draft Land Use Code Amendment to the point where the Planning Commission is ready to schedule a formal public hearing.

Part 20.25A Downtown

20.25A.010 General

A. Applicability of Part 20.25A

1. General. This Part 20.25A, Downtown (DNTN), contains requirements, standards, criteria and guidelines that apply to development and activity within the Downtown land use districts. Except to the extent expressly provided in this Part 20.25A and as referenced in subsection A of this section, the provisions of the Land Use Code, other development codes, the City development standards, and all other applicable codes and ordinances shall apply to development and activities in the Downtown land use districts.

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

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

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

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

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

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

PART 20.25A Downtown

2.1.17 Draft

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

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

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

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

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

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

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

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

c. Downtown-Mixed Use District (DNTN-MU). The purpose of the Downtown-MU Land Use District is to provide an area for a wide range of retail, office, residential, and support uses. Multiple uses are encouraged on individual sites, and in individual buildings, as well as broadly in the district as a whole. The Downtown-MU District allows for taller buildings and additional density in the Civic Center portion of the District east of 111th Avenue NE between NE 4th and NE 8th Street based on its proximity to the Downtown core and convenient access to the regional

freeway system and transit. This area is called the Downtown Mixed Use District–Civic Center (DNTN-MU Civic Center) while the rest of the District is called Downtown-Mixed Use District (DNTN-MU).

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

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

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

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

a. Perimeter Overlay District A ~~Describe Perimeter A and B~~

A-1

A-2

A-3

b. Perimeter Overlay District B

B-1

B-2

B-3

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

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

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

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

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

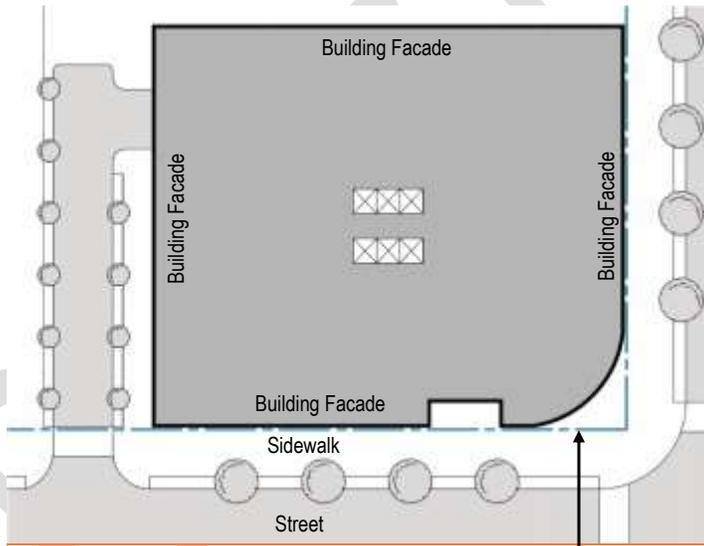
Commented [HC6]: MOVED from Design Guidelines Building/Sidewalk Relationships IV.E. Limits references outside Downtown Code Part.

20.25A.020 Definitions (NEW)

A. Definitions Specific to Downtown

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

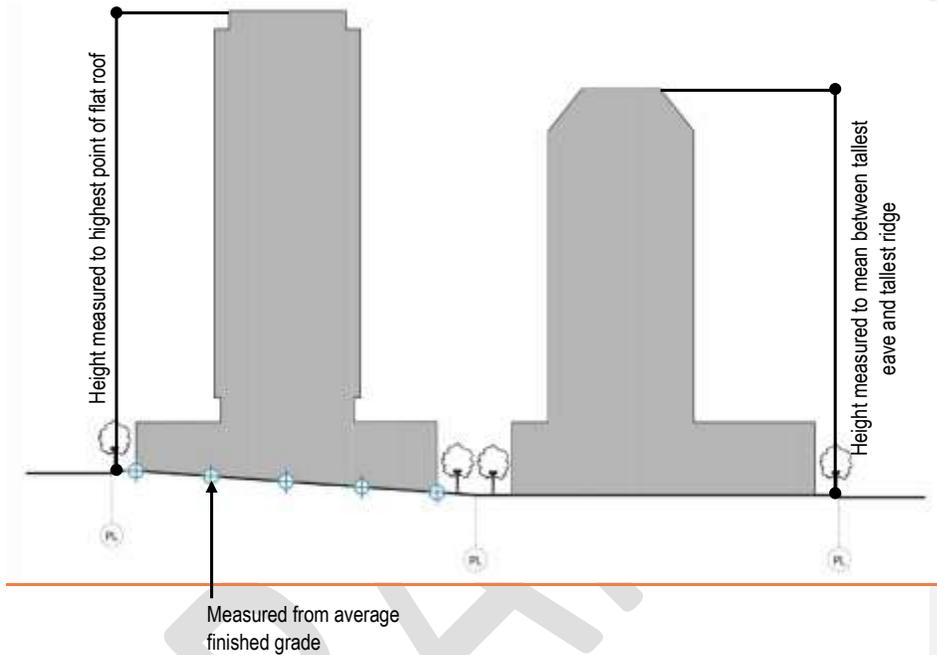
DT - Build-To Line: A location along a designated block or right-of way where a building must be constructed. The build-to line is the back of the required sidewalk unless designated otherwise by the Director.



Build-to-line located at back of sidewalk unless designated otherwise

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

Commented [HC7]: NEW – to align with organization developed as part of BelRed (LUC 20.25D.020) and the Light Rail Overlay (20.25M.020). Improves Land Use Code Consistency and Ease of Use.



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

Commented [HC8]: NEW - to define industry-based terminology used in the Green Factor section.

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

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

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

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

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

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

Commented [HC10]: MOVED to be in alphabetical order.

~~**DT – Neighborhood Serving Uses:** Uses which reinforce a diversity of uses that serve daily needs for surrounding residential neighborhoods. The primary clientele of a neighborhood serving use is comprised of customers who live or work nearby. A neighborhood serving use provides goods or services which are needed by residents and workers in the immediate vicinity to satisfy basic personal and household needs on a frequent and recurring basis, and which, if not available, will require trips outside of the neighborhood. Examples include but are not limited to: restaurants, small retail outlets, small grocery stores, child care facilities, cleaners, community meeting rooms, and pharmacies.~~

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

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

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

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

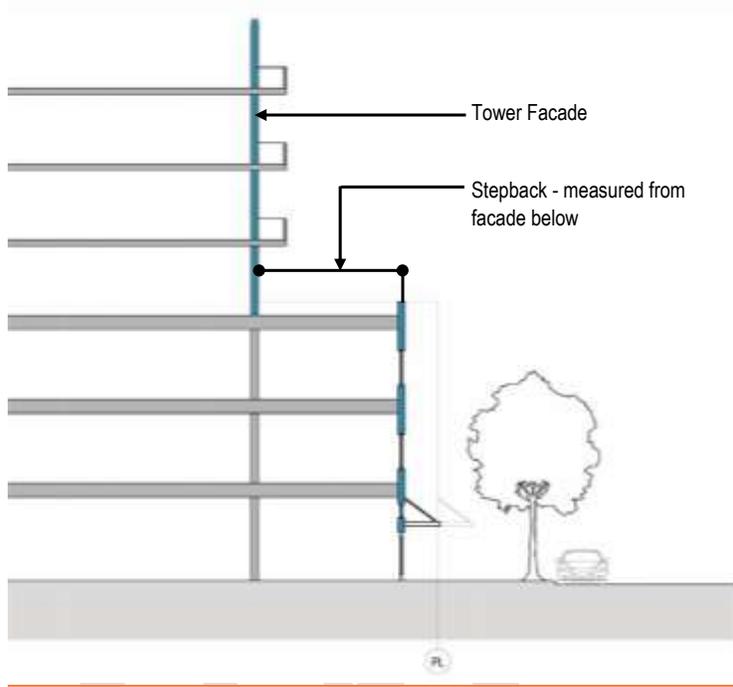
Commented [HC12]: MOVED to be in alphabetical order.

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

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

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

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



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

Commented [HC13]: NEW definitions added below to clarify terminology used in the dimensional chart and design guidelines.

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

Commented [BT(14)]: Eight feet is used as the maximum height because overhead awnings must maintain an eight-foot clearance above the sidewalk.

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

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

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

DT-Weather Protection – A continuously covered area projecting from a building which functions as weather protection or a canopy projecting from the elevation of the building that is designed to provide pedestrians protection from the elements. Weather protection includes but is not limited to marquees and awnings that are made with durable materials.

B. General Definitions not applicable to Downtown

Alley. LUC 20.50.010

Active Recreation Area. LUC 20.50.010

Caliper. LUC 20.50.014

Floor Area Ratio (FAR). LUC 20.50.016

Open Space. LUC 20.50.038

Setback . LUC 20.50.044

Stepback. LUC 20.50.044

Tree-Large Diameter. LUC 20.50.050

Tree-Small Diameter. LUC 20.50.050

20.25A.030 Review Required (NEW)

A. Applicable Review

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

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

B. Master Development Plan

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

- a. Dimensional requirements pursuant to LUC 20.25A.060 as listed below:
 - i. Setbacks;
 - ii. Lot coverage;
 - iii. Building height for each building identified in subsection B.1 of this section;
 - iv. Floor area ratio for each building; and
 - v. ~~Open Space~~ Outdoor plaza space required to achieve maximum building heights above the trigger for additional height identified in LUC 20.25A.075.A.060.B Note 7 and Note 12, or the variable heights allowed by LUC 20.25A.060.BA Note 13.
- b. Areas identified to accommodate required parking with entrance and exit points and required loading shown in relationship to the right of way as required pursuant to LUC 20.25A.090.

Commented [HC15]: EXPANDED SECTION – to align with organization developed as part of BelRed (LUC 20.25D.030) and the Light Rail Overlay (20.25M.030) Improves Land Use Code Consistency and Ease of Use

Expands on current provisions contained in LUC 20.25A.010.B and C

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

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

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

- c. Areas identified to accommodate street and pedestrian circulation pursuant to LUC 20.25A.090, including the anticipated location of any pedestrian corridor construction, and pedestrian bridges pursuant to 20.25A.100.
 - d. Areas identified to accommodate Major Public Open Spaces and Minor Publicly Accessible Spaces pursuant to LUC 20.25A.090.
 - e. Areas identified to accommodate landscape development pursuant to LUC 20.25A.110.
2. When Required. An applicant for a project with multiple buildings located within a single project limit shall submit a Master Development Plan for approval by the Director pursuant to Part 20.30V LUC. An applicant for a single building project shall submit a Master Development Plan for approval by the Director pursuant to Part 20.30V LUC when building construction is proposed to be phased.
 3. For the purposes of this section, the project limit may be drawn to encompass a right-of-way that bisects a site, provided the Director finds that the following connectivity criteria can be met:
 - a. A system of corner and mid-block crossings shall be provided to functionally connect on-site pedestrian paths across the bisecting right-of-way within the proposed project limit;
 - b. Pedestrian paths shall be provided to connect all buildings and right-of-way crossings located within the proposed project limit;
 - c. Visual connections shall be provided between all buildings located within the project limit by minimizing topographic variation and through use of vegetation and outdoor spaces; and
 - d. Only a right-of-way meeting the requirements of LUC 20.25A.070.C.2 may be included in the land area located within the proposed project limit for the purpose of computing maximum FAR.

C. Design Review

1. Scope of Approval. Design review is a mechanism by which the City shall ensure that the design, character, architecture and amenity components of a proposal are consistent with the Comprehensive Plan and any previously approved Master Development Plan, and meet all applicable standards and guidelines contained in City Codes including the terms of any departure granted pursuant to paragraph D of this section. Design review is a mechanism by which the City shall ensure that the site development components of a proposal are consistent with the Comprehensive Plan and meet all applicable standards and guidelines contained in City Codes when site development components were not approved as part of a Master Development Plan.
2. When Required. Design Review is required on all Downtown projects. An applicant shall submit a Design Review application for approval by the Director pursuant to Part 20.30F LUC.
3. Compliance with an applicable Master Development Plan or Departure. In addition to the decision criteria in LUC 20.30F.145, each structure and all proposed site development shall comply with any approved Master Development Plan applicable to the project limit described in a Design Review application. If the application for Design Review contains elements inconsistent with an applicable Master Development Plan, the Director shall not approve the design review unless the Master Development Plan is amended to include those elements.

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

D. Departures

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

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

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

Commented [HC21]: UPDATED to improve clarity based on commenter feedback.

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

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

c. Limitation on Authority. Administrative departures ~~from the following dimensional requirements~~ may only be ~~granted~~ approved consistent with the limitations contained ~~in the Land Use Code section that authorizes the departure, in LUC 20.25A.060.B~~ or through a variance granted under the terms of Part 20.30G LUC:

- ~~i. Maximum Floor Plates;~~
- ~~ii. Intrusions above the sidewalk;~~
- ~~iii. Minimum setbacks/stepbacks;~~
- ~~iv. Maximum building heights;~~

~~v. Maximum Lot Coverage; and~~

~~vi. Maximum floor area ratios.~~

This paragraph does not limit the ability of an applicant to pursue legislative departures that are authorized through a Development Agreement (Part 20.30L) pursuant to the terms of LUC 20.25A.030.D.2.

2. Legislative Departures. There are unlimited opportunities for creativity and innovation in the design of Downtown projects that advance the vision and policy goals articulated in the Comprehensive Plan. The accommodation of iconic opportunities can be constrained by the code Land Use Code ~~Amenity list and associated Amenity Design Criteria provisions~~ that were drafted to foster development of a livable Downtown while ensuring timely, predictable and consistent administration of regulations that are drafted to be applicable to a widely variable range of projects. The purpose of this subsection is to provide a legislative departure process to foster adaptive reuse of buildings that existed as of adoption date of this code, modify provisions of the Land Use Code to create a Flexible Amenity as envisioned in LUC 20.25A.070.D.18, and to approve final construction design for privately developed spaces that function as part of the public realm.

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

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

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

- (1) Uses prohibited under the terms of LUC 20.25A.040 and LUC 20.258A.050 when necessary to facilitate the adaptive reuse of a building that was in existence on [INSERT DATE of ordinance adoption]; and
- (2) Amenities specifically identified for participation in the FAR Amenity Incentive System (LUC 20.25A.070) may be expanded to include a new Flexible Amenity subject to the terms of LUC 20.25A.070.D.18.

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

- (1) Pedestrian Bridges identified in LUC 20.25A.100;
- (2) Pedestrian Corridor Design Development Plans that depart from the conceptual designs contained in the Pedestrian Corridor Design Guidelines; and
- (3) Major Public Open Space Design Development Plans that depart from the conceptual designs contained in the Major Public Open Space Design Guidelines.

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

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

E. Procedural Merger

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

1. Master Development Plan, Part 20.30V LUC;
2. Administrative Conditional Use Permit, Part 20.30E LUC;
3. Design Review, Part 20.30F LUC;
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 pursuant to an Administrative Conditional Use Permit.

B. Nonconforming Structures.

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

Commented [HC23]: MOVED from Downtown LUC 20.25A.025 and conformed to other sections of the draft code amendment for consistency. UPDATED to ensure that nonconforming use expansions will always require an Administrative Conditional Use Permit (ACU) rather than a Conditional Use Permit (CUP). The ACU process is shorter than the CUP process. Allows destroyed nonconforming structures to be rebuilt consistent with prior nonconformities. Previous code required structures destroyed more than 75% of replacement value to rebuild in compliance with new code.

C. Nonconforming Sites.

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

20.25A.050 Downtown Land Use Charts (Moved from 20.25A.015, Early Wins, and amended one footnote)

Commented [HC24]: MOVED from Downtown LUC 20.25A.015. Updated as part of Early Wins. Updated with one amended footnote in Residential Use Chart – Note 2.

A. Permitted Uses.

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

B. Prohibited Uses.

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

C. Use Chart Description and Interpretation.

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

a1. 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.

b2. 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.

c3. 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.

d4. 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.

e5. If a number appears in the box at the intersection of the column and the row, the use is permitted through the applicable review process and subject to the special limitations indicated in the corresponding Notes.

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

Commented [HC25]: UPDATED to include provision in existing code from LUC 20.25A.010.D

D. Use Charts.

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

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

Culture, Entertainment, and Recreation – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
711	Library, Museum	P	P	P	A	A	P
7113	Art Gallery	P	P	P	P 3	P	P
712	Nature Exhibitions: Aquariums and Botanical Gardens	P	P	P			
7212 7214 7222 7231 7232	Public Assembly (Indoor): Sports, Arenas, Auditoriums and Exhibition Halls but Excluding School Facilities	P	P	P	A 3	A	P
7212 7214 7218	Motion Picture, Theaters, Night Clubs, Dance Halls and Teen Clubs	P	P	P	A 3	A	P
7213	Drive-In Theaters						
	Adult Theaters (4)	P	P	P			P
7223 73	Public Assembly (Outdoor): Fairgrounds and Amusement Parks, Miniature Golf, Golf Driving Ranges, Go- Cart Tracks, BMX Tracks and Skateboard Tracks (1)						
73	Commercial Amusements: Video Arcades, Electronic Games	P	P	P		P	P
7411 7413 7422 7423 7424 7441 7449	Recreation Activities: Miniature Golf, Tennis Courts, Community Clubs, Athletic Fields, Play Fields, Recreation Centers, Swimming Pools (2)	P	P	P	P 5	P	P

Culture, Entertainment, and Recreation – Downtown Districts

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

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

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

Residential – Downtown Districts

STD LAND USE CODE REF	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 Institutions and Excluding Secure Community Transition Facilities	P	P	P	P	P	P
13 15	Hotels and Motels	P	P	P	P	P	P
	Congregate Care Senior Housing (1)	P	P ²	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 Recorder's Office (or its successor agency) and provided to the Director, restricting senior citizen dwellings or congregate care senior housing to remain for the life of the project.
- (2) Where it is ancillary to Congregate Care Senior Housing, a maximum of forty percent of the area of a Congregate Care Senior Housing facility may be dedicated to a nursing home use, assisted living use, or a combination of both uses.

Commented [HC26]: NOTE ADDED since Downtown Livability Early Wins to offer code flexibility. Proposed code amendment adds a new Residential Use Note (2) which allows Congregate Care Senior Housing to have 40 percent nursing home use, assisted living use or a combination of both uses.

Services – Downtown Districts

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

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
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
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						

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
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, 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

PART 20.25A Downtown

2.1.17 Draft

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.

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PART 20.25A Downtown

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(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						

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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
	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 Facility (WCF): (without WCF Support Structures)	6, 7, 10	6, 7, 10	6, 7, 10	6, 7, 10	6, 7, 10	6, 7, 10
	Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding)	6, 7	6, 7	6, 7	6, 7	6, 7	6, 7
	Satellite Dishes (8)	P	P	P	P	P	P
	Electrical Utility Facility (11)	A/C	A/C	A/C	A/C	A/C	A/C

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

- (1) The location of an off-site parking facility must be approved by the Director. See LUC 20.25A.080.D.
- (2) Accessory parking requires approval through the review process required for the primary land use which it serves pursuant to this section.
- (3) Aircraft transportation is limited in these districts to government heliports used exclusively for emergency purposes and regulated pursuant to the terms of LUC 20.20.450.
- (4) Aircraft transportation is limited in these districts to government and hospital heliports used exclusively for emergency purposes and regulated pursuant to the terms of LUC 20.20.450.
- (5) Design Review approval, Part 20.30F LUC, is required to establish a commercial parking facility. Refer to LUC 20.25A.080.E for additional development requirements.
- (6) Wireless communication facilities (WCFs) are not permitted on any residential structure, undeveloped site located in a residential land use district, or site that is developed with a residential use; except WCFs are allowed on mixed-use buildings that include residential uses. This note does not prohibit locating WCF: on any nonresidential structure (i.e., churches, schools, public facility structures, utility poles, etc.) or in public rights-of-way in any residential land use district.
- (7) Refer to LUC 20.20.195 for general requirements applicable to wireless communication facilities and other communication, broadcast and relay facilities.

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- (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						

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
	Recycling Centers (15)	P	P	P	A	A	P
521 522 523 524	Lumber and Other Bulky Building Materials Including Preassembled Products						
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

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
	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)						
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

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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						

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

2. Land Use District Map. Figure 20.25A.060.A.2 illustrates the locations of the Downtown Land Use Districts within the boundaries of the Downtown Subarea.

NOTE: Please review both Figures 20.25A.060.A.2 and 3 for a complete overview of zoning on a parcel. A parcel may be located in both a Land Use District and a Perimeter Overlay District.

Commented [HC27]: MOVED from 20.25A.020.A.2 and UPDATED to respond to CAC and Planning Commission direction.

REMOVED Perimeter C Design District.

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

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

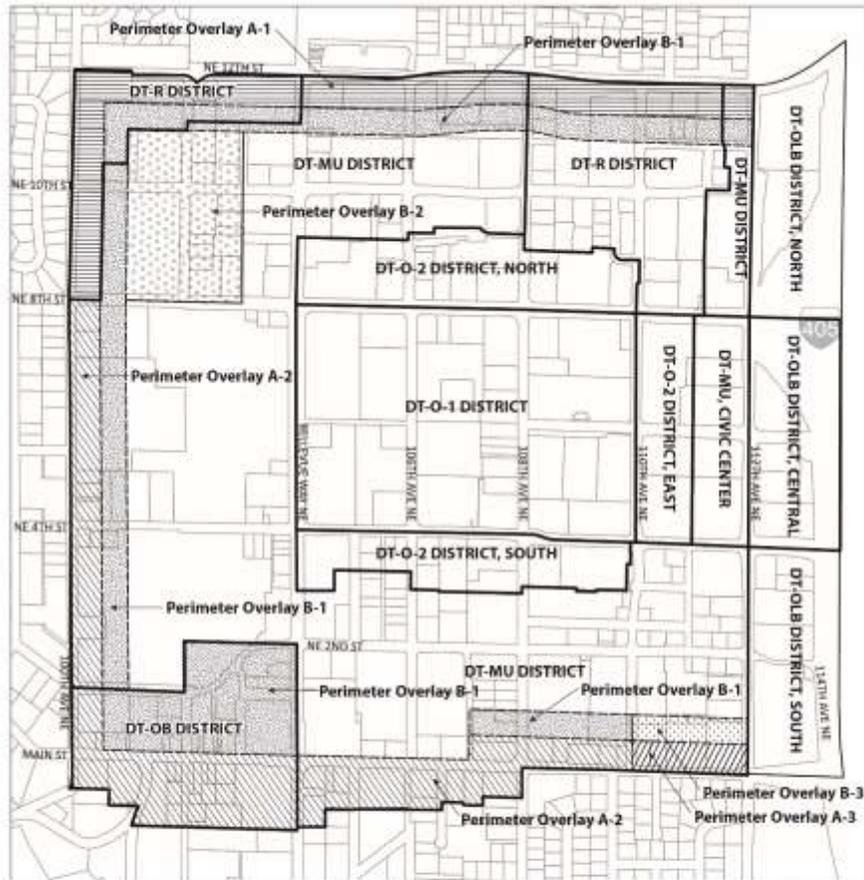
ADDED 40' Tower Setback from interior property line that would take effect on towers 75 feet high. Setback starts 45 feet up. Required more open space and reduced floor plates for additional height over the max. height which is currently allowed.

DRAFT

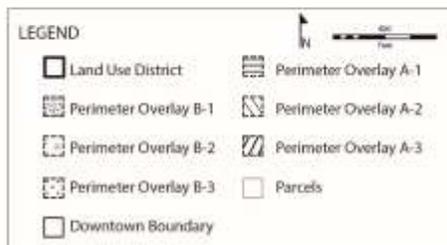
3. Perimeter Overlay District Map. Figure 20.25A.060.A.3 illustrates the locations of the Downtown Perimeter Overlay Districts within the boundaries of the Downtown Subarea in relationship to the Downtown Land Use Districts.

DRAFT

Figure 20.25A.060.A.3



DIMENSIONAL REQUIREMENTS BY LAND USE DISTRICT AND PERIMETER OVERLAY



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

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

[THE LAST COLUMN, “TRIGGER FOR ADDITIONAL HEIGHT,” HAS BEEN INCREASED BY 15% OR 15’ EXCEPTION WHICHEVER IS GREATER.]

Dimensional Requirements in Downtown Districts

Downtown Land Use District	Building Type (2)(5)	Minimum Tower Setback above 45’ Where Building Exceeds 75’	Maximum Floor Plate Above 40’ (4)	Maximum Floor Plate Above 80’ (4)	Maximum Lot Coverage (14)	Maximum Building Height	Maximum Height [with including 15 Feet or 15%]	Floor Area Ratio: Base / Maximum (3)	Minimum Upper Level Stepback above 45’ Where Building Height Exceeds 75’ (4)	Tower Separation Above 45’ Where Building exceeds 75’	Trigger for additional height (4)
DT-O-1	Nonresidential	40’ (16)	24,000 gsff	24,000 gsff	100%	600’	600’ (8)	TBD / 6.75 / 8.0	20’	80’	345’ (7)
	Residential	40’ (16)	22,000 gsff	13,500 gsff	100%	600’	600’ (8)	TBD / 6.5 / 10.0	20’	80’	450’ (7)
	Above-Grade Parking	40’ (16)	20,000 gsff	20,000 gsff	100%	400’	100’ (9)	N/A	20’	80’	N/A (10)
DT-O-2 North of NE 8 th St.	Nonresidential	40’ (16)	24,000 gsff	24,000 gsff	100%	400’	460’	TBD / 5.0 / 6.0	20’	80’	250’ 288’ (7)
	Residential	40’ (16)	22,000 gsff	13,500 gsff	100%	400’	460’	TBD / 5.0 / 6.0	20’	80’	250’ 288’ (7)
	Above-Grade Parking	40’ (16)	20,000 gsff	20,000 gsff	100%	400’	100’ (9)	TBD / 6.0 / NA	20’	80’	N/A (10)
DT-O-2 East of 110 th Ave. NE	Nonresidential	40’ (16)	24,000 gsff	24,000 gsff	100%	350’	403’	TBD / 5.0 / 6.0	20’	80’	250’ 288’ (7)
	Residential	40’ (16)	22,000 gsff	13,500 gsff	100%	350’	403’	TBD / 5.0 / 6.0	20’	80’	250’ 288’ (7)
	Above-Grade Parking	40’ (16)	20,000 gsff	20,000 gsff	100%	400’	100’ (9)	TBD / 6.0 / NA	20’	80’	N/A (13)
DT-O-2 South of NE 4 th	Nonresidential	40’ (16)	24,000 gsff	24,000 gsff	100%	300’	345’	TBD / 5.0 / 6.0	20’	80’	250’ 288’ (7)
	Residential	40’ (16)	22,000 gsff	13,500 gsff	100%	300’	345’	TBD / 5.0 / 6.0	20’	80’	250’ 288’ (7)
	Above-Grade Parking	40’ (16)	20,000 gsff	20,000 gsff	100%	400’	100’ (9)	TBD / 6.0 / NA	20’	80’	N/A (10)
DT-MU	Nonresidential	40’ (16)	22,000 gsff	20,000 gsff	100%	200’	230’	TBD / 3.25 / 5.0	20’ (9)	80’	400’ 115’ (7)

Commented [BT(28)]: UPDATED - Unintentionally broader than existing requirement in LUC 20.25A.110.E.7. Provisions MOVED to 20.25A.075 and limited consistent with current code provision in LUC 20.25A.110.E.7.

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Downtown Land Use District	Building Type (2)(5)	Minimum Tower Setback above 45' Where Building Exceeds 75'	Maximum Floor Plate Above 40' (4)	Maximum Floor Plate Above 80' (4)	Maximum Lot Coverage (14)	Maximum Building Height	Maximum Height [with including 15 Feet or 15%]	Floor Area Ratio: Basic Base / Maximum (3)	Minimum Upper Level Stepback above 45' Where Building Height Exceeds 75' (4)	Tower Separation Above 45' Where Building exceeds 75'	Trigger for additional height (14)
	Residential	40' (16)	20,000 gsf/f	13,500 gsf/f	100%	280'	288'	TBD / 4.25 / 5.0	20'(9)	80'	200'-230' (7)
	Above-Grade Parking	N/A	20,000 gsf/f	N/A	75%	60'	60' (9)	N/A	20'(9)	N/A	N/A (10)
DT-MU Civic Center	Nonresidential	40' (16)	22,000 gsf/f	20,000 gsf/f	100%	350'	403'	TBD / 3.25 / 6.0	20'	80'	100'-115' (7)
	Residential	40' (16)	20,000 gsf/f	13,500 gsf/f	100%	350'	403'	TBD / 4.25 / 6.0	20'	80'	200'-230' (7)
	Above-Grade Parking	N/A	20,000 gsf/f	N/A	75%	60'	60' (9)	N/A	20'	N/A	N/A (10)
DT-OB	Nonresidential	40' (16)	20,000 gsf/f	13,500 gsf/f	100%	400'	445' (11)	TBD / 4.0 / (11)	20'	80'	N/A (10)
	Residential	40' (16)	20,000 gsf/f	13,500 gsf/f	100%	200'	230' (11)	TBD / 5.0 / (11)	20'	80'	N/A (10)
	Above-Grade Parking	N/A	N/A	N/A	75%	40'	40' (9), (11)	N/A (11)	N/A	N/A	N/A (10)
DT-R	Nonresidential	N/A	20,000 gsf/f	NA	75%	65'	75'	0.5 / 0.5	20'	N/A	N/A (10)
	Residential	40' (16)	20,000 gsf/f	13,500 gsf/f	100%	200'	230'	TBD / 4.25 / 5.0	20'	80'	N/A (10)
	Above-Grade Parking	N/A	N/A	N/A	75%	40'	40' (9)	N/A	N/A	N/A	N/A (10)
DT-OLB North (between NE 8th Street and NE 12th Street)	Nonresidential	40' (16)	30,000 gsf/f	20,000 gsf/f	100%	75'	86'	TBD / 2.5 / 3.0	20'	80'	N/A (10)
	Residential	40' (16)	20,000 gsf/f	13,500 gsf/f	100%	90'	104'	TBD / 2.5 / 3.0	20'	80'	N/A (10)
	Above-Grade Parking	N/A	20,000 gsf/f	N/A	75%	45'	45' (9)	N/A	N/A	N/A	N/A (10)
DT-OLB Central (between NE 4th Street and NE 8th Street)	Nonresidential	40' (16)	30,000 gsf/f	20,000 gsf/f	100%	350'	403'	TBD / 2.5 / 6.0	20'	80'	75'-90' (7)
	Residential	40' (16)	20,000 gsf/f	13,500 gsf/f	100%	350'	403'	TBD / 2.5 / 6.0	20'	80'	90'-105' (7)
	Above-Grade Parking	N/A	20,000 gsf/f	N/A	75%	45'	45' (9)	N/A	N/A	N/A	N/A (10)
DT-OLB South (between Main Street and NE 4th Street)	Nonresidential	40' (16)	30,000 gsf/f	20,000 gsf/f	100%	200'	230'	TBD / 2.5 / 5.0	20'	80'	75'-90' (7)
	Residential	40' (16)	20,000 gsf/f	13,500 gsf/f	100%	200'	230'	TBD / 2.5 / 5.0	20'	80'	90'-105' (7)
	Above-Grade Parking	N/A	20,000 gsf/f	N/A	75%	45'	45' (9)	N/A	N/A	N/A	N/A (10)

Commented [BT(28)]: UPDATED - Unintentionally broader than existing requirement in LUC 20.25A.110.E.7. Provisions MOVED to 20.25A.075 and limited consistent with current code provision in LUC 20.25A.110.E.7.

Additional Dimensional Requirements in Downtown Perimeter Overlay Districts

Downtown Perimeter Overlay District	Building Type (2)(5)	Minimum Tower Setback above 45' Where Building Exceeds 75'	Minimum Setback from Downtown Boundary (1)	Maximum Lot Coverage (14)	Building Height: Maximum (5)	Maximum Building Height (with 15% or 15')	Floor Area Ratio: Basic- Base / Maximum (3)	Triggers for Additional Height (7)
Perimeter Overlay A-1	Nonresidential	N/A	20' (6)	75%	40'	40' (8)	TBD-1.0 in MU; 0.5 in R/ 1.0 in DT-MU and DT-OB; 0.5 in DT-R	N/A (10)
	Residential	N/A	20' (6)	75%	55'	55' (8)	TBD-3.0 / 3.5	N/A (10)
	Above-Grade Parking	N/A	20' (6)	75%	40' (9)	40' (9)	N/A	N/A (10)
Perimeter Overlay A-2	Nonresidential	N/A	20' (6)	75% in DT-MU 100% in DT-OB	40'	40' (8)	TBD-1.0 / 1.0	N/A (10)
	Residential	N/A	20' (6)	75% in DT-MU 100% in DT-OB	70' (26)	70' (7) (8) (12)	TBD 3.25 / 3.5	55' (9) (7)
	Above-Grade Parking	N/A	20' (6)	75%	40' (9)	40' (9)	N/A	N/A (10)
Perimeter Overlay A-3	Nonresidential	N/A	20' (6)	75%	70'	70' (8)	TBD 1.0 / 1.0	40' (7)
	Residential	N/A	20' (6)	75%	70'	70' (8)	TBD 3.25 / 5.0 (15)	55'
	Above-Grade Parking	N/A	20' (6)	75%	40' (9)	40' (9)	N/A	N/A (10)
Perimeter Overlay B-1	Nonresidential	N/A	N/A	75% in DT-MU and DT-R 100% in DT-OB	65'	72'	TBD 1.5 in DT-MU; 1.0 in OB; 0.5 in DT-R / 1.5 in DT-MU; 1.0 in DT-OB; 0.5 in DT-R	N/A (10)
	Residential	40' (16)	N/A	75% in DT-MU and DT-R 100% in DT-OB	90'	99'	TBD 4.25 / 5.0	90'-99' (7)
	Above-Grade Parking	N/A	N/A	75%	40'	40' (9)	N/A	N/A (10)
Perimeter Overlay B-2	Nonresidential	N/A	N/A	75%	65' (42)	72'	TBD 1.5 / 1.5 in DT-MU; 0.5 in DT-R	N/A (10)
	Residential	40' (16)	N/A	75%	160'-240'	176'-264' (7)(13)(16)	TBD 4.25 / 5.0	90'-105' (7)
	Above-Grade Parking	N/A	N/A	75%	45'	40' (9)	N/A	N/A (10)
Perimeter Overlay B-3	Nonresidential	N/A	N/A	75%	40'	72'	TBD-1.5 / 1.5	N/A (10)
	Residential	40' (16)	N/A	75%	65'	220' (7)	TBD-4.25 / 5.0 (15)	90'-105' (7)
	Above-Grade Parking	N/A	N/A	75%	200'	40' (9)	N/A	N/A (10)

[INSERT GRAPHIC FOR ADDITIONAL HEIGHT TRIGGER]

20.25A.060

Notes: Dimensional requirements in Downtown Districts and Perimeter Overlay Districts

(1) Minimum setbacks from Downtown boundary are subject to required landscape development. See LUC 20.25A.110.

PART 20.25A Downtown

2.1.17 Draft

(2) A single building is considered residential if more than 50 percent of the gross floor area is devoted to residential uses. See LUC 20.50.020 for the definition of “floor area, gross.”

(3) The maximum permitted FAR may only be achieved by participation in the FAR Amenity Incentive System, LUC 20.25A.070. Where residential and nonresidential uses occur in the same building, the FAR is limited to the maximum FAR for the building type as determined in accordance with Note (2).

(4) See paragraph B of this section for exceptions to the minimum setback and maximum building floor plate requirements.

(5) Hotels and motels shall be considered as residential structures for all dimensional standards except for maximum floor plate where they shall be considered nonresidential.

(6) On lots that are bisected by the Downtown boundary, the Director may allow the minimum setback from the Downtown boundary to be measured from the perimeter property lines abutting other lots located outside the Downtown boundary. The modification must be consistent with the Perimeter District purpose statement contained in 20.25A.010.B. This provision may be used to modify only the setback location and not the minimum setback size.

~~(7) Refer to LUC 20.25A.075.A for additional requirements when exceeding the trigger for additional height. The Building heights exceeding the trigger for additional height shall be subject to a 10% reduction in the applicable maximum n the allowed floor plate and shall provide 10% of the project limit area for publicly accessible open space that is at grade level. The applicant shall participate in the Amenity Incentive System using the required open space as an amenity. Participation in the Amenity Incentive System shall not be precluded if the required open space does not equal or exceed 4,000 square feet.~~

(8) No additional building height allowed. All standards must be met.

(9) No additional height allowed for parking garages. Any mechanical equipment shall be placed inside the structure.

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

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

~~(11) Tower spacing may be reduced, where a maximum of 10% of the façade is within the required tower spacing distance of another building’s façade but does not affect light, air or privacy of the buildings’ users.~~

~~(12) Within Perimeter Overlay A-2, any building exceeding 55 feet is subject to upper level setback above 40 feet and shall provide 5% of the project limit for publicly accessible open space that is located at grade. The required open space shall not be less than 3,000 feet. The applicant shall participate in the Amenity Incentive System using the requisite open space as an amenity. The 4,000 square foot minimum open space requirement for participation in the Amenity Incentive System shall not apply in this instance.~~

~~(12)3~~ Within Perimeter Overlay B-2, multiple tower projects are allowed variable tower heights of 176 feet to 264 feet with an average of no more than 220 feet. Master Development Plan approval is required. Single tower projects within the Perimeter Overlay B-2 shall be limited to ~~460~~ 220 feet unless the Director approves an Administrative Departure pursuant to LUC 20.25A.030.D.

~~(13)4~~ Underground buildings as defined in LUC 20.50.050 are not structures for the purpose of calculating lot coverage.

Commented [HC29]: UPDATE and MOVED to LUC 20.25A.075.B

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

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

B. Exceptions to Dimensional Requirements.

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

1. Floor Plate Exceptions

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

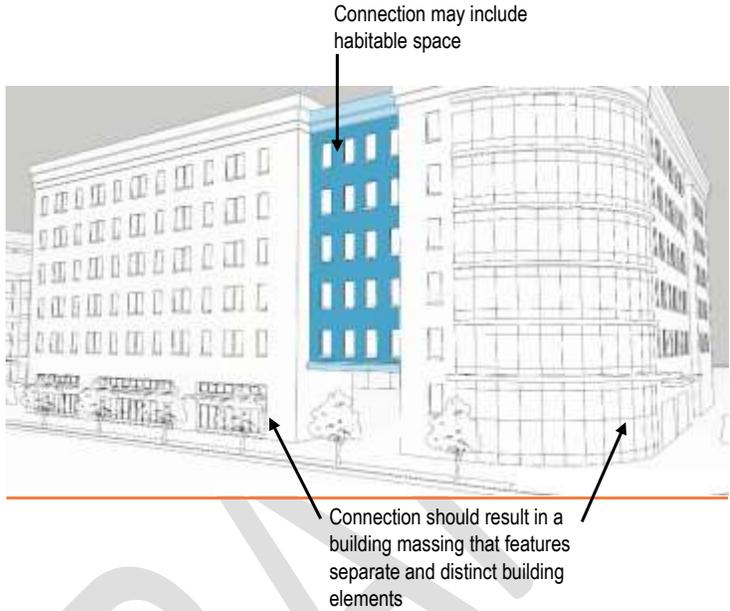
- i. The connection is to allow for safe and efficient building exiting patterns;
- ii. The connecting floor area shall include required corridor areas, but may include habitable space;
- iii. The alternative design results in a building mass that features separate and distinct building elements;

iv. The connection shall act as a dividing point between two floor plates, neither of which exceeds the maximum floor plate size;

~~— 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~~ shall comply with the design guidelines for Connecting Floor Plates in LUC 20.25A.180.C.

Commented [HC30]: MOVED from LUC 20.25A.020.B.1 and UPDATED



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

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

2. Intrusions into Required Dimensional Standards.

a. Intrusions over the Sidewalk

- i. Marquees, awnings, or other kinds of weather protection which comply with the requirements of 20.25A.170.A.2.b are permitted to extend over the public right-of-way upon approval of the Director of the Transportation Department and the Director notwithstanding the provisions of the Sign Code, Chapter 22B.10 BCC, or any other City Code.
- ii. External decks and balconies are permitted to extend over the right-of-way upon approval of the Director or the Transportation Department and the Director and shall be a minimum

clearance of 20 feet above the right-of-way, and no greater in depth than 50% of the width of the required sidewalk.

b. Intrusions into Setbacks

~~i. Marquees or awnings which comply with the requirements of LUC 20.25A.170.A.2.b are permitted to extend over the setback upon approval of the Director. Minor Architectural elements such as louvers and fins may intrude into the setback upon approval of the Director.~~

~~ii. External decks and balconies that intrude into the tower setback are permitted upon approval of the Director.~~

c. Intrusions into Stepbacks

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

(1) The applicant can demonstrate that the resulting design will be more consistent with the Design Guidelines of 20.25A.140 through 20.25A.180; and

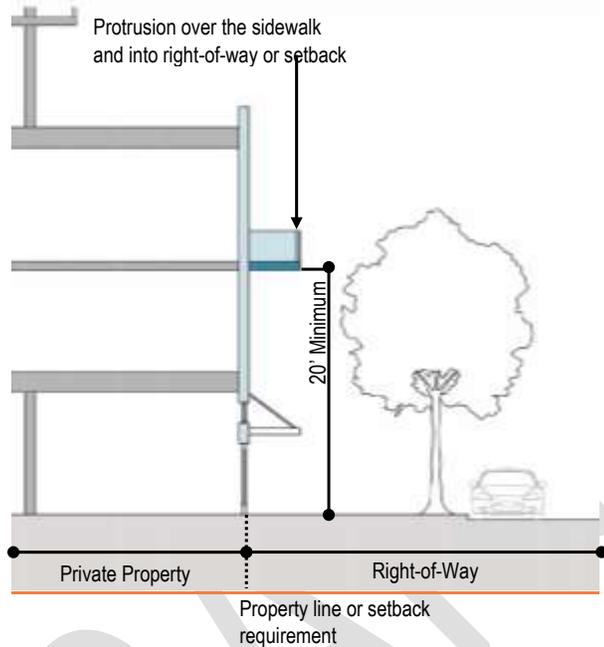
(2) The intrusions for building modulation or weather protection features shall be a maximum of ~~twenty percent~~ 20 percent of the length of the whole façade, ~~twenty five~~ 25 percent of the depth of the required stepback, and a maximum of ~~ten~~ 10 feet in length per intrusion.

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

(1) Interesting roof forms, significant floor plate modulation, significant façade modulation, or other such unique architectural features are provided to minimize impacts to abutting structures.

Commented [BT(31)]: MOVED to 20.25A.075



3. Height Exceptions: for Mechanical Equipment.

~~a. The Director may allow that for 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. The Director may approve intrusions that are necessary for mechanical equipment, such as elevator overruns, up to a maximum of 20 feet or as necessary to accommodate new technology above the maximum height limit if the following conditions are met:~~

- ~~i. The applicant can demonstrate that the intrusion is the minimum necessary to serve the needs of the building;~~
- ~~ii. No more than a A-maximum of twenty percent of the rooftop ~~can~~ may be covered with mechanical structures or housings; and~~
- ~~iii. All mechanical equipment ~~must~~ shall be clustered at the center of the roof. Equipment and housing shall be integrated into the design of the rooftop, consolidated in a central location or integrated with the building architecture.~~

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

Commented [HC32]: This exception has been embedded in the dimensional chart for transparency purposes

~~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. Tower Setback Exception.

a. If a parcel is less than or equal to 30,000 square feet, the tower setback may be reduced to 20 feet as measured 45 feet above average finished grade

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20.25A.070 Amenity Incentive System and Floor Area Ratio (Moved from LUC 20.25A.030 and amended based on BERK analysis and ULI Findings/Recommendations)

Commented [HC33]: Replaces Section 20.25A.070 from Staff Draft released in November 2016

A. General.

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

B. Required Review.

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

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

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

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

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

2. FAR Exemption for Affordable Housing

[DEFERRED PENDING THE CONCLUSION OF THE CITYWIDE AFFORDABLE HOUSING TECHNICAL ADVISORY GROUP’S WORK.]

[INSERT GRAPHIC FOR HOW FAR EXEMPTION WORKS]

Commented [HC34]: To be added prior to public hearing.

3. Floor Area Earned from Special Dedications

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

b. Special Dedications.

i. A property owner may make a special dedication by conveying land identified for right-of-way or linear alignment of an RLRT system acquisition in a Transportation Facilities Plan of the Comprehensive Plan, the Transportation Facilities Plan adopted by the City Council or the Capital Investment Program Plan to the City of Bellevue by an instrument approved by the City Attorney.

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

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

4. Conversion of Previously Approved Exempt Retail Activity Space

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

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

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

ii. Requirements for Conversion to be Approved.

~~1.~~(1) Uses allowed to occupy the previously approved exempt retail activity space shall meet the definition of DT – Active Uses contained in LUC 20.25A.020;

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~~2.~~(2) Conversion of the previously approved exempt retail activity space shall not allow the building to exceed the maximum FAR contained in LUC 20.25A.060; and

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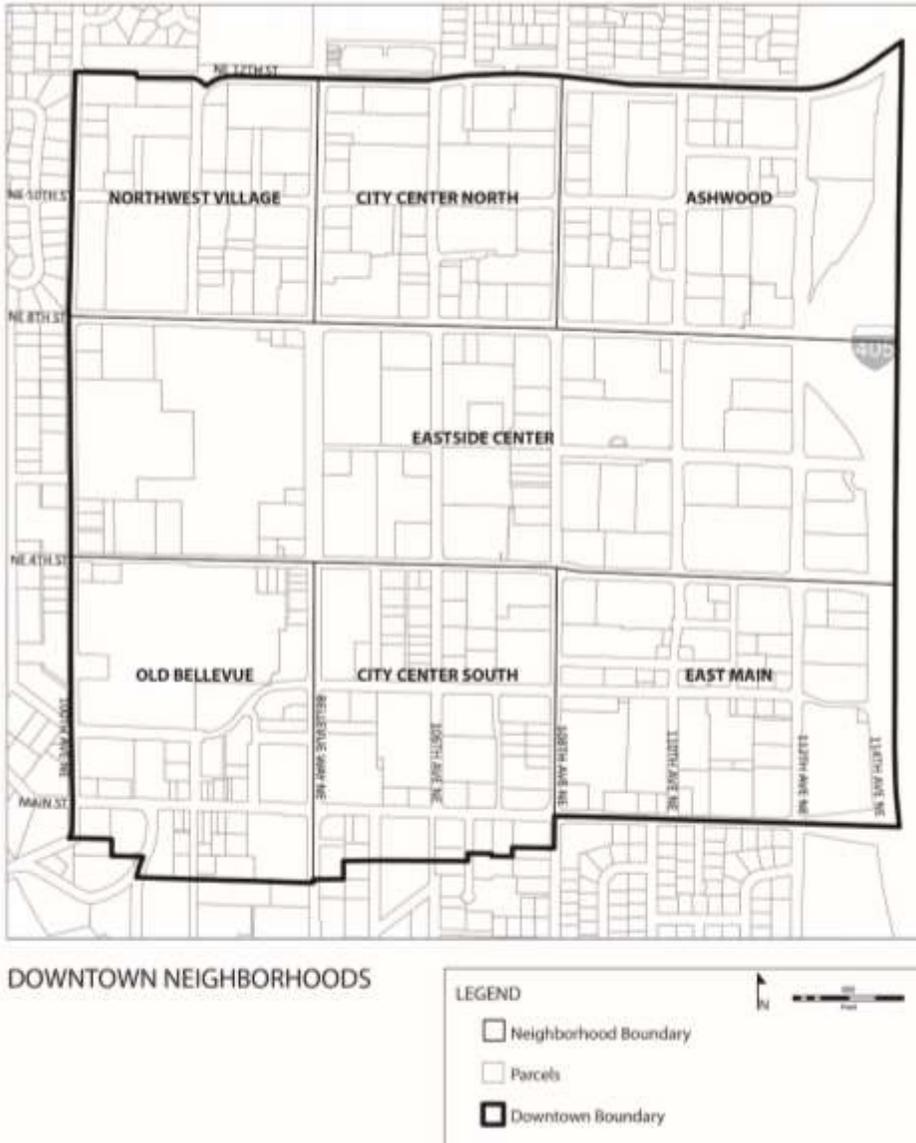
~~3-(3)~~ The converted space shall be retrofitted, to the maximum extent feasible, to comply with the requirements of LUC 20.25A.170.B.1 (Pedestrian Corridor / High Streets – A Rights of Way).

D. Specific Amenity Incentive System Requirements.

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

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Figure 20.25A.070.D.1



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

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

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

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

[INSERT GRAPHIC TO ILLUSTRATE CONDITIONS]

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

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

[INSERT GRAPHIC TO ILLUSTRATE 75/25 PERCENTALLOCATION OF AMENITIES]

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

3. In a multi-building development within a single project limit, amenities may be allocated among all buildings within the project limit; provided, that such allocation shall be approved by the

Commented [HC35]: To be added prior to the public hearing.

Commented [HC36]: To be added prior to the public hearing.

Director through a Master Development Plan. If construction of the multi-building development is to be phased, no phase may depend on the future construction of amenities.

4. Amenity Incentive System

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

LIST OF BONUSABLE AMENITIES	APPLICABLE NEIGHBORHOODS/DISTRICTS AND BONUS RATIOS						
	Northwest Village	City Center North	Ashwood	Eastside Center	Old Bellevue	City Center South	East Main
PUBLIC OPEN SPACE FEATURE AMENITIES							
1. Major Pedestrian Corridor and Major Public Open Spaces: The Major Pedestrian Corridor and Major Public Open Spaces located on or in the immediate vicinity of NE 6th Street between Bellevue Way and 112th Avenue NE.				250:1			
	250 bonus points per linear foot of Pedestrian Corridor constructed. Major Public Open Space calculated separately through Outdoor Plaza bonus provisions, below. DESIGN CRITERIA: 1. Pedestrian Corridor improvements must comply with the requirements of LUC 20.25A.090.C.1.						
2. Outdoor Plaza: A publically accessible, continuous open space, predominantly open from above, and designed to relate to the surrounding urban context. Outdoor plazas prioritize pedestrian use and serve as opportunities to activate the downtown for residents and users.	9.3:1	9.3:1	8.4:1	9.3:1	8.4:1	8.4:1	8.4:1
	8.4 bonus points per square foot of outdoor plaza in Priority Neighborhoods; 9.3 bonus points per square foot in High Priority Neighborhoods. DESIGN CRITERIA: 1. Minimum plaza size is 3,000 square feet with a maximum bonusable area of 20 percent of the gross lot area. Plazas larger than 10,000 square feet may earn additional bonus points if they are designed in a manner to provide for activities to promote general public assembly. 2. Minimum plaza size may be met through the linking of smaller plaza spaces in a cohesive, logical manner with a strong design narrative. 3. Minimum seating provided shall be 1 linear foot of seating space per 30 square feet of plaza space. 4. A minimum of 20 percent of the area eligible for bonus amenity points in the plaza must be landscaped. 5. Plaza amenities to enhance the users experience must be provided, e.g. art and water elements. 6. Provide physical and visual access to the plaza from the sidewalk and be located within thirty inches of adjacent sidewalk grade. 7. Provide for sense of security to users through well-lit and visible spaces. 8. Must provide directional signage that identifies circulation routes for all users and informs the public that the space is accessible to the public at all times. The signage must be visible from all points of access. The Director shall require signage as provided in the City of Bellevue Transportation Department Design Manual. If the signage requirements are not feasible, the applicant may propose an alternative that is consistent with this provision and achieves the design objectives for the building and the site may propose an alternative that is consistent with this provision and achieves the design objectives for the building and the site.						

Commented [F37]: Pedestrian Corridor bonus rate based on \$6,250 per linear foot construction cost estimate and \$25 FAR exchange rate.

Commented [F38]: Outdoor plaza bonus based on \$210 per square foot construction cost estimate and \$25 FAR exchange rate. Adjustment for High Priority locations articulated in the CAC Final Report using \$22.50 FAR exchange rate. Added Old Bellevue as applicable Neighborhood; not included as bonusable location in CAC Final Report.

LIST OF BONUSABLE AMENITIES	APPLICABLE NEIGHBORHOODS/DISTRICTS AND BONUS RATIOS						
	Northwest Village	City Center North	Ashwood	Eastside Center	Old Bellevue	City Center South	East Main
	9. Plazas must be open to the public at all times require an easement for public right of pedestrian use in a form approved by the City. 10. Plazas must meet all design criteria for design guidelines for public open spaces. 11. Square footage for purposes of calculating amenity points shall not include vehicle or loading drive surfaces.						
3. Donation of Park Property: Property which is donated to the City, with no restriction, for park purposes.	45 bonus points for every \$1,000 of appraised value of property donated for park purposes if property is located in Northwest Village or East Main Neighborhood. 40 bonus points for every \$1,000 of appraised value if property is located in any other Downtown Neighborhood. Park property donation may occur in Downtown neighborhoods that are different from where the development project occurs. DESIGN CRITERIA: 1. The need for such property in the location proposed must be consistent with City-adopted policies and plans. 2. The minimum size of a donated park parcel is 4,000 square feet. 3. Donated park parcels must be located within the Downtown, but need not be contiguous with the site for which development is proposed						
4. Improvement of Public Park Property: Improvements made to City-owned community, neighborhood, and miniparks within the Downtown Subarea.	45 bonus points for every \$1,000 of public park property improvement if park is located in Northwest Village or East Main Neighborhood. 40 bonus points for every \$1,000 of public park property improvement if located in any other Downtown Neighborhood. Park property improvement may occur in Downtown neighborhoods that are different from where the development project occurs. DESIGN CRITERIA: 1. Improvements made to a City-owned community, neighborhood, and mini-park must be consistent with the Downtown Subarea Plan. 2. Improvements made to City-owned parks must be constructed by the developer consistent with applicable City plans, and approval by the Director of the Parks & Community Services Department.						
5. Enhanced Streetscape: A continuous space between the back of the curb and the building face which allows internal activities to be externalized or brought out to the sidewalk. This space is provided along the building front and activated by residential patios or stoops, small retail, restaurant, and other commercial entries.	7:1	7:1	7:1	7:1	7.8:1	7.8:1	7.8:1
	7 bonus points per square foot of enhanced streetscape constructed; 7.8 bonus points per square foot if part of Lake-to-Lake Trail. DESIGN CRITERIA: 1. Space between back of curb and building face shall meet the minimum sidewalk and landscape dimensions. This amenity bonus is intended for an additional four to eight foot frontage zone that is above and beyond the minimum requirements. 2. Frontage zone shall contain street furniture, including movable tables and chairs, and may be used for retail and food vendor space. 3. Applicant must provide three of the five design standards below: <ol style="list-style-type: none"> Additional landscaping such as seasonal pots and plantings. Decorative paving. Small artistic elements. Additional weather protection. 						

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

Commented [F40]: Improvement of park property bonus based on \$25 FAR exchange rate; adjustment for High Priority neighborhoods Northwest Village and East Main using \$22.50 FAR exchange rate. Example: \$1,000,000 appraised value = 40,000 bonus points at 40:1 or 45,000 bonus points at 45:1.

Commented [F41]: Enhanced streetscape bonus based on \$175 per square foot construction cost estimate and \$25 FAR exchange rate; adjustment for Lake-to-Lake Trail improvements identified as High Priority using \$22.50 FAR exchange rate.

LIST OF BONUSABLE AMENITIES	APPLICABLE NEIGHBORHOODS/DISTRICTS AND BONUS RATIOS						
	Northwest Village	City Center North	Ashwood	Eastside Center	Old Bellevue	City Center South	East Main
	e. Other features suggested that assist in activating the space. 4. Visual access shall be provided into abutting commercial spaces. For residential use this may be provided through a private patio or stoop.						
6. Active Recreation Area: An area which provides active recreational facilities and is open to the general public. Does not include health or athletic clubs.	2:1	2:1	2:1	2:1	2:1	2:1	2:1
	2 bonus points per square foot of active recreation area provided.						
	DESIGN CRITERIA: 1. May be located indoors or outdoors. 2. Recreational facilities include, but are not limited to, sport courts, child play areas, climbing wall, open space for play, and dog relief areas. 3. May be fee-for-use but not used exclusively by membership. 4. The maximum bonusable area is 1,500 square feet.						
7. Enclosed Plaza: A publicly accessible, continuous open space located within a building and covered to provide overhead weather protection while admitting substantial amounts of natural daylight (atrium or galleria). Enclosed Plazas function as a “Third Place”, and are “anchors” of community life and facilitate and foster broader, more creative interaction.	4:1	4:1	4:1	4:1	4:1	4:1	4:1
	4 bonus points per square foot of enclosed plaza provided.						
	DESIGN CRITERIA: 1. Must be open and accessible to the public during the same hours that the building in which it is located is open. 2. Must provide signage to identify the space as open to the public as provided per the Bellevue Transportation Department Design Manual. Must provide directional signage that identifies circulation routes for all users and informs the public that the space is accessible to the public at all times. The signage must be visible from all points of access. If the signage requirements are not feasible, the applicant may propose an alternative that is consistent with this provision and achieves the design objectives for the building and the site may propose an alternative that is consistent with this provision and achieves the design objectives for the building and the site. 3. Must be visually and physically accessible from a publically accessible space. 4. At least 5 percent of the area must be landscaped. Landscape requirements may be modified if an equal or better result is provided through the use of interesting building materials, art, and architectural features which soften and enhance the enclosed plaza area. 5. The minimum sitting space shall be 1 linear foot of seating per 30 square feet of enclosed plaza space. More than 50 percent of the seating shall be provided in the form of movable chairs and furniture. 6. Minimum horizontal dimension is 20 feet. 7. Minimum area is 750 square feet.						
8. Alleys with Addresses: Pedestrian oriented ways off the main vehicular street grid that provide an intimate pedestrian experience through a combination of residential, small retail, restaurant, and other commercial entries with meaningful transparency along	6.7:1					6.7:1	6.7:1
	6.7 bonus points per square foot of alley with address improvement based on Neighborhood location.						
	DESIGN CRITERIA: 1. Must be open to the public 24 hours a day and 7 days a week and require an easement for public right of pedestrian use in a form approved by the City, . 2. May not be enclosed.						

Commented [F42]: Active recreation area bonus based on \$50 per square foot construction cost estimate and \$25 FAR exchange rate.

Commented [F43]: Enclosed plaza based on \$100 per square foot construction cost for plaza amenities and \$25 FAR exchange rate.

Commented [F44]: Alley with addresses bonus based on \$150 per square foot construction cost estimate and \$22.50 FAR exchange rate for High Priority locations as articulated in CAC Final Report.

LIST OF BONUSABLE AMENITIES	APPLICABLE NEIGHBORHOODS/DISTRICTS AND BONUS RATIOS						
	Northwest Village	City Center North	Ashwood	Eastside Center	Old Bellevue	City Center South	East Main
the frontage building walls. This area does not have a “back of house” feel.	3. Must provide a finer scaled building design at the pedestrian level to emphasize the pedestrian realm and to provide scale relief from the primary massing. 4. Alley frontage must meet guidelines for C Rights-of-Way, Mixed Streets in LUC 20.25A.170.B. 5. Residential use must provide a strong connection to the alleyway through the use of patios or stoops. 6. Must provide pedestrian scaled lighting. 7. Must provide signage to show open to the public and the hours. 8. Automobile access and use shall be secondary to pedestrian use and movement. 9. Must meet design guidelines at LUC 20.25A.170.C. 10. Square footage for purposes of calculating amenity points shall not include vehicle or loading drive surfaces.						
OTHER AMENITIES							
9. Freestanding canopies at street corners and transit stops (non-building weather protection)	40:1	40:1	40:1	40:1	40:1	40:1	40:1
	40 bonus points per every \$1,000 of investment in freestanding canopies. Maximum 1,000 bonus points per freestanding canopy. DESIGN CRITERIA: Location of freestanding canopies shall be approved by Transportation Department. Design must be consistent with design adopted through a Transportation Director’s Rule.						
10. Pedestrian bridges: Pedestrian bridges over the public right-of-way at previously designated mid-block locations meeting specific design criteria.		250:1		250:1		250:1	
	250 bonus points per linear foot of pedestrian bridge constructed. DESIGN CRITERIA: 1. This bonus shall apply only to pedestrian bridges meeting the location and design criteria of LUC 20.25A.100. 2. Bridge must connect to upper level Active Uses on both sides to qualify for bonus.						
11. Performing Arts Space: Space containing fixed seating for public assembly for the purpose of entertainment or cultural events (live performances only).	16:1	16:1	16:1	16:1	16:1	16:1	16:1
	16 bonus points per square foot of performing arts space provided. DESIGN CRITERIA: This bonus shall apply only to performing arts spaces that are less than 10,000 square feet.						
12. Public Art: Any form of permanent artwork that is outdoors and publicly accessible or visible from a public place.	40:1	40:1	40:1	40:1	40:1	40:1	40:1
	40 bonus points per every \$1,000 of appraised art value. DESIGN CRITERIA: 1. Must be located outside in areas open to the general public or visible from adjacent public right-of-way, perimeter sidewalk or pedestrian way.						

Commented [F45]: Freestanding canopy bonus based on \$25 FAR exchange rate. Example: \$25,000 investment = 1,000 bonus points.

Commented [F46]: Pedestrian bridge bonus based on bonus for Pedestrian Corridor construction.

Commented [F47]: Performing arts space bonus based on \$400 per square foot construction cost estimate and \$25 FAR exchange rate.

Commented [F48]: Public art bonus based on \$25 FAR exchange rate.

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

Commented [F49]: Water feature bonus based on \$25 FAR exchange rate.

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

Commented [F51]: Bonus based on \$25 exchange rate.

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

Commented [F52]: Neighborhood serving uses bonus based on \$200 per square foot construction cost credit and \$25 FAR exchange rate, and comparison with other incentive systems.

E. Recording.

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

F. Transfer of Bonus Floor Area from Pedestrian Corridor or MPOS Construction.

1. When Floor Area May Be Transferred.

Bonus floor area earned for actual construction of the major pedestrian corridor or major public open space may be transferred to any other property within the area of the Downtown bounded on the west by Bellevue Way, on the east by 112th Avenue NE, on the south by NE 4th Street and on the north by NE 8th Street. Properties may utilize this transferred floor area but must remain within maximum building height limits.

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

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

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

G. Periodic Review.

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

20.25A.075 Downtown Tower Requirements

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

A.– Requirements for Additional Height

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

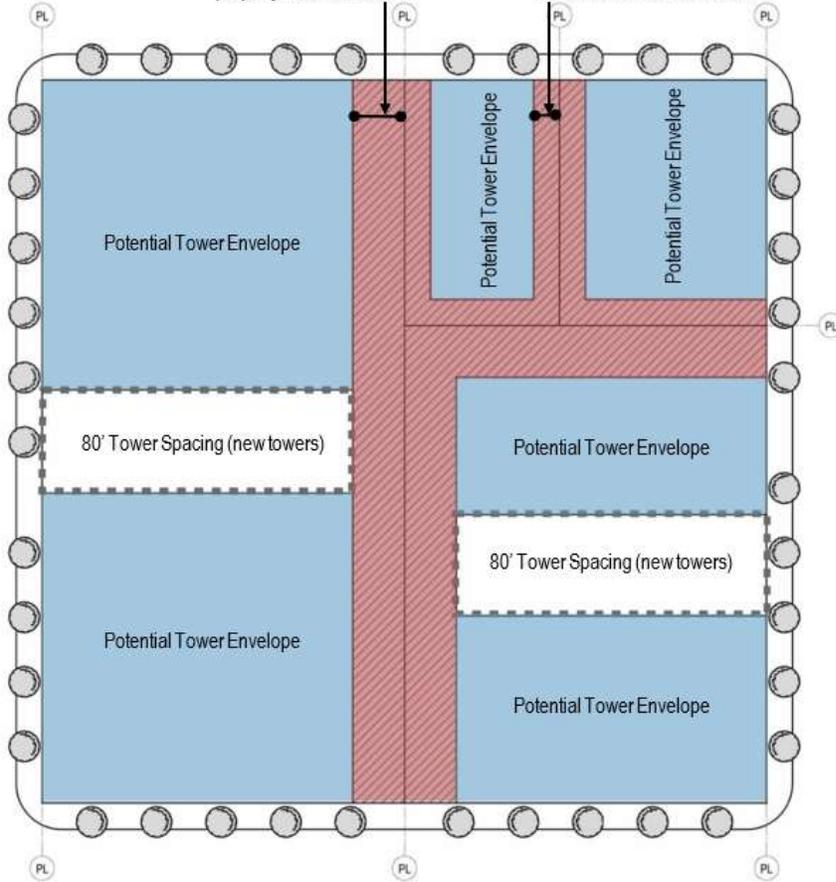
B. Required Tower Separation within a Single Project Limit

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

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40' Tower Setback from property line, above 40'

20' Tower Setback from property line above 40' (small sites under 30,000 sf)



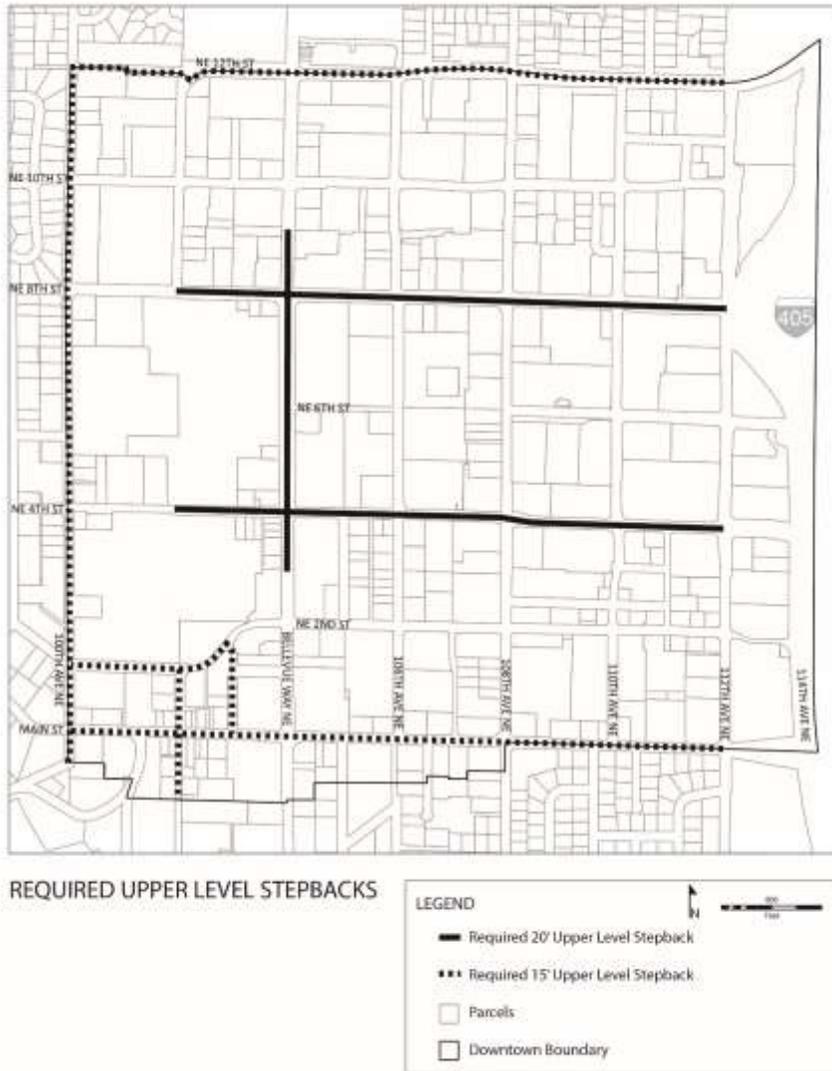
C. Upper Level Stepbacks (Moved from 20.25A.100E.7 and applied to Downtown Core and Perimeter).

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

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

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Figure 20.25A.075.C.2



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 unless modified pursuant to applicable departure allowances contained in this section:

Commented [HC54]: MOVED from Downtown LUC 20.25A.050 and aligned with code organization use in BelRed (LUC 20.25D.120). Provides increased flexibility by including process to modify required parking ratios for either fewer or more parking stalls based on a comprehensive parking study.

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

Downtown Parking Requirements

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

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

nsf = net square feet (see LUC 20.50.036)

Notes to Parking Requirements:

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

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(5) The minimum requirement for studio apartment units available to persons earning 60 percent or less than the median income as determined by the United States Department of Housing and Urban Development for the Seattle Metropolitan Statistical Area is 0.25 stalls per unit. An agreement to restrict the rental or sale of any such units to an individual earning 60 percent or less of the median income shall be recorded with the King County Recorder’s Office (or its successor agency), and a copy shall be provided to the Director.

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

C. Shared Parking.

1. General. In the Downtown, this subsection supersedes LUC 20.20.590.I.1.

2. Subject to compliance with other applicable requirements of this Code, the Director may approve shared development or use of parking facilities located on adjoining separate properties or for mixed use or mixed retail use development on a single site through approval of an administrative departure pursuant to LUC 20.25A.030.D.1 and if:

- a. A convenient pedestrian connection between the properties or uses exists; and
- b. The availability of parking for all affected properties or uses is indicated by directional signs, as permitted by Chapter 22B.10 BCC (Sign Code).

3. Number of Spaces Required.

- a. Where the uses to be served by shared parking have overlapping hours of operation, ~~the 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 the total required parking stalls number~~ pursuant of the provisions of 20.25A.080.H; and
- b. Where the uses to be served by shared parking do not overlap their hours of operation, the property owner or owners shall provide parking stalls equal to the greater of the applicable individual parking requirements.

4. Documentation Required. Prior to establishing shared parking or any use to be served thereby, the property owner or owners shall file with the King County Recorder’s Office or its successor agency, a written agreement approved by the Director providing for the shared parking use. A copy of the written agreement shall be retained by the Director in the project file. The agreement shall be recorded on the title records of each affected property.

D. Off-Site Parking Location.

1. General. In the Downtown, this subsection supersedes LUC 20.20.590.J. Except as provided in paragraph D.2 of this section, the Director may ~~approve~~ ~~authorize~~ a portion of the approved parking through approval of an administrative departure pursuant to LUC 20.25A.030.D.1 for a use to be located on a site other than the subject property if:

- a. Adequate visitor parking exists on the subject property; and

Commented [HC55]: Requires a parking study to allow for any reduction, instead of only the reductions that exceed 20%.

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

E. Commercial Use Parking.

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

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

F. Parking Area and Circulation Improvements and Design.

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

- g. Loading areas are provided for vanpools/carpools as required by paragraph F.3 of this section; and
- h. Vehicle height clearances for structured parking must be at least eight feet for the entry level to accommodate accessible van parking.

G. Bicycle Parking

Office, residential, institutional, retail, and education uses are required to provide bicycle parking pursuant to the following standards:

- 1. Ratio.
 - a. One space per 10,000 nsf for nonresidential uses greater than 20,000 nsf.
 - b. One space per every 10 dwelling units for residential uses.
- 2. Location. Minimum bicycle parking requirement shall be provided on site in a secure location.
- 3. Covered Spaces. At least 50 percent of required parking shall be protected from rainfall by cover.
- 4. Racks. The rack(s) shall be securely anchored and a bicycle six feet long can be securely held with its frame supported so the bicycle cannot be pushed or fall in a manner that will damage the wheels or components.
- 5. Size Requirement. Each required bicycle parking space shall be accessible without moving another bicycle.

H. Director’s Authority to Modify Required Parking

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

- 1. The modified parking ratio is supported by a parking demand analysis provided by the applicant, including but not limited to:
 - a. Documentation supplied by the applicant regarding actual parking demand for the proposed use; or
 - b. Evidence in available planning and technical studies relating to the proposed use; or
 - c. Required parking for the proposed use as determined by other compatible jurisdictions.
- 2. Periodic Review. The Director may require periodic review of the proposed review of the reduced parking supply to ensure the terms of the approval are being met.
- 3. Assurance Device. The Director may require an assurance device pursuant to LUC 20.40.490 to ensure compliance with the requirements and intent of subsection F.1 of this section.
- 4. Shared or off-site parking is not available or adequate to meet demand.

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5. Any required Transportation Management Program will remain effective.

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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.

Commented [HC56]: MOVED from Downtown LUC 20.25A.060. Planter Strips and Tree Pits were included in Early Wins.

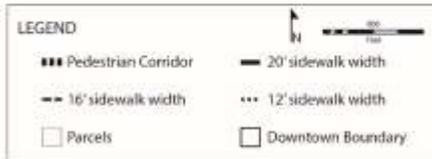
UPDATED to include Sidewalk widths.

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Figure 20.25A.090.A.1



DOWNTOWN SIDEWALK DIMENSIONS



20.25A.090A.1 Plate A

PLATE A - Downtown Bellevue Planter Strip/Tree Pits Required

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

PLATE A - Downtown Bellevue Planter Strip/Tree Pits Required

100th (NE 1st to Main)	Planter Strip
101st (near NE 10th)	Tree Pits
101st Ave SE (south of Main St)	Tree Pits
102nd (NE 12th to NE 8th)	Planter Strip
102nd (NE 1st to south of Main St)	Tree Pits
103rd (near NE 10th)	Tree Pits
103rd (NE 2nd to Main St)	Tree Pits
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

PLATE A - Downtown Bellevue Planter Strip/Tree Pits Required

110th (NE 4th to Main)	Planter Strip
111th (NE 11th to NE 9th)	Planter Strip
111th (NE 4th to NE 2nd)	Planter Strip

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

B. Planter Strips and Tree Pits.

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

C. Downtown Core. [Moved from 20.25A.090.E and citations updated]

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

Commented [HC57]: MOVED from Downtown LUC 20.25A.090.E. UPDATED citations to ensure conformance with the draft Downtown Code.

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

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

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

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

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

- (f) The City will provide adequate police protection.
- (g) No modifications may be made to the corridor without approval of the City in accordance with paragraph C.1.e.ii of this section.
- (h) The alignment of any such portion of the pedestrian corridor established by a legal agreement may be modified or terminated by the property owner and the City if the alignment of any section of the major pedestrian corridor changes pursuant to paragraph C.1.e.ii of this section.
- (i) The owner may adopt reasonable rules and regulations for use of his/her portion of the corridor; provided, that the same may not be inconsistent with the requirements or intentions of this section.
- (j) Any other terms and conditions that the owner(s) and the City agree to.

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

- (1) 130 feet of the centerline of the major pedestrian corridor, west of 108th Avenue NE; or
- (2) The area between the exterior edge of the curblines of the Transit Center and the eastward extension of the trigger lines as defined in paragraph C.1.e.ii(1) of this section to 110th Avenue NE. The proposed plan must specify the following elements:
 - (a) Landscaping,
 - (b) Lighting,
 - (c) Street furniture,
 - (d) Color and materials,
 - (e) Relationship to building frontage,
 - (f) Specific alignment for property on which the corridor will have to be constructed by the applicant proposing development,
 - (g) Any other physical element which the Director and the City Council, in their review, determine is necessary for and consistent with the Design Development Plan

for a specific section of the major pedestrian corridor, not including specific requirements to construct structures containing retail uses abutting the corridor.

iii. The City may issue a permit for the construction of a structure other than surface parking and other than any interior remodel or exterior remodel which enlarges exterior dimensions such that new floor area not exceeding a total of 20 percent of the gross floor area of the existing building is added; and provided, that all new floor area is devoted to pedestrian-oriented uses; on property any part of which abuts the major pedestrian corridor and is within the distances specified in paragraph C.1.c.v of this section at the time of the adoption of Ordinance No. 2945 only if:

(1) The owner complies with paragraph C.1.e.i(1)(a) through (j) of this section if that owner wishes to earn bonus FAR for construction of the major pedestrian corridor; and

(2) The owner files a Building Permit application to construct his/her section of the corridor on (a) land he/she owns within the corridor and within the superblock of the subject construction permit for a structure, and (b) on one-half the width of any abutting City-owned land in the corridor (except for intersections listed below). The City shall initiate or abutting property owners may initiate a street vacation for right-of-way the City owns between 104th Avenue NE and 106th Avenue NE at NE 6th Street in conjunction with or prior to an owner application to construct the major pedestrian corridor. Actual construction of the corridor must begin prior to the issuance of a certificate of occupancy or temporary certificate of occupancy for the structure other than surface parking. The City shall construct the corridor at the street intersections of the corridor and 104th Avenue NE, 106th Avenue NE, and 108th Avenue NE. The width of the corridor that would have to be constructed under the requirements of paragraph C.1.e.iii of this section may be modified when the final alignment of the corridor is established as part of Corridor Design Development Plan (paragraph C.1.e.ii of this section). Notwithstanding this potential change in the width of the corridor that would have to be constructed under paragraph E.1.e.iii of this section, property owners shall at a minimum be required to construct the section of the corridor as specified in paragraph C.1.e.iii(2)(a) of this section. Building Permits for surface parking areas to be located on property any part of which abuts the major pedestrian corridor and is within the distances specified in paragraph C.1.c.v of this section at the time of the adoption of the ordinance codified in this chapter may be issued subject to the conditions specified in paragraph C.1.d.ii of this section. Notwithstanding any other requirement of this section, if a temporary pedestrian linkage is constructed as specified in paragraph C.1.f of this section, construction of the corridor will not be required unless the property to be developed is located within the distances specified in paragraph C.1.e.ii of this section.

f. Temporary Pedestrian Linkage.

i. Any temporary pedestrian linkage developed under paragraph C.1.c.iii of this section shall at a minimum include a combination of paving, landscaping and lighting to permit safe pedestrian movement at night.

ii. The City Council must approve a plan for any temporary pedestrian linkage to be prepared as part of a Corridor Design Planning process approved through a Development Agreement (Part 20.30L LUC).

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

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

- (2) Incorporates lighting, planting, seating, and scored or decorative paving.
 - (3) Provides a sense of enclosure along the exterior edge of the space by the use of a design element which both physically and visually separates the intermediate corridor from abutting property. Nonexclusive examples of such an element sculptural wall, dense planting, or berm.
 - (4) Is consistent with the applicable provisions of the Bellevue Pedestrian Corridor Guidelines, as determined by the Director.
- ii. Design for any intermediate pedestrian corridor must be approved through Design Review, Part [20.30F](#) LUC, in conjunction with the Design Development Plan for the major pedestrian corridor required to be constructed.
 - iii. An intermediate pedestrian corridor satisfies any requirement of this Code to construct the temporary pedestrian linkage.
 - iv. Space developed as an intermediate pedestrian corridor must be replaced by the major pedestrian corridor at the time of development on any project limit abutting or adjacent to the major pedestrian corridor. Construction of the major pedestrian corridor must be in conformance with all requirements of paragraph C.1.e of this section.

2. Major Public Open Spaces.

- a. Purpose. Major public open spaces serve as focal points for pedestrian activity within the Downtown Core Design District, and are design elements fully integrated with the major pedestrian corridor.
- b. Location. The major public open spaces are to be located at or near the junction of the major pedestrian corridor and:
 - i. Bellevue Way;
 - ii. 106th Avenue NE;
 - iii. 110th Avenue NE.
- c. Design. Each development abutting a location of the major open public spaces as defined in paragraph C.2.b of this section must comply with the provisions of this paragraph and the Bellevue Pedestrian Corridor Guidelines and Major Public Open Space Guidelines as adopted by the City Council, or as the same may hereafter be amended. The Bellevue Pedestrian Corridor and Major Open Space Design Guidelines consist of general design guidelines consistent with provisions of this paragraph.
 - i. The major public open spaces must be designed with numerous pedestrian amenities such that these areas serve as focal points. Pedestrian amenities include elements such as seating, lighting, special paving, planting, food and flower vendors, artwork and special recreational features. Design must be coordinated with that of the major pedestrian corridors.

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

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

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

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

vi. Floor Area Ratio.

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

(2) Bonus.

(a) Bonus floor area ~~at the ratio of 16 square feet of floor area to one square foot of associated with~~ major public open space ~~will shall~~ be awarded ~~pursuant to the terms of LUC 20.25A.070~~ to owners of property to be devoted to the major public open space who provide a recorded legal agreement pursuant to paragraph C.2.d.iii of this section upon approval of an application to construct that major public open space.

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

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

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

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

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

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

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

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

ix. Major Public Open Space Design.

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

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x. Design Development Plan.

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

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

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

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

3. Minor Publicly Accessible Spaces.

a. Purpose. Minor publicly accessible spaces provide relief from high intensity urban development, serve as visual gateways to the intensive Downtown Core, and provide opportunities for active or passive recreation.

b.- Applicability: Minor publicly accessible spaces shall be required when a development does not participate in the Amenity Incentive System of LUC 20.25A.070.

cb. Location. Minor publicly accessible spaces shall be located along Bellevue Way and 108th Avenue NE approximately at their intersections with NE 8th Street, NE 6th Street and NE 4th Street. Minor publicly accessible spaces shall be located throughout Downtown. Additionally, ~~a~~At least two spaces shall be located in each superblock based on coordination of design and proximity to other publicly accessible spaces, or pedestrian connections.

Commented [BT(58)]: Changed to require MPAS in instances where the applicant does not have to comply with the Amenity System.

de. Design Guidelines.

- i. Minor publicly accessible spaces may be outdoors or enclosed as long as adequate access is provided and their existence is easily identifiable.
- ii. A minor publicly accessible space must be open at least during the hours of 8:00 a.m. to 10:00 p.m., or during the hours of operation of adjacent uses, whichever is lesser.
- iii. A minor publicly accessible open space must be developed as a plaza, enclosed plaza, or art or landscape feature. The design criteria of LUC 20.25A.070.D.2-or 7. must be met, and the FAR amenity bonus may be utilized.
- iv. Directional signage shall identify circulation routes for all users and state that the space is accessible to the public at the times specified by subsection C.3.c.ii. of this section. The signage must be visible from all points of access. The Director shall require signage as provided in the City of Bellevue Transportation Department Design Manual. If the signage requirements are not feasible, the applicant may propose an alternative that is consistent with this section and achieves the design objectives for the building and the site.

ed. Public Access – Legal Agreement.

- i. Owners of property that is used for a minor publicly accessible open space shall execute a legal agreement providing that such property is subject to a nonexclusive right of pedestrian use and access by the public during hours of operation.
- ii. The agreement shall provide that the public right for pedestrian use shall be enforceable by the City of Bellevue, and the City shall have full rights of access to the minor publicly accessible space and associated circulation routes for purposes of enforcing the rights of the public under this agreement.
- iii. Owners of property subject to this legal agreement will maintain the pedestrian access route and may adopt reasonable rules and regulations for the use of this space; provided, that the rules and regulations are not in conflict with the right of pedestrian use and access, and are consistent with this section.
- iv. The agreement shall be recorded with the King County ~~Division of Records and Elections and the Bellevue City Clerk Recorder's Office (or its successor agency) and provided to the Director.~~

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

Commented [HC59]: MOVED from LUC 20.25A.130. UPDATED to use the new Development Agreement Process for Pedestrian Bridge Design Approval.

A. Where Permitted.

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

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

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

B. Location and Design Plan.

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

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

2. The bridge does not detract from street level activity; and
3. The bridge functions as part of the public realm.

D. Development Standards.

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

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

16. Bridge must exhibit exemplary artistic or architectural qualities.

E. Public Access – Legal Agreement.

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

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

Commented [HC60]: MOVED from LUC 20.25A.040 Early Wins

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

Commented [HC61]: MOVED from LUC 20.25A.060 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.

UPDATED to add additional flexibility for tree species substitution.

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

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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 Pl NE (near NE 12th)	London planetree: <i>Platanus x acerifolia</i> ‘Bloodgood’	Large
107th (NE 2nd to south of Main)	Hornbeam: <i>Carpinus caroliniana</i> ‘Palisade’	Medium
108th (NE 12th to NE 8th)	Persian ironwood: <i>Parrotia persica</i> ‘Ruby Vase’	Medium
108th (NE 8th to NE 4th)	Sweetgum: <i>Liquidambar styraciflua</i> ‘Worplesdon’	Large
108th (NE 4th to south of Main)	Zelkova serrata ‘Green Vase’	Medium
109th (near NE 10th)	Linden: <i>Tilia cordata</i> ‘Chancole’	Large
110th (NE 12th to NE 8th)	Linden: <i>Tilia americana</i> ‘Redmond’	Large
110th (NE 8th to NE 4th)	Zelkova serrata ‘Village Green’	Medium

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

2. Street Landscaping. Street trees together with shrubbery, groundcover and other approved plantings are required in a planter strip along the length of the frontage. Vegetation included in the planter strip shall be able to withstand urban conditions, shall be compatible with other plantings along the same street, and shall reflect the character of the area within which they are planted, as approved by the Director.

3. Installation and Irrigation

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

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

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

BA. 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.

Commented [BT(62)]: Updated. Vehicular access between the front of a building and the street is no longer allowed, thus vehicular access is not needed in the column entitled "Street Frontage."

20.25A.110 Landscape Development Requirements

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

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

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

Commented [HC63]: MOVED from LUC 20.25A.090.D.4
 UPDATED to allow increased flexibility for property owners to use the buffers.

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

D. Fences (Moved from 20.25A.040.C)

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

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

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

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

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20.25A.120 Green and Sustainability Factor (NEW)

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

1. Identify all proposed elements, presented in Figure 20.25A.120.A.5, 20.25A.120, Table A,
2. Multiply the square feet, or equivalent square footage where applicable, of each landscape element by the multiplier provided for that element in Table A-Figure 20.25A.120.A.5 according to the following provisions:
 - a. If multiple elements listed in 20.25A.120, Table A-Figure 20.25A.120.A.5 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-Figure 20.25A.120.A.5 that are provided to satisfy any other requirements of ~~this Code Chapter 20.25A~~ may be counted.
 - d. Unless otherwise noted, elements shall be measured in square feet.

~~d. e.~~ For trees, large shrubs and large perennials, use the equivalent square footage of each tree or shrub provided in 20.25A.120, Table B, Figure 20.25A.120.A.5. Tree sizing shall be determined by the Green and Sustainability Factor Tree List maintained by the Director in the Development Services Department. If a tree species is not included on the list, the Director shall determine the size of the proposed tree species.

~~e. f.~~ 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. g.~~ 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. h.~~ For all elements other than trees, large shrubs, large perennials, green walls, structural soil systems and soil cell system volume; square footage is determined by the area of the portion of the horizontal plane that lies over or under the element.

~~h. i.~~ All permeable paving and structural soil credits may not count for more than one third of a project's Green and Sustainability Factor Score.

Commented [HC64]: NEW - Reviewed by the Planning Commission on October 26, 2016. Improves walkability, reinforces "City in a Park" character, increases tree canopy, helps with stormwater runoff infiltration, and softens and mitigates the effects of dense urban environment. Uses Seattle model.

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

Figure 20.25A.120.A.5

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

Commented [BT(65)]: UPDATED chart to include subheadings.

	7. Preservation of eExisting eEvergreen fTrees bBonus- Existing evergreen trees proposed for this bonus shall be calculated at 20 square feet per inch d.b.h. Preserved evergreen trees and shall have a minimum diameter of 6 inches at d.b.h.	0.1
	8. Preservation of eExisting eEvergreen fTrees bBonus- Existing evergreen trees proposed for this bonus shall be calculated at 20 square feet per inch d.b.h. Preserved evergreen trees and shall have a minimum diameter of 6 inches at d.b.h.	0.1
	9. Shrubs or Large Perennials.- Shrubs or large perennials that are taller than 2 feet at maturity shall be Ccalculated at 12 square feet per plant. greater than 2 feet tall at maturity.	0.4
	10. Small Trees.-Small trees shall be Ccalculated at 90 square feet per tree. with a canopy spread of 10 feet to 15 feet at maturity. Consult the Green and Sustainability Factor Tree List for size classification of trees.	0.3
	11. Medium Trees.- CMedium trees shall be calculated at 230 square feet per tree. Consult the Green and Sustainability Factor Tree List for size classification of trees. with a canopy spread 18 square feet to 24 square feet at maturity.	0.3
	12. Large Trees.-Large trees shall be calculated at 360 square feet per tree. with a canopy spread 26 ft. or larger. Consult with the Green and Sustainability Factor Tree List for size classification of trees.	0.4
B. Green Roofs		
	1. Green Roof. 2 to 4 Inches of Growth Medium. Roof Aarea planted with at least 2 inches of growth medium, but less than 4 inches of sohgrowth medium.	0.4
	2. Green Roof. At Least 4 Inches of Growth Medium. Roof Aarea planted with at least 4 inches of growth medium.	0.7
C. Green Walls		
	-	0.2
	21. Green Wall. Façade or wall surface planted with a green wall system with have year-round irrigation and maintenance plan.-calculated with an estimate of 3 years' growth.21. Green Wall.	0.7
D. Landscape Bonuses		
	1. Food Cultivation. Landscaped areas for food cultivation.	0.2

Commented [HC66]: REMOVED the first category of green wall because it was a subset of the second category when combined with the requirement in 2.f. for irrigation and a maintenance plan.

	2. <u>Native or Drought-Tolerant Landscaping. Landscaped areas planted with native or drought-tolerant plants.</u>	0.1
	3. Landscape Areas at Sidewalk Grade.	0.1
	4. <u>Rainwater Harvesting.</u> 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. <u>Permeable Paving, 6 to 24 Inches of Soil or Gravel.</u> Permeable paving over a minimum 6 inches and less than 24 inches soil or gravel.	0.2
	2. <u>Permeable Paving over at Least 24 Inches of Soil or Gravel.</u>	0.5
F. <u>Publicly Accessible</u> Bicycle Parking		
	1. <u>Bicycle Racks.</u> Bicycle racks in publically -publicly accessible locations— shall be calculated at 9 square feet per bike locking space and must be visible from sidewalk or public area.	1.0
	2. <u>Bicycle Lockers.</u> -Bicycle lockers in <u>publicly</u> accessible locations — shall be calculated at 12 square feet per locker, and must be visible from public areas and open for public use.	1.0
G. <u>Green Building Incentives</u>		
	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

Commented [HC67]: MOVED Green Building Initiatives to the FAR Amenity section LUC 20.25A.070 because certificates are not awarded until after the building is built and sometimes even later. Green building certificates and awards are counted in the FAR system because they can be valued. This allows the developer to pay a fee in lieu if certification is not awarded and FAR bonus was used to support development program.

Figure 20.25A.120.6 Equivalent square footage of trees and large shrubs

Shrub/Tree	Equivalent Square Feet
Large shrubs or large perennials	12 square feet per plant
Small trees (1)	90 square feet per tree

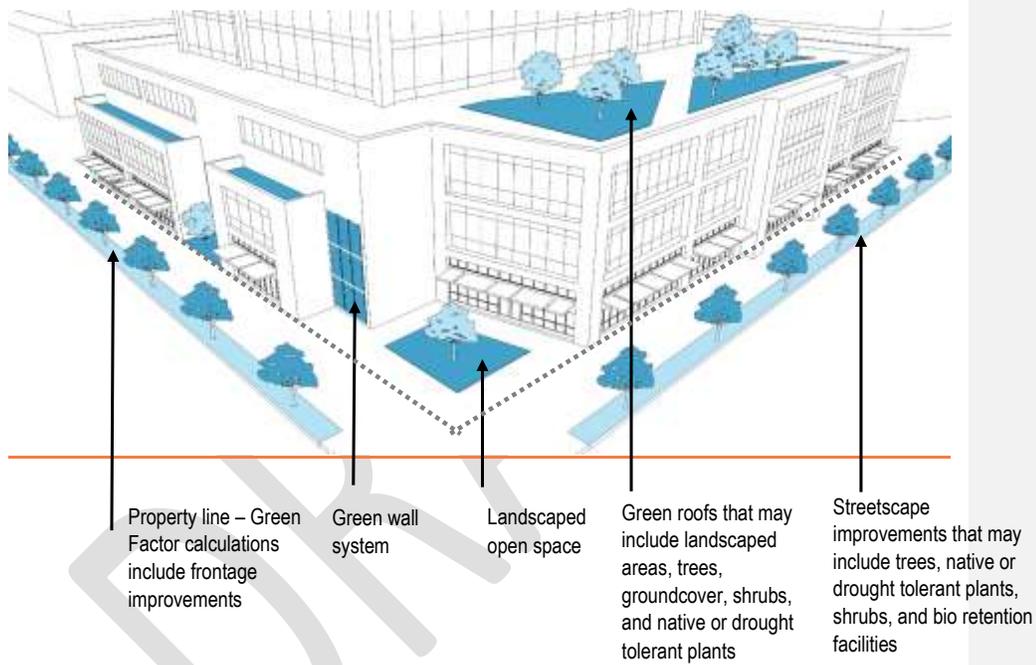
Commented [BT(68): MOVED this information into the chart above.

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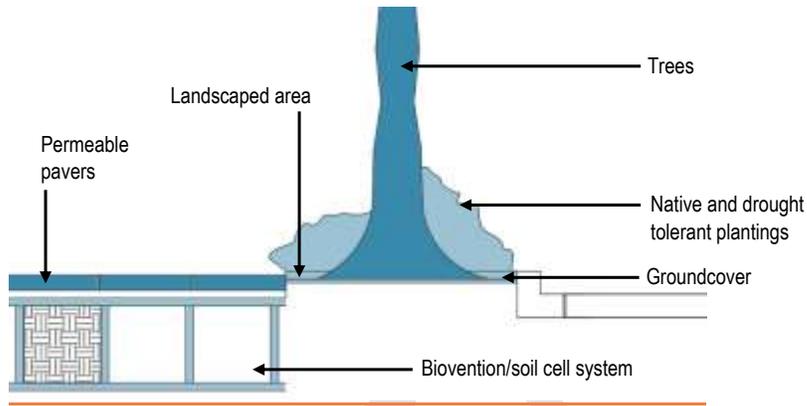
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Medium trees (1)	230 square feet per tree
Large trees (1)	350 square feet per tree
Existing large trees	20 square feet per inch of trunk diameter 4.5 feet above grade

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



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Heritage Trees and Landmark Trees - TBD

Commented [BT(69)]: There is a landmark tree bonus in the Green and Sustainability Factor above. We will include Heritage Trees and Landmark Trees more comprehensively when the City wide conversation regarding tree retention has been initiated and completed.

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

Commented [HC70]: MOVED from Downtown LUC 20.25A.045 Early Wins.

A. Applicability.

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

B. Location Requirements.

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

C. Screening Requirements.

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

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

[INSERT GRAPHIC FOR MECHANICAL SCREENING]

D. Exhaust Control Standards.

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

E. Modifications.

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

F. Noise Requirements.

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

20.25A.135 Downtown Neighborhood Specific Standards (Moved from 20.25A.065 and amended)

A. Eastside Center, Convention Civic Neighborhood

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

B. Downtown – Old Bellevue Neighborhood District (Moved from 20.25A.070 and amended to avoid redundancy)

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

20.25A.140 Downtown Design Guidelines Introduction. (New)

The Downtown Design Guidelines have the following predominant goals:

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

Commented [HC71]: MOVED from Design Guidelines Building/Sidewalk Relationships II and UPDATED in response to CAC Recommendations and Updated Comprehensive Plan.

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20.25A.150 Context. (New)

Commented [HC72]: NEW – Incorporated CAC Recommendations, Updated Comprehensive Plan Policy direction and Design Criteria from LUC 20.25A.110, and aligned with BelRed code organization (LUC 20.25D.150). Improves Land Use Code Consistency and Ease of Use.

A. Relationship to Height and Form of Other Development.

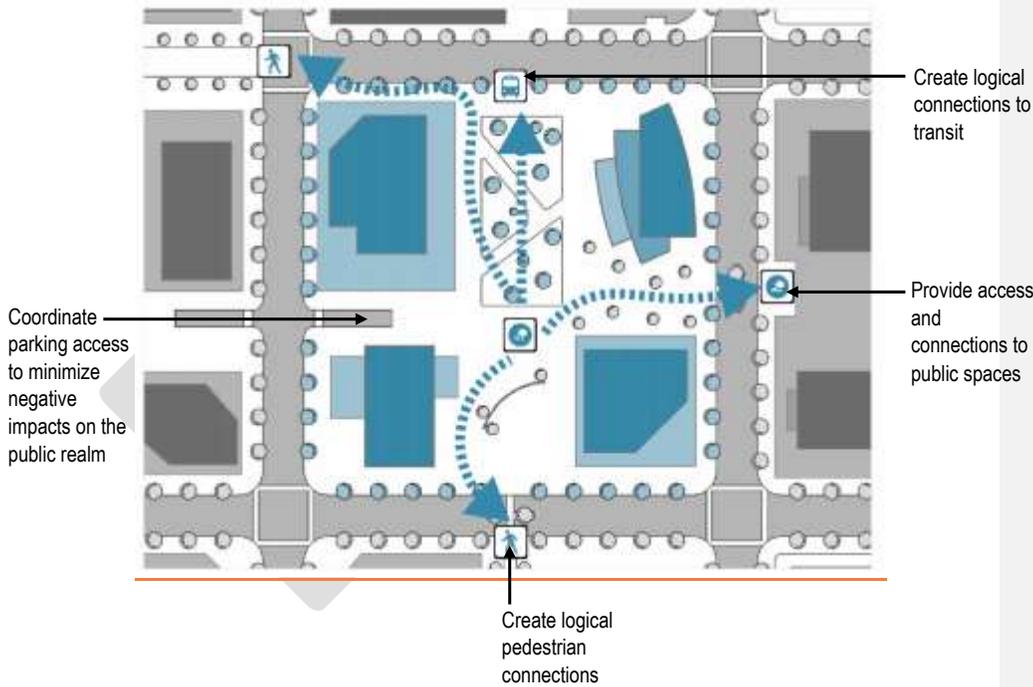
- 1. Intent. Each new development provides an opportunity to enhance the aesthetic quality of Downtown and its architectural context. The relationship that a development has to its environment is a part of creating a well-designed, accessible, vibrant community.
- 2. Guidelines.
 - a. Architectural elements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

B. Relationship to Publicly Accessible Open Spaces

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

C. Relationship to Transportation Elements

- 1. Intent. Downtown residents, employees, and visitors depend on safe, inviting, efficient transportation options. New development is a key link in creating a reliable transportation system with connections to different modes of transportation that place an emphasis on safety for the pedestrian.
- 2. Guidelines.
 - a. Create logical connections to transit options, walking and biking trails, pedestrian routes, and streets; and
 - b. Coordinate service and parking access to maximize efficiency and minimize negative impacts on adjacent land uses and the public realm.



D. Emphasize Gateways

- 1. Intent. Entrances and transitions into and within Downtown should be celebrated.
- 2. Guideline. Use architectural and landscape elements to emphasize gateways. Pedestrians, cyclists, transit passengers, and motorists should experience a sense of “entering” or moving

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into Downtown, as well as entry into unique neighborhoods in Downtown. Refer to the Gateways and Wayfinding section of the Downtown Subarea Plan in the City of Bellevue Comprehensive Plan for a map of gateways.

E. Maximize Sunlight on Surrounding Area

1. Intent. Outdoor spaces are more enjoyable and functional if they are filled with sunlight. Loss of sunlight and sky view reduces the comfort, quality, and use of publicly accessible open space. Trees and vegetation need sunlight to thrive.

2. Guidelines.

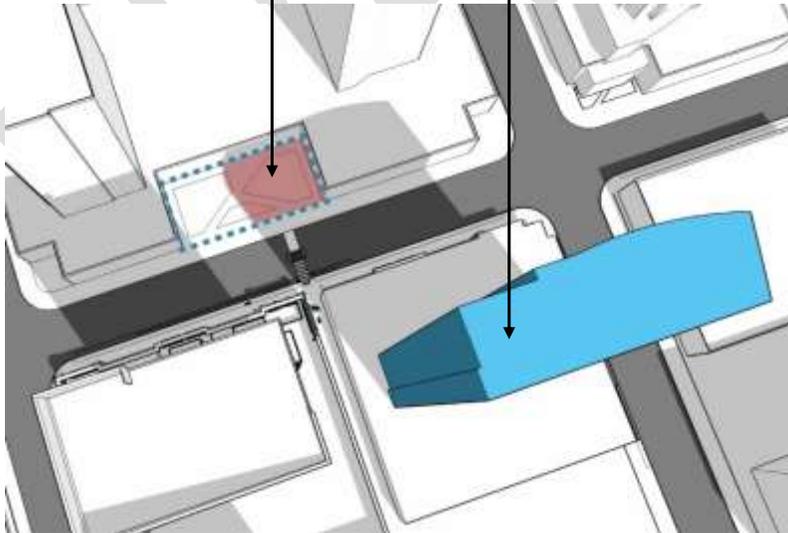
±a. Evaluate alternative placement and massing concepts for individual building sites at the scale of the block to secure the greatest amount of sunlight and sky view in the surrounding area;

±b. Maximize sunlight and sky view for people in adjacent developments and streetscape; and

c. Minimize the size of shadows and length of time that they are cast on pedestrians in the streetscape.

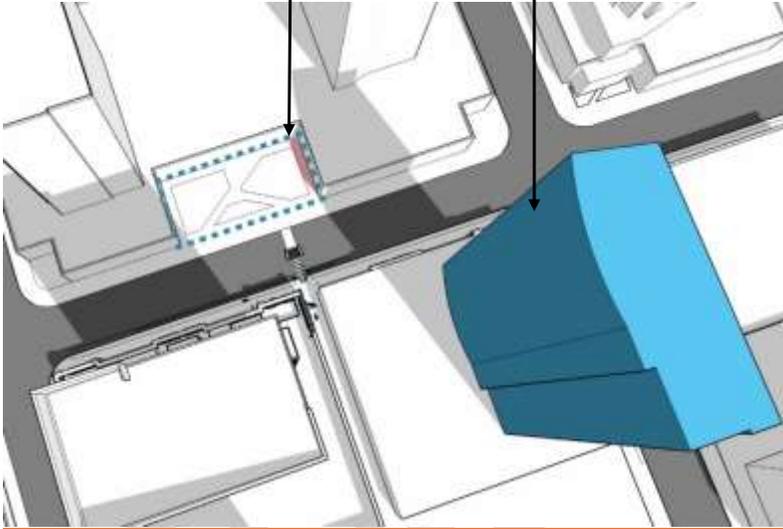
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Avoid tower orientation that casts prolonged or permanent shadow on public spaces



20.25A.150 107

Orient towers to preserve solar access to existing public spaces



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20.25A.150 108

20.25A.160 Site Organization. (New)

Commented [HC73]: NEW – Incorporated CAC Recommendations, Updated Comprehensive Plan Policy direction and Design Criteria from LUC 20.25A.110, and aligned with BelRed code organization (LUC 20.25D.150). Improves Land Use Code Consistency and Ease of Use.

A. Introduction

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

B. On-Site Circulation

1. Intent. The vitality and livability of Downtown is dependent on a safe, walkable environment that prioritizes the pedestrian and reduces conflicts between pedestrians and other modes of transportation. The design should encourage the free flow of pedestrians, cyclists and cars onto, off, and through the site. Walkability includes the creation of through-block pedestrian connections and other paths that offer attractive and convenient connections away from heavy arterial traffic. These connections also break down superblocks into a pedestrian-friendly grid.

2. Guidelines.

a. Site Circulation for Servicing and Parking.

i. Minimize conflicts between pedestrians, bicycles and vehicles;

ii. Provide access to site servicing and parking at the rear of the building from a lane or shared driveway, if possible;

iii. Provide access to site servicing, such as loading, servicing, utilities, vehicle parking, either underground or within the building mass and away from the public realm and public view;

iv. Minimize the area of the site used for servicing through the use of shared infrastructure and shared driveways;

v. Provide service access through the use of through-lanes rather than vehicle turnarounds, if possible; and

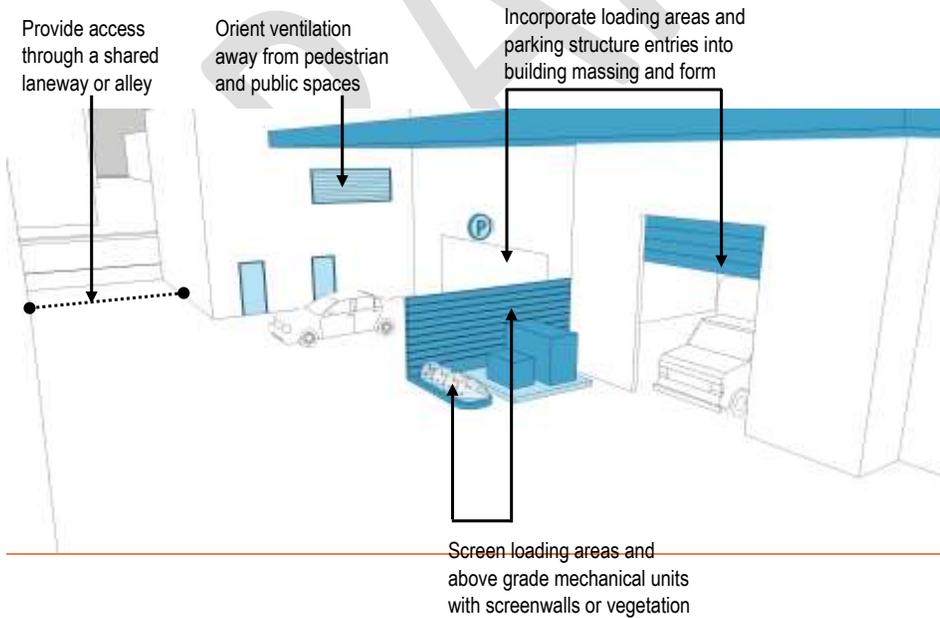
vi. Locate above-ground mechanical and site servicing equipment away from the public sidewalk, through-block connections, and open spaces.

b. On-site Passenger and Guest Loading Zones, Porte Cocheres, and Taxi Stands

i. Plan for increased activity found in passenger and guest loading areas during site plan development. Loading functions must take place on private property, except as provided below;

ii. Locate passenger and guest loading zones and taxi stands so that the public right-of-way will remain clear at all times;

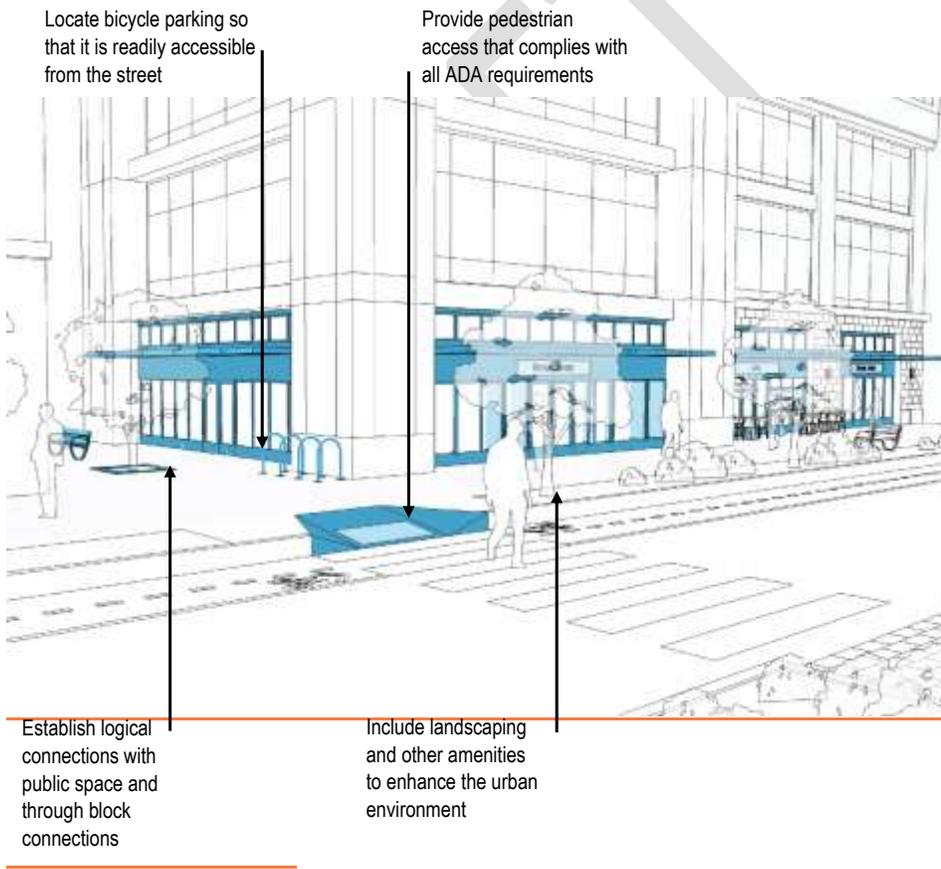
- iii. Locate passenger and guest loading zones and taxi stands to minimize conflicts with pedestrians and other modes of transportation. Limit the number and width of curb cuts and vehicular entries to promote street wall continuity and reduce conflicts with pedestrians, bicyclists, and other modes of transportation;
- iv. Walkways ~~shall~~should be placed to provide pedestrian access from the public sidewalk to the building entry without requiring pedestrians to walk in the driveway or come into conflict with vehicles;
- v. Pull-through drives should have one lane that is one-way where they enter from and exit to the street;
- vi. Long-term parking is not allowed in passenger and guest loading areas;
- vii. If private bus activity is anticipated, provide an off-street passenger loading area for this size of a vehicle. Passenger loading functions may not take place in the public right-of-way; and
- viii. Passenger loading functions for hotels, other than guest arrival and departure, are allowed on streets with moderate intensity, such as a C Right-of-Way, via a curb setback loading area. Right-of-Way Classifications can be found in LUC 20.25A.170.B. Provided: the loading area must have a direct relationship to the building entry, and the required streetscape (curb, sidewalk, and planting strip) widths must be maintained between the loading area and building entries, and the Director of Transportation has approved the configuration.



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c. Pedestrian and Cycling Connections

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



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C. Building Entrances

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

Multiple entrances.

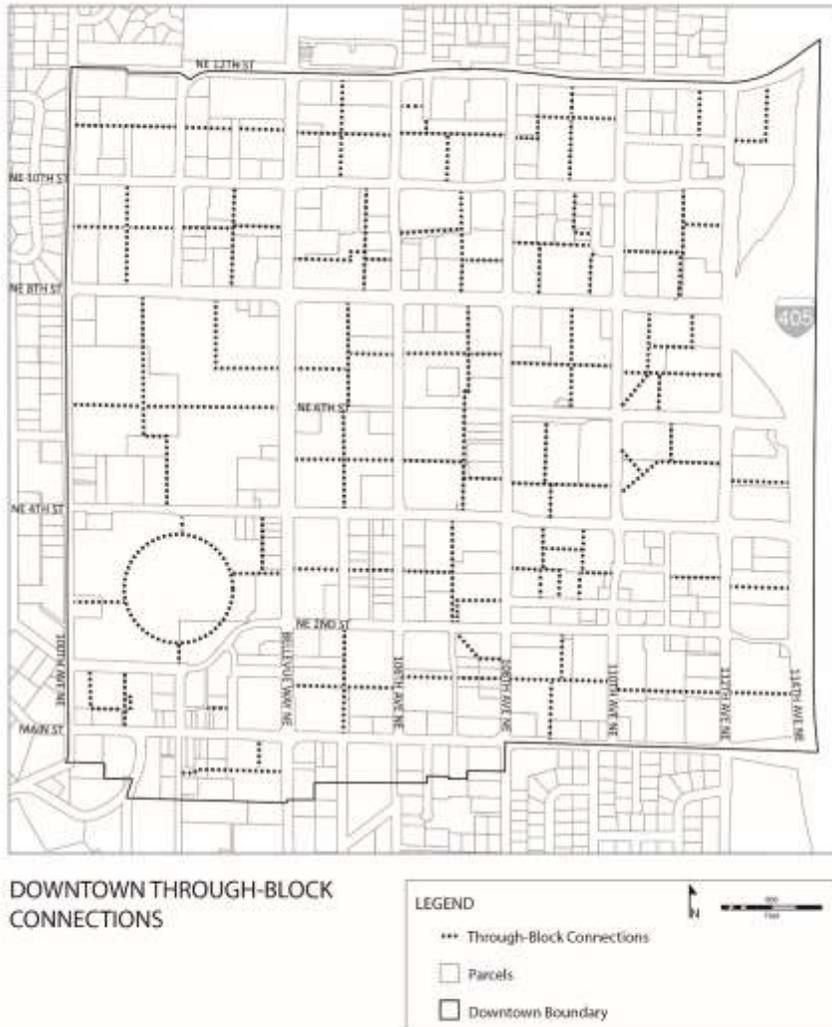
D. Through-Block Pedestrian Connections. (Moved from [LUC 20.25A.060](#) Amended and Early Wins)

1. Through-Block Pedestrian Connection Map.

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Figure 20.25A.160.D.1



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

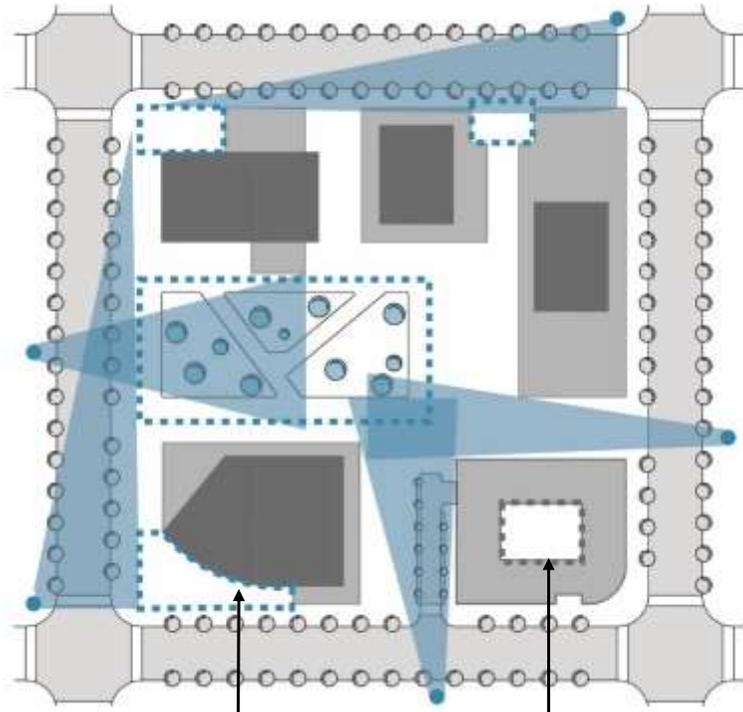
- i. The use of artistic elements and water features is encouraged to provide moments of interest for the user;
- j. Provide access that complies with the Americans with Disabilities Act, additional access may be provided through the building, if necessary to meet this requirement;
- k. Provide weather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

E. Open Space

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

Commented [HC75]: NEW – Incorporated Design Criteria in LUC 20.25A.110, and aligned with BelRed code organization (LUC 20.25D.150). Improves Land Use Code Consistency and Ease of Use.

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



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

Orient towers to preserve solar access to existing public spaces

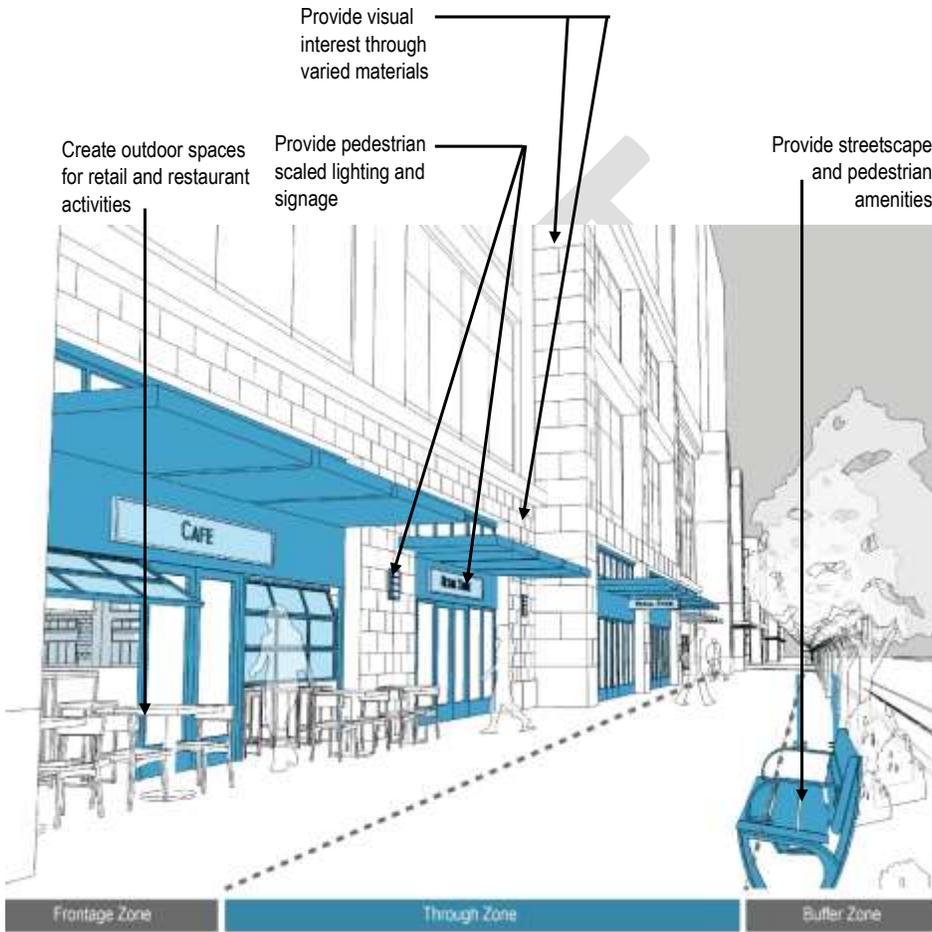
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20.25A.170 Streetscape and Public Realm (NEW) |

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A. Streetscapes

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

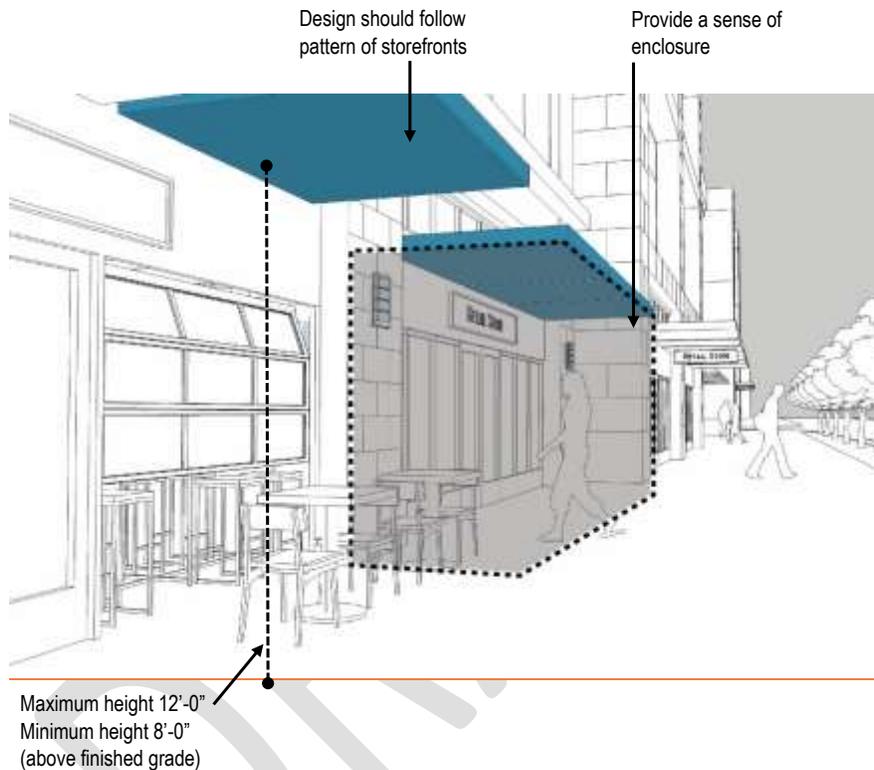


2. Protect Pedestrians from the Elements.

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

b. Guidelines.

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



3. Create a Variety of Outdoor Spaces.

a. Intent. Provide comfortable and inviting outdoor spaces for a variety of activities during all hours and seasons.

b. Guidelines.

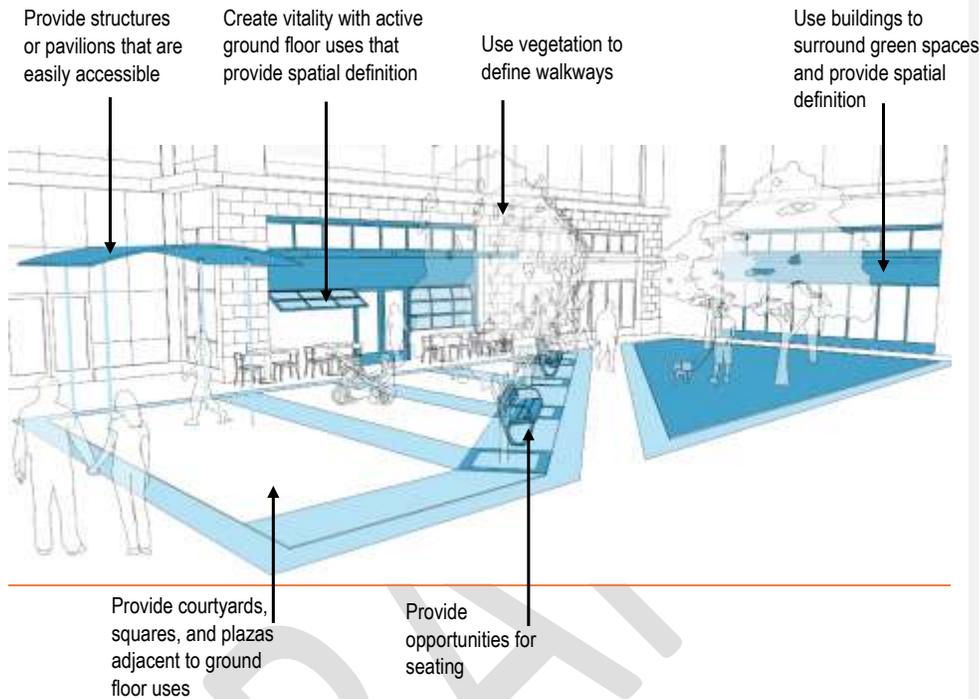
i. Outdoor gathering spaces should be inviting and maximize opportunities for use. They should be spatially well-defined, inviting, secure, easy to maintain. They may be intimate and quiet or active and boisterous;

ii. All outdoor areas should work well for pedestrians and provide space for special events, as well as passive activities;

iii. Provide courtyards, squares, and plazas to enhance adjacent ground floor uses.

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

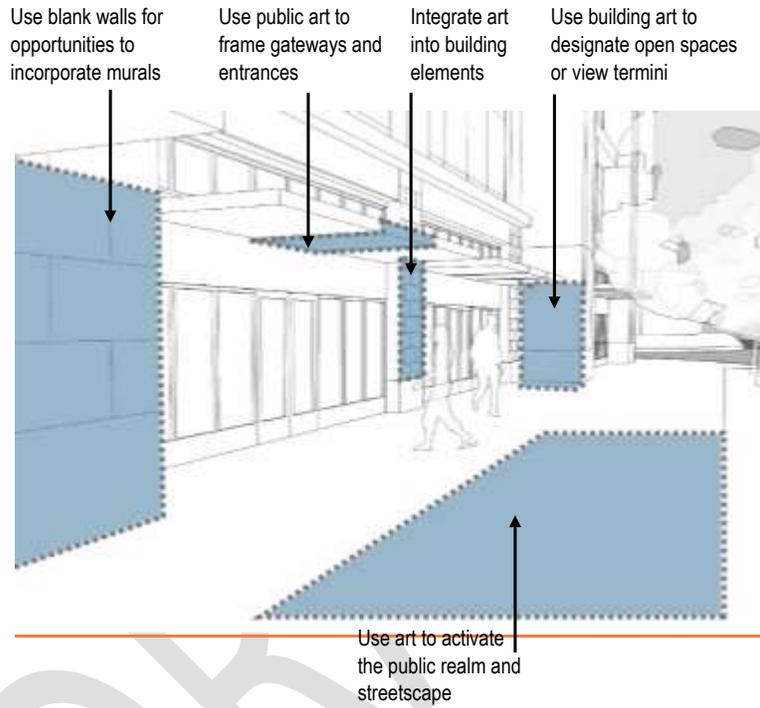
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4. Provide Places for Stopping and Viewing.

- a. Intent. People-watching, socializing, and eating are restful and pleasurable activities for the pedestrian; providing special places where they can do these activities increases the pedestrian’s sense of enjoyment. Seating and resting places can add vitality to the urban environment. People will use available seating in open, well-designed areas, not in secluded or highly exposed areas.
- b. Guidelines.
 - i. Use formal benches, moveable seating, and informal seating areas such as wide steps, edges of landscaped planters and low walls;
 - ii. Provide more seating areas near active retail establishments especially outside eating and drinking establishments and near food vendors;
 - iii. Provide seating adjacent to sidewalks and pedestrian walkways;
 - iv. Create places for stopping and viewing adjacent to and within parks, squares, plazas, and courtyards; and
 - v. Create a sense of separation from vehicular traffic.

- vi. Provide comfortable and inviting places where people can stop to sit, rest and visit.
5. Integrate Artistic Elements.
- a. Intent. Artistic elements should complement the character of a site, building or district as a whole. Art enriches the development by making buildings and open spaces more engaging and memorable. Art is integral to creating a memorable experience for those who live, work, and visit Downtown, especially when the art is integrated into the design of the building or outdoor space. To maximize the opportunities for art on a site, applicants are encouraged to include artists on design teams.
 - b. Guidelines.
 - i. Use art to provide a conceptual framework to organize open spaces including plazas, open spaces, setbacks, and streetscapes;
 - ii. Use art to mark entryways, corners, gateways and view termini;
 - iii. Integrate art into building elements, including but not limited to: facades, canopies, lighting, etc;
 - iv. Designate a location for the artwork that activates the public realm and is in scale with its location; and
 - v. Use materials and methods that will withstand public use and weathering if sited outdoors.



- 6. Orient Lighting toward Sidewalks and Public Spaces.
 - a. Intent. Pedestrian-scaled lighting should be used to highlight sidewalks, bike racks and lockers, street trees, and other features, and harmonize with other visual elements in the subarea.

Commented [BT(77)]: Added in response to request from Planning Commission.

- b. Guidelines.
 - i. Pedestrian-scaled lighting should be provided along pedestrian walkways and public open spaces;
 - ii. Lighting should be compatible among projects within neighborhood districts to accentuate the subareas.
 - iii. Fixtures should be visually quiet as to not overpower or dominate the streetscape.
 - iv. Lighting may also be used to highlight trees and similar features within public and private plazas, courtyards, walkways and other similar outdoor areas and to create an inviting and safe ambiance;
 - v. Use lighting to highlight landscape areas.
 - vi. Integrate and conceal fixtures into the design of buildings or landscape walls, handrails, and stairways;
 - vii. Install foot lighting that illuminates walkways and stairs;
 - viii. Use energy-efficient lighting, such as LED;
 - ix. Direct bollard lighting downward toward walking surfaces;
 - x. Provide festive lighting along signature streets on buildings and trees; and
 - xi. Decorative lighting may be used in open spaces to make the area more welcoming.
- 7. Orient Hanging and Blade Signs to Pedestrians.
 - a. Intent. Hanging signs should be oriented to the pedestrian and highly visible from the sidewalk. Hanging signs can contribute significantly to a positive retail and pedestrian environment and reinforce a sense of place. Signs shall comply with the provisions of the Chapter 22.10B, BCC (Sign Code).
 - b. Guideline.
 - i. Signs ~~should~~ ~~shall~~ ~~should~~ not overwhelm the streetscape. They ~~should~~ ~~shall~~ ~~should~~ be compatible with and complement the building’s architecture, including its awnings, canopies, lighting, and street furniture;
 - ii. Sign lighting should be integrated into the facade of the building;
 - iii. Signs should be constructed of high-quality materials and finishes; ~~and~~
 - iv. Signs should be attached to the building in a durable fashion; and
 - v. Signs should be constructed of individual, three-dimensional letters, as opposed to one single box with cutout flat letters.

Commented [BT(78)]: From Bel-Red Code.

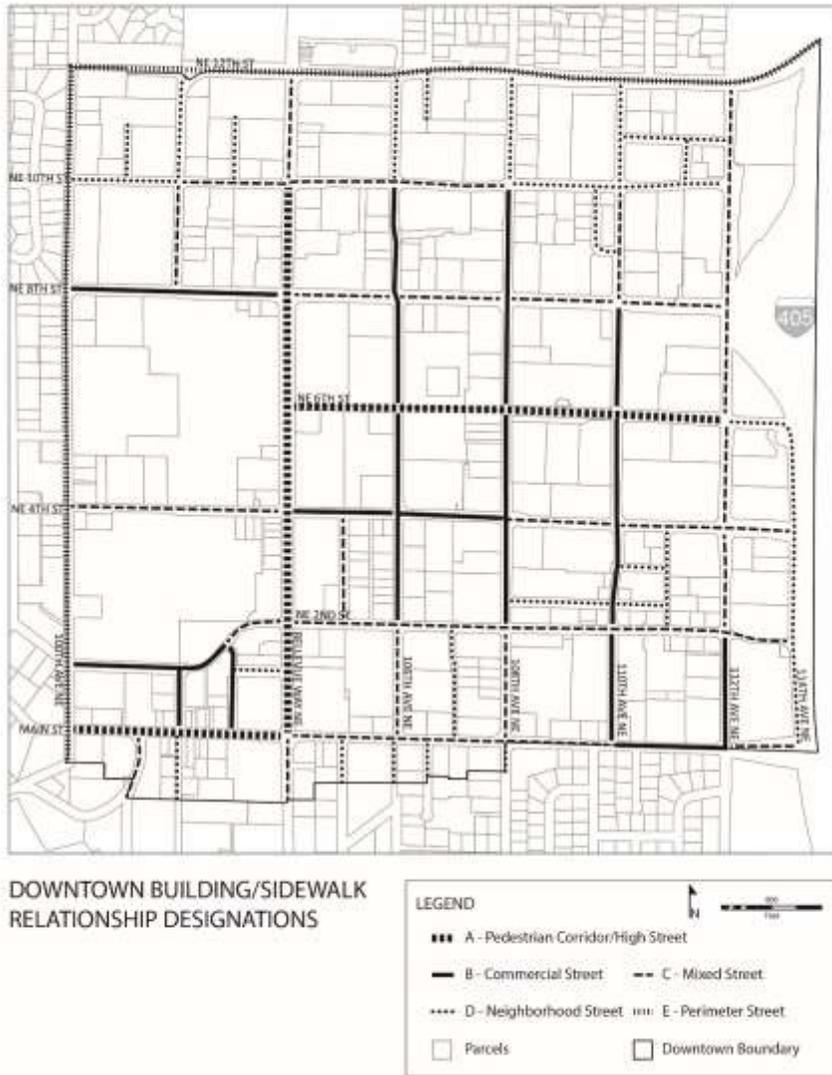
B. Right-of-Way Designations

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

Commented [HC79]: MOVED from Design Guideline Building/Sidewalk Relationships IV.E and UPDATED in response to CAC Recommendations and Updated Comprehensive Plan.

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Figure 20.25A.170.B



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

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

b. Standards and Guidelines

i. Transparency: 75% minimum.

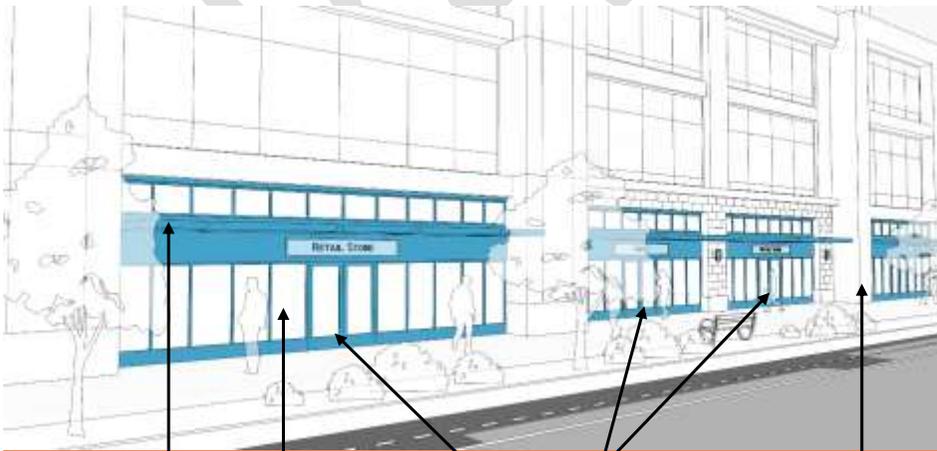
ii. Weather Protection: 75% minimum, 6 feet deep. When a building is adjacent to two or more rights-of-way, weather protection shall be provided for the two rights-of-way with the highest pedestrian orientation. Refer to LUC 20.25A.170.A.2 for more guidelines on weather protection;

iii. Points of Interest: Every 30 linear feet of the façade, maximum;

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

v. 100 % of the street wall within the project limit shall incorporate Active Uses.

Commented [HC80]: MOVED from Design Guideline Building/Sidewalk Relationships IV.E and UPDATED in response to CAC Recommendations and Updated Comprehensive Plan.



75% weather protection, 6' minimum depth

75% transparency (minimum)

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

Use setbacks and protrusions in façade to create visual interest

2. Commercial Streets - B Rights-of Way

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

b. Standards and Guidelines.

i. Transparency: 75% minimum;

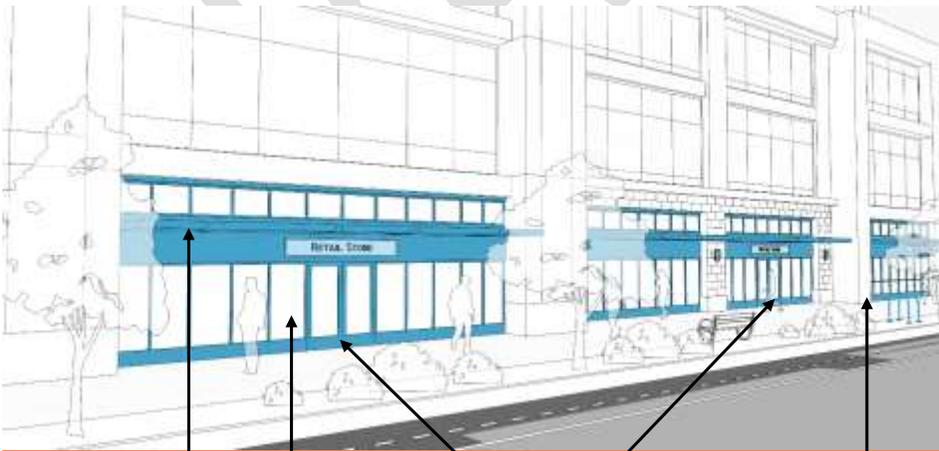
ii. Weather Protection: 75% minimum, 6 feet deep minimum. When a building is adjacent to two or more rights-of-way, weather protection shall be provided for the two rights-of-way with the highest pedestrian orientation. Refer to LUC 20.25A.170.A.2 for more guidelines on weather protection;

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

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

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

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75% weather protection, 6' minimum depth

75% transparency (minimum)

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

Use setbacks and protrusions in façade to create visual interest

3. Mixed Streets - C Rights-of-Way

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

b. Standards and Guidelines.

i. Transparency: ~~50%~~ 75%

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

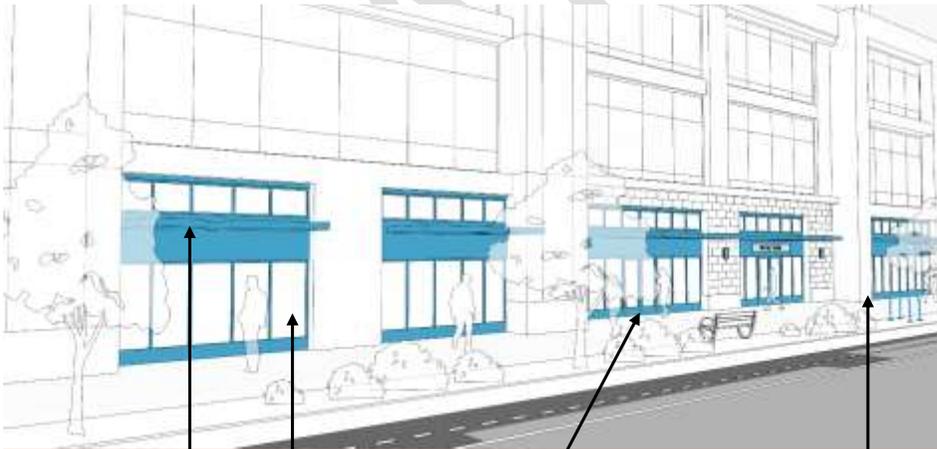
iii. Points of Interest: 75 linear feet of façade, maximum; and

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

v. 50% of street wall shall incorporate Active Uses or service uses.

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Commented [BT(83): A review of the C Rights of Way and the intent statement dictated an increase in transparency and active uses on the street wall.



75% weather protection, 6' minimum depth

75% transparency (minimum)

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

Use setbacks and protrusions in façade to create visual interest

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

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

b. Standards and Guidelines.

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

[INSERT GRAPHIC]

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

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

b. Standards and Guidelines.

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

[INSERT GRAPHIC]

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

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C. Alleys with Addresses

Commented [HC86]: NEW - in response to CAC Recommendations and Updated Comprehensive Plan.

1. Intent. Alleys with Addresses act as active through-block connections and are faced with a mix of [Active Uses](#) and residential uses. Alleys with Addresses shall have a high orientation to pedestrians with any vehicular activity being secondary to the pedestrian. This is achieved by emphasizing the relationship between the vertical street wall and the ground plane devoted to through-block access and the public right-of-way. This relationship should emphasize to the greatest extent possible, both physical and visual access into and from the structure at frequent intervals, as well as the amenities and features of the outside pedestrian space. In order to achieve the intended level of vitality, design diversity, and pedestrian activity on an Alley with an Address, retail restaurant, and other commercial entries shall be provided for in the design. Ground floor live/work units and residential units with stoops can also help to bring life to the paths with multiple entrances and meaningful transparency along the building frontage.

2. Standards

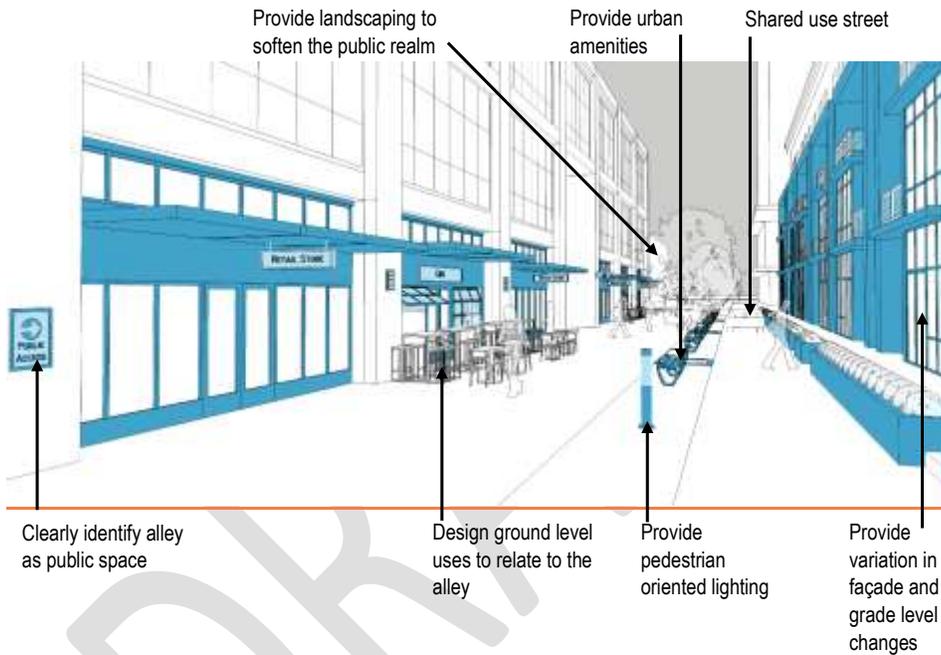
- a. At least one entire side of the Alley with an Address shall comply with guidelines i. through v. for [Pedestrian Corridor / High Streets - 'A' rights-of-way](#) ~~found in paragraph B of this section.~~
- b. Minimum dimension for an alley with an address ~~should~~ shall be 20 feet wide exclusive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

3. Guidelines

- a. Materials and design elements such as paving, lighting, landscaping, and signage should incorporate design elements of the adjacent right-of-way to identify it as part of the public realm.
- b. The Alley with an Address may be covered in some areas but should not be predominantly enclosed.
- c. Access from the public right-of-way should be encouraged and enhanced by multiple clear points of entry that identify the Alley as a public space. Access through the site should form a clear circulation logic with the street grid.
- d. Wayfinding, signage, symbols and lighting should identify the alley as a public space.
- e. Design of the ground level and upper level retail should relate to the alley and be distinct from the rest of the building. This can be achieved through the use of common architectural style, building materials, articulation, and color.

- f. Variation should be incorporated into the design by including dimensional and level changes at both the ground plain and building walls.
- g. Pedestrian-oriented lighting should be provided that is compatible with the landscape design, improves safety and minimizes glare. Design should be high quality, and materials should be durable and convey a sense of permanence.
- h. Landscaping should be used to animate and soften the space. The use of art and water is also encouraged.
- i. Alley design should not incorporate loading, refuse handling, parking, and other building and site service uses at the ground level facade, though such activities may be conducted in an Alley when reasonable alternatives are not available. Operational procedures should encourage the above-referenced activities after normal business hours.
- j. Provide complete project design for all phases within a project limit to ensure coordinated design and construction across multiple phases.

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D. Upper Level ~~Retail~~Active Uses

1. Intent. Upper level ~~active uses retail is are~~ intended to activate the ground level pedestrian environment. This is accomplished through extensive visual access to the upper level from the exterior, convenient and frequent access from the street or Alley with an Address, clear line of sight from grade and visibility of ongoing activity within the upper level ~~retail active use~~. An Upper level ~~active use retail~~ should be designed and managed so as to draw the attention and interest of the pedestrian to the upper level and to increase opportunities for interaction and movement between the ground and upper levels. ~~In order to~~ achieve the intended level of vitality, design diversity, and ~~people human~~ activity at ~~the~~ upper level ~~active use, retail~~ the following characteristics ~~should~~ shall be provided in the design.

2. Standards

a. Points of physical vertical access between the ground level and upper levels shall be located no more than 150 feet apart to facilitate frequent pedestrian access to upper level active uses.

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

Commented [HC88]: MOVED to be consistent with guideline organization in other sections (standards first, followed by guidelines).

b. Each tenant space shall have an exterior entrance.

c. Floor area and building facades directly below upper level active uses shall comply with guidelines i. through v. for Pedestrian Corridor / High Streets - 'A' rights-of-way found in paragraph B of this section.

d. Visual access shall not be impaired by small, enclosed display windows, window coverings and tinted or reflective glazing.

32. Guidelines.

- a. Architectural treatment of the upper level ~~active use retail~~ space should read as part of the ground level and be distinct from the architectural treatment of the building above.
- b. Extensive visual access into the upper level retail space should be available from the sidewalk or the alley with an address with frequent clear lines of sight from grade.
- c. Lighting and signage should be used to enliven and draw attention to upper level arcade or balcony, or directly through ground level retail for a multilevel single tenant.

3. Standards.

~~a. Points of physical vertical access between the ground level and upper levels should shall be located no more than 150 feet apart to facilitate frequent pedestrian access to upper level retail.~~

~~b. Each tenant space should shall have an exterior entrance.~~

~~c. Floor area and building facade directly below upper level retail must shall comply with guidelines for Pedestrian Corridor / High Streets - A rights of way.~~

~~d. Visual access should shall not be impaired by small, enclosed display windows, window coverings and tinted or reflective glazing.~~

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

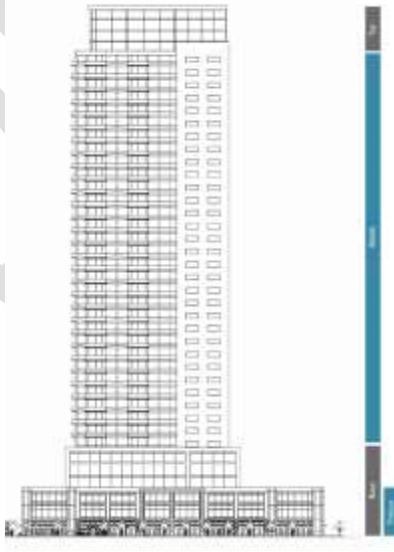
Commented [HC89]: NEW – Incorporated CAC Recommendations, Updated Comprehensive Plan Policy direction and Design Criteria from LUC 20.25A.110, and aligned with BelRed code organization (LUC 20.25D.150). Improves Land Use Code Consistency and Ease of Use.

A. Introduction

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

B. Overall Building Design

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



- 2. Provide Interesting Building Massing.
 - a. Intent. Use scale-defining articulation and other techniques to break up the longitudinal dimensions of buildings, creating a comfortable sense of enclosure and human scale by establishing a dynamic, continuous street edge.
 - b. Guidelines.
 - i. The length and breadth of a building should be pedestrian-scaled. Portions of a large building mass should be broken into smaller, appropriately scaled modules, with changes in plane indicated by bold projections and recesses. This results in larger elevations being reduced to human scale;
 - ii. Vertical and horizontal elements should be used to create a human scale and form a coherent aesthetic providing visual interest to the pedestrian;
 - iii. Reduce the scale of elevations both horizontally and vertically;
 - iv. Buildings over three stories should exhibit a vertically articulated tripartite facade division – base, middle, and top through material and scale; and
 - v. Design should feature vertical articulation of windows, columns, and bays.



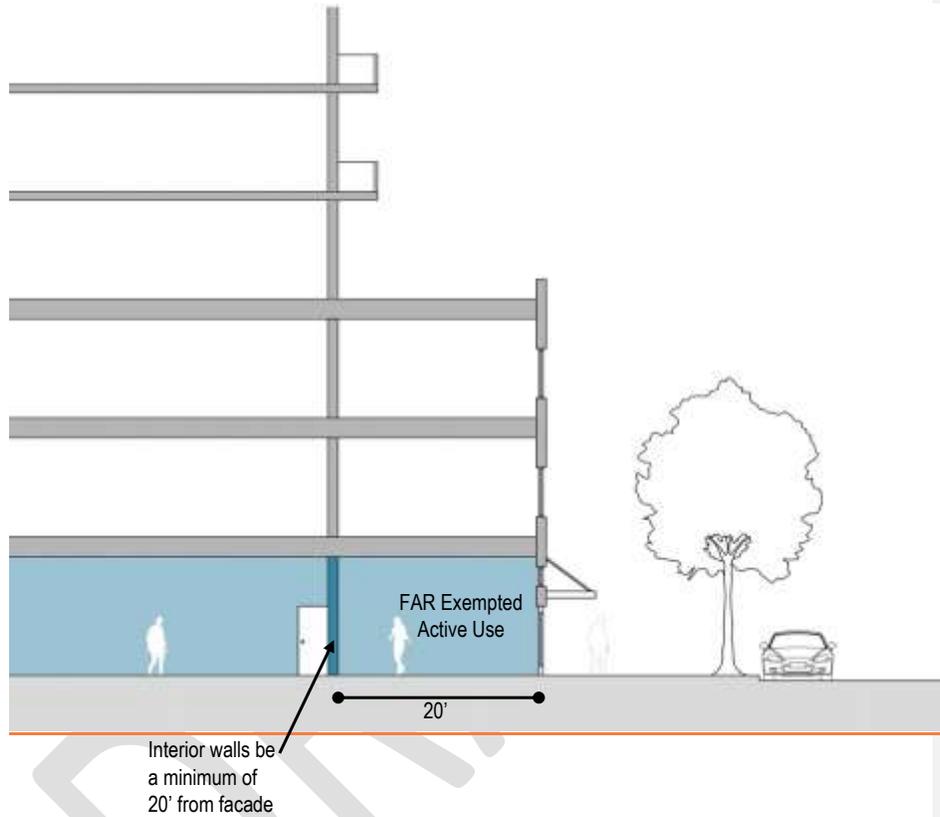
C. Connected Floor Plates

- 1. Intent. The intent of connecting floor plates is to allow a development to gain the benefits of a connected building while having the appearance of two or more separate buildings. The connection or corridor should recede from view as compared to the floor plates.
- 2. Guidelines.
 - a. From the right-of-way, the development should appear as separate and distinct buildings to the pedestrian; and

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

D. Building Base (Podium)

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



- 4. Design Inviting Retail and Commercial Entries.
 - a. Intent. Design retail and commercial entries to create an open atmosphere that draws customers inside, while creating opportunities to engage the public.
 - b. Guidelines.
 - i. Primary entries to retail and commercial establishments should be transparent, allowing passersby to see the activity within the building and bring life and vitality to the street;
 - ii. Architectural detail should be used to help emphasize the building entry including canopies, materials, and depth;
 - iii. Building lighting should emphasize entrances;

- iv. Provide transom, side lights, or other combinations of transparency to create visual interest;
- v. Provide double or multiple door entries; and
- vi. Provide a diverse and engaging range of doors, openings and entrances to the street such as pivoting, sliding or roll up overhead entrances.



Provide unique openings that allow for improved visual connection and engagement with internal uses

Provide unique openings that engage street life activity with internal uses and provide opportunities for seasonal use

3. Encourage Retail Corner Entries.

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

- v. Use doors with areas of transparency and adjacent windows.
- 4. Encourage Inviting Ground Floor Retail and Commercial Windows.
 - a. Intent. Use transparency to enhance visual interest and to draw people into retail and commercial uses.
 - b. Guideline.
 - i. Retail and commercial uses should use unobstructed windows that add activity and variety at the street level, inviting pedestrians into retail and commercial uses and providing views both in and out;
 - ii. Use clear window glazing;
 - iii. Provide operable windows that open by pivoting, sliding or shuttering for restaurants, cafes, retail and commercial activity;
 - iv. Install transom windows or other glazing combinations that promote visual interest.

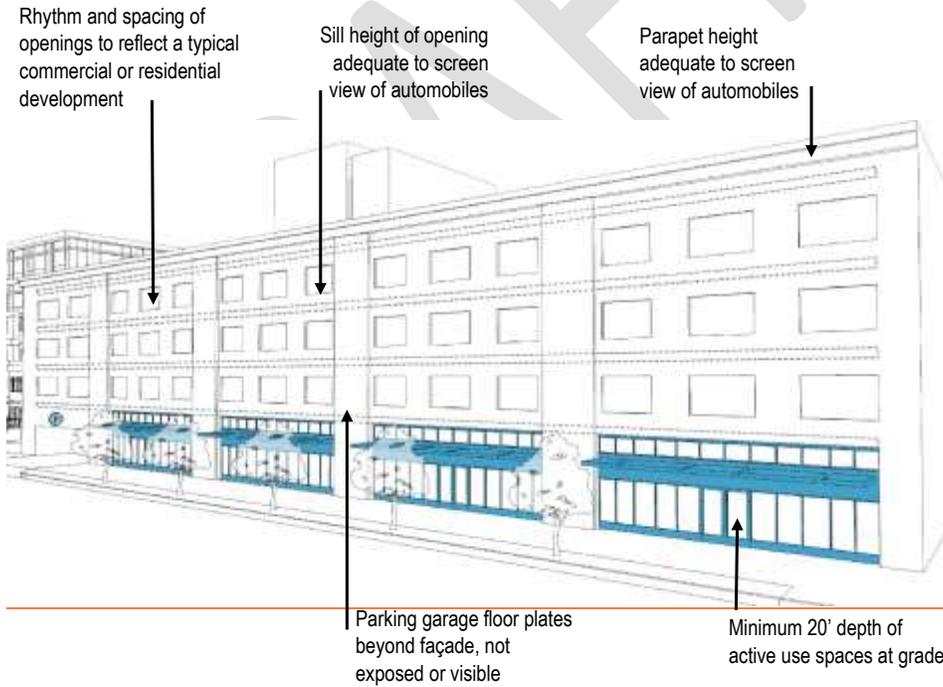
5. Provide Multiple Entrances.

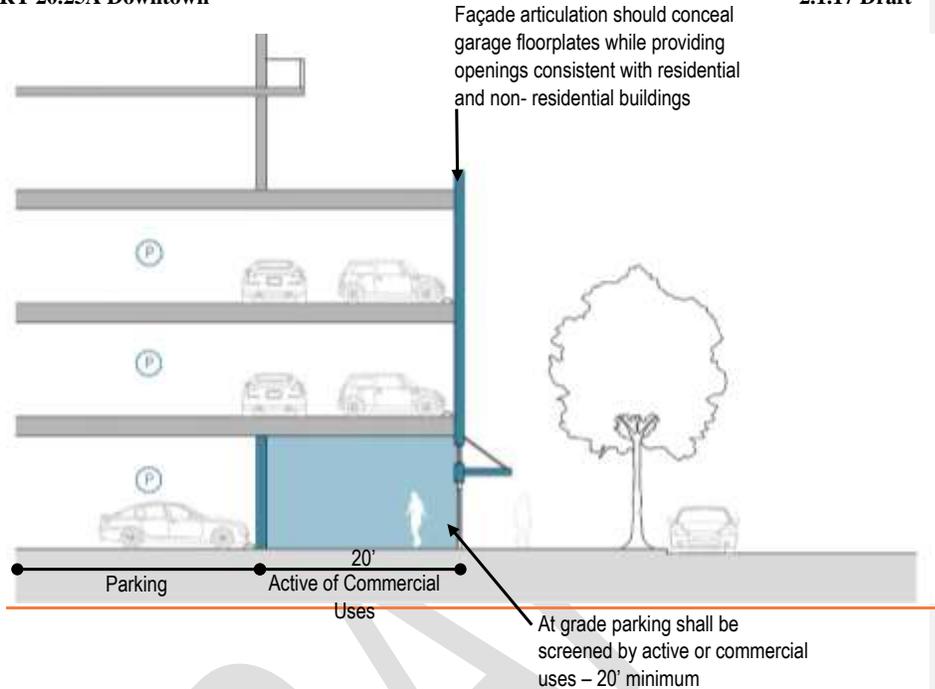
- a. Intent. Multiple entrances break up monotonous facades, enhance visual interest, and enrich the pedestrian experience.
- b. Guideline. Provide pedestrian entrances at frequent intervals to contribute to variety and intensity.

6. Build Compatible Parking Structures.

- a. Intent. Use design elements to enhance the compatibility of parking garages and integrated structured parking ~~parking structures~~ with the urban streetscape.
- b. Standards and Guidelines.
 - i. Where adjacent to the right-of-way or through-block pedestrian connections, a minimum of twenty feet of the first and second floors measured from the façade inward shall be habitable for commercial activity;
 - ii. Parking -garages and integrated structured parking should be designed so that their streetscape interface has a consistent aesthetic through massing and use of materials complementing the vision for the area;
 - iii. Any sidewalk facing parking garage frontages should be designed to appear like any other occupied buildings in the area;
 - iv. Where adjacent to the right of way or through block pedestrian connections, a minimum of twenty feet of the first and second floors measured from the façade inward shall be habitable for commercial activity;

- iii. On a streetscape, openings should be glazed when adjacent to right-of way or adjacent to through-block pedestrian connections above the second floor; Openings should be glazed to function as windows;
- iv. Openings shall should be provided adjacent to interior property lines to avoid blank walls and should be glazed to function as windows;
- v. Openings should be glazed to function as windows; Parking garage floors should be horizontal to accommodate adaptive reuse;
- vi. Stairways, elevators, and parking entries and exits should occur at mid-block;
- vii. Design a single auto exit/entry control point to minimize number and width of driveway openings (entry and exit points may be separated) and potential conflicts;
- viii. Design should include vertical expression of building structure that provides continuity with the surrounding development; and
- ix. Profiles of parking structure floors should be concealed and not visible to the public through façade treatments and materiality.





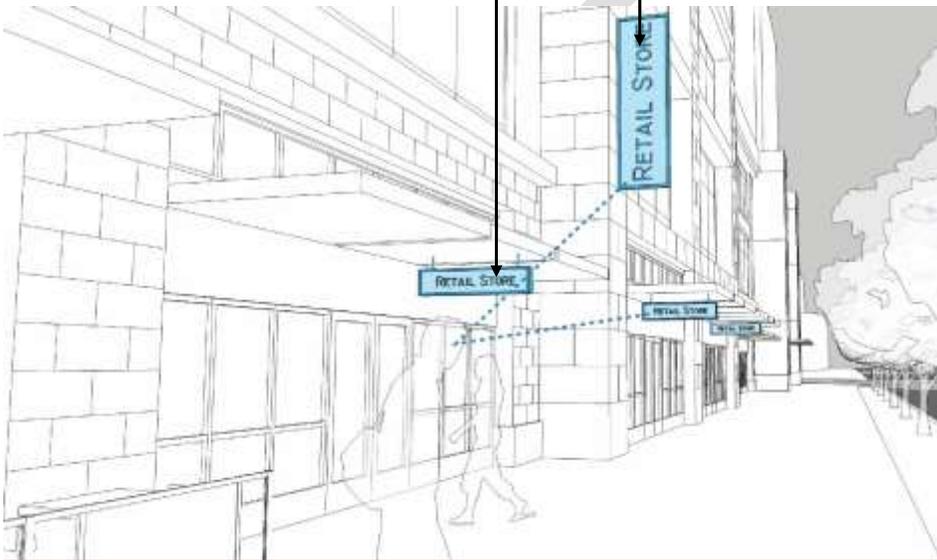
76. Integrate Building Lighting.

- a. Intent. Architectural lighting that enhances and helps articulate building design, including illumination of architectural features and entries, points of interest, uplighting and other effects.
- b. Guidelines.
 - i. Exterior lighting of buildings should be an integral component of the facade composition. Lighting should be used to create effects of shadow, relief and outline that add visual interest and highlight aspects of the building;
 - ii. Lighting should not cast glare into residential units or onto adjacent development or streets;
 - iii. Use accent lighting for architectural features;
 - iv. Provide pedestrian-oriented lighting features;
 - v. Integrate lighting within the landscape; and
 - vi. Provide dimmable exterior lighting.

87. Signs ~~Guidelines.~~

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

Signs should be oriented to pedestrians and visible from the sidewalk



~~8. Consider Size and Placement of Wall Signs.~~

~~a. Intent. Signs should be sized and placed so that they are compatible with a building's architectural design and contribute to the character of the subarea.~~

~~b. Guidelines.~~

~~i. Signs should be proportional to the building or its special architectural features. Signs should not render the building a mere backdrop for advertising or building identification;~~

~~ii. Signs incorporated into the building architecture as embossing, low relief casting or application to wall surfaces;~~

~~iii. Signs should be made of durable and long-lasting materials and should incorporate lighting as part of the design; and~~

Commented [BT(90): These provisions are covered by Chapter 22.10B (Sign Code).

~~iv. Signs may be located above storefronts, on columns or on walls flanking entrances.~~

~~9. Orient Hanging Signs to Pedestrians:~~

~~a. Intent. To create hanging signs that are oriented to the pedestrian and highly visible from the sidewalk. Hanging signs can contribute significantly to a positive retail and pedestrian environment and reinforce a sense of place.~~

~~b. Guidelines:~~

~~i. The scale of signs should not overwhelm the streetscape. They should be compatible with and complement the building's architecture, including its awnings, canopies, lighting and street furniture;~~

~~ii. Integrate sign lighting into the facade of the building;~~

~~iii. Signs should be constructed of high quality materials and finishes; and~~

~~iv. Signs should be attached to the building in a durable fashion.~~

E. Middle (Tower)

1. Tower Placement

a. Intent. Tower placement can directly affect those on the ground plane by affecting wind conditions and the scale of the building as compared to the pedestrian. Thoughtful tower placement can minimize these effects.

b. Guidelines.

i. Place towers away from parks, open space, and neighboring properties to reduce visual and physical impacts of the tower and allow the base building to be the primary defining element for the site and adjacent public realm.

ii. Coordinate tower placement with other towers on the same block and adjacent blocks to maximize access to sunlight and sky view for surrounding streets, parks, open space, and properties.

2. Maximize energy efficiency in tower orientation and articulation.

a. Intent. Tower orientation, articulation and other features should be designed to respond to maximize solar orientation and to reduce mechanical heating and cooling.

b. Guidelines.

i. Orient towers to improve building energy performance, natural ventilation, and daylighting, provided that access to sky view is maintained and adverse wind and shadow impacts are minimized;

ii. Vary the design and articulation of each tower façade to respond to changes in solar orientation. Where appropriate, adjust internal layouts, glazing ratios, balcony placement,

fenestration, and other aspects of the tower design to manage passive solar gain and improve building energy performance;

iii. Where possible, include operable windows to provide natural ventilation and help reduce mechanical heating and cooling requirements; and

iv. When multiple towers are proposed, stagger the tower heights to create visual interest within the skyline, mitigate wind, and improve access to sunlight and sky view. In general, variation of five stories or more provides a difference in height that can be perceived at street level.

3. Design tower to provide visual interest and articulation.
 - a. Intent. Tower design should incorporate articulation, design excellence, and sustainable materials.
 - b. Guidelines.
 - i. Incorporate variation and articulation in the design of each tower façade to provide visual interest and to respond to design opportunities and different conditions within the adjacent context; and
 - ii. Articulate tall building towers with high-quality, sustainable materials and finishes to promote design excellence, innovation, and building longevity.
4. Design towers to accommodate changing occupancy requirements.
 - a. Intent. Flexible floor plate and internal layout design features in towers will accommodate changing occupancy requirements.
 - b. Guideline. Where possible, provide internal flexibility within the tower to accommodate changing floor layouts and uses over time. In residential and mixed-use buildings, the inclusion of "break-out" panels or other relevant construction techniques are encouraged to allow residential units to be converted or combined to meet changing occupancy requirements.
5. Promote Visually Interesting Upper Floor Residential Windows.
 - a. Intent. Upper floor residential windows should create an open and inviting atmosphere that adds visual interest and enhances the experience of the building both inside and out.
 - b. Guidelines.
 - i. The windows of a residential building should be pleasing and coherent. Their size and detailing should be of a human scale with regular spacing and a rhythm of similarly shaped windows;
 - ii. Windows should have multiple lights or divisions;
 - iii. Windows should be operable; and

- iv. Windows should have trim round framed openings and be recessed from the building façade, not flush.

F. Top

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

Departures and Code Flexibility

Downtown Livability Council Principle #10. Refine the Code to provide a good balance between predictability and flexibility, in the continuing effort to attract new development that is economically feasible and enhances value for all users.

Departures and codes flexibility describe a range of mechanisms that can be used by applicants to deviate from provisions of the Downtown Overlay. Departures are categorized into two types – administrative and legislative.

Administrative departures are documented as part of the underlying project review that is undertaken during the Design and Master Plan approval processes. These departures tend to have bookends such as maximum increases or decreases that may be allowed from code standards. Administrative departures provide flexibility, while ensuring that the potential outcomes are transparent and predictable. Administrative departures are available for things like floor plate sizes, setback and stepback distances, and exemptions from FAR for Active Use spaces.

Legislative departures require the City Council to enter into a Development Agreement with a project applicant. Development Agreements are authorized under state law pursuant to RCW 36.70B.170 through 36.70B.210. Although state law has guided the process and scope of Development Agreements entered into by the City to-date, the City Council has also expressed an interest in adopting procedural guidance into the Land Use Code that would specifically describe how the state authorization will be administered in Bellevue. If direction is provided by Council, staff will draft a new “Permit and Decision” part to be added to Chapter 20.30 LUC that would be entitled “Development Agreements.” This new Part 20.30L would be envisioned to include sections that address scope, applicability and purpose of Development Agreements. This section would also include decision criteria that would be need to be met before a Development Agreement could be executed, and how an executed Development Agreement could be modified. The legislative departure is available for applicants to propose a Flexible Amenity that is contemplated in LUC 20.25A.070.D.4 – Amenity 18.

In addition to the above-described departures, code flexibility has been added through the use of guidelines and other flexible code provisions. The balance of this document describes specific departures and code flexibility provisions that have been incorporated into the draft Land Use Code Amendment.

DIMENSIONAL STANDARDS

- **Tower spacing:** requirement provides for light, air and privacy between towers; includes special provisions for small sites.
Proposed departures/flexibility: closer spacing may be provided for fluid, slender, unique building forms. Additional departures available for small sites.
Draft Code Additions:
 - Tower setbacks are 40 feet from interior property lines. 20.25A.060
 - Small site exception for lots that are 30,000 square feet or less, 1 building-20 feet from interior property line, 20.20.060.B.4.a

- Tower separation of 80 feet for towers on the same lot. Allows an administrative departure where (1) a maximum of 10% of the façade is within the tower separation distance of another tower and (2) the light, air or privacy of the building users are not impacted. 20.25A.075.B.3.
- **Tower orientation:** requirements work to maximize sun exposure and lessen shading and wind impacts on public spaces.
Proposed departures/flexibility: departures available via sun/shadow/wind study to determine final orientation.
Draft Code Additions: Orientation is addressed in the design guidelines which allow for flexibility based on a sun/shadow/wind study. 20.25A.180.E.1 and 2.
- **Linear buffer (Perimeter A):** long-standing requirement provides for building setback and open space at edge of Downtown, as part of the transition with adjoining neighborhoods.
Proposed departures/flexibility: departure would support residential entries/stoops within this buffer area.
Draft Code Additions: Linear buffers may have vehicular access up to 25% of the linear buffer per 20.25A.110.C.3.b and linear buffers that abut private property may have residential entries up to 25% of the linear buffer per 20.25A.110.C.5.a.
- **Mechanical equipment:** long-standing requirements limit height of mechanical equipment on rooftops.
Proposed departures/flexibility: departures provide additional flexibility in height (up to 10 additional feet) to meet changing needs for mechanical equipment.
Draft Code Additions:
 - Administrative departure allowed if alternate location or screening offers equal or better result 20.25A.130.E.
 - Director may approve intrusions for mechanical overruns up to 20 feet or as necessary to accommodate new technology if it is the minimum necessary, maximum of 20% of the roof is covered with mechanical structures and the mechanical equipment is clustered in the center of the roof or integrated into the design. 20.25A.060.B.3.a
- **Connected floorplates:** requirements for buildings above 70 feet in height provide for façade articulation, to minimize “barracks-like” feel.
Proposed departures/flexibility: departures may be allowed where building materials and modulation result in sense of distinct building elements.
Draft Code Additions: The provision for distinct building elements in a connected floorplate are governed by design guidelines. 20.25A.060.B.1.a and 20.25A.180.C.
- **Maximum façade length:** requirement avoids monotonous, unbroken walls.
Proposed departures/flexibility: departures allowed for small sites where material and modulation accomplish the objective better than the standard.
Draft Code Additions: No maximum façade lengths are currently proposed. Facades are broken up with different materials and points of interest. For example, see 20.25A.170.B and 20.25A.180.D.2.
- **Ground floor height:** requirements provide for adequate heights to differentiate and activate ground level of building.

Proposed departures/flexibility: departures provide some flexibility where prescriptive height standard cannot be accommodated.

Draft Code Additions: No ground floor height is required, therefore no code flexibility is necessary.

- **Maximum residential floorplate**: long-standing requirement addresses light, air, and building mass. Proposed departures/flexibility: departure allowed up to 10%. Otherwise use floorplate averaging for larger floors. Draft Code Additions: All floor plates have been increased 10% from the current code. Additionally, floor plate averaging is allowed where a building is higher than the “trigger for additional height.” 20.25A.075.A.2.

CIRCULATION

- **Wayfinding**: requirements provide specifics of wayfinding/signage for public access and orientation. Proposed departures/flexibility: departures provide for alternatives if signage requirements are not feasible. Draft Code Additions: All wayfinding requirements state that if the signage requirements are not feasible, the applicant may propose an alternative that is consistent with the section and achieves the design objectives for the building and the site. See 20.25A.070.D.2 and 7.
- **Bicycle Parking/Facilities**: requirements will provide standards for bicycle accommodation. Proposed departures/flexibility: departures to be provided depending on specific building type/use. Draft Code Additions: Bicycle parking is in the Parking Section which provides an administrative departure based on actual parking demand, technical studies or required parking for the proposed use as determined by other compatible jurisdictions. 20.25A.080.G and H.
- **Street Frontage Standards**: requirements vary by street type and reinforce the quality of the pedestrian environment. Proposed departures/flexibility: departures may be allowed for features like the percentage of pedestrian-activated frontage and frequency of access/points of interest. Draft Code Additions: Pedestrian Oriented Frontage has been replaced by Active Uses which encompasses a wider range of tenant types. Similarly, points of interest are defined broadly to provide more flexibility. 20.25A.020. Frequency of access is not currently required.
- **Weather protection**: requirements set percentage of weather protection to be provided on building frontages, varying by street type. Proposed departures/flexibility: departures allow minor modifications that provide an equivalent result. Draft Code Additions: Weather protection is required on all rights-of-way in proportion to the amount of anticipated pedestrian traffic. No applicant will be required to provide weather protection on more than two sides of any one building. 20.25A.170.B.

LANDSCAPING

- **Street Trees**: requirements control size and placement of street trees. Proposed departures/flexibility: departures allow for variations that result in same or more trees, as well as some sizing flexibility.

Draft Code Additions: Tree species may be substituted through administrative departure because of unavailability due to circumstances such as disease or pest infestation. The substitution shall be of the same size and canopy spread as the species being replaced. 20.25A.110.A.4.

- **Tree pits and planters:** requirements dictate size.
Proposed departures/flexibility: departures will allow for sizing flexibility.

Draft Code Additions: “The Director may approve an administrative departure for the location or size of tree pits and planter strips if the applicant is unable to meet the requirements of this paragraph due to utility placement or other obstruction that is out of the applicant’s control.”
20.25A.090.B.



Bellevue Planning Commission

DATE: January 11, 2017

TO: Planning Commission

FROM: Terry Cullen, AICP, Comprehensive Planning Manager 452-4070
Planning and Community Development

SUBJECT: Planning Commission Post Retreat – Review of Revised Prototype Part B – Suggested Standards & Practices

EXECUTIVE SUMMARY:

The Planning Commission held its annual retreat on Wednesday, November 16, 2016. The purpose of the retreat was to: clarify roles; determine ways to increase productivity; and enhance collaboration. The retreat was a facilitated discussion between the Planning Commission, the City Council Liaison and City staff. The purpose of this agenda item is to review, and edit, as needed, the revised Planning Commission prototype based on the discussion at the retreat.

BACKGROUND INFORMATION:

Rhonda Hilyer, Agreement Dynamics, Inc. was the facilitator for retreat. The facilitator conducted interviews with each of the Planning Commissioners, City Council's liaison to the Commission (Mayor John Stokes) and key City Staff in advance of this retreat. The results of the interviews provided guidance for developing the retreat agenda and the materials prepared. The purpose of the retreat was to: clarify roles; determine ways to increase productivity; and enhance collaboration.

The Planning Commission staff liaison was asked to develop materials that could be used to create a beginning point of discussion. Those materials came to be known as the Planning Commission Prototype. The prototype included: Part A: Guiding Principles (prepared by Planning Commissioners, post 2014 retreat); Part B: Suggested Standards and Practices; and Part C) The Local Governance of Planning.

Parts A and C were intended to be background, information materials and Part B, the core focus of the retreat and discussion. Part B is structured on four larger questions the facilitator identified in the interviews. The suggested standards and practices are in response to detailed issues and comments during those interviews.

The Planning Commission, City Council Liaison and Staff jointly worked through the retreat. Attached is an edited version of the prototype based on that discussion. Areas of agreement and change are noted throughout.

Several discussions will be scheduled with the Planning Commission to refine and finalize this prototype and then to operationalize it. It is expected that the Planning Commission will first refine the Standards and Practices in coordination with the City Council Liaison and the Staff

Planning Commission Post Retreat – Review of Revised Prototype Part B – Suggested Standards & Practices

followed by future discussions on the Guiding Principles and public engagement (#16 in the Standards & Practices). Discussions to operationalize it will occur after this is completed.

STAFF RECOMMENDATION:

Review the materials, discuss and modify, as needed. No formal action is required. Please remember that this document is based on detailed discussion and agreement between the Planning Commission, the City Council liaison and Staff at the annual retreat held November 16, 2016.



Bellevue Planning Commission

Planning Commission Prototype

The following document is an operational guide for the Bellevue Planning Commission. It was developed for the ~~through~~ Planning Commission retreats held on November 16, 2016 and contains the combined input of Planning Commissioners, the City Council Liaison and the City Staff.

The guide is intended to provide a basis for Planning Commission operations, governance and conduct.

Note to Reviewers: I recommend we include the Planning Commission's By-Laws in this too. (TC) Question to be answered – The By-Laws are formally adopted (by whom). How do they relate to this document?

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Bellevue Planning Commission

Prototype Part A – The Local Governance of Planning

1. The Planning Transect in Local Governance



The circle represents the many responsibilities and duties of local legislative bodies, such as the Bellevue City Council. Some of those include: approve the annual budget; establish long and short-term priorities for the city; establish tax rates; enter into legal contracts; borrow funds; pass ordinances and resolutions; exercise eminent domain; regulate land use; respond to constituent needs

and; oversee the performance of the local public employees. (Source-National League of Cities)

The complexity of planning (one Council responsibility) and its potential impact on every aspect of the City necessitates a formalized, assisted role from citizens (Planning Commission) and technical experts (staff) to address and vet complex issues to assist the Council in carrying out one of its many legislative functions.

This assisted role is a three-legged stool of City Council (the ultimate decision-maker), a City-Council appointed and empowered Planning Commission and City Staff (positions created and approved by City Council in budgeting and finance, two other responsibilities of the local, legislative body). The three-legged stool metaphor is used to describe the interdependent nature of all three entities. No one or two of these entities can address the entire life cycle of planning. Planning, as such, is an institution (i.e. an organizational body created for certain purpose) of City government that creates, enacts and implements planning through this 'institution' which is comprised of City Council, Planning Commission and City Staff.

2. The Roles and Responsibilities in Planning

i. City Council

City Council is the legislative body for the City of Bellevue. City Council is given the authority by the State Constitution and State law to make local law. Generally, City Council enacts local law, sets policy, and establishes a budget for the City. The Council also is responsible in setting the number, budget and function of staff.

The Council establishes several boards and commissions to seek citizen advice in its decision processes. One of those is the Planning Commission. It is created by City Council and

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serves at the pleasure of the Council. In the end, it is always City Council's authority to set policy direction and enact local laws.

ii. City Staff

The roles and responsibilities of City Staff are specified in the various sections of the City Code. For example, Chapter 3.45 defines functions and responsibilities of the Planning and Community Development Department. Some of those Staff functions include:

- A. Administration of amendments, revisions and updates to the comprehensive plan of the city.
- B. Implementation of provisions of the comprehensive plan of the city related to the functions of the department as described in this section.
- C. Provision of long-range planning for the city related to land use and development, housing, economic development, construction, community development, and other long-range planning services as directed by the city manager.
- D. Provision of staff support for the planning commission.

iii. Planning Commission

The roles and responsibilities of the Planning Commission are identified in the City Code.

Planning Commission - 3.64.070 Powers and duties.

The commission shall act in a policy advisory capacity to the city council. The commission may hold public hearings and shall conduct studies, perform analyses, and prepare reports requested by the city council, and shall review, advise and make recommendations to the council. The commission shall:

- A. Review, consider amendments, and make recommendations to the city council on the comprehensive plan and other planning documents of the city to determine if the city's plans, goals, policies and land use ordinances and regulations implement the state Growth Management Act (Chapter 36.70A RCW) and promote orderly and coordinated development within the city. The commission may initiate amendments to the comprehensive plan map or text in order to make technical corrections (LUC20.30I.130). The commission may recommend that the city council initiate amendments to the comprehensive plan (LUC20.30I.130(B)(2)).
- B. Review land use ordinances and regulations of the city and make recommendations regarding them to the city council. Such ordinances and regulations shall be consistent with and implement the comprehensive plan. The planning commission may initiate an amendment to the text of the land use code, as provided in LUC 20.30I.125.
- C. Recommend, establish priorities for, and review studies of geographic subareas in the city.

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D. Review and make recommendations regarding regulations related to critical areas and other land use issues.

E. Be encouraged to maintain a liaison with the planning agencies of other Eastside municipalities and regional planning agencies.

F. Have such other duties and powers as heretofore have been or hereafter may be conferred upon the commission by city ordinances or as directed by the city council.

In addition, the commission:

G. May provide the public with opportunities for involvement in the commission's activities.

H. May recommend particular concepts for inclusion in the city's vision, subject to approval by council.

I. May research and provide suggestions on new matters or initiatives that council may wish to consider.

J. Shall provide at least quarterly communications to the council highlighting major activities, future work plans, changes in work plans, and any policy direction requested.

K. Shall perform other duties as may be directed by the city council.

All other city boards, committees, and commissions shall coordinate their planning activities, as they relate to land use or the city comprehensive plan, with the planning commission.

(Ord. 6242 § 2, 2015.)

3. The value added: The work and the roles and responsibilities

The role and work of a Planning Commission is almost all related to the comprehensive plan. Those roles include making recommendations to Council when: developing the plan, amending it and interpreting it.

The comprehensive plan is a complex policy document that guides the City's long-range growth and development. Its importance to the City's future can't be under-estimated. The future vision in the plan is achieved through the consistent and applied application of its policies. The Planning Commission plays an important role in the stewardship of this plan.

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This table identifies types of work that must be done to effectively carry out local government comprehensive planning responsibilities.

Comprehensive Plan Work/Primary Responsible Entity(ies)	City Council	Planning Commission	City Staff
Development	X	X	X
Amendment	X	X	X
Interpretation	X	X	X
Implementation			X
Recommendation		X	X
Legislative Action	X		

A. The Work - Typically, the Planning Commission does the following work to address its responsibilities as an advisory body to the Council:

- i. The Planning Commission plays a valuable role during the Comprehensive Plan development stages to advise Council on policy matters related to the Comprehensive Plan mandates. This is done through review of existing conditions data and analyses, and recommending hypothesizing policy, modeling it and validating it. Staff works closely with the Planning Commission to provide this information that leads to a Planning Commission recommendation.
- ii. Policy analysis is the work that is done post-Comprehensive Plan adoption. Existing, adopted policy in the plan is carefully evaluated with the matter at hand (e.g. a proposed land use code amendment). Policy analysis consists of making Comprehensive Plan interpretations and consistency findings, establishing a scope of review and reviewing existing and future conditions. City Council does not always have the capacity to have these very specific and fine grain deliberations and the Planning Commission’s Comprehensive Plan policy analysis is valuable to Council.
- iii. Public engagement is a critical part of any planning process. This is done through both general public comment and testimony received at a public hearing. The Planning Commission’s public engagement helps the Council to understand better how planning proposals potentially impact the lives of their constituents.
- iv. Deliberation and debate requires critical listening skills, systematic pro and con review of each approach and perspective and solution-oriented discussion and



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problem solving done. Council finds the Planning Commission' role in this to be invaluable.

- v. Democratic actions¹ are essential to the overall planning process. This includes: open meetings, following rules of order, making clear findings with a nexus to the Comprehensive Plan without being arbitrary and capricious and following applicable decision criteria in the code.

¹ One staff person questioned what is meant by the term 'democratic actions'.



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Prototype Part B – Suggested Standards & Practices

What is the Planning Commission's primary role?

1. The Planning Commission's role is to advise the City Council in matters pertaining to the Comprehensive Plan and Land Use Code. This includes the following:
 - a. Plan Update - The Commission may recommend new policies to Council when a comprehensive plan is developed and will identify the policy implications for Council's consideration.
 - b. Plan Amendments - The Commission may review proposed policy language during a plan amendment and the review is bounded within the scope set by City Council. The review includes consistency of the proposed policy to other policies in the comprehensive plan, identification of policy implications for Council's consideration and possible recommendations for substitute language.
 - c. Code Amendments - The Commission reviews proposed land use code amendments for consistency with other policies in the comprehensive plan, notes policy implications for Council's considerations and may recommend changes to the proposed code amendments consistent with those findings.
 - d. Council Special Requests - The Commission reviews special requests by Council only within the scope of that request and does not engage in policy debate or recommend underlying policy changes, unless requested by Council to do so.
AGREED
2. The City Council is the body charged with setting and adopting policy for the City, and Council highly values the roles and contributions of the Planning Commission which are advisory in nature. AGREED.
3. The Commission cites findings to support their conclusions and decisions and those findings are related to the comprehensive plan. The public record clearly reflects this so the public and Council fully understand the recommendations made and the reasons. AGREED
4. ~~The Planning Commission is not charged to~~ Each Commissioner brings individual perspectives to the discussion often based on experiences from the neighborhoods in which they live or the interactions of everyday life. The goal of the Planning Commission is to be impartial and take a city-wide view without representing a constituency or being political. ~~An impartial approach is critical to success.~~
5. The Commission identifies the scope of policy areas in the plan that are applicable to the matter being considered and the amount and type of data required to adequately conduct their review. Ideally, it is desired that this should be scoped and agreed upon with Staff at the beginning of a project, prior to a Staff report and recommendation coming before the Commission.

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6. The Planning Commission reviews the record before them, including staff's recommendations and deliberates upon it based on the policy perspectives provided by the Comprehensive Plan. AGREED.
7. The Commission takes into account how site specific considerations influence broader citywide policy. AGREED.
8. The Planning Commission always strives for equity and balance in the decisions carefully weighing the effect on comprehensive plan policies. AGREED.

What are the Staff's and City Council's roles in relationship to the Planning Commission?

9. Staff provides support to the Planning Commission. This includes research, reports and Staff recommendations (reflecting equity and balance in the analysis, such as showing the pros and cons) to support the Planning Commission work program, and carrying out any legal requirements for public notification. Support also includes meeting logistics and staff support services.
10. Staff's work program and resources are determined and directed by City Council. If the Commission desires to amend the work program or requires additional resources, the Commission will seek Council's approval first. AGREED.
11. The officers of the Planning Commission are encouraged to meet with the City Manager and City Council liaison anytime the Commission believes there is a real or perceived breach of trust. The officers will contact the City Council liaison first to discuss questions, comments and concerns. The City Council liaison may have the discretion to apprise the Planning Commission Chair on matters of City business that are confidential if that matter has potential impact on an ongoing Planning Commission matter. To ensure there is no inadvertent waiver of any privileges or protections afforded by Washington law, the City Council liaison will consult with the City Attorney's Office before sharing such confidential matters.²
12. City Council is the legislative authority. Council looks to the Planning Commission to provide planning recommendations (written and verbal) that are objective, backed with facts and findings, and related to comprehensive plan policy to support the conclusion. AGREED.
13. In forwarding an item to the Commission, the City Council will often include specificity about scope and policy direction. In order to be of best value in its advisory role, the Council's expectation is that the Commission strives to stay within this prescribed scope and policy direction. "Think outside the box but color within the lines."

² Staff comment – The original wording is problematic because "confidential" is not defined. If it is an attorney/client privileged issue or something confidential to do with a threatened or ongoing lawsuit, having a Council liaison disclose this to the Planning Commission Chair could be a waiver of the privilege. A privilege waiver requires a vote of the full City Council, and it is assumed this provision doesn't intend to waive privilege. It makes sense to route any such attorney/client or litigation-related communications from the Council liaison first through the City Legal Dept, acting as the Planning Commission's attorney, so that the issue of privilege can be determined. Stated differently, the City Legal Dept would be letting the PC Chair know about this in their role as the PC's attorney.



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How should the public be engaged in Planning Commission proceedings?

14. Public comment and testimony is critical to Planning Commission deliberation and action. As a neutral party, the Commission does not represent any particular neighborhood, citizens' group or interested party. While being impartial, Commissioners do bring forth a body of knowledge and expertise from their perspectives as citizens.
15. Public testimony is important to the planning process, and the Commission reviews it objectively and examines its relationship to the overall policy issues at hand. AGREED.
16. Public comment standards in the Planning Commission's By-Laws should be reviewed regularly to ensure they continue to fulfill their intent and purpose. Based on current observations, consider revising the By-Laws and establish that public comment should be 3 minutes per person. Consider having it after each study session, and having one overall general comment period at the end of the meeting. POSTPONED FOR FURTHER DISCUSSION.³
17. The Planning Commission understands that often factual claims are made without supporting evidence during public testimony and the Commission is very careful about what is considered as credible evidence. AGREED
18. The Commission understands it is not prudent to address public engagement as town-hall democracy. AGREED
19. The Planning Commission recognizes that the By-Laws provide consistency for rules of order. Testimony from persons supporting or protesting proposed actions are addressed to the Chair. Commission members address their statements to the Chair and directly question persons on the floor only with the expressed permission of the Chairperson. AGREED.

What are the operational expectations for the Planning Commission and Staff?

20. The Planning Commission does not act as its own subject matter expert because it can be misleading, detract from the Commission's objectivity and create conflicts of interest. The City provides its boards and commissions subject matter experts, as needed. Staff is the primary source of technical expertise.
21. Staff and Commissioners are always respectful and tolerant of each other and the right to disagree with each other. Everyone understands that open, thoughtful and honest communication is essential and angry rhetoric damages working relationships. AGREED.
22. Council communicates clearly ly the scope, time and schedule and reasonable deadlines and the Planning Commission's scope of review for special requests of the Planning Commission. Staff and Planning Commission will adaptively manage the request, are always mindful of

³ Staff had this commentary: 1) Public input is critically important and highly valuable; 2) It can be very time consuming and it can devolve into information public hearings; 3) It is important to establish the right balance between ongoing public input and the Commission having time to its work.



Bellevue Planning Commission

- ~~these conditions and~~ work diligently to meet the request and report back to Council if circumstances change~~them~~.
23. The Planning Commission expects the staff to prepare materials and present findings (written and oral) that are clear, concise and include impactful graphics. The use of data and technology can be helpful. The focus is on policy, relevant, supporting data and recommendation. 'Relevant' refers to data that is closely connected or appropriate to the work of the matter of hand, before the Planning Commission.
 24. Planning Commission orders their work and agendas with the mandated responsibilities as the highest priority. AGREED.
 25. Commissioners are prepared and read the packet materials in advance of the meeting in order to operate efficiently. Staff strives to make packets user friendly and manageable.
 26. Commissioners who miss meetings request a briefing on issues covered at the last meeting and don't revisit issues already addressed at the previous meeting. AGREED.
 27. It is Council's prerogative to decide when its Boards and Commissions meet with each other. The Planning Commission may request such a meeting with reason and value identified. The Liaison will discuss with the City Manager.



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Prototype Part C – Guiding Principles

Trust

- ✓ Ensure fidelity of communications that sustain trust before, during and after meetings; say what we mean and do what we say we will.
- ✓ Listen with an open mind; appreciate the professional knowledge, skills and contributions of others.
- ✓ Ensure that there is a transparent and respectful discussion, and that comments and feedback are delivered in the spirit of trust.
- ✓ The Planning Commission values and is dependent on the wealth of knowledge that Staff hold.
- ✓ Staff respect the time and effort that the Planning Commission puts into being of service.

Communicate

- ✓ Council will provide direction to the Planning Commission via liaison or written document.
- ✓ The Planning Commission will make professional and actionable requests of Staff.
- ✓ Staff will answer data requests in a timely and professional manner; packet materials are concise, and professionally delivered.
- ✓ Challenge underlying assumptions; ensure clear understanding and encourage healthy debate to bring our best thinking forward.
- ✓ Resolve conflict in real time as it occurs and productively, without escalation.

Deliver Results

- ✓ Be constructive, look forward, and ensure constructive and goal oriented discussion.
- ✓ Seek Excellence but do not 'let the perfect be the enemy of the good'.
- ✓ Stay in the room and work things out; where necessary ensure follow-on discussions to ensure that assumptions are clarified.
- ✓ Staff will update the Planning Commission on status of recommendations the Planning Commission has made to Council. If delays occur in review or implementation it is critical for the Planning Commission to understand the rationale.
- ✓ The Planning Commission Chair or designee to report to Council with staff designee where there is potential for differences of opinion.

Source: Developed by Planning Commissioners post 2014 Retreat.

November 16, 2016

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Upcoming Meeting Schedule

<u>Mtg</u>	<u>Date</u>	<u>Agenda Item Topic</u>	<u>Priority</u>	<u>Agenda Type</u>	<u>Location</u>
17-3	8-Feb-17	Downtown Livability Land Use Code	2	Commission continues deliberation on proposed code amendments.	City Hall
		Planning Commission Retreat Follow-up	2	PC reviews the results of the Nov 16 2016 retreat.	
17-4	22-Feb-17	Downtown Livability Land Use Code	2	Commission continues deliberation on proposed code amendments.	City Hall
17-5	8-Mar-17	Downtown Livability Land Use Code	2	Commission continues deliberation on proposed code amendments.	City Hall
17-6	22-Mar-17	Downtown Livability Land Use Code	2	Commission continues deliberation on proposed code amendments.	City Hall

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

The Planning Commission will set public hearings, as needed, when the Commission approaches the conclusion of their deliberations.

EASTSIDE HERITAGE CENTER



Connections for yesterday, today, and tomorrow.

January 31, 2017

Dear Planning Commissioners,

Eastside Heritage Center has approached the Livability initiative with the perspective that this is an opportunity to tell the Bellevue Story, and we encourage you to do the same.

Downtown Bellevue is a destination not only for businesses and residents of the greater Eastside, but now also for tourists. Providing a sense of place for the community and visitors is critical to the character and vibrancy of any major city or metropolitan area.

As Bellevue's agricultural and mid-century modern suburban roots transform into 21st century urban living and experiences, we hope that architects and developers will be inspired to honor the past in new developments, and that the City will provide a framework for them to do so. This can be done in any range of traditional to new and creative means, be it through interpretive signage, preservation of historic structures or significant features, building design elements, or historic images, as just a few examples.

The amenity incentive system also provides exciting opportunities to build community and connect people with their heritage, through the inclusion of space for non-profits, cultural uses & experiences. I appreciate the challenges that have occurred with some of the "use" related amenities in the past. But I do believe that having some flexibility in the code can provide opportunities and encourage partnerships for public benefit.

As you consider the various components of building design and neighborhood or district character, I encourage you to keep in mind the role that history can play in providing a sense of place and community identity, which are critical components to livability.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Carlson".

Rick Carlson
Board President

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
STUDY SESSION MINUTES

January 25, 2017
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Chair deVadoss, Commissioners Barksdale, Hilhorst, Laing

COMMISSIONERS ABSENT: Commissioners Carlson, Morisseau, Walter

STAFF PRESENT: Terry Cullen, Emil King, Mike Kattermann, Dan Stroh,
Department of Planning and Community Development;
Carol Helland, Patricia Byers, Department of Development
Services

COUNCIL LIAISON: Not Present

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

CALL TO ORDER
(6:31 p.m.)

The meeting was called to order at 6:31 p.m. by Chair deVadoss who presided.

ROLL CALL
(6:31 p.m.)

Upon the call of the roll, all Commissioners were present with the exception of Commissioners Carlson, Morisseau, Walter, all of whom were excused.

APPROVAL OF AGENDA
(6:31 p.m.)

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

COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCILS, BOARDS AND
COMMISSIONS – None
(6:32 p.m.)

STAFF REPORTS – None
(6:32 p.m.)

PUBLIC COMMENT
(6:32 p.m.)

Mr. Phil McBride spoke representing the property at 11040 Main Street, the John L Scott

building. He noted that there have been no major changes to the downtown zoning for 35 years. The wedding cake concept was part of the original zoning and is still in place. The original zoning never anticipated light rail coming through the city. Sound Transit is bringing light rail into the city at a cost of \$3.7 billion in taxpayer dollars, and Sound Transit and the taxpayers need transit-oriented development. They need to bring ridership to the train stations and they need to create transitions from the rail stations to the surrounding job centers and residences. Transit-oriented development is needed in proximity to the rail stations and the walkshed. The park lid that is going to be over the rail in the East Main area will create a buffer zone for the neighborhoods that was not there before. There is no transit-oriented development overlay in the zoning. The downtown CAC did not really take into account the East Main light rail station. The cost of a throughblock connector is quite high, but the property owner is willing to provide the walkability amenity to improve downtown connections. The desire is to build a project that will be forward looking and aspirational, while being in alignment with the city's intentions for the downtown. The project will embrace the role of transit-oriented development and will serve as the front door to East Main. The current code, however, has obstacles that will prevent what is planned from becoming a reality. The Commission should ask the staff to create new development standards that would allow FAR averaging between A-3 and B-3. Transit-oriented development is best when it has mixed uses and is vibrant. To that end the FAR should be kept independent of uses. The ULI technical assistance panel suggested zoning for station areas should respond to the station area rather than historical zoning boundaries.

Mr. Matt Roewe with VIA Architects spoke on behalf of the project at 11040 Main Street and the corner of 112th Avenue NE and Main Street. He said the project is a good example of two property owners working together to effect a great transit-oriented development in close proximity to the East Main light rail station. He noted that a part of the Surrey Downs neighborhood is within the quarter mile radius of the station, though it has difficulty accessing it. Additionally, a portion of I-405 is within the quarter mile walkshed. The properties at Main and 112th Avenue NE are well positioned to leverage the transit investment, as are the Red Lion and Sheraton properties. The properties are only 600 feet from the East Main station. A new tunnel is under construction where the rail will run underground, creating a nice buffer to Surrey Downs from the subject properties. The idea is to develop the properties to be inviting, ~~in~~-bringing people into the downtown. The First Congregational Church behind the John L Scott property has a reciprocal agreement between each property to allow access, so a natural point of access between the properties already exists. Redevelopment of the Red Lion and Sheraton sites makes sense as they will be fully symbiotic and serve as a front door to downtown from that location. The proposed throughblock crossing will transcend the properties, but must negotiate a 55-foot grade change, necessitating the need for public elevators. The entry plaza at Main Street and 112th Avenue NE will include outdoor cafés and an outdoor court with retail above. All of those details are in line with the findings of the downtown CAC. The alternative would be to construct a five-over-two apartment building, which is what the current zoning when interpreted literally encourages. The zoning requires residential uses facing Main Street, but the desire is to have office uses there instead on a small boutique scale. Architecturally, it makes the most sense to put all the building height on the B-3 side and to keep everything low on the A-3 side, but that would mean putting office on the Main Street face. The Commission was asked to work closely with staff to create new development standards that allow the FAR to be averaged across the whole site between the A-3 and B-3 areas, rather than segregating it, and allow for applying FAR independent of use, which would be a more form-based code outcome.

Commissioner Laing asked if the real issue is where the zoning boundary is drawn, and if that is what is creating the problem. Mr. Roewe allowed that that is the issue. Commissioner Laing noted that the Commission has dealt with other parcels with split zoning. He asked how the

current code precludes splitting the FAR across the site. Mr. Roewe said the issue is in the proposed code, which for the A-3 overlay limits the FAR for commercial to 1.0, and allows more FAR in the B-3 overlay. The FAR is segregated by use on both sides in a way that prevents them being traded and swapped. Commissioner Laing said it was his recollection as a member of the downtown CAC was that group uniformly recommended getting rid of the differential between commercial and residential FAR. For many years the Bellevue Downtown Association has also called for the distinction to be removed.

Mr. Carl Van der Hoek, 9 103rd Avenue NE, called attention to a letter in the packet that he had penned to the ULI panel members. He said the letter in part points out how the incentive zoning system is missing looking at affordable housing, which is clearly a livability issue. The ULI panel suggested that a concurrent rollout of affordable housing and incentive zoning would reduce developer uncertainty and enhance the effectiveness of both programs. It would be an injustice to calibrate the system without including affordable housing. It all needs to be calibrated together to avoid running the risk of trying to add in affordable housing some time later as an amenity and taking away from the other amenities or not seeing the affordable housing amenity used at all.

STUDY SESSION (6:50 p.m.)

Downtown Livability – Review of Draft Downtown Land Use Code Amendment

A. East Main Station Area Plan Interface with Downtown Livability

Senior Planner Mike Kattermann informed the Commissioners that a full briefing on the East Main station area planning effort would be provided in the fall ahead of beginning the code work associated with the CAC recommendations. He outlined on a map the station area study boundaries and the specific primary and secondary transit-oriented development areas to the east of 112th Avenue SE and south of Main Street. The study considered both the quarter mile and the half mile walkshed. The quarter mile metric was used for purposes of making sure of connectivity between the East Main station and the downtown. The directive from the Council was that any redevelopment would occur only in the area to the east of 112th Avenue SE, ~~and to the~~ south of Main Street.

Mr. Kattermann said the downtown livability CAC wrapped up their work in June 2014, while the East Main CAC started its work in September 2014. The East Main CAC had the benefit of having the preliminary proposals from the downtown livability CAC to use as a starting point in considering compatibility between the areas. No land uses were considered that were not part of the downtown livability work; to have done so would have been ~~duplicative~~, redundant and unnecessary.

The main issues identified through the East Main station area outreach process included land uses, traffic, ped/bike connectivity to the station, safety, parking, noise, and community character and aesthetics. The latter in particular comes into play when talking about the street frontages along 112th Avenue SE and Main Street, which is where the interface between the areas primarily occurs. The redevelopment area of the East Main study area is uniquely situated. It lies at the confluence of the downtown, the single family residential area, the existing office/hotel uses, and I-405 and the uses to the east. The CAC sought to come to agreement on what specific unique niche the redevelopment area can serve. The area is not an extension of the downtown, it is certainly more than the existing single family area, and it will certainly be more than what it is

currently.

Mr. Kattermann said the CAC began with the parameters to be considered. While it was agreed the area would not be an extension of the downtown, the work done by the downtown livability CAC in terms of land use was used as the upper limit of what should be considered for the potential redevelopment area. A consultant was used to develop various scenarios. The low end of the range was determined to be the existing zoning, which is OLB with an FAR of 0.5. At the high end a maximum FAR of 5.0 was considered. For the secondary transit-oriented development area, the CAC did not consider much redevelopment potential, primarily because of the severe environmental constraints; the recommendation of the CAC included only a slight upzone for the area.

The CAC ultimately recommended an FAR of 5.0 for the Red Lion site, which is the area immediately south of Main Street, essentially mirroring what has been recommended for the area to the north of Main Street. With regard to building height, the CAC recommended up to 300 feet. In order to obtain the maximum FAR and building height, certain public benefit requirements must be met. The recommendation could result in a fairly intensive development on the site, which is a little over six acres. The CAC wanted to see the site developed in a way that will be complementary to the community, serving both the residential neighborhood as well as the residential areas in the southeast part of the downtown. The CAC did not want to see big box uses, rather uses that fit in with the notion of transit-oriented development, including mixed uses and that relate to what will continue to be a single family area into the future. The CAC discussed building placement and highlighted a desire to see the tallest buildings located closer to I-405 and Main Street; buildings step back from 112th Avenue SE; the wall effect minimized along 114th Avenue SE; parking that is out of site; safe designs that include visibility for the immediate area and the station across the street; and lighting in public spaces. No part of the CAC's recommendations are incompatible with any of the existing or proposed uses in the adjacent downtown area.

In terms of character, the CAC highlighted the need to draw people into the development through a mix of uses and activities that will serve people to the south and the north of Main Street. The CAC called for Main Street to be safe for all modes of travel, and for continuing to the extent possible the themes for Old Bellevue while respecting the different types and intensities of land uses on the north south of Main Street versus the south side of Main Street. For 112th Avenue SE, the focus of the CAC was primarily to the south of Main Street along the redevelopment area, but the group recognized that there could be some continuation to the north of Main Street and into the downtown.

Commissioner Hilhorst asked why the East Main station area recommendations would not be coming to the Commission until the fall given that the work of the CAC has been done for some time. Mr. Kattermann explained that the policy work must be done before the code work can be done. The Comprehensive Plan policy work will start during the current cycle. There are things already in place in other zones that can be drawn in, avoiding the need to start from scratch, though there are things about the area that are unique and which will require tailoring the code accordingly.

Commissioner Barksdale asked what FAR averaging is and how it might affect the area. Mr. Kattermann said FAR averaging has not been looked at in relation to the East Main area. As envisioned, the 5.0 FAR would apply immediately south of Main Street, and the 4.0 FAR would apply to the rest of the primary transit-oriented development area south to SE 6th Street. To the south of SE 6th Street and north of SE 8th Street, the recommendation is for 1.25 FAR. FAR

averaging could affect where things are placed on the East Main site, which could be problematic given how clear the CAC was about not wanting to see the higher FAR spread across the entire area. Mr. King said FAR averaging involves taking the development potential for one part of a site and transferring it to another building. The result is often a building that has lower density and a building that has more.

Mr. King explained that the downtown CAC took on the elements of station area planning within the downtown livability work. There is no separate station area plan that has been or will be developed for the downtown, rather the principles are integrated into the overall recommendations. The final report acknowledged that and included a number of recommendations that permeated through the density and height discussion, the design guidelines discussion, and was talked about in regard to coordination with Sound Transit and parking management. The quarter-mile walkshed for the prime downtown station, which will be located just outside City Hall, is primarily within the downtown area. The CAC focused its efforts within the downtown boundary.

When the CAC began its work, the group recognized that the urban framework that was put in place 35 years ago was in many ways supportive of transit. It is evident of the office core that developed along 108th Avenue NE and in the iterations of the Bellevue transit center. The CAC did not need to start from scratch, rather it focused on those things that needed to be updated as they relate to station area planning. A lot of time was spent studying the OLB zone, an area that was not transit supportive when it was first put in place. The CAC also looked closely at the Civic Center area where City Hall, Meydenbauer Center and the Bravern are located and there were some modifications made to that area both in terms of FAR, height and urban design. One of the noteworthy modifications to that area were extending the pedestrian corridor all the way down to 112th Avenue NE and beyond to the freeway, which has largely morphed into the Grand Connection that has become a Council priority. The CAC and the Commission have recommended more density and height in the area closer to the freeway, with an FAR of 5.0 and height of up to 230 feet. A number of meetings have also been spent focused on refinements to the historic A and B perimeter design districts in terms of the allowed FAR and height.

Mr. King noted that in the early part of 2016 the Commission spent time talking about the building/sidewalk design guidelines. The guidelines determine how pedestrian activity and uses should be focused along different streets. The East Main area was examined and revised in the recommendation from what historically has been an E classification, which is the lowest of the pedestrian-activated ratings, to the second highest classification, which is a commercial street. Work has also been undertaken to reexamine 112th Avenue NE, Main Street and 110th Avenue NE with regard to pedestrian activities; the current code package recommends 16-foot sidewalks rather than the current 12-foot widths.

Commissioner Barksdale asked if the zoning split along Main Street is to create a buffer. Mr. King said the A overlay goes all the way around the north, west and south sides of the downtown. It serves as an overlay on top of the underlying zoning and suppresses height and FAR because of its proximity to the perimeter areas. The CAC recommended changes to the residential buildings heights from 55 feet to 70 feet, and the Commission took the recommendation and split it up into different pieces. Where the Commission landed was that where the overlay abuts a single family residential neighborhood, such as Northtowne, building height should be kept at 55 feet. In other areas, the Commission's recommendation is for 70 feet of height. The presence of the portal park as well as proximity to the East Main station were the reasons behind recommending a 70-foot height limit in that area. The B design district is the next area in from the A, and it carries additional height and density provisions.

B. Incentive Zoning Update/ULI Panel Findings and Recommendations
(7:17 p.m.)

Mr. King acknowledged that the incentive zoning system in place dates back 35 years to the original downtown code. The CAC report highlighted the need to update the system to current market economics. The report also contemplates better using amenities to reinforce neighborhood identity, focusing on things that are most important to the city, and acknowledges that some lift could be gained through the incentive system for additional height and FAR.

Mr. King briefly reviewed the steps taken to date relative to the incentive system. A Land Use Code audit was conducted for all of the different elements of the downtown code, including the incentive system, as part of the CAC process. A full chapter in the CAC report focuses on the amenity system. The Council in the spring of 2015 gave the Commission direction to take on the full CAC analysis, including the amenity incentive system. The joint Council/Commission workshop in late 2015 included a discussion of the incentive system; shortly thereafter the Council principles intended to guide the update effort were handed down. A structure and approach for updating the system was before the Council and the Commission in mid-2016. The BERK analysis report was released in early 2017. The incentive zoning system is a companion piece and it interfaces with other parts of the Land Use Code, including the development standards and the design guidelines.

Planning Director Dan Stroh said the incentive zoning system is one of the more complex parts of the code. It is 35 years old and was put in place at a time of much different economics and different goals for what the city wanted to see achieved. A list of amenities has been ~~compiled~~compiled, and what it comes down to are the economics of updating the system. There is a clear need to be sensitive to the legacy system that is embedded in the existing zoning. In many ways it would be far easier to develop an entirely new system than to update the existing system.

The legacy system is embedded to some extent in current land values in the downtown. In looking to update the system, there is a clear desire to add new amenities and to be aspirational by a 21st Century urban center. All legalities will need to be taken into account as the work to update the system progresses. There could be new requirements added, such as weather protection, while other items may no longer be incentivized, such as structured parking and residential use, both of which the market is providing on its own. It will need to be kept in mind that properties are affected differently by the existing system and the proposed new system. There are market sensitivities to consider, and there is a need to build in periodic updates.

The Council principles for the effort provide some clarity and overall guidance. Among other things, they address the need to avoid modifications that will effectively result in a downzone. They also move the effort toward an understanding of the real value of the incentives for those developers who ~~choose~~choose to use them because they are real incentives.

Mr. Stroh said the approach for updating the incentive zoning system will include updating and clarifying what is a code requirement versus what is an incentive, and adjusting the basic FAR accordingly. The incentive zoning system is part of a larger structure; the incentives must work as a whole with the design guidelines and the design standards. The approach will also focus on removing features that are no longer real incentives and adjusting the FAR accordingly; creating some additional lift in the system to create value for new public amenities; adjusting the FAR exemption relative to affordable housing; and keeping the spotlight on key livability features

such as placemaking, public open spaces, walkability and cultural elements. The system should promote neighborhood identity, primarily by tailoring the nature and type of bonus open space by neighborhood. Fee payments in lieu of on-site performance should be looked at, as should building in flexibility under a development agreement to allow for amenities that have not been identified but which provide equal or greater value. The notion of building in periodic updates to the system is intended to keep the approach from getting too far off base. Some element of green building and sustainability needs to be incorporated into the system.

Mr. Stroh shared with the Commissioners a diagram that compared the existing system with the proposed conceptual model. He noted that currently the system allows for some level of ~~FAR~~ exemption ~~FAR~~ for ground-level retail. Each zoning district has a ~~base~~ ~~basie~~ and maximum FAR and height, and to reach the maximum requires providing certain amenities. Some portion of the amenities that are bonused must be provided whether or not incentive zoning is used. The proposal also envisions exempting FAR for ground-level retail but also for affordable housing. The proposal adjusts upwards the basic FAR to account for the current incentives that are to be removed from the incentive system, and the new requirements. The model has some headroom between the new base FAR and the old maximum FAR. In some cases, though not in every zone, there is bonus FAR and/or height allowed above and beyond what is available under the existing zoning.

The consultant firm BERK was tapped to conduct an economic analysis. Their work involved building some 588 development prototypes in an attempt to avoid cherry picking for just the best results and testing a range of different assumptions. What can be done on any given site is quite variable based on site size, the intent of the developer relative to uses, potential density yields, and other factors. The recommended system resulting from the proposed approach and the additional economic analysis done by BERK maintains base and maximum FARs and heights, with limits set by residential and non-residential building types; raises the new base FAR to 85 percent of the existing maximum FAR for each district to account for new requirements and the deletion of amenities that are no longer real incentives; raises the new base height to the existing height maximum to ensure being able to use the additional FAR that in the base; allow for exceptions to occur in a few instances, such as where the new base FAR must be raised slightly higher due to legacy issues in the existing zoning; sets new maximum FARs and heights based on Planning Commission recommendations; sets a new exchange rate of \$25 per square foot on bonus FAR, which can be converted into the desired amenities; and will set an exchange rate for height building on the current district maximums. With regard to the latter, height is contemplated to increase without an associated increase in the FAR. The process has always talked about determining what that would really be worth as an incentive.

Mr. Stroh said the ULI peer review process wrapped up earlier in the day with a presentation in the Council Chambers. Their work is still being digested.

Chair deVadoss asked for comments with respect to affordable housing as well as zoning for the station area, particularly the parking minimums. Mr. Stroh said the proposed system includes an FAR exemption for affordable housing that is not taken out from the lift between the new base and the maximum. The new base is raised so high that there is far less legroom compared to what there used to be under the old system. The proposed approach offers additional value for affordable housing. ULI said the city should focus on looking at that in an integrated way, and that it would be best to have the two processes reach the finish line at the same time. The affordable housing piece is also moving forward in a channel that is focused on a citywide strategy; the Council wants to understand how what is done relative to affordable housing in the downtown will affect other parts of the city. Staff are struggling with how to bring the two over

the line at the same time. With regard to the parking ratios, he noted that the downtown livability update did not really focus on parking, with one big exception. The downtown livability proposal includes the ability for a developer to do a special parking study that could serve as a fact-based analysis for departing from the requirements of the code. ULI supported the approach but highlighted the need to do it at the right time in the process. The city plans to conduct a comprehensive downtown parking study in the future.

Commissioner Hilhorst suggested that the downtown livability work will not be complete if there is no parking component. She allowed that the issue is complex but pointed out that many have come to the Commission to talk about parking.

Commissioner Hilhorst asked if the development community and the BDA are in accord with removing some existing incentive amenities. Mr. Stroh said there has been a fear from day one that the city would make major adjustments to the incentive system without realizing how significant that might be in terms of the economics of development. It certainly is a sensitive topic. The challenge will be to move forward in a way that is sensitive to the economics of the downtown, always with an eye on seeking to avoid unintended consequences.

Mr. Stroh said the objective of the economic analysis was to evaluate the economic implications of the proposed changes to the downtown incentive zoning system. ~~The~~ key questions were how the base zoning should be adjusted to reflect the proposed changes to the system, and what the potential value is of the incentive capacity that remains, and what the implications are for the utilization of the incentive system. The challenges were predicated on recognizing that the system has not been updated in 35 years and is out of step with current market conditions, and the fact that there is quite a bit of variation within different zoning districts in the downtown. It was determined that success would be measured in the degree to which the system is aligned with what is important to livability in the 21st Century in the downtown while avoiding unintended consequences.

Residual land value was a key tool used in the analysis. Essentially, residual land value is the result of taking into account all the factors contributing to development costs, and the factors contributing to project value. The equation looks to solve for the maximum value a developer would be willing to pay for the land. The resulting residual land values can be compared to existing land values, which was done in the model. In each of the 588 prototypes that came out of looking at different parcel sizes, different density yields and different ways of dealing with parking by district and by use, the output was the residual land value that allowed for freely comparing the different development types.

Mr. Stroh shared with the Commissioners charts showing the results of the FAR analysis, both for the new base low and the new base high, and for both non-residential and residential. He explained that the non-shaded dots indicated where the residual land value meets the test of being within the market ranges of land values for the particular district. The dots that were shaded in represented where the residual land value failed the test. Having a few prototypes fail is not problematic, but having a lot of prototypes fail is evidence of the approach not working. Zeroing in on the A and B districts in Old Bellevue, it was pointed out that the maximum FARs for non-residential versus residential are very small, and that the much higher residential densities the properties will yield result in higher property values. Based on the current FARs, non-residential development is not feasible in those districts. If a developer chooses to develop office in the Old Bellevue district, participating in the amenity incentive system would not make sense.

Commissioner Laing suggested the analysis illustrates the impact of the commercial penalty associated with the FAR differential between residential and commercial. Mr. Stroh agreed that it does at the extreme. The extreme exists in the perimeter for ~~a~~ very deliberate reasons. When the perimeter districts were adopted in the mid-80s, it was determined that the best transition between the more intense downtown and the adjacent residential areas was residential uses.

Commissioner Laing pointed out that the DT-MU district also stands out on the chart for its similar ~~analysis~~ results relative to non-residential development. Stakeholders have for some time been highlighting the fact that the commercial penalty is stalling development and redevelopment in the district. He said it was encouraging to see how the proposed new base high would improve the situation, though not in Old Bellevue.

Mr. Stroh said every attempt was made to be thoughtful about what is obviously such a sensitive topic. Where things did not seem to make sense at the 85 percent rule, adjustments were made higher to make more of the prototypes work. For DT-MU residential, the conclusion reached was that it would be appropriate to adjust the new base higher.

Commissioner Laing asked why removal of the FAR differential between residential and non-residential was not tested in light of the fact that the CAC unanimously recommended doing so. Mr. Stroh said the recommendation of the CAC was to increase building height in the DT-MU to for non-residential to 200 feet, which is the same for residential currently, and the FAR to 5.0, which is what it is for non-residential currently. It was still necessary, however, to find the right base. Increasing the non-residential base to match that of residential turns the table so much that office will consistently outcompete for the land in the district. Finding the sweet spot between the legacy and the proposed approach is a challenge, and the Council is concerned that fully equalizing residential and non-residential will turn things upside down and kill the residential market. The ULI was asked to comment on that, ~~and they~~ agreed that the changes will actually affect the market ~~moving~~ away from the development of residential. With regard to the DT-MU non-residential, an additional adjustment in the base is needed to get more of the prototypes to work ~~was necessary~~. The same thing is true for the Old Bellevue A residential.

Mr. Stroh said the incentive analysis showed a range of remaining incentive capacity between the new base and the maximum FARs and heights. The issue is how much value that converts into. The consultant took all of the different prototypes and generated models based on building to the base, building to the max, and figured the increment between the base and the max for both residential and non-residential by district. That amount of square footage was valued by the increase in the residual land value.

The Commissioners were shown a matrix that indicated the added values by district and by residential and non-residential. The incremental value of the added bonus FAR between the new base and the new maximum were noted to be fairly high in many cases. Mr. Stroh said it would not be appropriate for all of it to be converted into the incentive zoning purchasing power, because it would no longer be an incentive. There is risk to the developer, there are profit margins to consider, and in order to be real incentives there must be calibration to regional comparables and many other factors. The matrix indicated overall averages. Utilization will depend on where the city sets the exchange rate. In Bel-Red the rates range from \$15 to \$18 per square foot. In South Lake Union, the affordable housing fee is \$25 per square foot. The exercise appears to point to \$25 per square foot as being a reasonable number.

With regard to the value of additional height, Mr. Stroh reminded the Commissioners that as proposed there is no additional FAR in many cases. BERK ran models that both used and did not

use the additional height to determine if there is value to the height alone. They also had to take into account the additional cost that comes with additional height. In the end, they came up with three options. In the first option, the additional height would only be available where the base FAR is exceeded. In the second option there would be a premium placed on additional height above the existing height in addition to the \$25 exchange rate. The third option anticipates two different ways to work the value of the added height into the system, using the greater of the value of added height on its own, or the value of added height as part of the bonus system. The third option was identified as the method to avoid double counting the value of the added height. BERK did a very good job of tackling what turned out to be a very complex assignment. They put honest effort into trying to be sensitive to the economics of what the changes would do.

Mr. Stroh said the ULI technical assistance panel was assembled for the purpose testing whether BERK's homework was on point. The panel met for an intensive day-long session on January 18 and was tasked with reviewing each of the key parts of the analysis to see if it met the Council principles and if it was grounded in market realities. The review process was conducted with complete independence. The panel was chaired by Al Levine, adjunct faculty at the Runstad Center, and the other panelists were all very qualified professionals. Overall, the panel concluded that the objectives of revising the downtown zoning incentives were met. The panel allowed that no plan is perfect or will satisfy all stakeholders, and recommended regular updates to the code going forward to ensure the incentives are current.

The panelists identified several caveats in their findings. They commented that the proposed approach does not necessarily simplify the system from what currently exists. They highlighted the need to recognize that there are significant costs involved with increasing height, and the fact that in many cases the market will not support it. They acknowledged the high level of legacy that is embedded in the proposed approach and suggested that had it been possible to wipe the slate clean and start from scratch, some things might have been done differently. They noted that the proposal makes very limited adjustments to issues like parking, and highlighted the need to be sensitive to things like retail in updating the code. The panel answered the question of whether or not the system will act as an incentive by saying it depends on the specifics of individual properties and where the city is relative to the development cycle.

The ULI peer review process was a very valuable exercise. The findings and recommendations will be reviewed in detail as part of the next steps. Additional work is under way, including populating the incentive zoning framework in the draft Land Use Code with the bonus ratios based on the exchange rate and the cost of amenities; tailoring amenities to promote neighborhood identity and character; clarifying the height valuations; developing fee in-lieu provisions; and making provision for periodic reviews that also recognizes the need to have some level of stability.

Chair deVadoss commended staff for the work done and for the willingness to seek feedback.

Commissioner Hilhorst asked if the panelists were all from the Seattle area or if some were able to bring perspectives from outside the area. Mr. Stroh said it was interesting in establishing the panel because it was necessary to find those who are familiar with the regional market but who are not doing development work in downtown Bellevue. Because Bellevue is a great market, many who work in the Seattle area also work in Bellevue. The panelists chosen by ULI were from the region with the exception of the chief economist for the team who is from Portland.

C. Draft Land Use Code – Continued Review
(8:18 p.m.)

Code Development Manager Patricia Byers said another draft of the Land Use Code amendments will be available for the next Commission meeting. It will reflect the feedback received to date and will be much more refined. The substantial code changes are centered in four areas: the dimensional charts; the green and sustainability factor; the design guidelines; and the FAR and amenity incentive system.

Ms. Byers said staff heard clearly from the Commission the need to take a look at the tower separation issue. Under consideration is a setback above 40 feet measured from the interior property line on single lots. There was also feedback about the difficulties associated with the smaller sites, so consideration is being given to building in some flexibility and a departure for the tower separation and the setback.

With regard to the perimeter overlay stepback, Ms. Byers noted that it is measured from the façade. The proposed approach involves a refinement to ensure consistency with the existing code requirements. She clarified that the stepback will apply not only in the perimeter but also on NE 8th Street, NE 4th Street, and Bellevue Way.

Staff have also been working on the trigger for additional height. The idea has been to require a ten percent reduction in the floor plate above the trigger height, and staff have been focused on getting the averaging to work to gain more slender towers, averaging down to 80 feet. The required outdoor plaza would be ten percent of the project limit. Feedback was received about the need for a sliding scale related to the height, with less outdoor plaza required for those buildings that are just a little over the trigger height, and more for those buildings that are far over the trigger; staff are working on what a sliding scale would look like.

Ms. Byers said staff have also been working to refine the green and sustainability factor. The refinements being addressed include the addition of a tree list to ensure consistency in review; clarifying language that the landmark and evergreen tree bonuses can be used in addition to the preservation of existing trees credit for a single tree; and the need for bike parking to be visible from public areas and open for public use.

Chair deVadoss asked if there is any language about lighting for the bike parking. Ms. Byers said there are design guidelines for lighting, but said she did not know how they applied specifically to bike parking.

Ms. Byers said other changes under consideration involve the minor design guidelines; the FAR and amenity system in response to the BERK report and the work of the ULI panel; the pedestrian corridor super bonus; graphics in the code, and the conformance amendments. She said the issue would be on the Commission's agenda again on February 8.

Commissioner Laing asked if there will be an opportunity to discuss things like definitions, organization of the code, the departure provisions, and the master plan development. Mr. King said some clarifying language is forthcoming and may be ready for discussion at the next Commission meeting.

STUDY SESSION

Planning Commission Post Retreat – Review of Revised Prototype Part B, Suggested Standards and Practices

Commissioner Laing said he was one of the Commissioners that had not attended the retreat. He said he appreciated the time spent by Chair deVadoss and the staff to educate him. However, given the significance of some of the issues in the prototype, he said he would not be in favor of moving ahead with the discussion given that only three of the Commissioners present at the retreat were in attendance.

A motion to amend the agenda to strike the study session on the Planning Commission Post Retreat – Review of Revised Prototype Part B, Suggested Standards and Practices, was made by Commissioner Laing. The motion was seconded by Commissioner Barksdale. The motion carried with Commissioner Hilhorst casting the single vote against.

Chair deVadoss observed that having all seven Commissioners present for a future discussion of the topic may be unlikely and suggested there should be a reconsideration for how to move it forward.

PUBLIC COMMENT

Mr. Carl Van der Hoek, 9 103rd Avenue NE, said he was tired of hearing staff talk about not cherry picking with regard to the downtown livability code amendments. He suggested that the fact that staff continues to use the term leads one to conclude someone should check to see if indeed cherry picking is going on. The supporting documentation for the BERK analysis on page 30 calls for assigning some portion of a building's lower floors to above-ground structured parking is available as a way to make the pro forma prototypes work. That would have the effect of reducing the average cost of parking given that it costs less to construct above-ground parking. The report indicates that while reducing development costs in that way that increase residual land value, it can also move in the other direction. Using some of the allowable building height for parking can result in a lower overall income potential, particularly if a project is in a zone with limited building heights. Of the 84 prototypes in the first 18 pages of the report, 54 use above-ground parking in order to make the prototype pencil out. The approach does not represent the livable environment the city is trying to achieve. He also commented that the proposed approach favors office development. That fact is stated in the ULI analysis.

Chair deVadoss asked Mr. Van der Hoek if he felt development should tilt the other way. He said a 50-50 mix would be the best that can be hoped for, but added it would be nearly impossible for the process to deliver on that objective. In some neighborhoods, such as Old Bellevue, office use is discouraged by the low FAR. The argument is that office is not a good use to have next to residential, but that is not necessarily the case and the two uses can peacefully coexist.

Mr. Phil McBride, 11040 Main Street, called attention to the intersection of 112th Avenue NE and Main Street and noted that light rail will be on the southwest corner, the Red Lion is on the southeast corner, the Sheraton is on the northeast corner, and the John L Scott and BDR properties are on the northwest corner. The zoning for the Red Lion site allows building height to 290 feet, 240 feet for the Sheraton site, but only 70 feet for the John L Scott and BDR properties. Part of the problem is that the properties have both the A and the B overlays; one parcel straddles both. The desire is to redevelop with commercial in the front and residential in the back, but with the way the code is written, that will not happen.

Mr. Andrew Miller with BDR, 11100 Main Street said what is needed is a hundred-year solution. To that end, it would make sense to have the John L Scott and BDR properties join the East Main portion of the downtown. The equivalent would have been to address just the west side of the

Spring District station and leave the east side for some other time. The project never would have seen the light of day. Given the location close to the East Main station, the site should be allowed to develop with higher density, have a mix of residential and office uses, and serve as the front door to the downtown with a design that is open and inviting to the public. The code leads in the direction of low-rise low-density. In May 2016, the Commission claimed that it is form that counts, not function. It should not matter what the use of the building is given that statement. The code sees the John L Scott property as one project and the BDR project as another, but the two sites should in fact be considered as a single project. In an ideal world, the FAR could be pushed back away from Main Street in order to be respectful of the old patterns, and put into the tower closer to 112th Avenue NE, but there are no code provisions that allow for that to happen. The result would be a much more attractive development, and the code and the incentives should make the option available. Staff is overloaded and will not choose to do the work on their own; the Commission should ask the staff to do the work.

Commissioner Laing commented that the Council principles specifically direct avoidance of unintended consequences. The fact is, however, there is the unintended consequence of an ownership and parcel configuration that splits the A and B districts. The issue is the type of thing that should be resolvable through the flexibility the community has called for over the last four years. One option might be to allow flexibility through a development master plan, even where there are multiple parcels and multiple overlays involved, provided that at the end of the day the maximum height and FAR is not exceeded. In situations where the code makes it impossible to achieve something that is desirable because of an orthodox adherence to the law, it would be better to tweak the code to allow for flexibility. It will take looking at some of the procedural aspects of the code in order to make that happen.

DRAFT MINUTES

January 11, 2017

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

Mr. Cullen informed the Commissioners that as the meeting was starting he received an email from Mayor Stokes indicating that he was participating in a community meeting and would not be able to attend. The email also ~~stated that the Mayor directed that the Commission be informed~~ he had read the meeting minutes in the packet, that he appreciates the work being done, and that he was looking forward to the Commission's eventual review and comments on the prototype.

ADJOURN

A motion to adjourn was made by Commissioner Laing. The motion was seconded by Commissioner Barksdale and the motion carried unanimously.

Chair deVadoss adjourned the meeting at 8:52 p.m.