

Title 20: Land Use Code

Chapter 20.10: Land Use Districts

20.10.020 Establishment of land use districts.

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

District	Designation
...	...
<u>Urban Core</u>	<u>UC</u>
<u>Mixed-Use Highrise</u>	<u>MU-H</u>
<u>Mixed-Use Midrise</u>	<u>MU-M</u>
<u>Mixed-Use Residential Midrise</u>	<u>MUR-M</u>

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20.10.398 Mixed-Use Land Use Districts

A. Purpose. The Mixed-Use Land Use Districts are intended to be walkable, transit-oriented, and dense urban neighborhoods with a mix of uses that support the local and regional economy and a livable community. Refer to LUC 20.10.445 for allowed uses.

B. District descriptions.

1. Urban Core (UC). The purpose of the UC Land Use District is to provide for the highest-density mixed-use development nearby to Downtown. The district is limited in area so that the highest levels of density outside of Downtown are nearest to unique public amenities located within the districts, such as light rail stations, the Grand Connection, and the Eastrail.
2. Mixed-Use Highrise (MU-H). The purpose of the MU-H Land Use District is to provide for a mix of housing, retail, service, office, and complementary land uses at a high scale and density. The district provides a level of intensity appropriate for areas in proximity to high levels of transit and activity in Mixed Use Centers.
3. Mixed-Use Midrise (MU-M). The purpose of the MU-M Land Use District is to provide for a mix of housing, retail, service, office, and complementary land uses at a medium scale and density. The district provides for a transition between higher and lower density land use districts in mixed use areas throughout the City.
4. Mixed-Use Residential Midrise (MUR-M). The purpose of the MUR-M Land Use District is to provide for primarily housing with retail, service, office, and complementary uses at lower floors at a medium scale and density. The district provides a transition between higher and lower density land use districts while providing shopping, services, and amenities close to housing.

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20.10.445 Land uses in Mixed-Use Land Use Districts

A. This section only governs land uses in mixed-use land use districts. The provisions of this section do not apply to any other land use districts.

B. Permitted uses.

1. All land uses are permitted outright, except as provided in this subsection B, and except those expressly prohibited under LUC 20.10.445.C and those permitted only as conditional uses under LUC 20.10.445.D.

a. In the MUR-M Land Use District, nonresidential uses may only be located within the first two (2) stories of a building, except sit-down restaurants may be located on the top story of a building.

b. Uses may be permitted either as the principal use or a subordinate use subject to LUC 20.20.840.

2. Land uses permitted under this subsection (A) are subject to all applicable requirements under Chapter 20.20 LUC and design standards under Part 20.25R LUC.

3. Refer to LUC 20.20.420 for green building requirements applicable to Mixed-Use Land Use Districts.

4. Refer to LUC 20.20.560.B for provisions related to nonconforming uses.

5. Refer to LUC 20.25R.030 for provisions related to active uses in Mixed-Use Land Use Districts.

6. In the case of a question as to the inclusion or exclusion of a particular proposed use, the Director shall have the authority to make the final determination per LUC 20.10.420.

7. Use-specific requirements. The following uses are permitted, but subject to specific requirements detailed in this subsection A.6.

a. Auto sales uses. Retail sales or leasing of any type of motor vehicle shall be limited to showrooms with off-site inventory.

b. Manufacturing uses shall be limited to 20,000 square feet in gross floor area.

C. Prohibited uses. The following land uses are prohibited as both principal and subordinate uses, except as otherwise noted:

1. Agricultural production of animals and animal products.

2. Agricultural processing.

3. Drive-in businesses and drive-throughs.

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4. Hazardous waste treatment and storage facilities (on- or off-site), unless associated with medical or life science uses and meeting all applicable standards for safe storage and handling of hazardous waste.
5. Junk yards.
6. Marijuana production and processing. See LUC 20.20.535 for general requirements applicable to marijuana uses.
7. Outdoor storage, except:
 - a. Storage for florists and other horticultural uses including nurseries;
 - b. Temporary display of retail products, provided all products are kept indoors outside of business operating hours.
8. Recycling center and solid waste storage and processing facilities, except those qualifying as subordinate uses under LUC 20.20.725 and meeting the requirements of LUC 20.20.820.
9. Surface parking exceeding ten (10) percent of the lot area.
 - a. Existing nonconforming surface parking may be re-surfaced and re-striped, provided that no additional hardscape coverage is added to the site and the resulting parking spaces meet applicable requirements in LUC 20.20.590.
10. Warehousing and storage services.

D. Conditional uses.

1. The following land uses shall require an Administrative Conditional Use Permit pursuant to Part 20.30E LUC:
 - a. Animal boarding and commercial kennels, except these uses may be permitted as subordinate to retail pet shops, pet day cares, pet grooming, and veterinary clinics or animal hospitals.
 - b. Electrical utility facilities.
 - c. Marijuana retail outlets. See LUC 20.20.535 for general requirements applicable to marijuana uses.
 - d. Motor vehicle transportation, such as bus terminals and taxi headquarters.
 - e. Primary and secondary education.
2. The following land uses shall require a Conditional Use Permit pursuant to Part 20.30B LUC:
 - a. Essential public facilities.

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b. Homeless services uses.

c. Regional utility system.

d. Transient lodging.

e. Utility facilities.

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Chapter 20.20: General Development Requirements

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20.20.010 Uses in land use districts dimensional requirements.

Chart 20.20.010

Uses in land use districts – Dimensional Requirements

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Chart 20.20.010

Uses in land use districts – Dimensional Requirements

Mixed-Use Land Use Districts

<u>Development Type</u>	<u>UC</u>		<u>MU-H</u>		<u>MU-M</u>	<u>MUR-M</u>
	<u>Nonres.</u> <u>(4) (5)</u>	<u>Res.</u> <u>(5)</u>	<u>Nonres.</u> <u>(4) (5)</u>	<u>Res.</u> <u>(5)</u>	<u>All</u>	<u>All</u>
<u>Base Height (1)</u>	<u>250'</u>	<u>250'</u>	<u>100'</u>	<u>160'</u>	<u>N/A</u>	<u>N/A</u>
<u>Max Height (1)</u>	<u>450'</u>	<u>450'</u>	<u>250'</u>	<u>250'</u>	<u>100'</u>	<u>100'</u>
<u>Min. FAR (2)</u>	<u>2.0</u>	<u>2.0</u>	<u>2.0</u>	<u>2.0</u>	<u>1.0</u>	<u>1.0</u>
<u>Base FAR</u>	<u>6.0</u>	<u>8.0</u>	<u>4.0</u>	<u>6.0</u>	<u>2.5</u>	<u>2.5</u>
<u>Max. FAR</u>	<u>10.0</u>	<u>Unlimited</u>	<u>8.0</u>	<u>Unlimited</u>	<u>4.0</u>	<u>4.0</u>
<u>Maximum Floor Plate</u> <u>Above 55' (3)</u>	<u>25,000 gsf</u>	<u>13,500 gsf</u>	<u>25,000 gsf</u>	<u>13,500 gsf</u>	<u>N/A</u>	<u>N/A</u>

Notes: Dimensional Requirements in Mixed-Use Land Use Districts

(1) Refer to LUC 20.25R.040.A.1 for allowable projections above the base and maximum height limits.

(2) For phased developments, the required minimum FAR shall be provided in the first phase.

(3) Refer to LUC 20.25R.040.A.2 for exemptions to this requirement.

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(4) Hotels and motels and other transient lodging shall be considered nonresidential uses for purposes of this Chart 20.20.010.B.

(5) A single building is considered residential if more than 50 percent of the gross floor area is devoted to residential uses.

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20.20.128 Affordable housing.

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B. Definitions. The following definitions are specific to this section. Where a term defined below is used in this section its meaning shall be as defined below.

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5. "Affordable" means that a household eligible to rent or own affordable housing pays no more than 30 percent of household income for housing expenses

6. "Area Median Income" means the median income for the Seattle-Bellevue HMFA as most recently determined by the Secretary of Housing and Urban Development under Section 8(f)(3) of the United States Housing Act of 1937, as amended, or if programs under said Section 8(f)(3) are terminated, median income determined under the method used by the Secretary prior to such termination.

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J. Affordable housing in Mixed-Use land use districts.

1. Performance Option. All multifamily or mixed-use development located fully or partially within a mixed-use land use district shall provide affordable housing as follows when the development contains 10 or more dwelling units:

a. For rental dwelling units:

i. At least 15 percent of all dwelling units shall be affordable to households earning up to 80 percent of the area median income; or

ii. At least 10 percent of all dwelling units shall be affordable to households earning up to 60 percent of the area median income; or

iii. At least five (5) percent of all dwelling units shall be affordable to households earning up to 50 percent of the area median income.

b. For dwelling units intended for sale:

i. At least 15 percent of all dwelling units shall be affordable to households earning up to 100 percent of the area median income; or

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g. The size of affordable dwelling units shall be consistent with the market-rate dwelling units in the same development.

h. The materials, finishes, and design of the affordable dwelling units must be comparable with the other dwelling units in the development.

5. If the applicant elects to comply with this section through the performance option, then, prior to issuance of a certificate of occupancy for the development, the City and the property owner of the site on which the development will occur shall enter into an agreement, in a form acceptable to the city attorney's office. Once fully executed, the agreement shall be recorded, at the applicant's expense, on the title of the property on which the development is located.

a. The agreement shall run with the land and be binding on the assigns, heirs, and successors of the owner of the property.

b. If affordable dwelling units are later converted from being for rent to for sale, or for sale to for rent, then such dwelling units shall remain affordable to households at the same percentage area median income as required under the Director's original approval.

c. The affordable dwelling units shall remain affordable to households at the same percentage area median income as required under the Director's original approval for the life of the project.

6. If the applicant elects to comply with this section through the payment option, then the Director is authorized to accept such payment from the applicant. Funds shall be deposited in a special account and may be used by the City for the purposes authorized by RCW 36.70A.540.

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20.20.350 Essential public facility (EPF).

A. Applicability. This section applies to each essential public facility (EPF) within the City except where a specific use is otherwise identified and regulated ~~in the use charts~~ in LUC 20.10.440 through 445 and Chapter 20.25 LUC. The requirements of this section shall be imposed at the establishment of any such EPF use, and upon any addition or modification to any such EPF use or structure housing that use. Any EPF specifically identified and regulated in ~~the use charts in~~ LUC 20.10.440 through 445 and Chapter 20.25 LUC shall be subject to the permitting procedures and requirements for that use, and shall not be subject to this section.

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20.20.420 Green building.

A. Applicability. The provisions of this section apply to new development in Mixed-Use Land Use Districts.

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B. Administrative rule. The varying nature of sustainable development strategies and the frequency of innovation in sustainability require flexibility in rulemaking and opportunities for periodic updates. Thus, green building requirements and incentives shall be established by the Director by rule adopted in accordance with LUC 20.40.100. The rule shall address the following:

1. The Director shall establish a tiered list of green building certification programs.
 - a. The lowest tier established by the Director shall be the minimum required for all new development in Mixed-Use Land Use Districts.
 - b. Tiers above the lowest may be used to achieve bonus points in the Amenity Incentive System for Mixed Use Land Use Districts as provided in LUC 20.25R.050.
 - c. When establishing tiers and selecting green building certification programs, the Director shall consider the following:
 - i. What percentage of applicants will be able to achieve the green building certification program at the specified tier.
 - ii. The impact of the green building certification program on achieving the City's sustainability goals, including those specified in the City's Environmental Stewardship Plan and the City's Comprehensive Plan.
2. For any tier, the Director may establish additional requirements beyond meeting program certification that can further advance the City's sustainability goals.

C. Where green building is required, a performance bond shall be provided to the City by the developer to ensure certification of the project.

1. The value of the performance bond shall be 10% of the value of the gross floor area of the project.
2. In the event the project does not achieve the planned rating within 18 months of project completion, the bonded fund shall be used for environmental improvements identified by the City.
3. The performance bond shall be in a form approved by the City Attorney's Office.

20.20.535 Micro-Apartments.

A. Applicability and Relationship to Other Regulations. Where noted ~~in the general Land Use Charts~~ in LUC 20.10.440 ~~through 445~~ and Use Charts for Downtown in LUC 20.25A.050.D, BelRed in LUC 20.25D.070, Eastgate Transit Oriented Development in LUC 20.25P.050 and East Main in LUC 20.25Q.050.D, and when located within the following areas:

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B. Standards. The following standards apply to micro-apartments:

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2. Parking shall be provided at a ratio of one-quarter parking space per micro-apartment. Micro-apartments meeting the definition of Affordable Housing in LUC 20.50.010 and those located in Mixed-Use Land Use Districts shall have no parking minimum.

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6. Micro-apartments shall be exempt from the provisions of LUC 20.20.540, Multifamily play areas.

20.20.540 Multifamily play areas.

A. New multifamily developments of 10 units or more shall be required, as a condition of Building Permit approval, to provide a minimum of 800 square feet of unpaved, usable open space with lawn or other soft surface for an outdoor children's play area, plus an additional 50 square feet of usable open space for each additional unit beyond the initial 10 units, up to a maximum of 10,000 square feet, ~~except that this requirement does not apply to multifamily development downtown or to developments devoted exclusively to senior citizen dwellings as defined at LUC 20.50.046.~~

1. Multifamily and mixed-use developments in Mixed-Use Land Use Districts may count the above-described play areas towards the required minimum on-site open space under LUC 20.25R.030.C, provided the play area is publicly accessible.

2. This requirement does not apply to:

- a. Multifamily development in Downtown;
- b. Multifamily development devoted exclusively to senior citizen dwellings as defined in LUC 20.50.046; or
- c. Micro-apartments.

B. The following factors shall be considered when designing a children's play area:

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20.20.590 Parking, circulation, and walkway requirements.

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B. Applicability.

1. Number of Parking Stalls. The requirements of this section for the number of parking stalls apply to each new use and to each new tenant, except as provided in LUC 20.20.560.C for changes to a nonconforming use. The minimum number of parking

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spaces required under subsection F of this subsection do not apply in Mixed-Use Land Use Districts. See Part 20.25A LUC for the number of required parking stalls in Downtown Districts.

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F. Minimum/Maximum Parking Requirement by Use.

1. Specified Uses. Subject to subsections G, H, and L of this section, the property owner shall provide at least the minimum and may provide no more than the maximum number of parking stalls as indicated below:

	Use	Minimum Number of Parking Spaces Required <u>(4)</u>	Maximum Number of Parking Spaces Allowed
...			

Notes: Minimum/Maximum Parking by Use:

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(4) Not applicable in Mixed-Use Land Use Districts.

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20.20.725 Recycling and solid waste collection areas.

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G. Refer to LUC 20.25R.030.D for additional requirements specific to Mixed-Use Land Use Districts.

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20.20.740 Schools.

- A. Public and private schools are permitted as indicated ~~by the charts~~ in LUC 20.10.440 through 445 and use charts applicable to specific land use districts contained in Chapter 20.25 LUC, "Education: Primary and Secondary," provided the following standards are met:

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20.20.820 Solid Waste Disposal

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B. **Decision Criteria.** In addition to the decision criteria applicable to any permit required to construct or modify a solid waste disposal facility pursuant to ~~general use charts contained in~~ LUC 20.10.440 ~~through 445~~ and use charts applicable to specific land use districts contained in Chapter 20.25 LUC, the City may approve, or approve with modifications, a proposal to construct or modify a solid waste disposal facility, provided the following standards are met:

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20.20.900 Tree retention and replacement.

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B. Applicability

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5. Exceptions

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c. ~~The~~ portions of this section which require retention of Significant Trees or planting new trees are not applicable in any Downtown Land Use District, ~~or in~~ the East Main Transit Oriented Development Land Use District, or Mixed-Use Land Use Districts.

Commented [A1]: Note this is an amendment to the recommended Tree Canopy LUCA as of 5/6/24, may need to be updated to reflect potential changes after adoption, anticipated July 2024.

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Chapter 20.25: Special and Overlay Districts

Part 20.25R Urban Design Standards: Mixed-Use Land Use Districts

20.25R.010 General.

A. Applicability.

1. The provisions of this chapter shall apply to all development activities in Mixed-Use Land Use Districts as described in LUC 20.10.398.
2. Except to the extent expressly provided in this Part 20.25R LUC and as referenced in this section LUC 20.25R.010, the provisions of the Land Use Code and all other applicable provisions of the Bellevue City Code shall apply.

B. Relationship to other regulations.

1. Refer to LUC 20.20.445 for land uses permitted in the Mixed-Use Land Use Districts.
2. Refer to LUC 20.20.010.B for applicable development standards for the Mixed-Use Land Use Districts.

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3. Where conflicts exist between the regulations herein and those for the Shoreline Overlay District (Part 20.25E LUC) and Critical Areas Overlay District (Part 20.25H LUC), the shoreline and critical areas provisions shall take precedence.

C. Review required.

1. Effect of approval. Approval of the Master Development Plan and/or the Design Review 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 Part 20.25R LUC.

2. Master Development Plan.

- a. 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 are consistent with the Comprehensive Plan and meet all applicable development standards and guidelines. Design, 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 C.2.b of this section shall identify proposed building placement within the project limit and demonstrate compliance with the following Development requirements, standards, and guidelines:

- i. Dimensional requirements pursuant to LUC 20.20.010.B and as listed below:
- ii. Building height for each building identified in subsection C.2.a of this section;
- iii. Floor Area Ratio for each building. Floor Area Ratio shall also be provided to calculate the amenities required pursuant to LUC 20.25R.050;
- iv. Open space required in LUC 20.25R.030.C;
- v. Areas identified to accommodate required parking with entrance and exit points and required loading shown in relationship to the Public Right-of-Way as required pursuant to LUC 20.20.590;
- vi. Areas identified to accommodate vehicular, bicycle, and pedestrian circulation pursuant to LUC 20.25R.040; and
- vii. Areas identified to accommodate landscape Development pursuant to LUC 20.25R.030.

- b. 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.

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3. Design review.

- a. Scope of approval. Design Review is a mechanism by which the City shall ensure that the design, architecture, amenity, and site development components of a proposal are consistent with the Comprehensive Plan and any approved Master Development Plan, and to ensure compliance with all applicable standards and guidelines contained in City Codes including the terms of any departure granted pursuant to subsection D of this section.
- b. When required. A Design Review is required for all projects in Mixed-Use Land Use Districts. An applicant shall submit a Design Review application for approval by the Director pursuant to Part 20.30F LUC.
- c. 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 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.

4. Departures.

- a. Administrative Departures by the Director. Due to the varied nature of architectural design and the unlimited opportunities available to enhance the relationship that occurs between the built environment and the pedestrians, residents and commercial tenants that use built spaces, strict application of the Land Use Code may not always result in the 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 the strict application would result in development that does not fully achieve the policy vision as it is articulated in the general sections of the Comprehensive Plan and the Wilburton-NE 8th Street Subarea Plan.
- b. 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 20.25R.030 through 20.25R.040 or other sections of the Land Use Code that provide for departures.
- c. Decision criteria. The Director may approve or approve with conditions an Administrative 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 this Code; and
 - ii. The resulting design will be more consistent with the purpose and intent of this Code; and

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- iii. Proposed modifications to numeric standards are the minimum reasonably necessary to achieve the Comprehensive Plan objective or this Code's intent; and
- iv. Any Administrative Departure criteria required by the specific terms of this Code have been met.
- d. Limitation on authority. Administrative Departures may only be approved consistent with the limitations contained in the Land Use Code section that authorizes the departure, or through a Variance granted under the terms of Part 20.30G LUC.

5. Development agreements.

- a. Purpose. For the purposes of this subsection 5, a Development agreement is a mechanism by which the City may, when appropriate, enter into an agreement with a developer to modify requirements, standards, criteria, and guidelines contained in LUC 20.20.010, LUC 20.20.128, and Part 20.25R LUC that apply to Development and activity within the Mixed-Use Land Use Districts. The Development agreement balances the public and private interests, providing reasonable certainty for a Development project and the public, and addressing other matters, including advancing the vision, goals, and policies of the Comprehensive Plan, constructing the Grand Connection, and other public benefits.
- b. Applicability. This subsection 5 only applies to Development agreements authorized pursuant to RCW 36.70B.170 through 36.70B.210, between the City of Bellevue and any person having ownership or control of real property located entirely within a Mixed-Use Land Use District that is immediately adjacent to and touching any section of the Grand Connection.
- c. Discretion. The City is authorized, but not required, to accept, review, and approve a proposed Development agreement under this subsection 5. This process is voluntary on the part of both the applicant and the City. The decision to approve a Development agreement is discretionary with the Bellevue City Council.
- d. Development Standards. Development agreements must set forth the Development standards and other provisions that shall apply to, govern, and vest the Development, use, and public benefits of the Development of the real property within the Mixed-Use Land Use Districts for the duration specified in the agreement.
- e. Limitations on Modification. Except where explicitly identified below, a Development agreement approved under this subsection may only modify the requirements contained in LUC 20.20.010, LUC 20.20.128, or Part 20.25R LUC as such requirements may apply to the development in question. The following shall not be modified through a Development agreement approved under this subsection:

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- i. The maximum Building Height shall not be modified to exceed 450 feet for any Building;
 - ii. Any other provision of the Land Use Code, including those related to vesting and expiration of vested status of Land Use permits and approvals; and
 - iii. Any provision of the Bellevue City Code, including those related to the payment of impact fees.
- f. Development Agreement Submittal Requirements.
- i. A proposal for a Development agreement shall be accompanied by a complete application for the required Land Use entitlement application, Master Development Plan, Part 20.30V LUC, or Design Review, Part 20.30F LUC;
 - ii. All proposed modifications to requirements, standards, or guidelines in Chapter 20.20 LUC and Part 20.25R LUC shall be described, including identification of the requirement, standard, or guideline requested to be modified;
 - iii. The additional or alternative public benefits shall be described and compared to the baseline public benefits that would be provided without the Development agreement; and
 - iv. Any other such information that may be reasonably required by the Director to review the Development agreement.
- g. Review process.
- i. An applicant may apply to negotiate and enter into a Development agreement for a project in a Mixed-Use Land Use District. Such request shall include the submittal requirements in subsection 5.f of this section.
 - ii. Upon receipt of a complete application of a Development agreement, the Director shall schedule presentation of the application to the City Council. The City Council shall consider the application and may authorize the Director to initiate negotiation of the Development agreement. If initiated, the City Council may provide direction to guide the negotiation.
 - iii. Notice of the Development agreement application shall be provided with the notice for the corresponding Master Development Plan or Design Review pursuant to LUC 20.35.210.
 - iv. The Director shall negotiate the Development agreement with the applicant using guidance and direction from the City Council, if provided. The Director may schedule additional study sessions with the City Council for further guidance and direction. The Development agreement shall be presented to the City Council for consideration at the public hearing.

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- v. Public Hearing. The City Council shall hold a public hearing on the proposed Development agreement prior to taking action. Notice of availability of the proposed Development agreement, SEPA determination, and public hearing shall be provided pursuant to LUC 20.35.420.
- vi. City Council Action. Following the public hearing, the City Council shall consider and may approve the proposed Development agreement. Any approval of the City Council of a Development agreement is the final decision of the City and shall be by resolution or ordinance.
- vii. Recording Required. After City Council approval and mutual execution, the applicant shall record the Development agreement with the King County Recorder's Office (or its successor agency) and provide a copy of the recorded agreement to the Director.
- h. Framework for City Review of Development Agreement.
 - i. The City Council has discretion to approve, or not approve, the proposed Development agreement;
 - ii. The Development agreement shall comply with all applicable requirements of the Land Use Code, except as may be modified in accordance with this subsection;
 - iii. The Development agreement shall comply with all applicable requirements of the Bellevue City Code;
 - iv. The Development agreement shall be consistent with the vision, goals, and policies of the Comprehensive Plan;
 - v. The Development agreement shall meet the purpose in subsection 5.a of this subsection 5; and
 - vi. The Development agreement shall result in a Development that includes public benefits beyond what would be provided without the Development agreement.
- i. Modification of development agreements.
 - i. Minor Modification. The Director may approve a minor modification to a previously approved Development agreement when:
 - (1) The change will not result in a reduction to the amount of public benefits required by the Development agreement;
 - (2) The change will not result in increasing the Gross Floor Area of the project as approved by the Development agreement;
 - (3) The change will not result in any Structure, vehicular circulation, or parking area which will adversely affect abutting property or Public Right-of-Way;

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- (4) The modification is exempt from SEPA review;
 - (5) The modification is within the general scope of the purpose and intent of the original Development agreement; and
 - (6) The modification complies with all other applicable Land Use Code requirements and all other applicable Development standards and is compatible with all other applicable design criteria.
- ii. Major Modification. Any modification that does not meet all of the requirements for a minor modification shall constitute a major modification. All major modifications shall require a termination of the original Development agreement and negotiation and approval of a new Development agreement following the procedures set forth in this subsection 5.

6. Procedural merger. Within a Mixed Use Land Use District, any administrative decision required by this Part 20.25R LUC or by this 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:

- a. Master Development Plan, Part 20.30V LUC;
- b. Administrative Conditional Use Permit, Part 20.30E LUC;
- c. Design Review, Part 20.30F LUC;
- d. Variance, Part 20.30G LUC; and
- e. Critical Areas Land Use Permit, Part 20.30P LUC.

20.25R.020 Access and connectivity.

A. Access, blocks, and circulation.

1. Blocks.

- a. A block shall be bordered on all sides by any of the following:
 - i. Public street rights-of-way;
 - ii. Flexible access corridor no less than 70 feet in width;
 - iii. Active transportation access corridor no less than 40 feet in width;
 - iv. Eastrail corridor; or
 - v. Grand Connection.
- b. Block dimensions.

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- i. The perimeter of a block shall be no more than 1,200 feet, measured at the edge of the bordering public right-of-way, access corridor, or other facility.
 - ii. The north-south dimension of a block shall be no more than 350 feet in length.
 - iii. Refer to subsection (B)(3) of this section for exceptions to these standards on sites adjacent to Interstate 405.
- c. Access design.
- i. Refer to the Transportation Design Manual, now or as hereafter amended, for specific requirements related to access design.

B. Location-specific access and design.

- 1. Required public streets. Figure 20.25R.020.B.1 describes the required public street right-of-way and associated improvements in the Wilburton/N.E. 8th Street Subarea. Refer to the Transportation Design Manual for design requirements specific to these required public street rights-of-way.
 - a. Where a public street is located at the edge of a project limit, half-street improvements shall be required, with the centerline of the street located at the property line.

Figure 20.25R.020.B.1

Required Public Street Rights-of-Way in Wilburton Subarea

[Map of local street network]

- 2. Eastrail access.
 - a. Non-motorized and emergency vehicle access to the Eastrail shall be provided from sites adjacent to the Eastrail corridor.
 - b. No new general-purpose vehicle lanes may cross the Eastrail corridor between SE 5th Street and NE 12th Street.
- 3. Interstate 405.
 - a. Sites adjacent to Interstate 405 shall not be subject to block perimeter limits.
 - b. No vehicular access into garages shall be permitted directly from 116th Ave NE.

20.25R.030 Site organization and public realm.

A. Active Uses.

- 1. At least 90 percent of a building's frontage along the build-to lines described in subsection (B) of this section shall be occupied by active uses.

Commented [A2]: This map is being developed. For reference, please view the Access Concepts Map. The streets here are denoted as "Local Streets" on the map.

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- a. This requirement may be reduced to 50 percent on sites where active uses are also required along the Eastrail and/or Grand Connection.
 - 2. The Director may approve alternative locations for active uses within the project limit, provided
 - 2. Along Eastrail and Grand Connection as provided in subsection I of this section.
- B. Build-to line.** A build-to line shall apply to the back of the sidewalk along flexible access and required public street rights-of-way described in LUC 20.25R.020.B.1.
 - 1. Building frontages may modulate up to 18 inches from this build-to line.
 - 2. Up to 25 percent of the façade may be set back from this build-to-line up to 20 feet, provided the setback area is utilized as open space.
- C. Open space.** All development shall provide at least 15 percent of the site area as publicly accessible open space, or ten (10) percent if the site is less than 25,000 square feet in area, up to a maximum requirement of 1 acre of open space area.
 - 1. Open space contributing toward this requirement may be provided in multiple separate areas throughout the project limit, provided that:
 - a. No single open space area is less than 500 square feet in area;
 - b. No more than 30 percent of the required open space may be provided on rooftops or other elevated portions of buildings; and
 - c. No less than 50 percent of the required open space shall be provided as landscaping or other planted space, including but not limited to bioswales, planter boxes, and community gardens.
 - 2. Access corridors as open space. Portions of active transportation and flexible access corridors may contribute toward the open space requirement, subject to the following requirements:
 - a. No general-purpose vehicular access or circulation area may qualify as open space;
 - b. All sidewalks within the area must be at least 12 feet wide and may contain street furniture such as seating and public art, provided a clear path of at least 8 feet is maintained;
 - c. All landscape areas adjacent to vehicular access and circulation areas shall be at least 10 feet in width, measured from the back of the curb; and
 - d. A public plaza of at least 3,000 square feet in area shall be provided adjacent to the access corridor and meeting the following requirements:

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- i. The plaza shall be no more than 30 inches from the grade of the adjacent sidewalk;
 - ii. The plaza shall be paved with different materials than those used in adjacent sidewalks; and
 - iii. The plaza shall be bordered by active use spaces for at least 50 percent of its perimeter.
 3. Multifamily and mixed-use development containing residential uses shall provide play areas as described in LUC 20.20.540. Play areas may count towards the minimum required open space in this section provided they are publicly accessible.
 4. Paved open space areas at least 1,000 square feet in size shall include at least four (4) of the following features:
 - a. Fixed seating such as benches, with at least one (1) linear foot of seating area per 30 square feet of paved area within the open space;
 - b. Multifamily play areas as described in LUC 20.20.540;
 - c. Performance spaces;
 - d. Tables and movable seating, with at least one (1) table per 75 square feet of paved area and at least two (2) seats per table;
 - e. Vendor spaces, such as kiosks or spaces for food trucks;
 - f. Water features;
 - g. Weather protection and shade structures; or
 - h. Other elements that enhance the public realm as approved by the Director.
 5. Hours and legal agreement. Open space shall be publicly accessible at all times of the day with an easement for public right of pedestrian use in a form approved by the City Attorney's Office recorded on title. This requirement does not apply to open space provided on rooftops or other elevated portions of buildings.
 5. Landscaping.
 - a. The provisions of LUC 20.20.520, except as they conflict with this section, apply to development in Mixed-Use Land Use Districts.
 - b. Landscape buffers shall be provided along the site perimeter and adjacent to parking and circulation areas as follows:
 - i. Where surface parking is adjacent to a public right-of-way or access corridor, a landscape buffer of at least eight (8) feet in width shall be provided.

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- ii. Where surface parking is adjacent to the rear or side yard of a lot, a landscape buffer of at least five (5) feet in width shall be provided.
- iii. All landscape buffers required under this subsection shall be Type III landscaping as described in LUC 20.20.520.
- c. Plantings in landscape area shall be installed as follows:
 - i. Deciduous and evergreen trees shall be planted in natural groupings, with a minimum average of (one) 1 tree every 20 lineal feet of landscape area.
 - (1) Deciduous trees shall have a minimum caliper of two (2) inches measured 4.5 feet above the soil surface.
 - (2) Evergreen trees shall be minimum height of 6 feet.
 - ii. Small and medium shrubs, planted in groupings, shall provide coverage that equals 75% of the planting area within three years of planting.
 - iii. Groundcover shall be planted under deciduous trees, shrubs and other open areas not covered by larger plant material so that the plantings provide 90% coverage within three years of planting.
- d. Alternative landscaping design may be approved by the Director as provided in LUC 20.20.520.J.

D. Green and sustainability factor.

- 1. General. All new development shall provide landscaping and other elements that meet 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:
 - a. Identify all proposed elements in the development as described in Table 20.25R.030.E.1.e.
 - b. Multiply the square feet, or equivalent unit of measurement where applicable, of each landscape element by the multiplier provided for that element in Table 20.25R.030.E.1.e according to the following provisions:
 - i. If multiple elements listed in Table 20.25R.030.E.1.e occupy the same physical area, they may all be counted. For example, groundcover and trees occupying the same physical space may be counted under the ground cover element and the tree element.
 - ii. Landscaping elements and other frontage improvements in the right-of-way between the lot line and the roadway may be counted.

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- iii. Elements listed in Figure Table 20.25R.030.E.1.e that are provided to satisfy any other requirements of Part 20.25R LUC may be counted.
- iv. Unless otherwise noted, elements shall be measured in square feet.
- v. For trees, large shrubs and large perennials, use the equivalent square footage of each tree or shrub provided in Table 20.25R.030.E.1.e. 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.
- vi. For green wall systems, use the square footage of the portion of the wall that will be covered by vegetation at three years. Green wall systems shall include year-round irrigation and a submitted maintenance plan shall be included as an element in the calculation for a project's Green and Sustainability Factor Score.
- vii. All vegetated structures, including fences counted as vegetated walls shall be constructed of durable materials, provide adequate planting area for plant health, and provide appropriate surfaces or structures that enable plant coverage. Vegetated walls shall include year-round irrigation and a submitted maintenance plan shall be included as an element in the calculation for a project's Green and Sustainability Factor Score.
- viii. 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.
- ix. All permeable paving and structural soil credits may not count for more than one-third of a project's Green and Sustainability Factor Score.
- c. Add together all the products calculated in Table 20.25R.030.E.1.e to determine the Green and Sustainability Factor numerator.
- d. Divide the Green and Sustainability Factor numerator by the site area to determine the Green and Sustainability Factor score. A development shall achieve a minimum score of 0.3.
- e. The Director has the final authority in determining the accuracy of the calculation of the Green and Sustainability Factor score.

Table 20.25R.030.D.1.e

<u>A. Landscape Elements</u>		<u>Multiplier</u>

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	<u>1. Bioretention Facilities and Soil Cells. Bioretention facilities and soil cells shall comply with Bellevue's Storm and Surface Water Engineering Standards. Bioretention facilities shall be calculated in horizontal square feet. The soil cell systems shall be calculated in cubic feet. The volume of the facility shall be calculated using three feet of depth or the depth of the facility, whichever is less.</u>	<u>1.2</u>
	<u>2. Structural Soil Systems. The volume of structural soil systems can be calculated up to three 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.</u>	<u>0.2</u>
	<u>3. Landscaped Areas with Soil Depth Less than Twenty-Four (24) Inches.</u>	<u>0.1</u>
	<u>4. Landscaped Areas with Soil Depth of Twenty-Four (24) Inches or More.</u>	<u>0.6</u>
	<u>5. Preservation of Existing Trees. Existing trees – proposed for preservation shall be calculated at twenty (20) square feet per inch d.b.h. Trees shall have a minimum diameter of six inches at d.b.h. Existing street trees proposed for preservation shall be approved by the Director.</u>	<u>1.2</u>
	<u>6. Preservation of Existing Evergreen Trees Bonus. Existing evergreen trees proposed for this bonus shall be calculated at twenty (20) square feet per inch d.b.h. and shall have a minimum diameter of six inches at d.b.h.</u>	<u>0.1</u>
	<u>7. Shrubs or Large Perennials. Shrubs or large perennials that are taller than two feet at maturity shall be calculated at twelve (12) square feet per plant.</u>	<u>0.4</u>

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	<u>8. Small Trees. Small trees shall be calculated at 90 square feet per tree. Consult the Green and Sustainability Factor Tree List for size classification of trees.</u>	<u>0.3</u>
	<u>9. Medium Trees. Medium trees shall be calculated at 230 square feet per tree. Consult the Green and Sustainability Factor Tree List for size classification of trees.</u>	<u>0.3</u>
	<u>10. Large Trees. Large trees shall be calculated at 360 square feet per tree. Consult with the Green and Sustainability Factor Tree List for size classification of trees.</u>	<u>0.4</u>
<u>B. Green Roofs</u>		
	<u>1. Green Roof, Two (2) to Four (4) Inches of Growth Medium. Roof area planted with at least two (2) inches of growth medium, but less than four inches of growth medium.</u>	<u>0.4</u>
	<u>2. Green Roof, at Least Four (4) Inches of Growth Medium. Roof area planted with at least four (4) inches of growth medium.</u>	<u>0.7</u>
<u>C. Green Walls</u>		
	<u>1. Vegetated Wall. Façade or structural surface obscured by vines. Vine coverage shall be calculated with an estimate of three years' growth. A year-round irrigation and maintenance plan shall be provided.</u>	<u>0.2</u>
	<u>2. Green Wall System. Façade or structural surface planted with a green wall system. A year-round irrigation and maintenance plan shall be provided.</u>	<u>0.7</u>
<u>D. Landscape Bonuses</u>		

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	<u>1. Food Cultivation. Landscaped areas for food cultivation.</u>	<u>0.2</u>
	<u>2. Native or Drought-Tolerant Landscaping. Landscaped areas planted with native or drought-tolerant plants.</u>	<u>0.1</u>
	<u>3. Landscape Areas at Sidewalk Grade.</u>	<u>0.1</u>
	<u>4. Rainwater Harvesting. Rainwater harvesting for landscape irrigation shall be calculated as a percentage of total water budget times total landscape area.</u>	<u>0.2</u>
<u>E. Permeable Paving</u>		
	<u>1. Permeable Paving, Six (6) to twenty-four (24) Inches of Soil or Gravel. Permeable paving over a minimum of six (6) inches and less than twenty-four (24) inches of soil or gravel.</u>	<u>0.2</u>
	<u>2. Permeable paving over at least twenty four (24) inches of soil or gravel.</u>	<u>0.5</u>
<u>F. Publicly Accessible Bicycle Parking</u>		
	<u>1. Bicycle Racks. Bicycle racks in publicly accessible locations shall be calculated at nine square feet per bike locking space and shall be visible from sidewalk or public area.</u>	<u>1.0</u>
	<u>2. Bicycle Lockers. Bicycle lockers in publicly accessible locations shall be calculated at twelve (12) square feet per locker, and shall be visible from public areas and open for public use.</u>	<u>1.0</u>

E. Public realm.

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1. Blank walls. Walls at least 10 feet in height and 50 feet in width and containing no transparent windows or doors shall contain at least one (1) of the following:
 - a. Five (5) feet of Type II landscaping, as provided in LUC 20.20.520, along the full length of the wall;
 - b. Vertical landscaping covering at least 75 percent of the wall area;
 - c. Public art, murals, or other non-commercial creative works covering no less than 50 percent of the wall area.
2. Exterior lighting.
 - a. Exterior lighting shall be directed away from residential units and adjacent properties to prevent glare to the greatest extent feasible.
 - b. Exterior lighting shall emphasize building entrances.
 - c. Exterior lighting fixtures shall not cast light upwards, except where used for landscape uplighting or to enhance features of a building or public art.
3. Weather protection.
 - a. Weather protection shall be provided in the following locations:
 - i. At any primary building entry;
 - ii. No less than 75 percent of the length of a building façade containing active uses; and
 - iii. Above sidewalks at intersections of two access corridors or public rights-of-way, providing continuous weather protection for no less than ten (10) feet in either direction from the corner.
 - b. Weather protection shall be no less than eight (8) feet above finished grade, no more than 12 feet above finished grade, and with no one lineal dimension less than six (6) feet, except as would otherwise be required by the International Building Code, now or as hereafter amended.

F. Recycling and solid waste collection and staging.

1. All development shall provide recycling and solid waste collection areas as provided in LUC 20.20.725.
2. Collection and staging areas shall be located either inside a building; or in a weather-protected enclosure that meets the following requirements:
 - a. Service vehicle access to staging areas shall only be provided from flexible access or other private vehicular access.

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b. Staging areas shall be located such that no refuse bins or receptacles need to be maneuvered or stored on publicly accessible sidewalks, and so that service vehicles do not need to reverse over sidewalks.

G. Vehicle and bicycle parking.

1. Vehicular surface parking is prohibited except as provided in LUC 20.20.445.B.
2. Where provided, vehicular parking must meet all requirements of LUC 20.20.590 and other applicable codes, regulations, and standards including, but not limited to, the Bellevue City Code and Transportation Design Manual.
3. Bicycle parking. Developments shall provide bicycle parking as follows:
 - a. Required amount.
 - i. Nonresidential uses over 20,000 net sq. ft.: 1 space per 10,000 net sq. ft.
 - ii. Residential uses: 1 space per 5 dwelling units.
 - iii. Hotels, motels, and transient lodging: 0.05 spaces per room or unit.
 - b. Location.
 - i. Short-term bicycle parking. At least 15 percent of the required bicycle storage shall be provided as outdoor bike racks located within 25 feet of building entries.
 - ii. Long-term bicycle parking. Bicycle parking for residential tenants or commercial employees of a development shall be provided as follows:
 - (1) Bicycle parking areas shall be located on the same floor level as a primary building entry for pedestrians;
 - (2) Bicycle parking shall be in an enclosed, secure area that can be locked from the outside, or within individual lockers that can completely conceal and enclose a bicycle.
 - (2) For residential development, bicycle storage rooms may be located on upper-level floors for resident use;
 - (3) Bicycle parking areas may be in parking garages, provided it is on a ground level with direct access outdoors, and so that bicycle users may access the bicycle parking without crossing vehicular circulation areas or using vehicular garage entries.
 - d. Size requirements. Each required bicycle parking space shall be at least six (6) feet in length and 1.5 feet in width.

H. Location-specific design.

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1. Eastrail – Wilburton.

a. Setbacks.

- i. Between SE 5th Street and NE 8th Street, a maximum setback of 15 feet shall apply, except up to 25 percent of a building façade may be set back an additional 20 feet.
- ii. Between NE 8th Street and NE 12th Street, a minimum setback of 15 feet shall apply.

b. Active uses. 90 percent of the façade length along the Eastrail corridor shall contain active uses at the following locations:

- i. On both sides of the Eastrail corridor between NE 4th Street and NE 8th Street
- ii. On the west side of the Eastrail corridor within 500 feet northward of SE 5th Street; and
- iii. On the east side of the Eastrail corridor within 200 feet northward of SE 5th Street.

c. Frontage paths. For the segment of Eastrail between NE 8th Street and NE 12th Street, frontage paths shall be provided along the west side of the corridor within the required setback described in subsection D.1.a.ii as follows:

- i. A continuous paved path no less than ten (10) feet wide with a two (2) foot unobstructed shoulder on either side shall be provided within ten (10) feet of the property line abutting the Eastrail corridor, measured from the centerline of the frontage path.
- ii. The path shall integrate with any mixing zones as provided under 20.25R.050.D.1.g.i.

d. Mechanical equipment, recycling and solid waste collection/staging, and other building service and back-of-house functions may not be located such that they are visible from the Eastrail corridor.

2. Grand Connection – Wilburton.

a. Build-to line. A build-to line shall apply along the Grand Connection, except that portions of buildings may be set back up to 20 feet for no more than 25 percent of the building frontage.

b. Active uses. 90 percent of the building frontage along the build-to line described in subsection D.2.a of this section shall contain active uses, including along elevated segments of the Grand Connection.

c. Elevated segments. Provide 24-hour, publicly accessible vertical circulation from the Grand Connection to the nearest adjacent at-grade sidewalk or other pedestrian access.

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3. Interstate 405. Sites within 500 feet of Interstate 405 shall be subject to the following requirements:

a. Sensitive land uses shall be include the following:

- i. Residential land uses intended for non-transient occupancy;
- ii. Child care services uses;
- iii. Parks and open space; and
- iv. Primary and secondary schools;

b. Sensitive land uses shall be located either:

- i. At least 500 feet horizontally from the property line abutting Interstate 405; or
- ii. On a floor level at least 55 feet above the ground level.

c. A landscape buffer shall be required from the property line abutting Interstate 405.

- i. The buffer shall be no less than 30 feet in width.
- ii. Deciduous and evergreen trees shall be planted in the buffer with a minimum average of 1 tree every 20 lineal feet. Deciduous trees shall have a minimum caliper of 2 inches measured 4 feet 6 inches above the soil surface. Evergreen trees shall be minimum height of 6 feet.
- iii. Shrubs shall be planted in such that their coverage equals 75% of the planting area within three years of planting.
- iv. Groundcover shall be planted under deciduous trees, shrubs and other open areas not covered by larger plant material so that the plantings provide 90% coverage within three years of planting.

20.25R.040 Building design.

A. Overall.

1. Allowable projections above maximum height. Buildings may exceed the maximum height described in LUC Chart 20.20.010.B only as follows:

a. Except in UC, MU-M, and MUR-M Land Use Districts, mechanical equipment and related appurtenances may project an additional 30 feet above the maximum height applicable to the development, provided:

- i. The additional height above the maximum is uninhabitable space and only includes improvements or structures required to access, service, or screen the mechanical equipment; and

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- ii. This allowance may be increased to 45 feet for structures containing medical and life science uses.
 - b. Renewable electricity-generating equipment such as photovoltaic panels located on the top of buildings are exempt from the maximum height requirement.
 - 2. Floor plates. The floor plate of a structure may not exceed the maximum allowed per LUC Chart 20.20.010.B, except as follows:
 - a. For buildings containing medical and life science laboratory uses, the maximum floor plate requirement only applies at 100 feet in height and above.
 - 3. Active use spaces. Portions of buildings dedicated to active uses as required under this Chapter 20.25R LUC shall meet the following standards:
 - a. A minimum floor-to-ceiling height of 12 feet;
 - b. The minimum average depth of the active use space shall be 20 feet, measured from the outer façade;
 - c. The outer face of the active use space shall be at least 75 percent transparent windows or doors.
 - d. Weather protection as provided in LUC 20.25R.030.E.2.

B. Mechanical equipment.

- 1. 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.
- 2. Location requirements.
 - a. Mechanical equipment shall be located in a building, below grade, or on the roof of a building to the greatest extent technically feasible.
 - b. Where equipment is located on the roof, it shall be consolidated rather than scattered throughout the roof.
 - c. Mechanical equipment shall not be located adjacent to sidewalks, active transportation access, or areas designated as open space.
- 3. Screening requirements.
 - a. Exposed mechanical equipment shall be visually screened by a predominantly solid (at least 50 percent opaque), nonreflective 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:

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- i. 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.
 - ii. 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.
 - iii. Screening graphics may be used for at-grade utility boxes.
 - b. Mechanical equipment shall be screened from above by incorporating one of the following measures, in order of preference:
 - i. A solid nonreflective roof. The roof may incorporate nonreflective louvers, vents, or similar penetrations to provide necessary ventilation or exhaust of the equipment being screened;
 - ii. Painting of the equipment, where technically feasible, to match or approximate the color of the background against which the equipment is viewed;
 - iii. 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:
 - a. The existing roof structure cannot safely support the required screening;
or
 - b. 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.
- 4. Intake and exhaust control standards. Where technically feasible, exhaust equipment shall be located so as not to discharge onto sidewalks, open space, or other publicly accessible areas of a development site.
 - a. Exhaust location order of preference. Mechanical exhaust equipment shall be located and discharged based on the following order of preference:
 - i. On the building roof;
 - ii. On the service drive, alley, or other façade that does not abut a sidewalk within a public street right-of-way or flexible access;
 - iii. Located above a driveway or service drive to the property such as a parking garage or service court; or

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iv. A location that abuts a public street or easement; provided, that the exhaust does not discharge within 10 feet of any sidewalk or open space area.

5. Modifications. The location and screening of mechanical equipment and exhaust systems are subject to review and approval at the time of land use review. The Director may approve an Administrative Departure pursuant to LUC 20.25R.010.C.4 if the applicant demonstrates that the alternate location or screening measures provide an equal or better result than the requirements of this section.

C. Building base (podium).

1. The maximum podium façade height along public street rights-of-way, flexible access, active transportation access, and open space shall be 55 feet.

2. At least 10 percent of the exterior area on top of a building podium shall contain a green roof or landscaping.

3. Parking structures. Portions of parking structures above grade shall meet the following requirements:

a. Where adjacent to public right-of-way, flexible access, active transportation access, the Eastrail corridor, and Grand Connection, a minimum of 20 feet, measured from the outer wall of the garage inward, shall be habitable for commercial uses, except where vehicular entries into the garage are located.

b. Exposed outer facades of parking structures shall:

i. Provide windows, green walls, or other coverings of up to 50 percent transparency over openings when adjacent to pedestrian areas or open space; and

ii. Screen views of automobiles with sill heights and parapets no less than four (4) feet in height;

c. All above-grade floors of a parking structure shall be horizontal with a floor-to-ceiling height of at least 12 feet to accommodate future adaptive reuse of the space, except for ramps providing circulation between floors.

D. Towers.

1. Where a building exceeds 100 feet in height:

a. Except for mass timber construction, a 15-foot stepback shall apply at 55 feet in façade heights facing:

i. Public right-of-way;

ii. Flexible access;

iii. The Eastrail corridor; and

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iv. The Grand Connection.

b. Any two towers exceeding 55 feet in height shall be horizontally separated by no less than 60 feet.

E. Location-specific design.

1. Eastrail. Where the Eastrail is above the grade of the adjacent site, one floor level of the building shall have a finished floor elevation within five (5) feet of the elevation of the Eastrail, with access provided directly from Eastrail into the building at that floor level.

2. Interstate 405. Buildings within 500 feet of Interstate 405 shall be subject to the following:

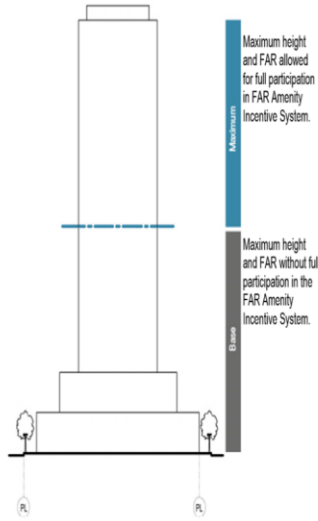
a. Air intake vents shall be located such that they are oriented facing away from Interstate 405, where feasible. If not technically feasible, pollutant filtering shall be required on all intake vents facing Interstate 405.

b. Sensitive land uses shall be separated from Interstate 405 as described in LUC 20.25R.020.H.3.

20.25R.050 Amenity incentive system.

A. General. A Building may exceed the base Floor Area Ratio or base building height permitted for development within a Mixed-Use Land Use District pursuant to LUC 20.20.010.B only if it complies with the requirements of this section. The building shall not exceed the maximum Floor Area Ratio permitted for the district unless permitted by the terms of this Code.

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B. Review required. The Director may approve an amenity that 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. The following amenities shall be exempt from a development's total FAR calculation, provided all applicable Land Use Code requirements are satisfied:

1. Required active use spaces;
2. Affordable commercial spaces; and
3. Affordable housing;

D. FAR bonus system.

1. General.

a. In no event may a development within a single project limit exceed its base height or base FAR allowance as described in LUC 20.20.010.B unless providing amenities as follows:

i. Additional building floor area, up to the maximum for the Land Use District described in LUC 20.20.010.B, may be earned through the provision of amenities as detailed in Chart 20.25R.050.D.3.

ii. Any development receiving bonus floor area through this program may increase its height to the maximum allowed for the Land Use District as described in LUC 20.20.010.B.

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

i. If the multi-building development is to be phased, each phase shall provide for a proportionate or greater installation of amenities as established in an approved Master Development Plan phasing plan. No phase may depend on the future construction of amenities.

2. Bonus points. The below amenities qualify for FAR bonus points as described below. The total bonus floor area is equal to the total bonus points achieved by this section.

a. Affordable housing.

i. On-site affordable housing: 4 points for every one (1) sq. ft. of affordable housing beyond the minimum required in LUC 20.20.128.J.1.

ii. Fee-in-lieu. One (1) point for every 23 dollars spent in fees-in-lieu beyond the minimum required in LUC 20.20.128.J.2.

iii. Deeper affordability. Bonus points can be multiplied by:

a. 1.5 for housing affordable to households earning 60 percent of the Area Median Income (AMI); or

b. 2 for housing affordable to households earning 50 percent of the AMI.

iv. All incentivized affordable housing shall meet applicable requirements of LUC 20.20.128.

b. Family-sized housing. Three-bedroom or larger units earn one (1) bonus point for every one (1) square foot of the unit.

c. Green building.

i. Green building certification above the minimum required under LUC 20.20.420 may receive bonus points as follows:

a. Tier 1 is the base requirement for all development with no additional points offered;

b. Tier 2, 0.2 points per gross square foot of certified building; and

c. Tier 3, 0.3 points per gross square foot of certified building.

ii. The Director shall determine which green building certification programs may qualify for each tier of incentives.

iii. A performance bond equivalent to the value of the bonus shall be provided to the City by the developer.

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- a. In the event the project does not achieve the planned rating within 18 months of project completion, the bonded fund shall be used for environmental improvements within Downtown identified by the City.
- d. Affordable commercial space.
 - i. 2 bonus points may be earned for every one (1) square foot of commercial space that is deeded to a qualified nonprofit or government agency, as determined by the Director, that has control over tenancy in the commercial space.
 - ii. Qualifying commercial space shall:
 - a. Be no less than 500 square feet in gross floor area; and
 - b. Be located on the ground floor or within an active use space as described in this Part 20.25R LUC.
 - iii. Affordable commercial space shall adhere to the administrative requirements specified by the Director.
- e. Critical area restoration and enhancement.
 - i. 66.7 points for every 1,000 dollars spent on critical area restoration or enhancement beyond the minimum mitigation requirements for the development as set forth in Part 20.25H LUC and as determined by a qualified professional.
 - ii. A restoration plan shall be developed by a qualified professional and approved by the City to determine the required bonus points.
 - iii. The restored or enhanced area shall be within the development project limit and at least 10,000 square feet or ten (10) percent of the site area, whichever is larger.
 - iv. The property owner shall provide an easement allowing City access to the restored or enhanced area for maintenance, monitoring, and Trail construction where applicable.
- f. Additional open space.
 - i. 0.5 bonus points for every one (1) square foot of open space provided beyond the minimum required under LUC 20.25R.020.
 - ii. The additional open space shall meet all applicable requirements of this Part 20.25R LUC.
- g. Eastrail corridor improvements.

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i. 16 bonus points for every one (1) square foot of public open space, mixing zone, or frontage paths within the Eastrail corridor, including those required under LUC 20.25R.020.

h. Grand Connection improvements.

i. 16 bonus points for every one (1) square foot of Grand Connection area that has been constructed and dedicated to the City.

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 shall 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.

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Chapter 20.50: Definitions

20.50.010 A definitions.

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Active Transportation Access. A privately owned access corridor serving primarily non-motorized modes of transportation such as pedestrians and bicycles, along with streetscape elements such as landscaping, furniture, and utilities. Refer to the Transportation Design Manual for specific requirements for active transportation access.

Active Use. Land uses including, but not limited to, retail and wholesale uses, eating and drinking establishments, personal and professional services, and others as determined by the Director, which can create a vibrant urban atmosphere by providing for commercial activities and gathering spaces for the public.

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20.50.012 B definitions.

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Build-to line. A location along a block perimeter to which a building façade shall be constructed.

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20.50.014 C definitions.

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Collection areas (solid waste). Space designated for the collection and temporary storage of solid waste, including recyclables, food and yard waste, and other refuse typical of residential and commercial land uses.

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20.50.018 E definitions.

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Eastrail. A 42-mile trail connecting multiple cities in East King County. This term shall only refer to the trail segments that are constructed, owned, and maintained by King County and provide for non-motorized transportation.

Eastrail corridor. Parcels, rights-of-way, and easements controlled and maintained by King County and containing segments of the Eastrail.

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20.50.020 F definitions.

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Flexible access. A privately-owned access corridor serving motorized and non-motorized transportation, and including streetscape elements such as landscaping, furniture, on-street parking, and utilities. Refer to the Transportation Design Manual for specific requirements for flexible access.

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20.50.032 L definitions.

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Land Use. The use to which an area of land, or building thereon, is put; human activity taking place thereon. Categories of land uses in this Code are found in Chart 20.10.440 and district-specific land use charts contained in Chapter 20.25 LUC. Land uses in mixed-use land use districts are governed by LUC 20.10.445.

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Life science uses. Facilities and ancillary offices dedicated to experimental development and production of biological and biotechnical discoveries and products.

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20.50.034 M definitions.

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Medical uses. Hospitals, clinics, laboratories, other related land uses and ancillary offices that provide healthcare services.

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Mixing zones (Eastrail). Areas within the Eastrail corridor in which the Eastrail, frontage paths, Grand Connection, and other access into the Eastrail corridor intersect and converge into a single space. A mixing zone must be no less than 500 square feet in area.

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20.50.040 P definitions.

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Plaza. A publicly accessible and paved open space area designed and maintained for public use and enjoyment.

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Primary building entrance. An entry into a building through which access to the entire building may be gained. Entrances into individual tenant spaces shall not be considered primary building entrances.

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20.50.046 S definitions.

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Staging areas (solid waste). Space dedicated to dumpsters, bins, and other solid waste receptacles for up to 24-hour periods in preparation for retrieval of the waste by an agency or company providing solid waste removal services.

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20.50.054 W definitions

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Warehousing and storage use. Commercial uses dedicated to storage of commercial inventory, materials, or personal belongings for rent.

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