Development Services Department
Environmental Coordinator
450 110th Avenue NE
Bellevue, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPOSAL NAME:	BelRed Look Forward Land Use Code Amendment
LOCATION:	BelRed Subarea
FILE NUMBERS:	26-104470-AC
PROPONENT:	Charlie Engel, City of Bellevue, 450 110th Ave NE, Bellevue, WA, 98004, 425-452-6164, CEngel@bellevuewa.gov

DESCRIPTION OF PROPOSAL:

This Land Use Code Amendment (LUCA) proposes substantive amendments to Part 20.25D LUC (BelRed) and associated changes to Land Use Code for alignment. In 2024, comprehensive plan land use map changes were adopted throughout BelRed to enable greater height and density, especially near light rail stations, which will also be addressed in the LUCA through rezones. The draft BelRed Look Forward LUCA will involve a rewrite of existing code (Part 20.25D of the Land Use Code) and is designed to align with a new structure and framework now being used for Bellevue's mixed-use districts. This new framework builds on many of the dimensional standards, review processes, and land use allowances established through the Wilburton Vision Implementation LUCA (Part 20.25R of the Land Use Code). Under this approach, a new Part 20.25B of the Land Use Code will establish shared regulations that apply to mixed-use districts across the city, including Wilburton and BelRed. Separate overlay sections will address district-specific differences: Part 20.25C for Wilburton and Part 20.25D for BelRed.

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. The City prepared a Draft and Final Environmental Impact Statement (EIS) for the 2024-2044 Comprehensive Plan Periodic Update and Wilburton Vision Implementation. This EIS is available on the City's website at:

Bellevue 2044 Environmental Review | City of Bellevue

Pursuant to WAC 197-11-600 and 197-11-635, the EIS is incorporated by reference herein. The EIS analyzed and evaluated the environmental impacts within the City associated with changes to the Growth Management Act, chapter RCW 36.70A RCW (GMA). This included specific analysis, evaluation, and consideration of the environmental impacts in the City associated with the growth anticipated in the BelRed Subarea Area as part of the update to the City's Comprehensive Plan under a full build-out scenario. It is not anticipated that this non-project action will result in any significant environmental impacts or cumulative environmental impacts that are not fully disclosed and analyzed in the EIS.

This DNS is issued after using the DNS process in WAC 197-11-340. This threshold determination under SEPA was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklist, the EIS incorporated by reference herein, and information filed with the Land Use Division of the Development Services Department. This information is available to the public on request.

There is a minimum 14-day comment period on the DNS. Pursuant to BCC 22.02.034.B and LUC 20.35.440.C, this DNS shall be merged with the City Council action and is only appealable as part of a challenge to the City Council's Process IV action. In order to comply with the requirements of SEPA and the GMA for coordination of hearings, any appeal of the SEPA threshold determination herein will be considered by the Growth Management Hearings Board along with an appeal of the City Council's action.

Development Services Department
Environmental Coordinator
450 110th Avenue NE
Bellevue, WA 98009-9012

DATE ISSUED: 10/14/2026

MINIMUM COMMENT DATE: 10/28/2026

This DNS may be withdrawn at any time if the proposal is modified so as to have significant adverse environmental impacts; if there is significant new information indicating a proposal's probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project) or if the DNS was procured by misrepresentation or lack of material disclosure.

Issued By: Reilly Pittman **Date:** October 14, 2026
Reilly Pittman, Environmental Coordinator
Development Services Department

SEPA Environmental Checklist and Supplemental Sheet for Non-Project Actions

A. Background

1. Name of proposal, if applicable:

   BelRed Look Forward Land Use Code Amendment (LUCA)

2. Name of proponent:

   City of Bellevue

3. Address and phone number of proponent and contact person:

   Charlie Engel, Senior Planner, 425-452-6164
   Development Services Department
   450 110th Avenue NE
   Bellevue, WA 98004

4. Date checklist prepared:

   July 30, 2026

5. Agency requesting checklist:

   City of Bellevue

This Land Use Code Amendment (LUCA) proposes substantive amendments to Part 20.25D LUC (BelRed) and associated changes to Land Use Code for alignment. The draft BelRed Look Forward LUCA will involve a rewrite of existing code (Part 20.25D of the Land Use Code) and is designed to align with a new structure and framework now being used for Bellevue's mixed-use districts. This new framework builds on many of the dimensional standards, review processes, and land use allowances established through the Wilburton Vision Implementation LUCA (Part 20.25R of the Land Use Code). Under this approach, a new Part 20.25B of the Land Use Code will establish shared regulations that apply to mixed-use districts across the city, including Wilburton and BelRed. Separate overlay sections will address district-specific differences: Part 20.25C for Wilburton and Part 20.25D for BelRed. -glh

6. Proposed timing or schedule (including phasing, if applicable):

   The Planning Commission is anticipated to hold a public hearing on the LUCA in late 2026. City Council adoption of the LUCA is anticipated to occur in the first quarter of 2027.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

   No. New comprehensive plan policies were adopted in the BelRed Look Forward Comprehensive Plan Amendment in October 2024 and this LUCA updates how development is regulated in the BelRed area to reflect these policies and aligns with the new structure and framework used for Bellevue's mixed-use districts.

Reviewed by Genesis Hill 9-10-2026

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

   To inform the Environmental Coordinator's threshold review of this proposal, the applicant anticipates that the Environmental Coordinator could rely upon and incorporate the environmental analysis in the 2024-2044 Comprehensive Plan Periodic Update and Wilburton Vision Implementation Draft and Final Environmental Impact Statements ("DEIS" and "FEIS") published on February 1, 2024 (2024 CPPU/WVI DEIS and FEIS) in addition to this non-project Environmental Checklist for the proposal.

   In addition, the applicant anticipates that the Environmental Coordinator could also rely upon and incorporate the following:

   - *The existing conditions and preferred alternatives analyzed in the 2006 Critical Areas Update DEIS and FEIS published, respectively, on June 15, 2005, and on May 9, 2006 (2006 CAO DEIS and FEIS). The analysis contained in the 2006 CAO DEIS and FEIS generally remains applicable to critical areas located within the BelRed Subarea.*
   - *The Best Available Science (BAS) Review document published on May 2, 2025 (2025 BAS Review). This document provided the BAS basis for the Critical Areas Ordinance Update adopted on December 9, 2025 by the City Council.*
   - *The Determination of Non-Significance issued on June 6, 2024, for the BelRed Look Forward Comprehensive Plan Amendment (CPA) and the associated Non-Project Environmental Checklist that was prepared on January 26, 2024. The BelRed Look Forward LUCA implements the BelRed Look Forward CPA and provides for a pattern of development in BelRed that is consistent with the policies contained in the BelRed Look Forward CPA.*

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

   This LUCA proposes to amend the development regulations governing the following land use districts: UC, MU-H, MUR-H, MUO-H, MUM-H, MU-M, MUR-M, MUM-M, MUR-L, BR-MO, BR-MO-1, BR-OR, BR-OR-1, BR-OR-2, BR-RC-1, BR-RC-2, BR-RC-3, BR-CR, BR-R, BR-GC, and BR-ORT.

   While there may be project permit applications currently under review for development located in one or more of these land use districts, LUC 20.40.500, pre-existing development agreements, and related state vested rights law will govern whether such project permit applications are affected by this LUCA.

10. List any government approvals or permits that will be needed for your proposal, if known.

    City Council approval of the LUCA

11. Give a brief, complete description of your proposal, including the proposed uses and the size of the proposal and affected geographic area. There are several questions later in

Reviewed by Genesis Hill 9-10-2026

this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.

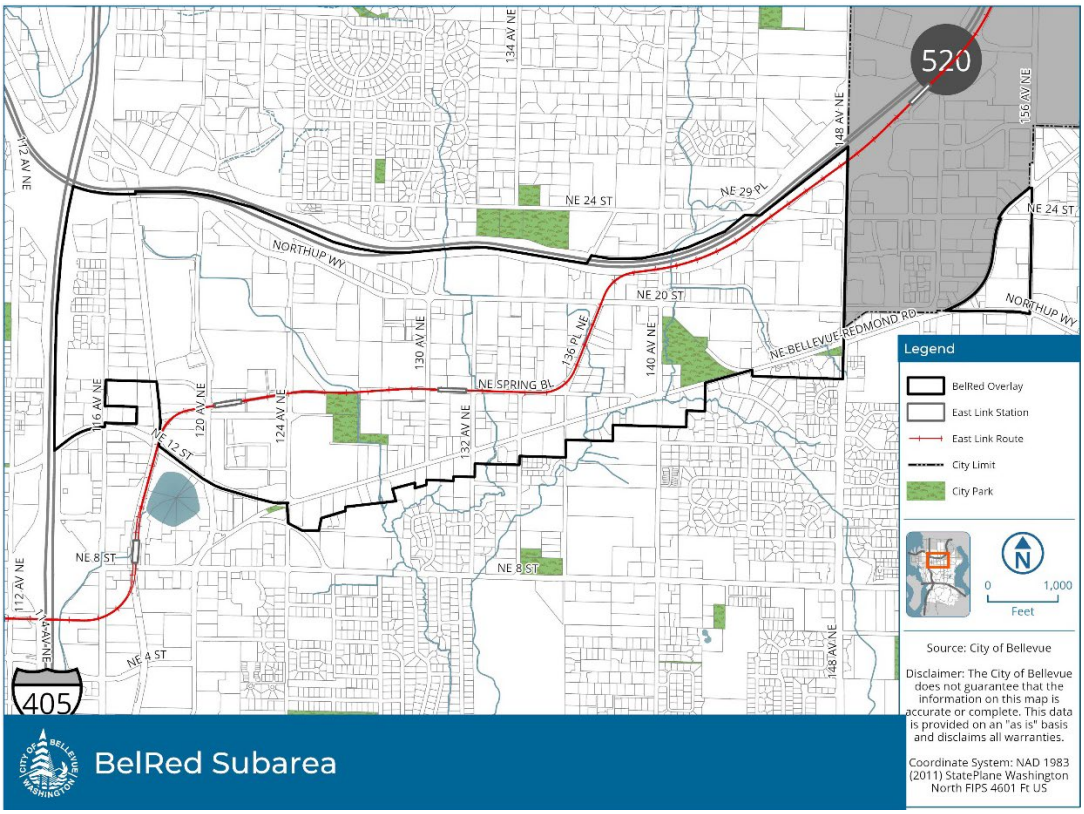
The current Part 20.25D of the Land Use Code (LUC) governs development in the BelRed subarea and contains development regulations that were adopted to implement the previous comprehensive plan in 2009. This LUCA proposes substantive amendments to Part 20.25D LUC. Substantive changes with this LUCA are limited to the established geographic area defining the BelRed subarea. In 2024, comprehensive plan land use map changes were adopted throughout BelRed to enable greater height and density, especially near light rail stations, which will also be addressed in the LUCA through rezones. These changes also include the expansion of medical-related uses along the 116th Ave NE corridor with the designation of high-rise mixed-use and mid-rise medical mixed-use. They also reduce the area reserved for low density general commercial uses, expanding opportunities for higher density transit-oriented mixed-use development.

As such, major adjustments are necessary to implement newly adopted comprehensive plan policies and address opportunities to bring the code up to date with other recently adopted subarea code amendments and city initiatives. The BelRed Look Forward LUCA will incorporate portions of the Wilburton Vision Implementation LUCA (adopted on June 17, 2025) that have been developed through substantial stakeholder and Planning Commission involvement to create consistency between the neighboring transit-oriented development districts and utilize vetted land use, transportation, and development strategies. However, BelRed is envisioned as a unique district with its own opportunities, challenges, and user experiences. Notably, BelRed features several fish-bearing streams which have been impacted by historic light industrial and commercial development. The established code includes incentives and regulations to support stream daylighting and restoration, but they have not offered adequate incentives to offset the high cost of improvements. The LUCA increases incentives for stream daylighting and restoration and introduces new flexibility for development implementing significant daylighting and restoration projects.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposal, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

    As shown in the map below, the BelRed Subarea is located south of State Route 520, east of Interstate 405, west of 156th Ave NE and north of Bel-Red Road and NE 12th Street except for parcels between 148th Ave NE and 152nd Ave NE. It also includes parcels south of Bel Red Road between 124th Ave NE and 148th Ave NE except for parcels along 143rd Ave NE and NE 16th Place.

Reviewed by Genesis Hill 9-10-2026



This LUCA proposes to amend the development regulations governing the following land use districts: UC, MU-H, MUR-H, MUO-H, MUM-H, MU-M, MUR-M, MUM-M, MUR-L, BR-MO, BR-MO-1, BR-OR, BR-OR-1, BR-OR-2, BR-RC-1, BR-RC-2, BR-RC-3, BR-CR, BR-R, BR-GC, and BR-ORT.

As part of this LUCA, several lots will be rezoned as follows:

- *Lots currently zoned BR-MO will be rezoned to either MUM-H (Mixed-Use Medical Highrise) or MUM-M (Mixed-Use Medical Midrise).*
- *Lots currently zoned BR-OR will be rezoned to either MUO-H (Mixed-Use Office Highrise), MUR-H (Mixed-Use Residential Highrise), or MUR-L (Mixed-Use Residential Lowrise).*
- *Lots currently zoned BR-OR-1 will be rezoned to either MUO-H (Mixed-Use Office Highrise) or MUR-H (Mixed-Use Residential Highrise).*
- *Lots currently zoned BR-OR-2 will be rezoned to either MUO-H (Mixed-Use Office Highrise) or MUR-H (Mixed-Use Residential Highrise).*
- *Lots currently zoned BR-RC-1 will be rezoned to MUR-H (Mixed-Use Residential Highrise).*
- *Lots currently zoned BR-RC-2 will be rezoned to MUR-H (Mixed-Use Residential Highrise).*
- *Lots currently zoned BR-RC-3 will be rezoned to MUR-H (Mixed-Use Residential Highrise).*
- *Lots currently zoned BR-CR will be rezoned to either MU-M (Mixed-Use Midrise), MUR-H (Mixed-Use Residential Highrise), or MUO-H (Mixed-Use Office Highrise).*

Reviewed by Genesis Hill 9-10-2026

- *Lots currently zoned BR-R will be rezoned to either MUR-H (Mixed-Use Residential Highrise), MUO-H (Mixed-Use Office Highrise), or MUR-L (Mixed-Use Residential Lowrise).*
- *Lots currently zoned BR-ORT will be rezoned to either MUR-L (Mixed-Use Residential Lowrise) or MUR-M (Mixed-Use Residential Midrise).*
- *Lots currently zoned BR-GC will be rezoned if the current zoning is not consistent with the adopted future land use map*

B. Environmental Elements

No discussion of the individual Environmental Elements is required for GMA actions per WAC 197-11-235(3)(b).

However, this proposal will not result in any probable significant adverse environmental impacts that were not already identified, discussed, and analyzed in the 2024 CPPU/WVI DEIS and FEIS. Any potential environmental impacts, including any cumulative impacts, associated with this non-project action, when combined with the full build-out analyzed across the City in connection with Periodic Update, are fully disclosed and analyzed in the 2024 CPPU/WVI DEIS and EIS, the environmental documents incorporated in Subsection A.8 above, and this Checklist.

Under RCW 36.70A.070(2) and RCW 43.21C.495(4), this proposal may not be subject to administrative or judicial appeal under Chapter 43.21C RCW. An analysis supporting application of RCW 36.70A.070(2) and RCW 43.21C.495(4) is included below in the supplemental sheet for nonproject actions.

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Charlie Engel

Name of signee: Charlie Engel
Position and Agency/Organization: *Senior Planner, Development Services Department*
Date Submitted: August 25, 2026

D. Supplemental Sheet For Nonproject Actions

Pursuant to WAC 197-11-235(3)(b), Part D is combined with an environmental summary as specified in WAC 197-11-235(5) and WAC 197-11-440(4).

ENVIRONMENTAL SUMMARY

Proposal's objectives:

The Primary objective of the LUCA focuses on updating BelRed development regulations to

Reviewed by Genesis Hill 9-10-2026

reflect recently adopted Comprehensive Plan Policies and align with the new structure and framework that is used for Bellevue's mixed-use districts.

The purpose and need to which the proposal is responding:

The City adopted an updated comprehensive plan in the fall of 2024. The Comprehensive Plan sets a goal of 35,000 new housing units and 75,000 new jobs by 2044 and emphasizes the creation of new housing opportunities throughout the City, increasing walkability and multimodal transportation option, and creating vibrant neighborhood centers. Additionally, the city adopted a Comprehensive Plan Amendment in October 2024 to update the BelRed Subarea Plan to reflect new conditions, strengthen implementation, and increase capacity for housing and job growth.

State the significant areas of controversy and uncertainty and issues to be resolved, including the environmental choices to be made among alternative courses of action:

- How much capacity for residential and non-residential development should be added within the BelRed Subarea?
- How to increase housing affordability?
- How to mitigate displacement, both for residents and for existing small businesses?
- What are adequate incentives to encourage daylighting and restoring streams on sites fully developed decades ago in patterns that are now known to be detrimental to stream health, while ensuring that development will proceed (If development does not proceed, stream restoration is unlikely to occur in these circumstances)?

State the major conclusions:

1. This Proposal Increases both Residential (Housing) and Nonresidential (Jobs) Capacity in the BelRed Subarea.

The 2024 CPPU/WVI DEIS and FEIS analyzed five action alternatives, all of which would add capacity for job and housing growth in the BelRed Subarea, as shown in the following table:

BelRed Study Area Capacity for Growth 2019 to Buildout

	Nonresidential square feet	% of City	Housing units	% of City
No Action	3,000,000	8%	11,500	28%
Alt 1	7,900,000	14%	16,100	27%
Alt 2	9,700,000	17%	16,100	21%
Alt 3	12,200,000	18%	25,100	27%
Pref Alt	12,100,000	20%	24,800	16%

The increase to housing and job capacity proposed through this LUCA is anticipated to fall within the growth analyzed through both Alternative 3 and the Preferred Alternative in the

Reviewed by Genesis Hill 9-10-2026

2024 CPPU/WVI DEIS and FEIS. As such, when compared to the no action alternative, this proposal will increase housing capacity in the BelRed Subarea by approximately 13,600 housing units and job capacity by approximately 9,000,000 square feet of nonresidential space.

2. This Proposal Increases Housing Affordability.

First, the proposed LUCA would apply the City's Mandatory Affordable Housing Program, LUC 20.15.110, to the BelRed Subarea. This means that development consisting of ten or more dwelling units, or more than 4,000 square feet of gross floor area, would need to provide affordable housing, a fee in-lieu to be used to fund affordable housing, or a donation of land to support the development of affordable housing. Following adoption of the proposed LUCA, it is anticipated that most new development in the BelRed Subarea will be required to comply with the City's Mandatory Affordable Housing Program.

Second, the proposed LUCA includes an amenity incentive system through which additional floor area ratio (FAR) can be earned if the developer provides certain amenities or provides a fee in-lieu. The amenity incentive system is designed to prioritize certain amenities, including affordable housing, and provides higher bonuses for deeper affordability.

Third, the proposed LUCA includes a density bonus for affordable housing constructed on real property currently owned by Sound Transit in the BR-GC land use district. This bonus will allow the property to be redeveloped to include a great amount of affordable housing than would otherwise be allowed, consistent with Sound Transit policies concerning the use of surplus property for affordable housing.

Fourth, the proposed LUCA provides an exemption from FAR calculations for square feet of gross floor area reserved for affordable housing. This exemption rewards developers for providing onsite affordable housing by providing additional density by right.

Fifth, the increased capacity for residential development, described above, will have a positive impact on housing affordability. Research suggests that the development of new market-rate housing has a positive effect on housing affordability. *See*, *e.g.,* Evan Mast, *The Effect of New Market-Rate Housing Construction on the Low-Income Housing Market*, 133 Journal of Urban Economics (2019).

Finally, the proposed LUCA incorporates flexibility from certain dimensional standards for affordable housing, reducing the costs of construction. The flexibility includes waivers of otherwise required façade modulation.

3. This Proposal Mitigates Displacement.

The BelRed Subarea is an area in transition. Historically, the subarea almost exclusively contained commercial or light industrial uses. While residential uses currently exist in BelRed, most are contained in recently constructed buildings. Therefore, the risk of displacing residents is low, while the risk of displacing existing small businesses is greater.

Reviewed by Genesis Hill 9-10-2026

Under the proposal, the potential displacement of existing residents will be mitigated through the increases to affordable housing described above, the increases to housing capacity described above, as well as City-funded investments in affordable housing to be located within the BelRed Subarea. Specifically, the City is partnering with BRIDGE Housing to develop affordable housing and a community arts space on City-owned property located within the BelRed Subarea. Additionally, the City is similarly partnering with Bellwether Housing to develop affordable housing adjacent to the BelRed Subarea.

Under the proposal, the potential displacement of existing small businesses will be mitigated in two main ways:

First, the proposed LUCA will apply LUC 20.20.561 to nonconforming uses, structures, and sites located within the BelRed Subarea. LUC 20.20.561 is based off of the current nonconforming code (LUC 20.25D.060), and allows existing uses, structures, and sites to remain unchanged until such time that they are altered. When an alteration is proposed, LUC 20.20.561 limits the investment required by the owner of the use, structure, or site, reducing the upfront costs required to continue to operate an existing use, structure, or site and providing a longer period of time in which to make the necessary investments to bring the use, structure, or site into conformance with the code.

Second, the proposed LUCA includes an amenity incentive system through which additional floor area ratio (FAR) can be earned if the developer provides certain amenities or provides a fee in-lieu. The amenity incentive system is designed to prioritize certain amenities, including affordable commercial space. The availability of affordable commercial space will provide opportunities for existing small businesses to remain as development occurs in the subarea.

4. Part 20.25H LUC Continues to Regulate Development Within Critical Areas.

The proposed LUCA includes incentives to encourage daylighting and restoring streams on sites fully developed decades ago in patterns that are now known to be detrimental to stream health. These incentives will take the form of additional development flexibility to offset the costs of the daylighting and restoration work. However, actual development within critical areas will continue to be governed by Part 20.25H LUC. This LUCA may include amendments to Part 20.25H LUC to clarify ambiguous terms, correct known errors, or to correct cross-references as may be needed.

As discussed in more detail below, the proposed LUCA has no probable significant adverse impact on fish habitat.

Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

This LUCA is anticipated to fall within the growth analyzed through both Alternative 3 and the Preferred Alternative in the *2024 CPPU/WVI DEIS and FEIS.*

Reviewed by Genesis Hill 9-10-2026

The 2024 CPPU/WVI DEIS and FEIS identified, discussed, and analyzed relationships to local, state, or federal laws, requirements for the protection of the environment, and discussed avoidance, minimization, and mitigation measures. *See, e.g.,* Chapter 4 of the FEIS and Chapter 4 of the DEIS. That analysis and discussion are incorporated into this checklist by this reference.

The proposed LUCA is consistent with the City's Critical Areas Ordinance (Part 20.25H LUC). No portion of the BelRed Subarea is included within the Shoreline Jurisdiction; Therefore, Part 20.25E LUC is not applicable. The proposed LUCA does not modify any other local requirements for the protection of the environment, which shall apply as normal to development and activity within the BelRed Subara. These local requirements include, but are not limited to: Chapter 9.18 BCC (Noise Control), Chapter 9.11 BCC (Anti-Litter Code), Chapter 24.02 BCC (Water Utility Code), Chapter 24.04 BCC (Sewer Utility Code), and Chapter 24.06 BCC (Storm and Surface Water Utility Code).

For each of the following, describe the impacts of the proposal, including any significant adverse impacts that cannot be mitigated, as well as any proposed mitigation measures and their effectiveness:

1. **Water Quality:**

A. Impacts:

This LUCA is anticipated to fall within the growth analyzed through both Alternative 3 and the Preferred Alternative in the *2024 CPPU/WVI DEIS and FEIS.*

The 2024 CPPU/WVI DEIS and FEIS identified, discussed, and analyzed impacts on water quality and concluded that no potentially significant unavoidable adverse impacts could be expected. See e.g., page 1-20, Chapter 10, and Chapter 12 of the FEIS and page 1-30, Chapter 10, Chapter 12, Appendix E, and Appendix F of the DEIS. Those impacts, discussion, and analysis are incorporated into this checklist by this reference.

The areas affected by this LUCA are currently characterized by extensive hard surface coverage. This LUCA will increase the development capacity in these areas, new development will need to comply with the City's Critical Area Ordinance, Part 20.25H LUC, as well as the City's stormwater regulations, Chapter 24.06 BCC. This will likely result in a positive impact to the discharge to water, as current regulations are likely to be more stringent with respect to water quality and environmental protections than the regulations that were in place when existing development was constructed.

Any potential environmental impacts relating to water quality or discharges to water, including any cumulative impacts, associated with this non-project action, when combined with the full build-out analyzed across the City in connection with Periodic Update, are fully disclosed and analyzed in the 2024 CPPU/WVI DEIS and FEIS or in this Checklist.

B. Proposed Mitigation Measures and their Effectiveness

Reviewed by Genesis Hill 9-10-2026

The 2024 CPPU/WVI DEIS and FEIS identified, discussed, and evaluated mitigation measures to the identified impacts to water. See e.g., page 1-20, Chapter 10, and Chapter 12 of the FEIS and page 1-30, Chapter 10, Chapter 12, Appendix E, and Appendix F of the DEIS. Those mitigation measures, and the discussion and evaluation of their effectiveness, are incorporated into this checklist by this reference.

Any discharge to water, whether a stream or wetland, would be regulated by Part 20.25H LUC to ensure clean water that enters the waterway or wetland at appropriate velocities, including limits to certain uses within certain distances of WHPAs.

2. Emissions to Air:

A. Impacts:

This LUCA is anticipated to fall within the growth analyzed through both Alternative 3 and the Preferred Alternative in the *2024 CPPU/WVI DEIS and FEIS.*

The 2024 CPPU/WVI DEIS and FEIS identified, discussed, and analyzed impacts on air quality, including potentially significant unavoidable adverse impacts on air quality. See e.g., page 1-19 and Chapter 8 of the FEIS and page 1-17, Chapter 8, and Appendix J of the DEIS. Those impacts, discussion, and analysis are incorporated into this checklist by this reference.

The LUCA will increase the development capacity in BelRed. When such development is encouraged, the volume of construction could increase, which could result in emissions to air during construction. However, it is not anticipated that this would vary from emissions caused by construction activities today. The proposed LUCA also increases residential density in an area bordered by two highways: SR 520 and I-405.

Any potential environmental impacts relating to emissions to air, including any cumulative impacts, associated with this non-project action, when combined with the full build-out analyzed across the City in connection with Periodic Update, are fully disclosed and analyzed in the 2024 CPPU/WVI DEIS and FEIS or in this Checklist.

B. Proposed Mitigation Measures and their Effectiveness

The 2024 CPPU/WVI DEIS and FEIS identified, discussed, and evaluated mitigation measures to the identified impacts to air quality, including the potentially significant unavoidable adverse impacts on air quality. See e.g., page 1-19 and Chapter 8 of the FEIS and page 1-17, Chapter 8, and Appendix J of the DEIS. Those mitigation measures, and the discussion and evaluation of their effectiveness, are incorporated into this checklist by this reference.

In addition, proposed LUC 20.25B.030, site organization and public realm, will require landscaping and green and sustainability factor in all mixed-use land use districts. All new development is required to provide a combination of landscape elements to meet a

Reviewed by Genesis Hill 9-10-2026

minimum green and sustainability factor score which encourages the preservation and enhancement of natural habitats and local ecology which can mitigate emissions to air. The proposed LUCA and associated rezones also focuses the most residential density in areas away from sources of air pollution, such as SR 520 and I-405, consistent with the City's Comprehensive Plan. For development adjoining SR 520 or I-405, 20-foot landscaped buffers are also required to provide further separation from air pollution generated from these highways as well as to provide trees and vegetation to provide both separation and to help improve and mitigate air quality. The proposed LUCA will facilitate transit-oriented development around the light rail and bus rapid transit stations located within the BelRed Subarea. By doing so, vehicle miles traveled are anticipated to be mitigated as individuals traveling to or from the area will be access to mass transit. In addition, the proposed LUCA will facilitate the development of the BelRed Subarea as a more walkable community, as discussed in more detail below. Collectively, these mitigation measures are likely to be effective in mitigating any potential impacts to, or from, air quality from the Proposed LUCA.

3. Production, Storage, or Release of Toxic or Hazardous Substances:

A. Impacts:

This LUCA is anticipated to fall within the growth analyzed through both Alternative 3 and the Preferred Alternative in the *2024 CPPU/WVI DEIS and FEIS.*

The 2024 CPPU/WVI DEIS and FEIS identified, discussed, and analyzed the release of air toxics, including potentially significant unavoidable adverse impacts on air quality. See e.g., page 1-19 and Chapter 8 of the FEIS and page 1-17, Chapter 8, and Appendix J of the DEIS. Those impacts, discussion, and analysis are incorporated into this checklist by this reference.

The production, storage, or release of toxic or hazardous substances generally occurs in conjunction with industrial and medical uses. The 2024 CPPU/WVI DEIS and FEIS identified, discussed, and analyzed impacts to population and employment and identified that industrial uses will not increase, and will instead generally decrease, within the 20-year planning horizon, meaning that there is the potential for a beneficial impact in the slow phase-out of industrial uses that may involve the production, storage, or release of toxic or hazardous substances. See e.g., Chapter 5 of the FEIS and Chapter 5 of the DEIS. While the 2024 CPPU/WVI DEIS and FEIS projects that medical uses will grow within the 20-year planning horizon, application of existing federal, state, and local laws govern the production, storage, or release of toxic or hazardous substances will likely mitigate any impacts that will occur.

No impacts related to the production, storage, or release of toxic or hazardous substances are expected beyond what is typically anticipated during construction activities associated with new development projects. No changes are proposed with respect to land uses related to the production, storage, or release of toxic or hazardous substances.

B. Proposed Mitigation Measures and their Effectiveness

Reviewed by Genesis Hill 9-10-2026

The 2024 CPPU/WVI DEIS and FEIS identified, discussed, and evaluated mitigation measures to the identified impacts to air quality, including the potentially significant unavoidable adverse impacts on air quality. See e.g., page 1-19 and Chapter 8 of the FEIS and page 1-17, Chapter 8, and Appendix J of the DEIS. Those mitigation measures, and the discussion and evaluation of their effectiveness, are incorporated into this checklist by this reference.

Application of existing federal, state, and local laws that govern the production, storage, or release of toxic or hazardous substances will likely mitigate any impacts that will occur. Federal, state, and local laws that govern the production, storage, or release of toxic or hazardous substances include:

- Federal Clean Water Act
- Federal Stormwater Regulations
- Federal Clean Air Act
- Federal National Ambient Air Quality Standards (NAAQS)
- Washington State Model Toxics Control Act (MTCA)
- City of Bellevue Land Use Code
- City of Bellevue Stormwater Regulations

Any potential production, storage, or release of toxic or hazardous substances that might occur during construction activities would be mitigated as it is today.

4. Production of Noise:

A. Impacts:

This LUCA is anticipated to fall within the growth analyzed through both Alternative 3 and the Preferred Alternative in the 2024 CPPU/WVI DEIS and FEIS.

The 2024 CPPU/WVI DEIS and FEIS identified, discussed, and analyzed impacts on noise. See e.g., page 1-20 and Chapter 9 of the FEIS and page 1-29, Chapter 9, and Appendix H of the DEIS. Those impacts, discussion, and analysis are incorporated into this checklist by this reference.

This LUCA would not contribute to the additional production of noise beyond typical noise that occurs during construction activities associated with new development projects.

Any potential environmental impacts relating to noise, including any cumulative impacts, associated with this non-project action, when combined with the full build-out analyzed across the City in connection with Periodic Update, are fully disclosed and analyzed in the 2024 CPPU/WVI DEIS and FEIS or in this Checklist.

B. Proposed Mitigation Measures and their Effectiveness

Reviewed by Genesis Hill 9-10-2026

The 2024 CPPU/WVI DEIS and FEIS identified, discussed, and evaluated mitigation measures to the identified impacts to noise. See e.g., page 1-20 and Chapter 9 of the FEIS and page 1-29, Chapter 9, and Appendix H of the DEIS. Those mitigation measures, and the discussion and evaluation of their effectiveness, are incorporated into this checklist by this reference.

Noise associated with construction projects is regulated by Chapter 9.18 of the Bellevue City Code (BCC).

This LUCA will also facilitate the development and use of a multimodal transportation system, linking its connection to the Line 2 Link Light Rail with a system of streets, sidewalks, and trails that create a pedestrian-friendly and walkable character for the neighborhood. As residents of, and visitors to, are given alternatives to vehicular transportation, it is reasonable to anticipate that the LUCA will reduce noise in the neighborhood by decreasing vehicular travel and increasing other quieter forms of transportation.

5. Plants, Animals, Fish, or Marine Life

A. Impacts:

This LUCA is anticipated to fall within the growth analyzed through both Alternative 3 and the Preferred Alternative in the 2024 CPPU/WVI DEIS and FEIS.

The 2024 CPPU/WVI DEIS and FEIS identified, discussed, and analyzed impacts on plants, animals, fish, or marine life. See e.g., page 15-6 and N-17 of the FEIS and page 1-15 and Appendix E of the DEIS. Those impacts, discussion, and analysis are incorporated into this checklist by this reference.

The areas affected by this LUCA are currently characterized by extensive hard surface coverage and urban growth. This LUCA will increase the development capacity in these areas, and new development will need to comply with the City's applicable environmental regulations, including Part 20.25H LUC, Chapter 24.06 BCC, LUC 20.25B.030.B, and LUC 20.25B.030.C. Bonuses are available for new development for projects which help restore riparian corridors including removal of fish passage barriers, daylighting piped stream segments, restoration of natural streamside vegetation, enhanced fish and wildlife habitat, and proving compensatory storage capacity for flooding. Collectively, application of these environmental regulations and bonuses to redevelopment under the LUCA will have a positive impact on plants, animals, fish, or marine life as current environmental regulations are likely more protective than those that were in place when existing development was constructed.

Any potential environmental impacts relating to plants, animals, fish or marine life, including any cumulative impacts, associated with this non-project action, when combined with the full build-out analyzed across the City in connection with Periodic Update, are fully disclosed and analyzed in the 2024 CPPU/WVI DEIS and FEIS or in

Reviewed by Genesis Hill 9-10-2026

this Checklist.

B. Proposed Mitigation Measures and their Effectiveness

The 2024 CPPU/WVI DEIS and FEIS identified, discussed, and evaluated mitigation measures to the identified impacts to plants, animals, fish, or marine life. See e.g., page 15-6 and N-17 of the FEIS and page 1-15 and Appendix E of the DEIS. Those mitigation measures, and the discussion and evaluation of their effectiveness, are incorporated into this checklist by this reference.

Redevelopment under the LUCA will need to comply with the City's applicable environmental regulations including Part 20.25H, Chapter 24.06 BCC, LUC 20.25B.030.B, and LUC 20.25B.030.C.

6. Energy and Natural Resources.

A. Impacts:

This LUCA is anticipated to fall within the growth analyzed through both Alternative 3 and the Preferred Alternative in the 2024 CPPU/WVI DEIS and FEIS.

The 2024 CPPU/WVI DEIS and FEIS identified, discussed, and analyzed impacts on energy and natural resources. See e.g., page 1-20 and Chapter 10 of the FEIS and page 1-30, Chapter 10, and Appendix G of the DEIS. Those impacts, discussion, and analysis are incorporated into this checklist by this reference.

This LUCA is not anticipated to deplete energy or natural resources. The areas affected by this LUCA are currently characterized by extensive hard surface coverage and therefore have little to no natural resources present. While redevelopment under the LUCA will require energy to be constructed and, once constructed, to function, such energy use is not anticipated to deplete energy resources as the redevelopment will be subject to the applicable Washington State Building Code, which requires greater energy efficiency than what was required when the existing buildings were constructed.

Any potential environmental impacts relating to energy and natural resources, including any cumulative impacts, associated with this non-project action, when combined with the full build-out analyzed across the City in connection with Periodic Update, are fully disclosed and analyzed in the 2024 CPPU/WVI DEIS and FEIS or in this Checklist.

B. Proposed Mitigation Measures and their Effectiveness

The 2024 CPPU/WVI DEIS and FEIS identified, discussed, and evaluated mitigation measures to the identified impacts to energy and natural resources. See, e.g., page 1-20 and Chapter 10 of the FEIS and page 1-30, Chapter 10, and Appendix G of the DEIS. Those mitigation measures, and the discussion and evaluation of their effectiveness, are incorporated into this checklist by this reference.

Reviewed by Genesis Hill 9-10-2026

Redevelopment under the LUCA will need to comply with the then-applicable Washington State Building Code.

7. Environmentally Sensitive Areas or Areas Designated (or Eligible for Designation) for Governmental Protection, Including Parks, Wilderness, Wild and Scenic Rivers, Threatened or Endangered Species Habitat, Historic or Cultural Sites, Wetlands, Floodplains, or Prime Farmlands.

A. Impacts:

This LUCA is anticipated to fall within the growth analyzed through both Alternative 3 and the Preferred Alternative in the 2024 CPPU/WVI DEIS and FEIS.

The 2024 CPPU/WVI DEIS and FEIS identified, discussed, and analyzed impacts on environmentally sensitive areas and areas designated (or eligible for designation) for governmental protection. See e.g., pages 1-15, 1-16, 1-20, and 1-21, Chapter 3, Chapter 4, Chapter 10, Appendix M, and Appendix O of the FEIS and pages 1-19, 1-20, 1-21, 1-22, 1-30, and 1-31, Chapter 3, Chapter 4, Chapter 10, Appendix D, Appendix E, and Appendix F of the DEIS. Those impacts, discussion, and analysis are incorporated into this checklist by this reference.

The areas affected by this LUCA are currently characterized by extensive hard surface coverage and urban growth. This LUCA will increase the development capacity in these areas, and new development will need to comply with the City's applicable environmental regulations, including Part 20.25H LUC, Chapter 24.06 BCC, LUC 20.25B.030.B, and LUC 20.25B.030.C. Bonuses are available for new development in LUC 20.25D.050.C.5 for projects which help restore riparian corridors including removal of fish passage barriers, daylighting piped stream segments, restoration of natural streamside vegetation, enhanced fish and wildlife habitat, and proving compensatory storage capacity for flooding. Collectively, application of these environmental regulations and bonuses to redevelopment under the LUCA will have a positive impact on environmentally sensitive areas, areas designated for governmental protection, parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, flood plains, and prime farmland as current environmental regulations are likely more protective than those that were in place when existing development was constructed.

Any potential environmental impacts relating to environmentally sensitive areas and areas designated (or eligible for designation) for governmental protection, including any cumulative impacts, associated with this non-project action, when combined with the full build-out analyzed across the City in connection with Periodic Update, are fully disclosed and analyzed in the 2024 CPPU/WVI DEIS and FEIS or in this Checklist.

B. Proposed Mitigation Measures and their Effectiveness

The 2024 CPPU/WVI DEIS and FEIS identified, discussed, and evaluated mitigation measures to the identified impacts to environmentally sensitive areas and areas

Reviewed by Genesis Hill 9-10-2026

designated (or eligible for designation) for governmental protection. See e.g., pages 1-15, 1-16, 1-20, and 1-21, Chapter 3, Chapter 4, Chapter 10, Appendix M, and Appendix O of the FEIS and pages 1-19, 1-20, 1-21, 1-22, 1-30, and 1-31, Chapter 3, Chapter 4, Chapter 10, Appendix D, Appendix E, and Appendix F of the DEIS. Those mitigation measures, and the discussion and evaluation of their effectiveness, are incorporated into this checklist by this reference.

Redevelopment under the LUCA will need to comply with the City's applicable environmental regulations, including Part 20.25H, Chapter 24.06 BCC, LUC 20.25B.030.B, and LUC 20.25B.030.C.

8. Land or Shoreline Use, Including Whether it Would Allow or Encourage Land or shorelines Uses Incompatible with Existing Plans:

A. Impacts: Stormwater and Utilities.

This LUCA is anticipated to fall within the growth analyzed through both Alternative 3 and the Preferred Alternative in the *2024 CPPU/WVI DEIS and FEIS.*

The 2024 CPPU/WVI DEIS and FEIS identified, discussed, and analyzed impacts on land or shoreline use. See e.g., page 1-15, Chapter 3, Appendix Q, and Appendix R of the FEIS and page 1-19, Chapter 3, Appendix B, Appendix F, Appendix G, Appendix H, and Appendix J of the DEIS. Those impacts, discussion, and analysis are incorporated into this checklist by this reference.

No area affected by this LUCA is within the shoreline jurisdiction. No changes to the City's Shoreline Master Program and Shoreline Overlay regulations (Part 20.25E LUC) are proposed as a part of this LUCA. The same Shoreline Overlay regulations would continue to apply citywide. For these reasons, no impacts to shoreline uses are anticipated.

Any potential environmental impacts relating to land or shoreline use, including any cumulative impacts, associated with this non-project action, when combined with the full build-out analyzed across the City in connection with Periodic Update, are fully disclosed and analyzed in the 2024 CPPU/WVI DEIS and FEIS or in this Checklist.

B. Proposed Mitigation Measures and their Effectiveness

The 2024 CPPU/WVI DEIS and FEIS identified, discussed, and evaluated mitigation measures to the identified impacts to land or shoreline use. page 1-15, Chapter 3, Appendix Q, and Appendix R of the FEIS and page 1-19, Chapter 3, Appendix B, Appendix F, Appendix G, Appendix H, and Appendix J of the DEIS. Those mitigation measures, and the discussion and evaluation of their effectiveness, are incorporated into this checklist by this reference.

No impacts to shoreline uses are anticipated, as there is no area affected by this LUCA within the shoreline jurisdiction, and there are no changes to the City's shoreline master

Reviewed by Genesis Hill 9-10-2026

program or to Part 20.25E LUC proposed as part of this LUCA.

9. Transportation, Including Sidewalks, Transit Network, Bicycle Network, Travel Times, Safety, and Parking.

A. Impacts:

This LUCA is anticipated to fall within the growth analyzed through both Alternative 3 and the Preferred Alternative in the *2024 CPPU/WVI DEIS and FEIS.*

The 2024 CPPU/WVI DEIS and FEIS identified, discussed, and analyzed impacts on transportation. See e.g., page 1-21, Chapter 11, Appendix C, and Appendix K of the FEIS and page 1-30, Chapter 11, and Appendix C of the DEIS. Those impacts, discussion, and analysis are incorporated into this checklist by this reference.

The LUCA includes location specific standards for when new development is required to provide new publicly-dedicated streets in LUC 20.25D.020.B.1. The BelRed street Network requirements will likely have a positive impact on transportation, sidewalks, transit network, bicycle network, travel times, safety, and parking by introducing a public and private right-of-way system that improves mobility and increases access for local vehicular traffic and active transportation throughout the BelRed Subarea.

Any potential environmental impacts relating to transportation, including any cumulative impacts, associated with this non-project action, when combined with the full build-out analyzed across the City in connection with Periodic Update, are fully disclosed and analyzed in the 2024 CPPU/WVI DEIS and FEIS or in this Checklist.

It is not anticipated that this non-project proposal will result in unmitigated, significant adverse transportation-related impacts. While it is possible that this non-project action could combine with cumulative City growth over the 20-year planning horizon to impact the City's Transportation system, any cumulative Transportation impacts under a full build-out scenario have been disclosed, analyzed, and evaluated in the 2024 CPPU/WVI DEIS and FEIS or in this Checklist.

For example, increased growth throughout the City could result in increased vehicle miles traveled, increased travel time, intersection impacts, primary vehicle corridor speed, and potential transportation-related impacts to state facilities. Under the full build-out analysis employed by the 2024 CPPU/WVI DEIS and FEIS, these impacts will occur independent of this proposed non-project action and may be mitigated consistent with the mitigation measures identified in the 2024 CPPU/WVI DEIS and FEIS and in this Checklist. In addition, the full buildout growth scenario utilized in the 2024 CPPU/WVI DEIS and FEIS is incredibly conservative and unlikely to occur during the 20-year planning horizon. Specific discussion of transportation-related impacts is included below:

The LUCA will increase the development capacity in BelRed. When such development is encouraged, then the new development will need to construct sidewalk facilities,

Reviewed by Genesis Hill 9-10-2026

bicycle facilities, or shared-use paths as required under the Transportation Code, Title 14, or the Land Use Code, Title 20. Therefore, the LUCA is likely to have positive impact on sidewalk and bicycle-network completeness. New development will also need to comply with the applicable minimum off-street parking requirements. In addition, the areas affected by this LUCA are generally served by transit, including the BelRed light rail station. By increasing residential density in these areas, this LUCA is likely to encourage more transit, walking, or biking in lieu of motor vehicles. Therefore, reducing the demand for parking and the volume of traffic on streets in BelRed.

B. Proposed Mitigation Measures and their Effectiveness

The 2024 CPPU/WVI DEIS and FEIS identified, discussed, and evaluated mitigation measures to the identified impacts to transportation. page 1-15, Chapter 3, Appendix Q, and Appendix R of the FEIS and page 1-19, Chapter 3, Appendix B, Appendix F, Appendix G, Appendix H, and Appendix J of the DEIS. Those mitigation measures, and the discussion and evaluation of their effectiveness, are incorporated into this checklist by this reference.

Redevelopment under the LUCA including construction of sidewalk facilities, streets, bicycle facilities, shared-use paths, and parking will need to comply with the City's applicable development standards under the Transportation Code, Title 14, or the Land Use Code, Title 20.

10. Public Services and Utilities:

A. Impacts:

This LUCA is anticipated to fall within the growth analyzed through both Alternative 3 and the Preferred Alternative in the 2024 CPPU/WVI DEIS and FEIS.

The 2024 CPPU/WVI DEIS and FEIS identified, discussed, and analyzed impacts on public services and utilities. See e.g., page 1-20 and Chapter 10 of the FEIS and page 1-30 and Chapter 10 of the DEIS. Those impacts, discussion, and analysis are incorporated into this checklist by this reference.

No significant impacts on public services and utilities are anticipated in connection with this LUCA.

Any potential environmental impacts relating to public services and utilities, including any cumulative impacts, associated with this non-project action, when combined with the full build-out analyzed across the City in connection with Periodic Update, are fully disclosed and analyzed in the 2024 CPPU/WVI DEIS and FEIS or in this Checklist.

B. Proposed Mitigation Measures and their Effectiveness

The 2024 CPPU/WVI DEIS and FEIS identified, discussed, and evaluated mitigation

Reviewed by Genesis Hill 9-10-2026

measures to the identified impacts to public services and utilities. See e.g., page 1-20 and Chapter 10 of the FEIS and page 1-30 and Chapter 10 of the DEIS. Those mitigation measures, and the discussion and evaluation of their effectiveness, are incorporated into this checklist by this reference.

No significant impacts on public services and utilities are anticipated in connection with this LUCA.

Reviewed by Genesis Hill 9-10-2026

Chapter 20.10 Land Use Charts

Commented [A1]: Majority of comments indicate updates since September 2026 draft. Recent corrections to numbering and code references are not included.

20.10.020 Establishment of land use districts.

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

District	Designation
...	
~~BelRed~~	
~~BelRed-Medical Office~~	~~BelRed-MO~~
~~BelRed-Medical Office Node~~	~~BelRed-MO-1~~
~~BelRed Office/Residential~~	~~BR-OR~~
~~BelRed-Office/Residential Node 1~~	~~BelRed-OR-1~~
~~BelRed-Office/Residential Node 2~~	~~BelRed-OR-2~~
~~BelRed-Residential/Commercial Node 1~~	~~BelRed-RC-1~~
~~BelRed-Residential/Commercial Node 2~~	~~BelRed-RC-2~~
~~BelRed-Residential/Commercial~~	~~BelRed-RC-3~~
~~BelRed-Commercial/Residential~~	~~BelRed-CR~~
~~BelRed-Residential~~	~~BelRed-R~~
BelRed-General Commercial	BelRed-GC
~~BelRed-Office/Residential Transition~~	~~BelRed-ORT~~
...	
Urban Core	UC
Mixed-Use Highrise	MU-H

Mixed-Use Residential Highrise	MUR-H
Mixed-Use Office Highrise	MUO-H
Mixed-Use Medical Highrise	MUM-H
Mixed-Use Midrise	MU-M
Mixed-Use Residential Midrise	MUR-M
Mixed-Use Medical Midrise	MUM-M
Mixed-Use Residential Lowrise	MUR-L

~~**20**.10.375 BelRed~~
~~A. Purpose and Intent.~~

~~BelRed is a major mixed use employment and residential area characterized by a transit-oriented, nodal development pattern, over time replacing the area's original low intensity light industrial and commercial past. The City will encourage land uses in the BelRed area which promote employment, retail and residential opportunities. More intense uses and greater heights are concentrated in designated nodal development areas along the NE 15th/16th corridor; these areas are intended to be served by high capacity transit. New development in these designated nodal areas is expected to have a transit-supportive and pedestrian-friendly form. The entire BelRed area will be distinguished by environmental and community amenities that serve residents and employees in the area, as well as nearby neighborhoods and the entire city. New development is expected to make significant contributions to these amenities, and to the infrastructure needed to support redevelopment.~~

~~Redevelopment of the BelRed area will occur over decades, and the City encourages a graceful transition of land use over time. Therefore special provisions are appropriate for existing uses that may not be part of the area's long-term envisioned future.~~

~~1. BelRed-Medical Office (BelRed-MO). The purpose of the BelRed-MO Land Use District is to provide an area for office uses, with an emphasis on medical office.~~

~~2. BelRed-Medical Office Node (BelRed-MO-1). The purpose of the BelRed-MO-1 Land Use District is to provide an area for the most intense medical office uses. The~~

~~district is located within the core of a nodal area, and is limited in extent in order to provide the level of intensity appropriate for areas in close proximity to the highest levels of transit service within the BelRed area.~~

~~3. BelRed Office/Residential (BelRed-OR). The purpose of the BelRed-OR Land Use District is to provide an area for a mix of office, housing and retail uses, with office as the predominant use.~~

~~4. BelRed-Office/Residential Node 1 (BelRed-OR-1). The purpose of the BelRed-OR-1 Land Use District is to provide an area for a mix of office, housing and retail uses within the core of a nodal area, with offices as the predominant use. The district is limited in extent in order to provide the level of intensity appropriate for areas in close proximity to the highest levels of transit service within the BelRed area.~~

~~5. BelRed-Office/Residential Node 2 (BelRed-OR-2). The purpose of the BelRed-OR-2 Land Use District is to provide an area for a mix of office, housing and retail uses, with office as the predominant use. The district is located within a node but outside the node's core, and building heights provide for a transition between the node's core and areas outside the node.~~

~~6. BelRed-Residential/Commercial Node 1 (BelRed-RC-1). The purpose of the BelRed-RC-1 Land Use District is to provide an area for a mix of housing, retail, office and service uses within the core of a nodal area, with an emphasis on housing. The district is limited in extent in order to provide the level of intensity appropriate for areas in close proximity to the highest levels of transit service within the BelRed area.~~

~~7. BelRed-Residential/Commercial Node 2 (BelRed-RC-2). The purpose of the BelRed-RC-2 Land Use District is to provide an area for a mix of housing, retail, office and service uses. The district is located within a node but outside the node's core, and building heights provide for a transition between the node's core and areas outside the node.~~

~~8. BelRed-Residential/Commercial (BelRed-RC-3). The purpose of the BelRed-RC-3 Land Use District is to provide an area for a mix of housing, retail, office and service uses, with an emphasis on housing. The district is located within a node but in close proximity to mature, stable neighborhoods, and is thus appropriate for transitional heights.~~

~~9. BelRed-Commercial/Residential (BelRed-CR). The purpose of the BelRed-CR Land Use District is to provide an area for a mix of housing, retail, office and services.~~

~~Multiple uses are encouraged on individual sites, in individual buildings, and in the district as a whole.~~

~~10. BelRed-Residential (BelRed-R). The purpose of the BelRed-R Land Use District is to provide an area for residential uses. Limited retail and service uses are permitted secondary to residential use, in order to provide the amenity of shopping and services within easy walking distance of residential structures.~~

~~11. BelRed-General Commercial (BelRed-GC). The purpose of the BelRed-GC Land Use District is to provide an area for a wide variety of business activities that provide goods and services to other businesses and the general public.~~

~~12. BelRed-Office/Residential Transition (BelRed-ORT). The purpose of the BelRed-ORT Land Use District is to provide an area for low-intensity offices and uses and low density multifamily residential dwellings, developed in such a manner as to provide a buffer between residential and more intensively developed properties.~~

~~B. Permitted Uses.~~

~~Specific categories of uses are listed in Chart 20.25D.070. LUC 20.25D.050 explains Chart 20.25D.070 and describes the applicable review procedures for BelRed. The description of the use chart contained in LUC 20.10.400 and the categories of uses contained in LUC 20.10.440 do not apply to the BelRed Land Use Districts.~~

~~C. General Development Requirements.~~

~~1. Regulations applying to specific structures or activities are found listed alphabetically in Chapter 20.20 LUC; consult the alphabetical Key Word Index in the beginning of that chapter.~~

~~2. BelRed specific standards and guidelines are found in Chapter 20.25D LUC. All development in BelRed shall conform to these requirements.~~

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.

1. Goals.

   a. Develop Mixed-Use Land Use Districts as livable, sustainable, viable, and memorable neighborhoods;

b. Promote sustainable and resilient development that is responsive to the climatic and regional context of Bellevue;

c. Encourage safe, functional, and attractive development that prioritizes pedestrians, and promotes sustainable transportation options;

d. Develop cohesive and contextual urban development with a strong identity and connection to adjacent neighborhoods; and

e. Foster a sense of community, pride, and stewardship of the built and natural environment.

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 near 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 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 Residential Highrise (MUR-H). The purpose of the MUR-H Land Use District is to provide primarily for housing at a high scale and density with a mix of retail, service, office, and complementary land uses.

4. Mixed-Use Office Highrise (MUO-H). The purpose of the MUO-H Land Use District is to provide for a mix of office, housing, retail, service, and complementary uses with a focus on office uses at high scale and density.

5. Mixed-Use Medical Highrise (MUM-H). The purpose of the MUM-H Land Use District is to provide a mix of laboratories, office, housing, retail, service, and complementary uses with a focus on medical uses at a high scale and density.

6~~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.

~~7~~4. Mixed-Use Residential Midrise (MUR-M). The purpose of the MUR-M Land Use District is to provide primarily for 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.

8. Mixed-Use Medical Midrise (MUM-M). The purpose of the MUM-M Land Use District is to provide a mix of laboratories, office, housing, retail, service, and complementary uses with a focus on medical uses at a medium scale and density.

9. Mixed-Use Residential Lowrise (MUR-L). The purpose of the MUR-L Land Use District is to provide primarily for housing with a mix of retail, service, office, and complementary uses at a low scale and density.

10. BelRed General Commercial (BR-GC). The purpose of the BelRed-GC Land Use District is to provide an area for a wide variety of business activities that provide goods and services to other businesses and the general public.

20.10.400 Use chart described – Interpretation

...

B. Chart 20.10.440 does not apply in the following land use districts and overlays:

1. Downtown Districts. Permitted uses in Downtown land use districts are listed in LUC 20.25A.050.

~~2. BelRed Districts. Permitted uses in BelRed land use districts are listed in LUC 20.25D.070.~~

~~2~~3. Shoreline Overlay District. Permitted uses in the Shoreline Overlay District are listed in LUC 20.25E.020.

~~3~~4. Medical Institution (MI) District. Permitted uses in the MI land use district are listed in LUC 20.25J.020.

~~4~~5. Office and Limited Business-Open Space (OLB-OS) District. Permitted uses in the OLB-OS land use district are listed in LUC 20.25L.020.

~~5~~6. Camp and Conference Center (CCC) District. Permitted uses in the CCC district are listed in LUC 20.25N.040.

~~6~~7. Eastgate TOD District. Permitted uses in the Eastgate Transit Oriented Development land use district are listed in LUC 20.25P.050.

~~7~~8. East Main Districts. Permitted uses in East Main Transit Oriented Development Districts are listed in LUC 20.25Q.050.

~~8~~9. Mixed-Use Land Use Districts. Permitted uses in Mixed-Use Land Use Districts subject to Part 20.25~~B~~R LUC, Part 20.25C LUC, or Part 20.25D LUC are governed by LUC 20.10.445.

20.10.420 Interpretation of land use charts by Director.

...

C. Appeal.

An applicant may appeal the final decision of the Director provided pursuant to subsection A of this section by requesting an interpretation of LUC 20.10.445 or of the use charts contained in LUC 20.10.440 or Chapter 20.25 LUC relating to the inclusion or exclusion of a proposed use. This request for interpretation of LUC 20.10.445 or of the Land Use Code charts will be processed pursuant to Part 20.30K LUC.

20.10.445 Land uses in Mixed-Use Land Use Districts.

A. Applicability and Interpretation.

1. This section only governs land uses ~~in mixed-use land use districts established under LUC 20.10.020 and described in LUC 20.10.398~~within the BelRed Overlay and within the Wilburton Overlay.

2. The provisions of this section do not apply to any other land use districts.

3. To the extent that a section of Chapter 20.20 LUC both governs a specific use and is applicable in the BelRed Overlay or within the Wilburton Overlay, as provided in LUC 20.25B.010, then the requirements of that section of Chapter 20.20 LUC shall apply to that use.

4. An RLRT system, an RLRT facility, and the OMSF, as those terms are defined in Part 20.25M LUC, are regulated as provided in Part 20.25M LUC.

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

Commented [A2]: Reorganized for clarity.

B. Permitted Uses.

...

~~3. In the case of a question as to the inclusion or exclusion of a particular proposed land use, the Director shall have the authority to make the final determination per LUC 20.10.420.~~

34. District-Specific Requirements. Land uses described below are permitted in the land use districts described below, but subject to specific requirements as follows:

...

45. Use-Specific Requirements. The following land uses are permitted, but structures or sites containing such uses are subject to specific requirements as follows:

a. Manufacturing Uses. Structures containing manufacturing uses shall be limited to 20,000 gross square feet, or 25,000 gross square feet when Education or Special Schools uses are included as a subordinate use. Larger structures containing manufacturing uses may be allowed through an Administrative Departure ~~as provided in LUC 20.25BR.010.D.34~~in accordance with Part 20.30H LUC.

b. Uses Relating to the Sale, Lease, or Rental of Automobiles or Motorcycles.

~~i. Applicability. Uses relating to the sale, lease, or rental of automobiles or motorcycles are permitted outright within the BR-GC Land Use District. These standards only apply to other Mixed Use Land Use Districts.~~

i. Intent and Applicability. These standards apply to all Mixed Use Land Use Districts, except within the BR-GC Land Use District where uses relating to the sale, lease or rental of automobiles are permitted outright. The purpose of these standards is to govern future development or redevelopment of structures or sites relating to the sale, lease, or rental of automobiles or motorcycles. The intent is not for existing structures or sites relating to the sale, lease, or rental of automobiles or motorcycles that were legally in existence prior to [Insert Effective Date of Ordinance] ~~June 24, 2025~~, to meet these standards in order to continue to operate. However, if these standards are not met, such existing structures or sites are nonconforming for the purposes of LUC 20.20.561.

ii. Standards.

(1) Outdoor storage or display of automobiles or motorcycles is prohibited between the building and any public right-of-way.

(2) Outdoor storage or display areas shall not exceed 10 percent of the total lot area. A larger outdoor storage or display area may be allowed through an Administrative Departure~~, as provided in LUC 20.25BR.010.D.34~~ in accordance with Part 20.30H LUC.

(3) Surface parking areas may be located between the primary building and a public right-of-way, consistent with subsection B.5.c of this section. These areas may also be used for additional outdoor storage or display; provided, that all automobiles and motorcycles are stored indoors outside of business operating hours.

...

d. Wholesale or retail uses that include the provision of shopping carts to customers must comply with LUC 20.20.790.

e. Any residential development located in the 116th Ave NE Corridor Neighborhood District shall have a minimum FAR of 2.0. If the residential development will be constructed in phases, then each phase must independently have a minimum FAR of 2.0 within its project limit. For the purposes of this subsection, a development is considered residential if more than 50 percent of the gross floor area is devoted to residential uses.

...

C. Prohibited Uses.

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

...

4. Hazardous waste treatment and storage facilities (both on- or off-site), unless associated with medical uses or life science uses and meeting all applicable standards for safe storage and handling of hazardous waste.

...

6. Any one or more of the following uses, as defined in LUC 20.20.535: Marijuana producers ~~and~~ or marijuana processors~~, as defined in LUC 20.20.535~~.

...

9. Warehousing and storage ~~services~~use, except in the BR-GC Land Use District. Warehousing and storage services are permitted uses in BR-GC.

10. Single-family ~~residential~~dwellings.

11. Any land use prohibited under LUC 20.10.410.

12. Heliports, except where heliports are allowed as a conditional use under subsection D of this section.

13. Detention Centers.

Commented [A3]: Updated to include detention centers as a prohibited use in BelRed and Wilburton as part of the ongoing work reviewed by the City Council in the one-year moratorium on these types of facilities.

D. Conditional Uses.

...

2. The following land uses shall require a Conditional Use Permit pursuant to Part 20.30B LUC:

   a. Essential public facilities not otherwise specifically identified and regulated in this section, in accordance with LUC 20.20.350.

   b. Homeless services uses, as defined in LUC 20.20.455, in accordance with LUC 20.20.455.

   c. Regional utility system.

   d. Utility facilities, except that heat recovery systems may be permitted outright.

   e. Heliports, but limited to the 116th Ave NE Corridor Neighborhood District and Spring District Station Area Node in the BelRed Overlay, as defined in LUC 20.25D.015. Heliports are further limited in these neighborhood districts to government and hospital heliports used exclusively for emergency purposes and regulated pursuant to the terms of LUC 20.20.450.

Chapter 20.15 Affordable Housing

20.15.030 Administration

A. The Director shall be responsible for administration of this chapter.

...

C. Acceptance of Funds.

1. If a development obtaining a density bonus under LUC 20.15.080 elects to comply with LUC 20.15.080 through the payment option, or a combination of the payment option and the performance option, then the Director is authorized to accept such payment from the applicant.

2. If a development subject to the requirements of LUC 20.15.110 elects to comply with LUC 20.15.110 through the payment option under LUC 20.15.150, or a combination of the payment option and a performance option under LUC 20.15.160, then the Director is authorized to accept such payment from the applicant.

D. Deposit of Funds.

1. If the Director accepts funds under subsection C of this section, then such funds shall be deposited into a special account and may only be used by the City for the purposes authorized by RCW 36.70A.540.

20.15.050 Modification of Certain Requirements

...

C. BelRed ~~Land Use Districts~~Overlay (Part 20.25D LUC).

1. Refer to LUC 20.25B.050 and LUC 20.25D.050 for FAR exemptions and incentives applicable to affordable housing in the BelRed Overlay. ~~Refer to LUC 20.25D.080 for FAR Exemptions and incentives applicable to affordable housing BelRed land use districts.~~

...

G. ~~Mixed-Use Land Use Districts~~Wilburton Overlay (Part 20.25C~~R~~ LUC).

1. Refer to LUC 20.25B~~R~~.050 and LUC 20.25C.050 for FAR exemptions and incentives applicable to affordable housing in ~~Mixed-Use Land Use Districts~~the Wilburton Overlay.

2. Refer to LUC 20.25C~~R~~.060 for Catalyst Programs in ~~Mixed-Use Land Use Districts~~the Wilburton Overlay. The provisions of the Catalyst Programs may modify the requirements of this chapter for certain development within ~~Mixed-Use Land Use Districts~~the Wilburton Overlay.

...

20.15.100 Affordable Housing Suffix Eligibility

...

Chart 20.15.100.C
Affordable Housing Suffix Eligibility

Reference Land Use District	**Associated Affordable Housing Suffix**
LDR-2, PO	(AH-1)
LDR-3, NB	(AH-2)
MDR-1, O, GC	(AH-3)
MDR-2, ~~BR-CR, BR-ORT, BR-RC,~~ CB, DT (Any), EG-TOD, EM-TOD-H, EM-TOD-L, F1, F3, LI, NMU, OLB, OLB 2, NMU, UC, MU-H, MUM-H, MUR-H, MUO-H, MU-M, MUM-M, MUR-M, MUR-L, MU8, MU16	(AH-4)

...

20.15.110 Affordable Housing Program – General

A. Applicability. This section applies to development meeting all of the following criteria:

1. The development contains either or both of the following:

   a. 10 or more dwelling units, including any accessory dwelling unit permitted under LUC 20.20.120; or

   b. More than 4,000 square feet of gross floor area.

2. The development is either fully or partially located within one of the following land use districts or overlays:

   a. ~~A Mixed-Use Land Use District~~The Wilburton Overlay. ~~(UC, MU-H, MU-M, or MUR-M).~~

   b. A Community Mixed-Use Design District (O, OLB, OLB 2, NB, CB, NMU, MU8, MU16, or F3 land use districts).

   c. The EG-TOD land use district.

   d. The F1 land use district.

e. The BelRed Overlay, excluding BR-GC.

B. Exceptions. The following development is exempt from this section, even where it would otherwise meet the criteria listed in subsection A of this section:

1. Building additions that increase the gross floor area by less than 50 percent.

C. Residential or Mixed-Use Development. Residential or mixed-use development subject to the requirements of this section shall comply with at least one of the following:

1. The residential performance option under LUC 20.15.120;
2. The payment option under LUC 20.15.150;
3. A combination of the residential performance option and the payment option in accordance with LUC 20.15.160; or
4. The land transfer option under LUC 20.15.170.

D. Nonresidential Development. Nonresidential development subject to the requirements of this section shall comply with at least one of the following:

1. The nonresidential performance option under LUC 20.15.130;
2. The payment option under LUC 20.15.150;
3. A combination of the residential performance option and the payment option in accordance with LUC 20.15.160; or
4. The land transfer option under LUC 20.15.170.

~~E. Acceptance and Deposit of Funds. If development subject to the requirements of this section elects to comply with this section through the payment option under LUC 20.15.150, or a combination of the payment option and a performance option under LUC 20.15.160, then the Director is authorized to accept such payment from the applicant. Funds shall be deposited into a special account and may be used by the City for the purposes authorized by RCW 36.70A.540.~~

...

20.15.150 Affordable Housing Program – Payment Option

...

Table 20.15.150.B

Land Use District or Overlay	**Nonresidential Fee Per Square Foot of New Nonexempt Gross Floor Area**	**Residential and Mixed-Use Fee Per Square Foot of New Nonexempt Gross Floor Area**
~~UC, MU-H, MU-M, MUR-M~~Wilburton Overlay	$16.50	$13.00
BelRed Overlay	$16.50	$13.00
OLB 2, NMU, MU8, MU16, F1, F3, EG-TOD	$16.50	$13.00
O, OLB, NB, CB	$16.50	$10.00

20.15.170 Affordable Housing Program – Land Transfer Option

…

B. Land Transfer Option. As one means of complying with LUC 20.15.110, the City may, but is not required to, accept legal title to real property from an applicant for purposes relating to the construction, operation, maintenance, or acquisition of affordable housing. A proposed transfer of real property under this subsection shall be reviewed using the following procedure:

1. Eligibility. The City will not consider a land transfer under this subsection unless the real property proposed to be transferred is located as follows:

   a. If the development subject to LUC 20.15.110 is located within ~~a Mixed-Use Land Use District subject to Part 20.25R LUC~~either the Wilburton Overlay or BelRed Overlay, then the real property proposed to be transferred must be located

within ~~a Mixed-Use Land Use District subject to Part 20.25R LUC~~the Wilburton Overlay or the BelRed Overlay.

...

Chapter 20.20 General Development Requirements

20.20.005 Chart of dimensional requirements described.

A. Chart 20.20.010 sets forth the dimensional requirements generally applicable to structures or development located in the following land use districts: residential land use districts, PO, O, OLB, OLB-2, LI, GC, NB, NMU, CB, F3, MU8, MU16, UC, MU-H, MUR-H, MUO-H, MUM-H, MU-M, MUM-M, ~~and~~ MUR-M, and BR-GC.

...

D. Chart 20.20.010 does not apply in the following land use districts:

1. Downtown Districts. Dimensional requirements for structures or development located in Downtown land use districts are listed in LUC 20.25A.060.

~~2. BelRed Districts. Dimensional requirements for structures or development located in BelRed land use districts are listed in LUC 20.25D.080.~~

2~~3~~. Factoria 1 District. Dimensional requirements for structures or development located in the Factoria 1 land use district are listed in LUC 20.25F1.040

3~~4~~. Medical Institution (MI) District. Dimensional requirements for structures or development located in the MI land use district are listed in LUC 20.25J.030.

4~~5~~. Office and Limited Business-Open Space (OLB-OS) District. Dimensional requirements for structures or development located in the OLB-OS land use district are listed in LUC 20.25L.030.

5~~6~~. Camp and Conference Center (CCC) District. Dimensional requirements for structures or development located in the CCC land use district are listed in LUC 20.25N.040.

6~~7~~. Eastgate TOD District. Dimensional requirements for structures or development located in the Eastgate Transit Oriented Development land use district are listed in LUC 20.25P.060.

~~7~~8. East Main TOD Districts. Dimensional requirements for structures or development located in East Main Transit Oriented Development land use districts are listed in LUC 20.25Q.060.

20.20.010 Uses in land use districts dimensional requirements.

Chart 20.20.010 Uses in land use districts – Dimensional Requirements

...

Uses in Mixed-Use Highrise Land Use Districts – Dimensional Requirements

	UC		**MU-H**		**MUR-H**		**MUO-H**		**MUM-H**	
Development Type (1)(2)	Nonres.	Res.	Nonres.	Res.	Nonres.	Res.	Nonres.	Res.	Nonres.	Res.
Maximum Building Height (3)	450'	450'	250'	250'	250’	250’	250’	250’	250’	250’
Base FAR	6.0	8.0	4.0	6.0	4.0	6.0	6.0	4.0	6.0	4.0
Maximum FAR	10.0	Unlimited	8.0	Unlimited	8.0	Unlimited	8.0	8.0	8.0	8.0
Maximum Floor Plate Above 55' Where Building Exceeds 100' (4)(5)	30,000 gsf	16,000 gsf	30,000 gsf	16,000 gsf	30,000 gsf	16,000 gsf	30,000 gsf	16,000 gsf	30,000 gsf	16,000 gsf

Uses in Mixed-Use Midrise and Lowrise Land Use Districts – Dimensional Requirements

	MU-M	MUR-M	MUM-M	MUR-L	BR-GC	
Development Type (1)(2)	All	All	All	All	Nonres.	Res.
Maximum Building Height (3)(6)	100'	100'	100’	60’	45’	45’
Base FAR	2.5	2.5	2.5	1.0	2.0	1.0
Maximum FAR	6.0	6.0	6.0	4.0	2.0	1.0

Notes: Dimensional Requirements in Mixed-Use Land Use Districts:

(1) For purposes of applying FAR and height limits, a single building is considered residential if more than 50 percent of the gross floor area is devoted to residential uses. The maximum floor plate shall be determined based on whether more than 50 percent of the gross floor area of an individual tower is dedicated to residential or nonresidential use.

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

(3) Refer to LUC ~~20.25R.040.B.2 and~~ 20.20.525 for allowable projections above the maximum height limits.

(4) Refer to LUC 20.25~~R~~B.040.B.3 for exceptions to this requirement.

(5) If a building is subject to a maximum floor plate restriction under LUC 20.20.010 or Part 20.25B LUC, then such restriction shall be applied as follows:

(a) If building height exceeds 100 feet, then the restriction shall be applied to the first full floor plate located above 55 feet of the average finished grade and then to all floor plates going up to the applicable maximum building height.

(b) If LUC 20.25B.040.B.3 applies, then the maximum floor plate restriction shall be calculated as provided in LUC 20.25B.040.B.3. ~~Where a building exceeds 100 feet in height, the maximum floor plate restriction shall apply beginning with the first full floor plate located above 55 feet in height and then to all floor plates going up to the applicable maximum building height.~~

~~in the MUM-H land use district in the MUM-H land use district 1~~

(6) LUC 20.25D.040.D provides an affordable housing building height bonus for certain affordable housing development on real property located in the BR-GC land use district on real property owned by a regional transit authority established under Chapter 81.112 RCW on [Insert Effective Date of Ordinance]

20.20.030 Designation and measurement of required setbacks.

...

E. The critical area buffer and critical area structure setback requirements of Part 20.25H LUC are in addition to ~~the~~ other setback requirements contained in the land use code. ~~of LUC 20.20.010, 20.25D.080, 20.25F.040, 20.25J.030, 20.25L.030, 20.25N.050 and 20.25P.060.~~ Where there are multiple setback requirements, the greater setback dimension is required.

20.20.070 Lots nonconforming as to area, street frontage, width, or depth – Status.

...

~~D. This section is not applicable in the BelRed Land Use Districts. Refer to LUC 20.25D.060 for regulations relating to existing conditions.~~

20.20.255 Electrical utility facilities.

...

D. Alternative Siting Analysis.

...

2. Content of Alternative Siting Analysis. Upon submittal of the Conditional Use Permit application required pursuant to subsection C of this section, the applicant shall submit results of the siting analysis which:

...

c. Describe which of the sites analyzed are considered practical or feasible alternatives by the applicant, and which of the sites analyzed are not considered practical or feasible, together with supporting information that justifies the conclusions reached. For sites located within a Neighborhood Business Land Use District, Residential Land Use District, ~~and/~~or the South of Bel-Red Road Neighborhood District ~~BelRed Office/Residential Transition (BR-ORT)~~, the applicant shall:

...

d. Identify a preferred site from the alternative locations considered for the proposed new or expanding electrical utility facility. The following location selection hierarchy shall be considered during identification of the preferred site alternative: (i) ~~nonresidential~~ land use districts that do not permit residential uses, (ii) the ~~BelRed Office/Residential Transition (BR-ORT)~~ South of Bel-Red Road Neighborhood District, and (iii) ~~residential areas~~land use districts that permit residential uses. The applicant may identify a preferred site alternative in a ~~Residential Land Use District~~land use district that permits residential uses or the ~~BelRed Office/Residential Transition (BR-ORT)~~ South of Bel-Red Road Neighborhood District upon demonstration that the location has fewer site compatibility impacts than a location in a land use district that does not permit residential uses.

...

20.20.400 Fences.

...

B. **Barbed Wire.**

No barbed wire may be used in fencing along a property boundary except at the top of a solid or chain link fence six feet or more in height. Barbed wire fencing is prohibited in the BelRed Overlay.

...

D. **Chain Link Security Fences.**

1. May be permitted within the front setback in CB, GC, or LI Districts, or in commercial parking lots and storage areas, providing plans are approved by the Development Services Department upon finding that the fence will not violate sight obstruction standards, BCC 14.60.240, nor stand in, or in front of, any required landscaping.

2. BelRed Overlay. Chain link fences are not permitted on any street frontage in the BelRed Overlay except as follows:

   a. To secure a construction site or area during the period of construction, site alteration, or other modification;

   b. In connection with any approved temporary or special event use; or

   c. As a component of a nonconforming use, structure, or site pursuant to LUC 20.20.561.

20.20.420 Green Building.

A. Applicability. The provisions of this section apply to the green building component~~s~~ of the amenity incentive program~~s in~~ for Mixed-Use Land Use Districts contained in LUC 20.25B.050, 20.25C.050, and 20.25D.050.

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. Tiers may be used to achieve bonus points in the Amenity Incentive System for Mixed Use Land Use Districts as provided in LUC 20.25B~~R~~.050, 20.25C.050, and 20.25D.050.

...

20.20.525 Mechanical equipment.

...

C. Implementation.

...

8. Allowable Projections Above Maximum Height.

a. In any~~all~~ Land Use District~~s~~ with a maximum building height limit~~s~~ of 100 feet ~~and~~ or above, ~~including all Mixed Use, BelRed, and Eastgate Land Use Districts,~~ buildings may exceed the maximum building height to accommodate certain mechanical equipment as follows:

i~~a~~. Mechanical equipment and related appurtenances may be located above the maximum height applicable to the development up to the additional height indicated below. For buildings containing life science uses, the additional height above the maximum is meant to generally accommodate mechanical equipment necessary for such uses. For building containing all other uses, the additional height above the maximum must only contain uninhabitable space and any improvements or structures required to access, service, or screen the mechanical equipment:

(1)i. Buildings containing life science uses: 45 feet.

(2)ii. Buildings containing all other uses: 30 feet.

iib. Renewable electricity-generating equipment, such as photovoltaic panels located on the top of buildings, is exempt from the maximum height requirement.

b. In any Land Use District with a maximum building height limit of less than 100 feet, buildings may exceed the maximum building height to accommodate certain mechanical equipment as follows:

i. Any building may exceed the maximum building height by up to 48 inches to accommodate renewable electricity-generating equipment, such as photovoltaic panels, located on the top of buildings. If more than 48 inches is necessary to accommodate roof-mounted renewable electricity-generating equipment, then the maximum building height may be exceeded by the amount necessary to accommodate the equipment, which shall be established through a written submittal provided by the applicant demonstrating the necessity to the Director's satisfaction.

c. Roof-mounted solar energy panels

D. Allowable Projects Above Maximum Height for Solar Energy Panels. Any building may exceed the maximum building height by at least 48 inches and up to the maximum amount necessary to accommodate roof-mounted solar energy panels.

20.20.537 Micro-Apartments.

A. Applicability and Relationship to Other Regulations.

1. Micro-Apartments shall be eligible for the exceptions and modified standards in subsection B of this section as provided Where noted in LUC 20.10.440, through LUC 20.10.445, 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 one or more of the following areas:

a1. Within 1/4one-quarter mile of a transit stop that receives transit service at least two2 times per hour for 12 or more hours per day; or

b2. Within 1/2one-half mile of a transit stop that receives transit service at least four4 times per hour for 12 or more hours per day; or

c~~3~~. Within one-half mile of a future light rail or bus rapid transit station scheduled to begin service within two years; or~~.~~

d. Within one-half mile of a light rail or bus rapid transit station.

2. ~~Micro-Apartments shall be eligible for exceptions and modified standards in subsection B of this section.~~ Where there is a conflict between this section and other provisions of the Land Use Code, these exceptions and modified standards shall govern.

...

20.20.540 Multifamily play areas.

A. New ~~multifamily~~ residential or mixed-use development~~s~~ containing~~of~~ 10 dwelling units or more shall be required, as a condition of Building Permit approval, to provide a minimum of 800 square feet of contiguous, 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 dwelling unit beyond the initial 10 dwelling units, up to a maximum of 10,000 square feet. This requirement does not apply to:

1. ~~Multifamily~~ Residential or mixed-use development in Downtown, the BelRed Overlay, or in the Wilburton Overlay ~~or in Mixed-Use Land Use Districts established under LUC 20.10.020 and described in LUC 20.10.398~~;
2. ~~Multifamily~~ Residential or mixed-use development devoted exclusively to senior citizen dwellings ~~as defined in LUC 20.50.046~~; ~~or~~
3. Micro-apartments; ~~.~~
4. ~~Multifamily~~ Residential or mixed-use development in the Community Mixed-Use Design District (O, OLB, OLB 2, NB, CB, NMU, MU8, MU16, or F3 land use districts);
5. ~~Multifamily~~ Residential or mixed-use development in the EG-TOD land use district; ~~or~~
6. ~~Multifamily~~ Residential or mixed-use development in the F1 land use district; ~~.~~
7. Rooming houses; or
8. Redevelopment of existing buildings under LUC 20.20.727.

...

20.20.561 Nonconforming Uses, Structures, and Sites.

A. Applicability.

1. General Applicability. Except as provided below, this section applies to nonconforming uses, nonconforming structures, and nonconforming sites located within any Land Use District established under LUC 20.10.020.

2. Exceptions.

...

e. Medical Institution District. The requirements of this section shall apply as normal in the MI land use district except as otherwise provided in LUC 20.25J.030 or LUC 20.25J.060.

~~f. BelRed Land Use Districts. The provisions of this section do not apply to uses, structures, or sites located within a BelRed Land Use District established under LUC 20.10.020 and described in LUC 20.10.375. Refer to LUC 20.25D.060 for the requirements for such nonconforming uses, structures, and sites.~~

...

C. Regulations Applicable to All Nonconforming Uses, Nonconforming Structures, and Nonconforming Sites.

...

2. Maintenance and Repair. Routine maintenance and routine repair associated with a nonconforming use, nonconforming structure, or nonconforming site is allowed.

a. "Routine maintenance" includes those usual acts to prevent decline, lapse, or cessation from a lawfully established condition. Routine maintenance includes, but is not limited to, alterations necessary to keep moisture or wind from entering or damaging a building. Routine maintenance does not increase the gross floor area of any building or increase the conditions that render the use, structure, or site nonconforming. ~~Routine maintenance must conform to applicable development regulations.~~ Routine maintenance may, but is not required to, reduce the conditions that render the use, structure, or site nonconforming.

b. "Routine repair" includes like-for-like restoration to a state comparable to its original condition within a reasonable period after decay has occurred. Routine repair includes, but is not limited to, the like-for-like replacement of windows, doors, roofing, or exterior cladding that have decayed and are near the end of their functional life. Routine repair does not increase the gross floor area of any building or increase the conditions that render the use, structure, or site

nonconforming. ~~Routine repair must conform to applicable development regulations.~~ Routine repair may, but is not required to, reduce the conditions that render the use, structure, or site nonconforming.

...

E. Regulations Applicable to Nonconforming Structures and Nonconforming Sites.

...

3. Proportional Compliance.

...

b. Value of Alterations.

i. Projects Consisting of a Single Phase. This subsection applies to projects consisting of a single phase.

...

(2). The value of alterations shall be determined based on all currently proposed alterations and all alterations completed within the preceding three years, except for those alterations listed in subsection E.3.b.iii of this section, and not individual permits.

...

ii. Projects Consisting of Multiple Phases. This subsection applies to individual phases within a project consisting of multiple phases, as shown on a Master Development Plan submitted under Chapter 20.30V LUC, that have a project limit that either contains a nonconforming structure or is located, wholly or partially, on a nonconforming site.

...

(2). For each individual phase, the value of alterations shall be determined for that phase ~~by the Director~~ based on all proposed alterations, and all alterations completed within the preceding three years, within the project limit of that phase, except for those alterations listed in subsection E.3.b.iii of this section, and not individual permits.

...

iii. The following alterations or activities shall be excluded when calculating the value of alterations:

...

(5). The value of any routine maintenance or routine repair to be performed at the time of the alteration that triggers proportional compliance under subsection E.3 of this section or that was performed within the preceding three years; and

(6). The value of any reconfiguration of existing parking lots in a manner that meets the requirements of subsection E.2.b.iv of this section to be performed at the time of the alteration that triggers proportional compliance under subsection E.3 of this section or that was performed within the preceding three years.

c. Threshold Triggering Required Improvements.

i. General: The standards of this subsection shall be met when the value of alterations to a nonconforming structure, a nonconforming site, or to both a nonconforming structure and nonconforming site exceed $248,577 as of [Insert Effective Date of Ordinance]. The threshold established here will be reviewed annually and, effective January 1st of each year, the Director shall administratively increase or decrease this threshold 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 construction costs for the region. ~~the threshold established in LUC 20.25D.060.G.3.a, as may be, or has previously been, administratively adjusted.~~

...

f. Required Improvements by Land Use District Established Under LUC 20.10.020:

...

xi. Wilburton Overlay~~UC, MU-H, MU-M, and MUR-M Land Use Districts~~ (Part 20.25C~~R~~ LUC):

(1). If required for the site under LUC 20.25C~~R~~.020.C, then non-motorized access to Eastrail meeting the requirements of LUC 20.25C~~R~~.020.

(2). If required for the site under LUC 20.25C.020.C, then emergency vehicle access to the Eastrail corridor meeting the requirements of LUC 20.25C~~R~~.020.

(3). If required for the site under LUC 20.25C~~R~~.030.C, then major public open space meeting the requirements of LUC 20.25C~~R~~.030.C.

(4). If required for the site under LUC 20.25C~~R~~.030.D~~G~~., then frontage paths along the Eastrail corridor meeting the requirements of LUC 20.25C~~R~~.030.D~~G~~.

(5). If required for the site under LUC 20.25C~~R~~.020.B, then access, block, and circulation required under LUC 20.25C~~R~~.020.B.

(6). Landscaping meeting the requirements of LUC 20.25B.030.C, LUC 20.25C~~R~~.030.C, and LUC 20.20.520.

(7). If required for the site under LUC 20.25C~~R~~.030.D~~G~~, then active uses along the Eastrail corridor meeting the requirements of LUC 20.25C~~R~~.030.D~~G~~.

(8). If required for the site under LUC 20.25C~~R~~.030.D~~G~~, then active uses along the Grand Connection meeting the requirements of LUC 20.25C~~R~~.030.D~~G~~.

(9). If required for the site under LUC 20.25B~~R~~.030.D~~E~~, then weather protection meeting the requirements of LUC 20.25B~~R~~.030.D~~E~~.

(10). If required for the site under LUC 20.25B~~R~~.030.F~~G~~, then a landscape buffer from the property line adjoining Interstate 405 meeting the requirements of LUC 20.25B~~R~~.030.F~~E~~.

xii. BelRed Overlay (Part 20.25D LUC):

(1) Landscaping meeting the requirements of- LUC 20.25B.030.C, -LUC 20.25D.030.C, and LUC 20.20.520.

(2) ~~If required for the site under LUC 20.20.590, then c~~Circulation and internal walkways required under LUC 20.20.590.

(3) Required paving of surface parking, outdoor storage, and retail display areas.

(~~45~~) If required for the site under Part 20.25D LUC, then weather protection meeting the requirements of Part 20.25D LUC.

(5). If required for the site under LUC 20.25B.030.F, then a landscape buffer from the property line adjoining Interstate 405 or State Route 520 meeting the requirements of LUC 20.25B.030.F.

20.20.590 Parking, circulation, and walkway requirements.

Commented [A4]: Updated to reflect revised parking standards currently under review in the Parking Reform LUCA.

...

H. Parking and Circulation Design Standards.

Vehicular parking is permitted only in areas meeting the standards of this section. In residential land use districts, additional storage of recreational vehicles and trailers is governed by LUC 20.20.720. If the standards of this section conflict with specific district standards contained in Chapter 20.25 LUC, then the district-specific standards shall control.

...

8. Compact Parking.

   a. Maximum Allowance. The property owner may design and construct compact parking spaces in accordance with the dimensions provided in subsection 10 of this section, subject to the following maximum thresholds. If no off-street parking is required, then any percentage of off-street parking that is provided may be compact parking. If no visitor parking is required, then any percentage of visitor parking that is provided may be compact parking.

      i. General Standard. Except as provided in this subsection, up to 50 percent of the total required off-street and visitor parking spaces approved for an individual development may be compact parking spaces.

      ii. Special District & Overlay Maximum. Up to 65 percent of the total required off-street and visitor approved parking spaces may be compact parking spaces when located within:

         (1) Any Downtown land use district;

         (2) ~~Any BelRed land use district~~The BelRed Overlay;

         (3) The EM-TOD-H or EM-TOD-L; or

(4) ~~Mixed-Use Land Use Districts subject to Part 20.25R LUC~~The Wilburton Overlay.

...

10. Minimum Dimensions.

...

d. Voluntary Incentive for Larger Parking Stalls. A development may reduce the minimum required number of off-street parking stalls if at least 75 percent of the parking stalls provided to satisfy the minimum parking requirement are at least nine feet in width and 20 feet in length.

i. Developments meeting this standard may reduce the minimum required number of parking spaces by up to ten percent.

ii. Developments located on a small site within either the BelRed Overlay or the Wilburton Overlay ~~Mixed-Use Land Use Districts subject to Part 20.25R LUC~~ may reduce the minimum required number of parking spaces by up to fifteen percent.

...

20.20.727 Redevelopment of Existing Buildings

...

B. For development applications meeting all of the requirements of subsection A of this section, the normal requirements of this Code shall apply during the land use or building permit review required for the application except as such requirements are modified below by this subsection:

...

5. The following sections of the Land Use Code, now or as hereafter amended, do not apply:

a. LUC 20.20.070 (Lots nonconforming as to area, street frontage, width or depth – Status);

b. LUC 20.20.540 (Multifamily play areas);

c. LUC 20.20.561 (Nonconforming structures, uses and sites);

d. LUC 20.20.725 (Recycling and solid waste collection areas);

~~e. LUC 20.25D.060 (Existing conditions)~~.

...

7. Nonconforming Uses, Structures and Sites. ~~Except in any BelRed Land Use District, any~~Any nonconforming use, nonconforming structure, or nonconforming site may continue when all of the requirements of subsection B.7.a of this section are met. However, once a final certificate of occupancy is issued, such nonconformities may continue only to the extent allowed by LUC 20.20.561.

...

~~8. BelRed Existing Conditions. For eligible residential development in any BelRed Land Use District, any existing use or existing development may continue when all of the requirements of subsection B.8.a of this section are met. However, once a final certificate of occupancy is issued for the redevelopment, such existing use or existing development may continue only to the extent allowed by LUC 20.25D.060. For the purposes of this section, the terms "existing use" and "existing development" shall have the same meaning as provided in LUC 20.25D.060.~~

~~a. The existing use or existing development must:~~

~~i. Be associated with the development application meeting the eligibility criteria provided in subsection A of this section; and~~

~~ii. Have existed prior to submittal of the development application meeting the eligibility criteria provided in subsection A of this section.~~

8~~9~~. Prior Participation in an Amenity Incentive System. If the existing building was originally constructed using a bonus obtained through voluntary participation in an amenity incentive system contained in the land use code, then the benefit or amenity provided in exchange for receipt of that bonus must remain and be maintained following the addition of dwelling units under this section. The benefit or amenity must remain and be maintained subject to the original requirements, except that the location of the benefit or amenity may be moved elsewhere on the site or within the existing building subject to the approval of the Director.

...

20.20.740 Schools

A. Public and private schools are permitted as indicated in LUC 20.10.440 through 20.10.445 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:

1. School buildings in residential land use districts shall cover not more than 35 percent of their site area.

2. Except as allowed in this section, school buildings in residential land use districts shall provide 50-foot side and rear yard setbacks. A reduction in the side or rear yard setback may be approved as follows in residential land use districts:

...

3. Building Height.

   a. In residential land use districts, a~~A~~n increase in building height of up to 10 feet above the maximum building height of the underlying district is allowed for schools so long as:

   ...

   b. In residential land use districts, a~~A~~n increase in building height above that allowed under subsection A.3.a of this section may be approved if that portion of the structure exceeding the maximum building height of the underlying district satisfies the following criteria:

   ...

5. Perimeter Landscaping. In lieu of the Perimeter Landscaping Requirements set forth in LUC 20.20.520.F.1, schools shall provide the following landscaping, subject to LUC 20.20.520.F.6:

   a. Schools in Residential Land Use Districts or in the Mixed-Use Residential Lowrise (MUR-L) Land Use District within the BelRed Overlay.~~BelRed Office/Residential Transition (BR-ORT) Land Use District.~~

   ...

20.20.900 Tree Retention and Replacement

...

B. Applicability.

...

4. This section is inapplicable in the following circumstances:

...

g. This section does not apply to Development Activity in ~~any Mixed-Use Land Use District established under LUC 20.10.020 and described in LUC 20.10.398~~either the Wilburton Overlay or the BelRed Overlay.

...

Part 20.25B Mixed-Use Land Use Districts

20.25B.010 General

A. Purpose.

The purpose of this part is to promote excellence in design quality and innovation, while enhancing the identity of Mixed-Use Land Use Districts, without prescribing a specific architectural style, aesthetic, or theme.

B. Applicability.

1. The provisions of this chapter shall apply to all development within the Wilburton Overlay and the BelRed Overlay. For the purposes of this Part 20.25B, "Mixed-Use Land Use Districts" shall refer to land use districts located within the Wilburton Overlay or the BelRed Overlay.

2. Except to the extent expressly provided in this Part 20.25B, or as expressly provided in either Part 20.25C or Part 20.25D as applicable to a development, the provisions of the Land Use Code and all other applicable provisions of the Bellevue City Code shall apply.

C. Relationship to Other Regulations.

1. To the extent that any provision this Part 20.25B conflicts with any requirement contained in the Shoreline Overlay District (i.e., Part 20.25E LUC), Part 20.25E LUC shall control.

2. To the extent that any provision of this Part 20.25B conflicts with any requirement contained in the Critical Areas Overlay District (i.e., Part 20.25H LUC), Part 20.25H LUC shall control.

3. To the extent that any provision of this Part 20.25B conflicts with any requirement contained in Part 20.25C, then Part 20.25C shall control.

4. To the extent that any provisions of this Part 20.25B conflicts with any requirement contained in Part 20.25D, then Part 20.25D shall control.

5. Land Use Code Sections Not Applicable. The following sections of Chapter 20.20 LUC do not apply within Mixed-Use Land Use Districts. Unless specifically listed below, all other sections of Chapter 20.20 LUC apply within Mixed-Use Land Use Districts.

    a. LUC 20.20.012 through 20.20.030;

    b. LUC 20.20.060;

    c. LUC 20.20.070;

    d. LUC 20.20.120;

    e. LUC 20.20.125;

    f. LUC 20.20.135;

    g. LUC 20.20.140;

    h. LUC 20.20.190;

    i. LUC 20.20.192;

    j. LUC 20.20.200;

    k. LUC 20.20.250;

    l. LUC 20.20.252;

    m. LUC 20.20.390;

    n. LUC 20.20.470;

    ~~n~~o. LUC 20.20.522;

    ~~o~~p. LUC 20.20.527

    ~~p~~q. LUC 20.20.538;

    r~~q~~. LUC 20.20.540;

    s. LUC 20.20.620;

tr. LUC 20.20.720;

us. LUC 20.20.750;

vt. LUC 20.20.760;

wu. LUC 20.20.800;

xv. LUC 20.20.900.

D. Applicable Review.

All development within Mixed-Use Land Use Districts shall be reviewed by the Director for consistency with this Part 20.25B LUC and all other applicable development regulations, including Parts 20.25C and 20.25D LUC, as may be applicable.

20.25B.020 Access and connectivity

A. Purpose.

Enhance walkability, active transportation options, and transit-oriented design by prioritizing pedestrian-friendly infrastructure, a comprehensive bicycle network, a connected network of sidewalks, plazas, parks, and open spaces, and effective traffic management. The aim is to enable accessible and sustainable movement throughout the Mixed-Use Districts by the creation of efficient, safe, and well-connected mobility systems for all modes.

B. Access, Blocks, and Circulation.

1. Intent. Encourage walkable, compact mixed-use development that prioritizes a safe, vibrant, and comfortable pedestrian experience while accommodating site-specific access needs. Ensure that development is well-connected to the transit, pedestrian, bicycle, and vehicular circulation systems of the city.

2. Access and Circulation Design.

   a. Access corridors or commercial driveways required under Part 20.25B, Part 20.25C, or Part 20.25D shall be designed and constructed in accordance with the requirements contained in this section and in the Transportation Design Manual, adopted pursuant to Chapter 14.60 BCC, and all applicable appendices. Requests for deviations from the requirements of the Transportation Design Manual shall be based on specific project restraints and must be submitted to, and shall be considered by, the Transportation Department Director in accordance with the deviation process outlined in the Transportation Design Manual.

b. Where dedication and construction of a new access corridor or commercial driveway is required, that access corridor or commercial driveway shall be required to the extent that the access corridor or commercial driveway is reasonably necessary to mitigate the direct transportation impacts resulting from a development project in accordance with Chapter 14.60 BCC.

c. Buildings may extend over an access corridor or commercial driveway, provided:

i. Building cantilevers may project up to six feet over the width of any access corridor, excluding public rights-of-way; provided, that a minimum clear height of 16 feet is maintained beneath the projection;

ii. Pedestrian connections (bridges or walkways) between buildings may be constructed over any access corridor, excluding public rights-of-way; provided, that the width of the pedestrian connection does not exceed 30 feet and maintains a minimum clear height of 13.5 feet above the access corridor.

iii. Buildings may be connected across any access corridor, excluding public rights-of-way; provided, that the connecting structure does not exceed 75 feet in width and maintains a minimum clear height of 16 feet above the corridor.

d. Hours. All private access corridors created by operation of Part 20.25C or Part 20.25D shall be open and accessible to the public at all times; provided, that the legal agreement executed and recorded under subsection B.2.d of this section shall allow for temporary closures when necessary for maintenance purposes.

e. Public Access Easement. The owners of property that are required to provide a private access corridor to meet the required block dimensions in Part 20.25C or Part 20.25D or as part of the Design Review process shall execute, and record with the King County Recorder's Office, a legal agreement, in a form approved by the City, providing that the portion of the property over which such access corridor is constructed shall be subject to a nonexclusive surface right of use and access by the public. In addition, the legal agreement shall also include, but is not limited to, the following:

i. The legal description of the applicable access corridor;

ii. That the obligations under the legal agreement shall run with the land and be binding on the assigns, heirs, and successors of the property owner;

iii. That the owner shall maintain the portion of the applicable access corridor running over the property and ~~to~~ keep the same in good repair;

iv. Provisions allowing for the temporary closure, with the City's approval, of the applicable access corridor when necessary for maintenance purposes, festivals, or events;

v. That the owner may adopt reasonable rules and regulations for use of the owner's portion of the applicable access corridor; provided, that such rules and regulations must be consistent with the requirements of this section and the other terms of the executed and recorded legal agreement; and

vi. Any other terms and conditions that, in the opinion of the Director, are reasonably necessary to ensure continued maintenance of, operation of, or public access to the access corridor.

f. The Pedestrian System. To ensure that pedestrian routes are easy to use and encourage walking and activity, the following standards are required:

i. ~~Unobstructed Travel Path.~~ Within the width of a sidewalk, at least six feet of unobstructed travel path shall be maintained for safe pedestrian access;~~.~~

ii. Mid-block pedestrian connections shall be provided; and

iii. Paved walkways and plazas shall use durable and slip-resistant materials.

Commented [A5]: Consolidating existing design standards from 20.25D.060 into this section specific to the pedestrian system.

g. If the following requirements are satisfied, then access corridors or commercial driveways required under Part 20.25B, Part 20.25C, or Part 20.25D may be constructed across property lines:

i. The access corridor or commercial driveway is designed and constructed in accordance with all applicable requirements of Part 20.25B, Part 20.25C, and Part 20.25D; and

ii. The applicant provides the City with an executed and recorded legal agreement that, to the Director's satisfaction, demonstrates that all applicable property owners have given all rights and authorization necessary to design, construct, and maintain the access corridor or commercial driveway in accordance with all applicable requirements of Part 20.25B, Part 20.25C, and Part 20.25D.

20.25B.030 Site organization and public realm

A. Purpose.

Develop the Mixed-Use Land Use Districts as attractive, engaging, safe, and accessible with a distinct identity achieved through thoughtful site design and landscaping, inclusion of public spaces, and public art; contribute to an inclusive and inviting urban fabric by providing publicly accessible programmed open spaces and include recreational and environmental amenities, and places to gather; and create accessible and landscaped public spaces throughout the Mixed-Use Districts, emphasizing interconnected green spaces and trails, and sustainable design features.

B. Landscaping. Landscaping shall be required as provided below and in LUC 20.25B.030.F.2. For development in the Wilburton Overlay, landscaping may contribute to any open space required under LUC 20.25C.030.C.2.

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

2. A landscape buffer with Type III landscaping, as described in LUC 20.20.520, shall be provided as follows:

   a. Where surface parking is adjacent to an access corridor and also located within the project limit, a landscape buffer of at least eight feet in width shall be provided.

   b. Where surface parking is adjacent to the rear or side yard of a lot and also located within the project limit, a landscape buffer of at least five feet in width shall be provided.

3. Except where Type III landscaping is required above, plantings in landscape areas shall be installed as follows:

   a. Deciduous and evergreen trees shall be planted in natural groupings, with an average of 1 tree every 20 lineal feet of landscape area.

      i. Deciduous trees shall have a minimum caliper of two inches measured four and one-half feet above the soil surface.

      ii. Evergreen trees shall be minimum height of six feet.

   b. Small and medium shrubs, planted in groupings, shall provide coverage that equals 75 percent of the planting area within 3 years of planting.

c. Ground cover shall be planted under deciduous trees, shrubs and other open areas not covered by larger plant material so that the plantings provide 90 percent coverage within 3 years of planting.

d. LUC 20.20.520.F.8 and F.9 do not apply in Mixed-Use Land Use Districts.

4. Street Landscaping. Street trees together with shrubbery, groundcover and other approved plantings are required in a planter strip along the length of the lot frontage on public streets, or within required amenity zones within private access corridors. Vegetation included in the planter strip shall be able to withstand urban conditions and shall contain plantings native to the region.

   a. Installation. Street trees, at least 2.5 inches in caliper or as approved by the Director, shall be planted at least three 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. A street tree planting area may also include step-off pavers (when adjacent to on-street parking or loading zones), 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 use of rainwater to irrigate is encouraged. Rainwater irrigations systems that do not meet the total demand for landscape water, 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 irrigation system shall be designed per the Parks and Community Services Department Environmental Best Management Practices and Design Standards, as now or hereafter amended.

   c. Species. Street trees and other required plantings shall be selected from a list the Director shall define by rule.

   d. Tree pits. Tree pits may be used instead of planters along the 130th Avenue Shopping Street, within Linear Event Plazas, and in other locations with a high volume of pedestrian traffic or anticipated event usage. Any tree pits shall be in accordance with the Parks and Community Services Department Environmental

Best Management Practices and Design Standards, as now or hereafter amended.

5. An alternative landscaping option may be approved by the Director as provided in LUC 20.20.520.

C. Green and Sustainability Factor.

1. Intent. Create a healthy community with a low-carbon impact by enhancing ecological performance, embracing clean energy solutions, and building resilient infrastructure to combat climate change. Promote green building materials and practices, renewable energy integration, climate resilient design, and the preservation and enhancement of natural habitats and local ecology to reduce environmental impacts and improve the quality of life for the community.

2. All new development shall provide a combination of landscape elements described in Table 20.25B.030.C.2.e to meet a minimum Green and Sustainability Factor score. All new development shall achieve a minimum score of 0.3, except that development on a small site shall achieve a minimum score of 0.25. All landscape elements must meet standards promulgated by the Director to provide for the long-term health, viability, and coverage of each landscape element. 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 20.25B.030.C.2.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 20.25B.030.C.2.e according to the following provisions:

      i. If multiple elements listed in Table 20.25B.030.C.2.e occupy the same physical area, they may all be counted. For example, ground cover 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, except for landscaping strips proposed between back of sidewalk and the base of building facades.

iii. Elements listed in Table 20.25B.030.C.2.e that are provided to satisfy any other requirements of Part 20.25C or Part 20.25D 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 20.25B.030.C.2.e. Tree sizing shall be determined by the Green and Sustainability Factor Tree List maintained by the Director. 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 20.25B.030.C.2.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. Required vehicular travel and parking areas, dedicated emergency vehicular access, critical areas and buffers (including daylit streams and buffers), and traffic circulation areas may be deducted from the site area for the purpose of calculating the Green and Sustainability Factor.

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

Table 20.25B.030.C.2.e.

		Multiplier
A. Landscape Elements		
	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.	1.2
	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.	0.2
	3. Landscaped areas with soil depth less than 24 inches.	0.1
	4. Landscaped areas with soil depth of 24 inches or more.	0.6
	5. Preservation of Existing Trees. Existing trees proposed for preservation shall be calculated at 20	1.2

	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.	
	6. Preservation of Existing Evergreen Trees Bonus. Existing evergreen trees proposed for this bonus shall be calculated at 20 square feet per inch d.b.h. and shall have a minimum diameter of 6 inches at d.b.h.	0.1
	7. Shrubs or Large Perennials. Shrubs or large perennials that are taller than 2 feet at maturity shall be calculated at 12 square feet per plant.	0.4
	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.	0.3
	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.	0.3
	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.	0.4
B. Green Roofs		

	1. Green Roof, Two to Four Inches of Growth Medium. Roof area planted with at least two inches of growth medium, but less than four inches of growth medium.	0.4
	2. Green Roof, at Least Four Inches of Growth Medium. Roof area planted with at least four inches of growth medium.	0.7
C. Green Walls		
	1. Vegetated Wall. Façade or structural surface obscured by vines. Vine coverage shall be calculated with an estimate of three years' growth. A year-round irrigation and maintenance plan shall be provided.	0.5
	2. Green Wall System. Façade or structural surface planted with a green wall system. A year-round irrigation and maintenance plan shall be provided.	0.7
D. Landscape Bonuses		
	1. Food Cultivation. Landscaped areas for food cultivation.	0.2
	2. Native or Drought-Tolerant Landscaping. Landscaped areas planted with native or drought-tolerant plants.	0.1
	3. Landscape Areas at Sidewalk Grade.	0.1
	4. Rainwater Harvesting. Rainwater harvesting for landscape irrigation shall be calculated as a	0.2

	percentage of total water budget times total landscape area.	
E. Permeable Paving		
	1. Permeable Paving, 6 to 24 Inches of Soil or Gravel. Permeable paving over a minimum of 6 inches and less than 24 inches of soil or gravel.	0.2
	2. Permeable paving over at least 24 inches of soil or gravel.	0.5
F. Publicly Accessible Bicycle Parking		
	1. Bicycle Racks. Bicycle racks in publicly accessible locations shall be calculated at nine square feet per bicycle locking space and shall be visible from a sidewalk or public area. Bicycle racks provided to meet applicable short-term bicycle parking requirements and that also meet the requirements of this section may also be counted toward meeting green and sustainability factor requirements.	1.0
	2. Bicycle Lockers. Bicycle lockers in publicly accessible locations shall be calculated at 12 square feet per locker, and shall be visible from public areas and open for public use. Bicycle lockers provided to meet applicable short-term bicycle parking requirements and that also meet the requirements of this section may also be counted toward meeting green and sustainability factor requirements.	1.0

D. Public Realm.

1. Intent. Provide for comfortable pedestrian facilities and amenities, landscaping, and active uses along public streets or trails.

2. Blank Walls. Walls at least 10 feet in height and 30 feet in width and containing no transparent windows or doors, garage entries, loading docks, transformer rooms, fire door exits, and smaller functional building components adjacent to public streets or publicly accessible outdoor space shall contain at least one of the following:

   a. Five 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 noncommercial creative works covering no less than 50 percent of the wall area that shall be durable, vandal resistant, and designed to age well.

Commented [A6]: Consolidating an existing design standard from 20.25D.060 into this section specific to public art.

3. Exterior Lighting.

   a. Exterior lighting shall be directed away from residential units to prevent glare to the greatest extent feasible.

   b. Exterior lighting fixtures shall not cast light upwards, except where used for landscape uplighting or to enhance features of a building or public art.

   c. Pedestrian-scaled lighting shall be provided along walkways and public open spaces.

   d. Lighting poles shall be dark in color, providing lighting to pedestrians and vehicles, and be able to accommodate banners and other decorative features.

   e. Provide lighting for landscaped areas and trees where permitted.

   f. Install foot lighting that illuminates walkways and stairs.

   g. Exposed light sources and flashing lights are not permitted.

Commented [A7]: Updated to consolidate existing design standards from 20.25D.060 into this section specific to exterior lighting.

4. Weather Protection.

   a. Weather protection shall be provided in the following locations:

i. At all primary building entrances;

ii. No less than 75 percent of the length of a building façade containing active uses;

iii. Above sidewalks at intersections of 2 access corridors, providing continuous weather protection for no less than 10 feet in either direction from the corner;

iv. Above sidewalks where adjacent buildings are located at back of sidewalk; and

v. If a plaza or other open space is located between the building and edge or sidewalk, weather protection should be provided along the ground floor of the building to protect pedestrians from rain and provide shade in summer.

b. Weather protection shall be no less than 10 feet above finished grade, or higher if required in the International Building Code, as adopted by the City of Bellevue.

c. The minimum depth for weather protection shall be six feet, except when required to be increased when height is increased as provided in this subsection.

d. The maximum height for weather protection shall be 12 feet above finished grade. The Director may allow an increase in height up to a maximum of 16 feet above finished grade, provided the canopy depth is increased proportionally. This requirement ensures that pedestrian protection from weather elements remains effective at greater heights by compensating for the reduced coverage angle through increased projection.

e. Weather protection shall be in proportion to the building and sidewalk, and not so large as to impact street trees, light fixtures, or other street furniture;

f. Freestanding weather protection shall not be required.

g. Weather protection shall meet illumination standards set forth in the Transportation Design Manual through a combination of weather protection transparency, pedestrian-scale lighting, or other means approved by the Transportation Department.

h. Weather protection shall not be located above landscaping adjacent to the base of the building.

F. Location-Specific Design.

1. Interstate 405 and State Route 520 Guidance. On sites within 500 feet of Interstate 405 or State Route 520, locate sensitive land uses further east from Interstate 405 or south from State Route 520 where feasible. Sensitive land uses include:

    a. Residential land uses intended for nontransient occupancy;

    b. Child care services uses;

    c. Parks and open space; and

    d. Primary and secondary schools.

2. Landscape Buffer Near Interstate 405 and State Route 520. A landscape buffer shall be required from the property line adjoining Interstate 405 and State Route 520.

    a. The buffer shall be no less than 20 feet in width. Where an access corridor is constructed that immediately adjoins Interstate 405 or State Route 520, then the buffer shall be no less than five feet in width.

    b. The buffer shall be planted as provided in LUC 20.25B.030.B.3.

20.25B.040 Building Design

A. Purpose.

To develop a comfortable and inviting scale in Mixed-Use Land Use Districts by regulating building dimensions, promoting engaging façade designs, and enhancing the pedestrian experience. Ensure that buildings and their architectural elements are durable, sustainable, and contribute positively to the identity of the Mixed-Use Land Use Districts.

B. Overall.

1. Intent. The following building design standards are established to create aesthetically appealing building massing with appropriate bulk and scale; preserve solar access and openness at street level through dimensional regulation for height limits, setbacks, and tower separation; and utilize building siting, massing, scale, and details that allow for daylight, public views, wayfinding, and perception of a safe and welcoming environment.

2. Allowable Projections Above Maximum Building Height.

    a. Buildings may exceed the applicable maximum building height specified in LUC 20.20.010 as described in LUC 20.20.525.

b. Certain Affordable Housing development on land owned or controlled by a regional transit authority established under Chapter 81.112 RCW on [Insert Effective Date of Ordinance] and located in the BR-GC land use district within the BelRed Overlay may exceed the maximum building height specified in LUC 20.20.010 as described in LUC 20.25D.040.D.

3. Floor Plates. The floor plate of a structure may not exceed the applicable maximum allowed floor plates specified in LUC 20.20.010, except as follows:

a. For buildings containing medical uses or life science uses:

i. In buildings with a building height equal to, or less than, 200 feet:

(1) Unlimited floor plates.

ii. In buildings with a building height greater than 200 feet:

(1) For floors located at or below 100 feet above the average finished grade: Unlimited floor plates.

(2) For floors located above 100 feet of the average finished grade: Floor plate limited to a maximum of 35,000 square feet.

b. For buildings built primarily with mass timber construction, the following maximum floor plates shall apply:

i. ~~For f~~Floors located at or below 100 feet above the average finished grade may have unlimited floor plates.~~:~~

~~(1) Unlimited floor plates.~~

ii. For floors located above 100 feet of the average finished grade:

(1) Nonresidential building floor plates shall be limited to 35,000 square feet.

(2) Residential building floor plates shall be limited to 30,000 square feet.

c. For two or more towers, any portions over 55 feet in height may be connected on one floor, subject to the following:

i. The connecting floor area shall only be used to provide for pedestrian circulation between the towers;

ii. The connection is between separate and distinct buildings;

iii. The connection shall act as a dividing point between floor plates on the connected floors of each tower, none of which may individually exceed the maximum floor plate size;

iv. Additional floors may be connected subject to an administrative departure in accordance with Part 20.30H LUC; and

v. The provisions of LUC 20.25B.020.B.2.c.iii do not apply to such connections.

4. Active Use Spaces. Portions of buildings dedicated to active uses as required under Part 20.25B, Part 20.25C, or Part 20.25D 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; and

d. Weather protection as provided in LUC 20.25B.030.D.4.

5. Façade Modulation.

a. Intent. In order to provide interest and variation appropriately scaled to the building and the pedestrian experience on public right-of-way, Eastrail, and the Grand Connection, façades shall be modulated. Modulation adds depth and texture to building façades, breaking up uniformity while enhancing architectural interest. Façade modulation requirements ensure that buildings are thoughtfully scaled to their context, fostering a dynamic and engaging pedestrian experience along public rights-of-way, Eastrail, and the Grand Connection.

b. For buildings within 15 feet of a public right-of-way, Eastrail Corridor, or the Grand Connection, façade modulation is required as follows:

i. The maximum length of unmodulated façade shall be based on building height as follows:

(1) Zero to 60 feet in building height: no limit.

(2) Above 60 feet in building height: 125 feet.

ii. The minimum depth of modulated façade shall be four feet.

iii. The minimum width of modulated façade shall be five feet.

c. Exceptions. No modulation is required for:

i. Affordable housing, in accordance with LUC 20.15.050.H;

ii. Mass timber, modular construction, and passive house development, in accordance with LUC 20.20.536; or

iii. Portions of a façade set back 15 feet or more from a public right-of-way, Eastrail corridor, or the Grand Connection.

6. Tower Separation.

a. Intent. Design tower placement and orientation for improved daylight access, natural ventilation, sky view for occupied floors and reduced need for mechanical heating and cooling. Consider how building massing impacts the public realm.

b. Standard. For portions of any towers above 55 feet in height that are built within a single project limit, each tower shall be horizontally separated from other towers within the project limit by no less than 60 feet measured from the facade of each building. This requirement does not apply to small sites.

C. Mechanical Equipment.

1. Intent. Locate and design mechanical equipment enclosures and screening solutions to minimize the visual impact of mechanical equipment on rooftops and contribute to the overall visual harmony of the cityscape. Avoid placement of equipment or vents on the ground floor or in pedestrian areas.

2. Applicability. The requirements of this section shall be imposed for all new development and for 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.

3. 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.

4. 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:

      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 3 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:

      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; or

      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:

         (1) The existing roof structure cannot safely support the required screening; or

         (2) 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.

5. 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 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

        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.

6. 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 in accordance with Part 20.30H LUC. As an additional administrative departure criteria, the applicant must demonstrate that the alternate location or screening measures provide an equal or better result than the requirements of this section.

D. Building Base (Podium).

1. Intent. Enhance pedestrian experience by clearly articulating parking structures and the building base/podium from the tower portion of all buildings with materials and details that reinforce human scale and better define the streetscape as public realm.

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

    a. All above-grade floors of a parking structure shall be horizontal with a floor-to-ceiling height of at least 10 feet to accommodate future adaptive reuse of the space, except for ramps providing circulation between floors.

    b. Where adjacent to an access corridor, the following requirements apply:

        i. For the ground floor of the parking structure, a minimum of 20 feet, measured from the outer wall of the garage inward, shall be habitable for

residential or commercial uses, except where vehicular entries into the garage or utility rooms are located.

ii. The exposed outer façades of all other above-grade floors of the parking structure shall:

(1) Provide windows, green walls, or other coverings of up to 50 percent transparency over openings in the façade; and

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

iii. The Director may approve an Administrative Departure in accordance with Part 20.30H LUC from the requirements of subsection D.2.b.i of this section to allow the use of art, in conjunction with less glazing, as a garage treatment in lieu of the requirement to provide habitable space. As an additional administrative departure criteria, the applicant must demonstrate that the use of art to enhance the compatibility of parking garages and integrated structured parking provides an equal or better result than the requirement to provide habitable space. The proposed artwork shall be durable, vandal-resistant, and designed to age well.

Commented [A8]: Consolidating an existing design standard from 20.25D.060 into this section specific to public art.

c. For all other parking structures above grade, the following requirements apply:

i. The exposed outer façades of all above-grade floors of the parking structure shall:

(1) When adjacent to publicly accessible open space required under Part 20.25C or Part 20.25D provide windows, green walls, or other coverings of up to 50 percent transparency over openings in the façade; and

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

20.25B.050 Amenity Incentive System

A. **General.**

1. The Amenity Incentive System consists of two parts:

a. Floor Area Ratio (FAR) exemptions for eligible amenities under LUC 20.25B.050.C; and

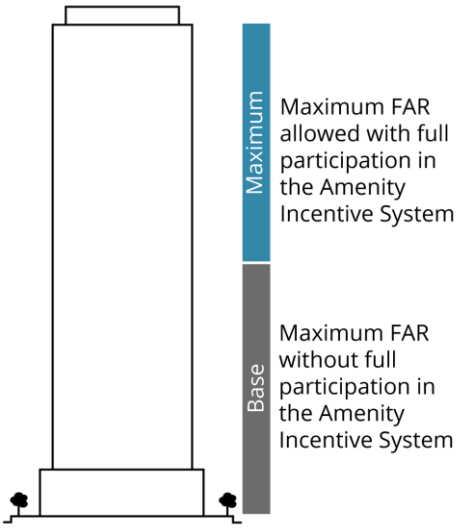
b. The Amenity Incentive Program under LUC 20.25B.050.D.

2. A Building may exceed the base Floor Area Ratio permitted for development within a Mixed-Use Land Use District pursuant to LUC 20.20.010 only if it complies with the requirements of the Amenity Incentive System.

3. Allocation and Sequencing of Amenities Provided Under the Amenity Incentive System:

   a. If the development contains multiple buildings within a project limit, then amenities may be allocated among any~~all~~ buildings within that project limit; Provided, that such allocation shall be approved by the Director through a Master Development Plan in accordance with Part 20.30V LUC.

   b. If the development is constructed in phases, then each phase shall provide for a proportionate or greater installation of amenities as established in a phasing plan approved through a Master Development Plan in accordance with Part 20.30V LUC. However, no phase may depend on the future construction of amenities, except for future stream daylighting as provided in LUC 20.25D.050.D.5.c.



B. **Review Required**.

The Director may approve an amenity that complies with subsection C or D of this section, as applicable, if all the specific amenity incentive system requirements are satisfied and all established design criteria for the amenity have been met.

C. **FAR Exemptions**.

1. Amenities Eligible for FAR Exemptions. The square feet of gross floor area reserved for the following amenities shall be exempt from a development's base Floor Area Ratio allowance specified in LUC 20.20.010, provided all applicable Land Use Code requirements are satisfied:

   a. Active Use Spaces. Except for market-rate residential units, which otherwise meet the definition of active use per LUC 20.50.010, an exemption from calculation of the maximum floor area of up to 1.0 FAR is allowed for each square foot of gross floor area reserved active use space that complies with the following design requirements:

      i. Transparency. Seventy-five percent minimum.

      ii. Weather Protection. Seventy-five percent minimum, six feet deep.

   b. Affordable commercial spaces complying with the requirements of LUC 20.25C.050.B.8 or LUC 20.25D.050.D.2, as applicable.

   c. Affordable housing complying with the applicable requirements of Chapter 20.15 LUC.

D. **Amenity Incentive Program**.

1. General.

   a. Development within a project limit may exceed its base FAR allowance as described in LUC 20.20.010 by providing amenities as follows:

      i. Additional square feet of gross floor area for any building within a project limit, up to the maximum Floor Area Ratio for the Land Use District as described in LUC 20.20.010, may be obtained through bonus points earned through the provision of amenities within that project limit as detailed in subsection D.2 of this section.

      ii. The total number of bonus points earned within a project limit equals the total additional square feet of gross floor area available within that project limit for development, up to the maximum Floor Area Ratio for the Land Use District, as described in LUC 20.20.010.

2. Bonus Points. Amenities eligible for bonus points are specific to the Special District or Overlay District in which the project is located. For applicable amenity options and corresponding bonus point values, applicants shall refer to Part 20.25C (Wilburton Overlay) or Part 20.25D (BelRed Overlay), as applicable. Amenities not listed in Part 20.25C (for the Wilburton Overlay) or in Part 20.25D (for the BelRed Overlay) shall not qualify for bonus points or be used to justify an increase above the base Floor Area Ratio.

E. **Recording**.

The total amount of bonus square feet of gross floor area earned through LUC 20.25B.050.D, and the total amount of gross floor area exempted through LUC 20.25B.050.C, for a project, and the amount of bonus square feet of gross floor area to be utilized on site for that project, shall be recorded by the applicant with the King County Recorder's Office. The applicant shall provide a copy of the recorded document to the Director.

Part 20.25C Wilburton Overlay

20.25C.010 General

A. Purpose.

The purpose of this part is to promote excellence in design quality and innovation, while enhancing the identity of the Wilburton Overlay, without prescribing a specific architectural style, aesthetic, or theme.

B. Applicability.

1. The provisions of this chapter shall apply to all development within the Wilburton Overlay.
2. Except to the extent expressly provided in this Part 20.25C, in Part 20.25B, or as referenced in this section, the provisions of the Land Use Code and all other applicable provisions of the Bellevue City Code shall apply.

C. Relationship to Other Regulations.

1. Refer to LUC 20.10.445 for land uses permitted in the Wilburton Overlay.
2. Refer to LUC 20.20.010 for applicable development standards for the Mixed-Use Land Use Districts.

3. To the extent that any provision this Part 20.25C conflicts with any requirement contained in the Shoreline Overlay District (i.e., Part 20.25E LUC), Part 20.25E LUC shall control.

4. To the extent that any provision of this Part 20.25C conflicts with any requirement contained in the Critical Areas Overlay District (i.e., Part 20.25H LUC), Part 20.25H LUC shall control.

20.25C.015 Wilburton Overlay 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:

A. "Wilburton Overlay" shall mean the area legally described in Section XX of Ordinance No. XXXX and depicted on Figure 20.25C.015.A.

Figure 20.25C.015.A
Map of Wilburton Overlay

[INSERT MAP]

Commented [A9]: Updated map will be provided prior to code adoption.

20.25C.020 Access and Connectivity

A. General.

Except as provided in Section B below, LUC 20.25B.020 applies to development in the Wilburton Overlay.

B. Access, Blocks, and Circulation.

1. Blocks.

a. A block shall be bordered on all sides by any of the following access corridors. This requirement shall not apply to sites less than 105,000 square feet in area.

i. Public rights-of-way;

ii. Enhanced flexible access corridor;

iii. Flexible access corridor;

iv. Active transportation access corridor;

v. Service corridor;

vi. Shared-Use Path;

vii. Eastrail corridor; or

viii. Grand Connection.

b. Block Dimensions. Blocks shall meet the following dimensional requirements. These requirements shall not apply to sites less than 105,000 square feet in area.

i. The perimeter of a block shall be no more than 1,200 feet in length.

ii. The north-south dimension of a block shall be no more than 350 feet in length.

iii. All block dimensions described in this section shall be measured as follows:

(1) For the Eastrail corridor and Grand Connection: The dimension shall be measured from the property line between the site and the corridor.

(2) For all other access corridors: If there is a sidewalk, then the dimension shall be measured from the back of the sidewalk. If there is not a sidewalk, then the dimension shall be measured from the inside edge of the corridor.

iv. The requirements of subsection B.1 of this section shall not apply to sites located between Interstate 405 and 116th Avenue NE, except as follows:

(1) Vehicular access onto these sites shall be provided from a commercial driveway; and

(2) The north-south dimension of a block shall be no more than 350 feet in length along 116th Avenue NE. A commercial driveway may be used to satisfy this requirement for the north-south dimension of a block.

v. The requirements of this subsection B.2 do not apply to an individual parcel abutting 116th Avenue NE that contains at least 300 feet of elevated guideway for light rail, except as follows:

(1) Vehicular access onto these sites shall be provided from a commercial driveway; and

(2) The north-south dimension of the block shall be no more than 350 feet in length along 116th Avenue NE. A commercial driveway may be used to satisfy this requirement for the north-south dimension of a block.

c. For sites that are less than 105,000 square feet in area, the following shall apply:

i. Vehicular access onto these sites shall be provided from a commercial driveway.

2. Access and Circulation Design.

a. Perimeter Sidewalks. The minimum paved width of a Perimeter Sidewalk shall be 10 feet, with an additional 5-foot amenity zone and a 6-inch curb.

c. Enhanced Flexible Access Corridor. Enhanced flexible access corridors are designed to serve as essential access routes for vehicles, supporting a wide range of functions that contribute to neighborhood livability and safety. These functions include on-street parking, passenger pick-up and drop-off areas, access for maintenance and service vehicles, and designated amenity zones on both sides of the street. Amenity zones act as a buffer between pedestrians and moving vehicles, enhancing the overall streetscape and pedestrian experience.

i. Required Width. The required width of an enhanced flexible access corridor is 59 feet, comprised of the following design components:

(1) Twenty-foot vehicle area;

(2) Two eight-foot parking lanes;

(3) Two six-inch curbs;

(4) Two five-foot amenity zones; and

(5) Two six-foot sidewalks.

d. Flexible Access Corridor. Flexible access corridors accommodate active transportation and essential vehicular access, including, but not limited to, parking, pick-up/drop-off, maintenance, and emergency vehicle access, which will be identified during the development review process. Unlike enhanced flexible access corridors described in subsection B.3.d of this section, standard flexible access corridors are not required to include on-street parking or wider amenity zones on both sides.

i. Streetscape Elements. Flexible access corridors shall contain the following elements at a minimum and a required corridor width of 37 feet:

(1) Two 10-foot travel lanes serving vehicles and active transportation modes;

(2) Two six-foot sidewalks;

(3) One four-foot amenity zone;

(4) Two six-inch curbs; and

(5) Street and pedestrian-scale lighting to meet applicable illumination standards contained in the Transportation Design Manual.

ii. If on-street parking is provided by development, then the corridor width must be widened beyond the minimum by an additional eight feet per parking lane.

e. Active Transportation Access Corridor. Active transportation access corridors are corridors that primarily serve active transportation and allow for emergency vehicle access. Corridors shall contain the following elements with a required corridor width of 30 feet:

i. Twenty-foot shared active transportation and emergency vehicle path;

ii. Amenity zone consisting of landscape areas;

iii. Pedestrian-scale lighting;

iv. Bollards at corridor access points with other transportation facilities restricting vehicular access to the corridor except for access by emergency vehicles.

f. Service Corridor. Service corridors are corridors that support "back-of-house" functions essential to site operations, which may include, but are not limited to, emergency vehicle access, solid waste collection, and incidental loading and unloading activities. The purpose of these corridors is to support a building's operational functions without interfering with the site's primary circulation routes.

i. Required Width. The minimum unobstructed width of a service corridor shall comply with applicable fire and transportation standards and shall not be less than 20 feet.

ii. Access Limitations. Service corridors shall not serve as the primary vehicular access to parking garages and shall not serve as the main pedestrian access to building entries, tenant spaces, or other areas intended for regular public use.

g. Shared-Use Path. Shared-Use Paths shall be outdoors and provide public access through and between larger blocks or development sites.

i. Required Width. The required width of a Shared-Use Path is 14 feet.

ii. Signage. Directional signage shall identify circulation routes for all users and 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.

iii. Design.

(1) Incorporate design elements, such as paving, lighting, landscaping, and signage to identify the Shared-Use Path as a public space;

(2) Provide access that complies with the Americans with Disabilities Act;

(3) Provide lighting that is appropriately scaled for its public users, compatible with the landscape design, and improves safety; and

(4) Be visible from surrounding spaces and uses. Provide windows, doorways, and other devices on the pedestrian and bicycle route to ensure that the connection is used, feels safe, and is not isolated from view.

h. Commercial Driveway. For the sole purpose of subsections B.2.b.iv, B.2.b.v and B.2.c of this section, commercial driveways provide connections from access corridors to parking areas located within commercial or mixed-use development.

i. If a sidewalk is required per Transportation Department review, a minimum six-foot sidewalk is required adjacent to the commercial driveway.

ii. Commercial driveways shall not be used to satisfy the requirements of subsection B.2.a of this section.

C. Location-Specific Access and Design.

1. Intent. Ensure new circulation systems needed for access to new development are coordinated with major civic infrastructure and meet the needs for essential pedestrian, bicycle, multimodal, and vehicular circulation within a development.

2. Eastrail Access.

   a. Nonmotorized Access.

      i. Development on any site adjoining the following segment of the Eastrail Corridor shall provide nonmotorized access to Eastrail every 350 feet of frontage along the corridor: beginning at a point on Eastrail 1000 feet north of the intersection of Eastrail and NE 8th Street and going south along Eastrail to a point 500 feet south of the intersection of Eastrail and NE 4th Street.

      ii. Nonmotorized access may be provided from adjacent access corridors or may be provided onto non-ground-floor portions of a building.

   b. At least one emergency vehicle access to the Eastrail corridor shall be provided in each area described in subsections C.2.b.i and C.2.b.ii of this section where development is on a site abutting one of the areas described in subsections C.2.b.i and C.2.b.ii of this section.

      i. From the east of the Eastrail Corridor between NE 4th Street and NE 8th Street, no closer than 400 feet from the intersection of Eastrail and either NE 4th Street or NE 8th Street.

      ii. From the west of the Eastrail Corridor and within 500 and 1,200 feet north of NE 8th Street.

   c. Where development on a site would be required to provide both nonmotorized access under subsection C.2.a.i of this section and emergency vehicle access under subsection C.2.b of this section, then only emergency vehicle access shall be required.

   d. No new vehicular travel lanes, except for emergency vehicular access dedicated and constructed under subsection C.2.b of this section, may cross the Eastrail corridor between SE 5th Street and NE 12th Street.

   e. Applicants may request an alternative nonmotorized or emergency vehicle access configuration to the Eastrail corridor; provided, that the request includes documentation of consultation with King County, or the relevant Eastrail corridor property owner, regarding the feasibility of both the

standard access configuration required in subsection C.2 of this section and the proposed alternative access configuration. The Director may approve the alternative access configuration if the alternative both is acceptable to King County, or the relevant Eastrail corridor property owner, and results in added connectivity to the Eastrail corridor.

f. Any Eastrail access required under subsection C.2 of this section shall be open and accessible to the public at all times; provided, that the legal agreement executed and recorded under subsection C.5 of this section shall allow for temporary closures when necessary for maintenance purposes.

3. Grand Connection Access. If a development abuts or is located adjacent to an elevated segment of the Grand Connection, then the applicant shall provide direct pedestrian access from the building to the Grand Connection to the maximum extent feasible. Acceptable forms of access may include, but are not limited to, enclosed or unenclosed walkways, pedestrian bridges, stairways, elevators, or other vertical circulation elements, as deemed appropriate and permissible by the City. The design, placement, and configuration of access points shall be designed to support safe and convenient public use. Access to the Grand Connection shall remain open and available for public use at all times when the segment of the Grand Connection crossing Interstate 405 is open and publicly accessible. The property owner or other responsible party shall not restrict or impede public access, except on a temporary basis when necessary for maintenance, public safety, or as otherwise authorized by the City.

4. If dedication and construction of Eastrail access or Grand Connection access is needed to satisfy the requirements of this subsection C, then that Eastrail access or Grand Connection access shall be required to the extent that it is reasonably necessary to mitigate the direct transportation impacts resulting from the associated development project in accordance with Chapter 14.60 BCC.

5. Public Access Easement. The owners of property that are required to provide Eastrail access or Grand Connection access under subsection C.2 or C.3 of this section shall execute, and record with the King County Recorder's Office, a legal agreement, in a form approved by the City, providing that the portion of the property over which such access is constructed shall be subject to a nonexclusive surface right of use and access by the public. In addition, the legal agreement shall also include, but is not limited to, the following:

a. The legal description of the applicable access running over the owner's property;

b. That the obligations under the legal agreement shall run with the land and be binding on the assigns, heirs, and successors of the owner of the property;

c. That the owner shall maintain the portion of the applicable access running over the owner's property and the keep the same in good repair;

d. Provisions allowing for the temporary closure of the applicable access when necessary for maintenance purposes;

e. That the owner may adopt reasonable rules and regulations for use of the owner's portion of the applicable access; provided, that such rules and regulations must be consistent with the requirements of this section and the other terms of the executed and recorded legal agreement; and

f. Any other terms and conditions that are reasonably necessary to ensure continued maintenance of, operation of, or public access to the applicable access.

20.25C.030 Site organization and public realm

A. General

Except as provided in Section B below, LUC 20.25B.030 applies to development in the Wilburton Overlay.

B. Active Uses.

1. Calculation of Space Required. The total amount of active use spaces on a site shall be calculated as follows and the total length of building facade shall be measured from the outer face of the building.

   a. For sites fronting the following, at least 75 percent of the total facade length fronting the access corridor shall contain active uses:

      i. Eastrail corridor, in accordance with subsection G.2.b of this section, except where the Eastrail corridor is elevated to a degree that results in a substantial physical separation between the corridor and the project site. For the purposes of this subsection, "substantial physical separation" means a vertical or horizontal distance that materially limits visual or physical connection between the building facade and the Eastrail corridor, such that the intended pedestrian orientation and activation of the corridor frontage cannot be reasonably achieved; and

      ii. Grand Connection, in accordance with subsection G.3.a of this section.

b. For sites fronting the following, at least 50 percent of the total facade length fronting the access corridor shall contain active uses:

i. Enhanced flexible access corridors;

ii. Flexible access corridors;

iii. Public rights-of-way; and

iv. Active transportation corridors;

c. For shared-use paths, at least 25 percent of the total facade length fronting the shared-use path shall contain active uses.

2. Location. As an alternative to providing active uses along all frontages adjacent to the access corridors described in subsection B.1 of this section, an applicant may choose to consolidate the required active uses onto two frontages, subject to the following requirements:

a. Where a site fronts both the Eastrail corridor and the Grand Connection, then required active uses may only be consolidated on these frontages.

b. In all other circumstances, the required active uses may be consolidated only where the site fronts the following:

i. Enhanced flexible access corridors;

ii. Public rights-of-way; or

iii. Active transportation corridors.

c. Consolidation is not permitted on frontages located solely along flexible access corridors identified in subsection B.1.b.ii of this section. Sites with frontage on these flexible access corridors must satisfy the active use requirement for that frontage independently, regardless of whether active uses are consolidated on other eligible frontages as permitted in subsections B.2.a and B.2.b of this section.

3. Where the provisions of this Part 20.25C require active uses in specific locations, those active uses shall count towards the minimum required under this subsection B.

C. Open Space.

1. Intent. Provide a variety of inviting and accessible public open spaces for gathering, respite, access to nature, and recreation. Open space adjoining the Eastrail corridor contributes to the goal of a linear park providing recreational and natural features adjoining the Eastrail corridor.

2. All development shall provide at least seven percent of the site area as publicly accessible open space, up to a maximum requirement of one acre of open space, subject to the following requirements and to all requirements contained in this subsection C:

    a. This requirement shall not apply to small sites.

    b. When calculating the publicly accessible open space required by this section, the following shall be deducted from the site area:

        i. The area covered by emergency vehicular access dedicated and constructed under LUC 20.25C.020.C.2.b;

        ii. The area covered by an access corridor constructed to provide emergency vehicular access required under this title, the Bellevue City Code, or state law;

        iii. Critical areas, critical area structure setbacks, and critical area buffers designated or established under Part 20.25H LUC;

        iv. The hard-surfaced area of an access corridor, service corridor, or commercial driveway that is designed and constructed exclusively for vehicular use, including travel, loading, unloading, drop-off and pick-up, or parking.

    c. Outdoor children's play areas used exclusively by child care services uses may be counted toward required open space without providing public access.

    d. There is no limit to the share of the required open space which may be provided on non-ground-floor portions of buildings when the open space has a direct connection to Eastrail or the Grand Connection.

    e. No less than 20 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.

3. Plazas as Open Space. The area contained in a plaza contributes toward the open space required under subsection C.2 of this section, subject to the following requirements:

    a. Plazas shall be at least 3,000 square feet in size and shall include at least four of the following features:

        i. Fixed seating such as benches, with at least one linear foot of seating area per 30 square feet of hard surface within the open space;

        ii. Multifamily play areas voluntarily designed and constructed in accordance with LUC 20.20.540;

        iii. Performance spaces;

        iv. Tables and movable seating, with at least one table per 75 square feet of hard surface and at least two seats per table;

        v. Vendor spaces, such as kiosks or spaces for food trucks;

        vi. Water features;

        vii. Weather protection and shade structures; or

        viii. Other elements that enhance the public realm as approved by the Director.

    b. At least 50 percent of the plaza shall remain open to the sky. The Director may approve increased building coverage above a plaza when such coverage provides enhanced vertical clearance that preserves the sense of openness and ensures the space remains visually and physically inviting to the public. The intent of this provision is to allow architectural features, such as canopies or overhead structures, that contribute to the plaza's functionality and comfort without compromising its open character. Except as otherwise provided in this subsection, areas within enclosed plazas shall not count toward the open space requirements required in subsection C.2 of this section.

4. Access Corridors as Open Space. Portions of enhanced flexible access corridors, flexible access corridors, active transportation corridors, and shared-use paths may, at the applicant's discretion, contribute to the open space required under subsection C.2 of this section, subject to the following requirements:

    a. Areas designated for vehicular travel or vehicular parking shall not be considered open space.

b. Areas designated for emergency vehicle access or circulation shall not be considered open space.

c. A minimum of 1,500 square feet of plaza area must be provided adjacent to the access corridor. This requirement is intended to ensure that the portion of the access corridor counted as open space functions as an integrated and meaningful part of the site's overall open space system. The intent is to avoid fragmented, isolated, or narrow segments that do not contribute significantly to the usability, quality, or character of the open space.

The plaza shall also meet the following standards:

i. Portions of a plaza shall abut and be within 30 inches in elevation of a perimeter sidewalk, Eastrail, Grand Connection, or access corridor, to ensure visual and physical connectivity.

Note: The entire plaza is not required to meet this elevation standard. Only those portions of the plaza that are directly adjacent to a perimeter sidewalk, Eastrail, the Grand Connection, or access corridor must be within 30 inches in elevation to ensure visual and physical connectivity into the plaza.

ii. Where hard surface is provided within the plaza, the area shall be paved with different materials than those used in adjacent sidewalks or trails; and

iii. The plaza shall be bordered by active use spaces for at least 50 percent of its perimeter.

5. Park Dedication. The dedication of real property, or the improvement of City-owned property for use as a park, may contribute toward satisfying the open space requirements under subsection C.2 of this section, subject to the following requirements:

a. Each square foot of real property that is dedicated or improved for use as a park shall contribute one square foot towards satisfying the open space requirements under subsection C.2 of this section.

b. The need for such real property in the location proposed shall be consistent with City-adopted policies and plans.

c. The size of the real property dedicated for park purposes must be at least 4,000 square feet, unless reduced by the Director.

d. The real property must be located within the Wilburton Overlay, but need not be contiguous with the site for which development is proposed.

e. The City must formally accept the dedication or improvement of the real property for park purposes. If the City does not formally accept the dedication or improvement, then the proposed dedication or improvement shall not contribute toward satisfying the open space requirements under subsection C.2 of this section.

6. Eastrail Improvements.

a. Major Public Open Space.

i. Purpose. Major Public Open Spaces serve as a focal point for pedestrian activity at the intersection of Eastrail and the Grand Connection.

ii. Where Required.

(1) A major public open space shall be located at the intersection of Eastrail and the Grand Connection.

(2) Any application for a permit, approval, or other entitlement for any development on the eastern border of the Eastrail Corridor adjoining the intersection of Eastrail and the Grand Connection shall comply with the requirements of subsection C.6.a of this section.

iii. Design.

(1) The major public open space shall be a minimum of 12,000 square feet in size.

(2) Open space required under subsection C.2 of this section shall first be allocated as major public open space, up to the minimum size of 12,000 square feet. If normal operation of subsection C.2 of this section would require more than 12,000 square feet of open space, only 12,000 square feet of open space shall be required.

(3) The major public open space shall include a combination of pedestrian amenities, such as: seating, lighting, special paving, plantings, artwork, or special recreational features.

(4) Active Uses are required on at least two sides of the major public open space. Alternatively, if the major public open space is linear in design, then active use frontage is only required on at least one side.

b. The area contained in facilities constructed in the Eastrail corridor that connect a plaza to the Eastrail Corridor shall contribute to the open space required under subsection C.2 of this section.

7. Hours. Open space required under subsection C.2 of this section shall be open and accessible to the public at all times; provided, that the legal agreement executed and recorded under subsection C.8 of this section shall allow for temporary closures when necessary for maintenance purposes.

8. Legal Agreement. Owners of property that are required to provide open space under subsection C.2 of this section shall execute, and record with the King County Recorder's Office, a legal agreement, in a form approved by the City, providing that the open space shall be subject to a nonexclusive right of use and access by the public. In addition, the legal agreement shall also include, but is not limited to, the following:

   a. The legal description of the open space;

   b. That the obligations under the legal agreement shall run with the land and be binding on the assigns, heirs, and successors of the owner of the property;

   c. That the owner shall maintain the open space and keep the same in good repair;

   d. Provisions allowing for the temporary closure of the open space when necessary for maintenance purposes;

   e. That the owner may adopt reasonable rules and regulations for use of the open space; provided, that such rules and regulations must be consistent with the requirements of this section and the other terms of the executed and recorded legal agreement;

   f. Provisions allowing for the temporary closure of the open space when necessary for maintenance purposes;

   g. Any other terms and conditions that are reasonably necessary to ensure continued maintenance of, operation of, or public access to the open space.

D. Location-Specific Design.

   1. Intent. Integrate development into the urban fabric by orienting and locating primary building uses toward public spaces.

   2. Eastrail – Wilburton.

      a. Setbacks.

i. Between SE 5th Street and NE 8th Street, a maximum structure setback of 15 feet may be allowed. However, up to 25 percent of a building façade may be set back up to 35 feet.

ii. Between NE 8th Street and NE 12th Street, a minimum structure setback of 15 feet is required.

b. Active Uses. Seventy-five 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 Eastrail corridor within the required setback described in subsection D.2.a of this section as follows:

i. A continuous paved path no less than 10 feet wide shall be provided within 10 feet of the property line abutting the Eastrail corridor, measured from the edge of the frontage path.

ii. The path shall integrate with any mixing zones.

iii. Hours. Frontage paths shall be open and accessible to the public at all times; provided, that the legal agreement executed and recorded under subsection D.2.c.iv of this section shall allow for temporary closures when necessary for maintenance purposes.

iv. Legal Agreement: Owners of property that are required to provide frontage paths under subsection D.2.c of this section shall execute, and record with the King County Recorder's Office, a legal agreement, in a form approved by

the City, providing that the open space shall be subject to a nonexclusive right of use and access by the public. In addition, the legal agreement shall also include, but is not limited to, the following:

(1) The legal description of the frontage paths;

(2) That the obligations under the legal agreement shall run with the land and be binding on the assigns, heirs, and successors of the owner of the property;

(3) That the owner shall maintain the frontage paths and keep the same in good repair;

(4) Provisions allowing for the temporary closure of the frontage paths when necessary for maintenance purposes;

(5) That the owner may adopt reasonable rules and regulations for use of the frontage paths; provided, that such rules and regulations must be consistent with the requirements of this section and the other terms of the executed and recorded legal agreement;

(6) Provisions allowing for the temporary closure of the frontage paths when necessary for maintenance purposes;

(7) Any other terms and conditions that are reasonably necessary to ensure continued maintenance of, operation of, or public access to the frontage paths.

3. Grand Connection – Wilburton.

   a. Active Uses. Seventy-five percent of the building frontage, where adjoining the Grand Connection, shall contain active uses.

   b. Elevated Segments. Active uses shall be at the same elevation of the Grand Connection and shall be accessible to and from the elevated segment of the Grand Connection.

20.25C.040 Building Design

A. General

Except as provided in Section B below, LUC 20.25B.040 applies to development in the Wilburton Overlay.

B. Wilburton Overlay Building Design

1. Building Base (Podium). At least 10 percent of the exterior area above a building podium shall contain a green roof, consistent with the minimum requirements for green roofs in Table 20.25B.030.C.2.e.

20.25C.050 Amenity Incentive System

A. General

Except as provided in Section B below, LUC 20.25B.050 applies to development in the Wilburton Overlay.

B. Bonus Points. The specific amenity options and corresponding bonus point values applicable within the Wilburton Overlay are established in this section and are described below. Only those amenities identified herein shall be eligible to earn bonus points for purposes of increasing Floor Area Ratio within the Wilburton Overlay.

1. Affordable Housing.

a. New affordable housing: four bonus points for every one square foot of gross floor area reserved for use as affordable housing, subject to the following conditions:

i. Bonus points may be earned under this subsection B.1.a only for affordable housing provided in excess of the amount required by Chapter 20.15 LUC.

ii. To earn bonus points under this subsection B.1.a, affordable housing shall meet all applicable requirements of Chapter 20.15 LUC.

iii. Affordable housing created exclusively by operation of Chapter 4.52 BCC is ineligible to earn bonus points under this subsection B.1.a.

iv. To earn bonus points under this subsection B.1.a, affordable housing may be located on site, off site, or through a combination of on-site and off-site performance.

v. To earn bonus points under this subsection B.1.a, affordable housing located off site must be located both within the city limits and within a Tier 1 location as described in LUC 20.15.140.B.1.

vi. Affordable housing earning bonus points under subsection B.1.a of this section is ineligible to also earn bonus points under subsection B.1.b.i or B.1.b.ii of this section.

b. Deeper Affordability. Bonus points may be earned by providing dwelling units at deeper levels of affordability as follows:

i. Six bonus points for every one square foot of gross floor area reserved for use as affordable housing that is affordable to households earning up to, and including, 60 percent of the Area Median Income.

ii. Eight bonus points for every one square foot of gross floor area reserved for use as affordable housing that is affordable to households earning up to, and including, 50 percent of the Area Median Income.

iii. Bonus points may be earned under this subsection B.1.b only for affordable dwelling units provided in excess of the amount required by Chapter 20.15 LUC.

iv. Affordable housing earning bonus points under subsection B.1.b.i or B.1.b.ii of this section are ineligible to also earn bonus points under subsection B.1.a of this section.

v. To earn bonus points under this subsection B.1.b, affordable dwelling units shall meet all applicable requirements of Chapter 20.15 LUC.

vi. Affordable housing created exclusively by operation of Chapter 4.52 BCC are ineligible to earn bonus points under this subsection B.1.b

vii. To earn bonus points under this subsection B.1.b, affordable housing may be located on site, off site, or through a combination of on-site and off-site performance.

viii. To earn bonus points under this subsection B.1.b, affordable housing located off site must be located both within the city limits and within a Tier 1 location as described in LUC 20.15.140.B.1.

c. Land transfer: 0.5 bonus points for every one square foot of site area of real property transferred to the City pursuant to LUC 20.15.170.

d. Affordable Housing Pioneer Provision. To encourage the development of affordable housing in the Wilburton Overlay, the first 200 dwelling units of affordable housing permitted in the Wilburton Overlay since June 24, 2025 shall

receive eight points for every one square foot of gross floor area reserved for use as affordable housing, subject to the following conditions:

i. Bonus points are only earned under this subsection B.1.d when a building permit is issued for development that includes affordable housing on site.

ii. For phased development, bonus points are only earned for affordable housing included in the phase for which the building permit has been issued.

iii. If, at the time of issuance of a building permit, 200 dwelling units of affordable housing have, since June 24, 2025, already earned bonus points for other development utilizing this pioneer provision, then no bonus points shall be awarded under this subsection B.1.d.

iv. After the 200th dwelling unit of affordable housing has, since June 24, 2025, earned bonus points under this subsection B.1.d, all subsequent affordable housing, either within the same development or within another development, is ineligible to earn bonus points under this subsection B.1.d, but may earn bonus points as otherwise provided by this subsection.

v. Affordable housing earning bonus points under this subsection B.1.d is ineligible to earn bonus points under subsection B.1.a.

vi. Bonus points earned by providing deeper affordability under subsection B.1.b may be stacked with bonus points earned under this subsection B.1.d.

vii. Affordable housing created exclusively by operation of Chapter 4.52 BCC is ineligible to earn bonus points under this subsection B.1.d.

viii. To earn bonus points under this subsection B.1.d, affordable housing shall meet all applicable requirements of Chapter 20.15 LUC.

ix. This pioneer provision does not apply to development consisting entirely of affordable housing, as defined in Chapter 20.15 LUC.

2. Family-Sized Housing. Dwelling units with three or more bedrooms earn one bonus point for every one square foot of gross floor area reserved for the dwelling units.

3. Open Space.

a. One-half bonus point for every one square foot of open space provided pursuant to LUC 20.25C.030.

4. Eastrail Corridor Improvements.

   a. Sixteen bonus points for every one square foot of designed and constructed mixing zones.

   b. Sixteen bonus points for every one square foot of frontage paths adjacent to the Eastrail corridor designed and constructed in accordance with the applicable requirements contained in this Part 20.25C LUC.

5. Grand Connection Improvements.

   a. Sixteen bonus points for every one square foot of Grand Connection area that has been designed, constructed, and then dedicated to the City.

6. Access and Connectivity.

   a. Six bonus points for every one square foot of enhanced flexible access corridor that have been designed and constructed in accordance with the applicable requirements of this Part 20.25C. Square footage for purposes of calculating bonus points shall not include vehicle surfaces described in LUC 20.25C.020.B.3.d.i.(1), but may include on-street parking and curb areas.

   b. Four bonus points for every one square foot of Flexible Access Corridor or Active Transportation Access Corridor that have been designed and constructed in accordance with the applicable requirements of this Part 20.25C. Square footage for purposes of calculating bonus points shall not include vehicle or loading drive surfaces.

   c. Two bonus points for every one square foot of Shared-Use Path that have been designed and constructed in accordance with the applicable requirements of this Part 20.25C.

7. Green Building.

   a. Green building certification as provided under LUC 20.20.420 may receive bonus points as follows:

      i. Tier: 0.3 points per gross square foot of certified building; and

      ii. Tier 2: 0.4 points per gross square foot of certified building.

b. The Director shall determine which tier of green building certification programs established under LUC 20.20.420 may qualify for each tier of bonus points established above.

c. If a residential development located entirely on a small site obtains Tier 2 green building certification, then that development is allowed to exceed its base Floor Area Ratio allowance up to the maximum for the Land Use District described in LUC 20.20.010 without obtaining any other bonus points under this amenity incentive system.

8. Affordable Commercial Space.

a. Two bonus points may be earned for every one square foot of gross floor area reserved for use as commercial space that is leased to a qualified business at a total rate below that is less than or equal to one and one-half times the operating expenses of that qualified business, as determined by the Director.

b. The Director shall define by rule what constitutes "operating expenses" and "qualified business" for the purposes of subsection B.8 of this section.

c. The Director may approve a total rate exceeding one and one-half times operating expenses up to a maximum of two times operating expenses to provide for repayment of owner-financed tenant improvements. The Director shall specify by rule the conditions under which a higher total rate may be approved under this subsection, not to exceed the specified maximum.

d. To receive bonus points under this subsection qualifying commercial space shall:

i. Be no less than 500 square feet in gross floor area;

ii. Be located on the ground floor or within an active use space as described in this Part 20.25C; and

iii. Comply with any other requirements ~~for qualifying commercial spaces~~ that the Director adopts by rule.

e. When adopting any rule to implement this subsection, the Director shall consider, and be consistent with the City's economic development goals, including those specified in the City's Economic Development Plan and Comprehensive Plan.

9. Critical Area Restoration and Enhancement.

a. 66.7 bonus points for every $1,000 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.

b. A restoration plan shall be developed by a qualified professional and approved by the City to determine the required bonus points.

c. The restored or enhanced area shall be within the development project limit and at least 10,000 square feet or 10 percent of the site area, whichever is larger.

d. The property owner shall provide an easement, in a form acceptable to the City, allowing City access to the restored or enhanced area for maintenance, monitoring, and trail construction where applicable.

10. Public Art.

a. 25 bonus points per every $1,000 of appraised art value.

b. "Public art" means any form of permanent artwork that is outdoors and publicly accessible or visible from a public place. The purpose is to create a memorable civic experience and affinity between artist and community.

c. Shall be located outside in areas open to the general public or visible from the adjoining access corridor.

d. Public art can include murals, sculptures, art elements integrated with infrastructure, and special artist-designed lighting.

e. Standalone or landmark artworks shall be at a scale that allows them to be visible at a distance.

f. Value of the art shall be determined through an appraisal acceptable to the City.

g. 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.

h. Proposed artwork shall be durable, vandal resistant, and designed to age well.

Commented [A10]: Bringing an existing design standard that applies to BelRed into 20.25C for consistency and to ensure proposed artwork is durable.

11. Park Dedication.

a. 45 bonus points for every $1,000 of the appraised value of property dedicated to the City for park purposes.

b. The need for such real property in the location proposed shall be consistent with City-adopted policies and plans.

c. The size of the real property dedicated for park purposes must be at least 4,000 square feet.

d. The real property must be located within the Wilburton Overlay but need not be contiguous with the site for which development is proposed.

e. The City must accept the dedication of the real property for park purposes.

12. Child Care Centers.

a. Eight bonus points for every one square foot of gross floor area dedicated for use as a Child Care Center up to a maximum of 15,000 square feet of gross floor area, including outdoor areas dedicated exclusively for use by the Child Care Center.

b. The floor area, including outdoor area, delineated for Child Care Centers shall be required to remain dedicated to for use as a Child Care Center for the life of the project.

c. No other uses shall be approved for future tenancy in those spaces dedicated for Child Care Centers.

13. Upper-Level Stepbacks.

a. Five hundred bonus points for every five feet of upper-level stepback provided along an entire building facade or block face, within the building height of 25 feet and 55 feet.

b. The maximum stepback depth eligible for bonus points is 20 feet.

c. Eligible upper-level stepbacks must be located along any required access corridor or public right-of-way.

20.25C.060 Catalyst Programs for Wilburton Overlay

A. Residential Catalyst Program.

1. Purpose. The purpose of the Residential Catalyst Program is to encourage early and meaningful development of residential dwelling units in the Wilburton Overlay, resulting in diverse housing across unit types and affordability levels.

2. Applicability.

a. Until the Residential Catalyst Program expires, the provisions of the program shall apply to proposed multifamily or mixed-use development, either fully or partially located within the Wilburton Overlay, that is subject to the requirements of LUC 20.15.110.

b. When the Residential Catalyst Program expires, the provisions of the program shall no longer apply to any development. Upon expiration of the Residential Catalyst Program, any proposed multifamily or mixed-use development, either fully or partially located within the Wilburton Overlay, shall comply with the requirements of LUC 20.15.110 as normal. Nothing in this subsection affects any vested rights established under LUC 20.40.500 or state law.

3. Program Phases and Duration.

   a. The Residential Catalyst Program shall consist of two phases.

   b. When the First Phase expired, the Second Phase began.

   c. When the Second Phase expired, the Residential Catalyst Program simultaneously expired.

4. First Phase.

   a. The First Phase began on June 24, 2025.

   b. The First Phase expired on October 21, 2025.

   c. If an applicant submitted a land use application while the First Phase was in effect and established vested rights under LUC 20.40.500, then the applicant must submit a complete building permit application for the development within 2 years (i.e., 730 calendar days) of the date that vested rights were first established under LUC 20.40.500 for the development. If the applicant fails to do so, then the First Phase of the Residential Catalyst Program shall not apply to the development and Chapter 20.15 LUC shall apply as normal to the development.

   d. For land use applications submitted while the First Phase was in effect and which established vested rights under LUC 20.40.500, Chapter 20.15 LUC shall be modified as follows. Any subsection of Chapter 20.15 LUC not explicitly modified below shall remain in effect for applications subject to the First Phase and, where applicable, shall apply as normal.

i. For the duration of the First Phase, the Residential and Mixed-Use Fee Per Square Foot of New Nonexempt Gross Floor Area contained in Table 20.15.150.B for the Wilburton Overlay shall not be adjusted as provided in LUC 20.15.030.

ii. LUC 20.15.150.B.1 shall not apply to residential or mixed-use development in the Wilburton Overlay. Instead, in-lieu fees shall be assessed on the date that vested rights are first established for the residential or mixed-use development under LUC 20.40.500; provided, that if the development consists of multiple phases, then for each phase the in-lieu fee shall be assessed at the time the associated Design Review for that phase vests under LUC 20.40.500. In-lieu fees shall then be collected prior to building permit issuance.

iii. LUC 20.15.120.B.1.a shall not apply. Instead, for dwelling units intended for rent, at least 5 percent of all dwelling units shall be affordable to households earning up to, and including, 80 percent of the area median income.

iv. LUC 20.15.120.B.2.a shall not apply. Instead, for dwelling units intended for sale, at least 5 percent of all dwelling units shall be affordable to households earning up to, and including, 100 percent of the area median income.

v. The Residential and Mixed-Use Fee Per Square Foot of New Nonexempt Gross Floor Area contained in Table 20.15.150.B for the Wilburton Overlay shall be reduced by 25 percent.

5. Second Phase.

   a. The Second Phase began on October 21, 2025.

   b. The Second Phase expired on December 5, 2025.

   c. If an applicant submits a land use application while the Second Phase is in effect and establishes vested rights under LUC 20.40.500, then the applicant must submit a complete building permit application for the development within 2 years (i.e., 730 calendar days) of the date that vested rights were first established under LUC 20.40.500 for the development. If the applicant fails to do so, then the Second Phase of the Residential Catalyst Program shall not apply to the development and Chapter 20.15 LUC shall apply as normal to the development.

d. For land use applications submitted while the Second Phase was in effect and which established vested rights under LUC 20.40.500, Chapter 20.15 LUC shall be modified as follows. Any subsection of Chapter 20.15 LUC not explicitly modified below shall remain in effect during the Second Phase and, where applicable, shall apply as normal.

   i. For the duration of the Second Phase, the Residential and Mixed-Use Fee Per Square Foot of New Nonexempt Gross Floor Area contained in Table 20.15.150.B for the Wilburton Overlay shall not be adjusted as provided in LUC 20.15.030.

   ii. LUC 20.15.150.B.1.a shall not apply to residential or mixed-use development in the Wilburton Overlay. Instead, in-lieu fees shall be assessed on the date that vested rights are first established for the residential or mixed-use development under LUC 20.40.500; provided, that if the development consists of multiple phases, then for each phase the in-lieu fee shall be assessed at the time the associated Design Review for that phase vests under LUC 20.40.500. In-lieu fees shall then be collected prior to building permit issuance.

6. Calculation of Dwelling Unit Thresholds. The Director shall calculate the 250, 500, and 1,000 dwelling unit thresholds described in subsections A.4.b and A.5.b of this section, and by extension determine which phase of the Residential Catalyst Program is applicable to a development, in accordance with the following:

   a. All proposed dwelling units contained in new multifamily or mixed-used development subject to LUC 20.15.110 shall be counted toward the threshold, regardless of affordability; provided, that all dwelling units contained in development consisting entirely of affordable dwelling units shall not be counted toward the thresholds. For the purposes of this subsection, development consists entirely of affordable dwelling units even where the development also contains one or more manager's units; provided, that each manager's unit is reserved exclusively for occupancy of an on-site manager serving the project and said manager's household.

   b. On the date that vested rights for a land use application are established under LUC 20.40.500, the number of proposed dwelling units associated with that land use application shall be counted toward the threshold; provided, that if the development consists of multiple phases, then for each phase the proposed

dwelling units for each phase shall be counted toward the threshold on the date that the associated Design Review for that phase vests under LUC 20.40.500.

c. Once a proposed dwelling unit is counted toward the threshold, it shall continue to count toward the threshold regardless of whether the underlying land use permit, or any subsequent and associated land use permit or building permit, expires or is withdrawn, cancelled, or revoked.

d. Once a proposed dwelling unit is counted toward the threshold, it shall continue to count toward the threshold even if the applicant fails to submit a complete building permit application within two years in accordance with subsection A.4.c or A.5.c of this section.

e. Where a land use application proposes dwelling units in an amount that would cause the First Phase to expire in accordance with subsection A.4.b of this section, then the First Phase shall apply to that development. However, the number of dwelling units proposed in excess of the applicable threshold that caused the First Phase to expire shall be counted toward the 250 dwelling unit threshold for the Second Phase described in subsection A.5.b of this section.

f. Where a land use application proposes dwelling units in an amount that would cause the Second Phase to expire in accordance with subsection A.5.b of this section, then the Second Phase shall apply to that development.

B. Commercial Catalyst Program.

1. Purpose. The purpose of the Commercial Catalyst Program is to encourage early and meaningful nonresidential development in the Wilburton Overlay, allowing existing and new businesses to thrive and contribute toward vibrant places and corridors.

2. Applicability.

a. Until the Commercial Catalyst Program expires, the provisions of the program shall apply to proposed nonresidential development, either fully or partially located within the Wilburton Overlay, that is subject to the requirements of LUC 20.15.110.

b. When the Commercial Catalyst Program expires, the provisions of the program shall no longer apply to any development. Upon expiration of the Commercial Catalyst Program, any proposed nonresidential development, either fully or partially located within the Wilburton Overlay, shall comply with the

requirements of Chapter 20.15 LUC as normal. Nothing in this subsection affects any vested rights established under LUC 20.40.500 or state law.

3. Program Phases and Duration.

    a. The Commercial Catalyst Program shall consist of at least two, but no more than three, phases.

    b. When the First Phase expires, the Second Phase shall begin.

    c. If the Second Phase expires prior to 12:00 a.m. on June 1, 2028, then the Third Phase shall begin.

    d. If the Second Phase expires on or after June 1, 2028, then there shall be no Third Phase and the Commercial Catalyst Program shall simultaneously expire.

    e. If the Second Phase expires prior to 12:00 a.m. on June 1, 2028, then when the Third Phase expires, the Commercial Catalyst Program shall simultaneously expire.

4. First Phase.

    a. The First Phase began on June 24, 2025.

    b. The First Phase shall expire as follows:

        i. If land use applications for development totaling at least 600,000 square feet of gross floor area have established vested rights under LUC 20.40.500 on or after June 24, 2025, then the First Phase shall expire on the date that vested rights are established under LUC 20.40.500 for the last application needed to reach the 600,000 square feet of gross floor area threshold.

    c. If an applicant submits a land use application while the First Phase is in effect and establishes vested rights under LUC 20.40.500, then the applicant must submit a complete building permit application for the development within 2 years (i.e., 730 calendar days) of the date that vested rights were first established under LUC 20.40.500 for the development. If the applicant fails to do so, then the First Phase of the Commercial Catalyst Program shall not apply to the development and Chapter 20.15 LUC shall apply as normal to the development.

    d. Until the First Phase expires, Chapter 20.15 LUC shall be modified as follows. Any subsection of Chapter 20.15 LUC not explicitly modified below shall remain in effect during the First Phase and, where applicable, shall apply as normal.

i. For the duration of the First Phase, the Nonresidential Fee Per Square Foot of New Nonexempt Gross Floor Area contained in Table 20.15.150.B for the Wilburton Overlay shall not be adjusted as provided in LUC 20.15.030.

ii. LUC 20.15.150.B.1 shall not apply to nonresidential development in the Wilburton Overlay. Instead, in-lieu fees shall be assessed on the date that vested rights are first established for the nonresidential development under LUC 20.40.500; provided, that if the development consists of multiple phases, then for each phase the in-lieu fee shall be assessed at the time the associated Design Review for that phase vests under LUC 20.40.500. In-lieu fees shall then be collected prior to building permit issuance.

iii. Except as provided in subsection B.4.d.iv of this section, the Nonresidential Fee Per Square Foot of New Nonexempt Gross Floor Area contained in Table 20.15.150.B for the Wilburton Overlay shall be reduced by 25 percent for all nonresidential development.

iv. If vested rights are first established under LUC 20.40.500 for nonresidential development containing life science uses or medical office uses prior to 12:00 a.m. on June 1, 2028, then the Nonresidential Fee Per Square Foot of New Nonexempt Gross Floor Area contained in Table 20.15.150.B for the Wilburton Overlay shall be reduced by 50 percent for such development. This reduction does not stack with the 25 percent reduction described in subsection B.4.d.iii of this section.

5. Second Phase.

a. The Second Phase shall begin on the date that the First Phase expires.

b. The Second Phase shall expire on the date that the first of the following occurs:

i. If land use applications for development totaling at least 250,000 square feet of gross floor area have established vested rights under LUC 20.40.500 from the date the First Phase expired to June 1, 2027, then the Second Phase shall expire on June 1, 2027.

ii. If land use applications for development totaling at least 250,000 square feet of gross floor area have not established vested rights under LUC 20.40.500 from the date the First Phase expired to June 1, 2027, then the Second Phase shall expire on the date that vested rights are established for the last application needed to reach the 250,000 square feet of gross floor area threshold.

c. If an applicant submits a land use application while the Second Phase is in effect and establishes vested rights under LUC 20.40.500, then the applicant must submit a complete building permit application for the development within 2 years (i.e., 730 calendar days) of the date that vested rights were first established under LUC 20.40.500 for the development. If the applicant fails to do so, then the Second Phase of the Commercial Catalyst Program shall not apply to the development and Chapter 20.15 LUC shall apply as normal to the development.

d. Until the Second Phase expires, Chapter 20.15 LUC shall be modified as follows. Any subsection of Chapter 20.15 LUC not explicitly modified below shall remain in effect during the Second Phase and, where applicable, shall apply as normal.

i. For the duration of the Second Phase, the Nonresidential Fee Per Square Foot of New Nonexempt Gross Floor Area contained in Table 20.15.150.B for the Wilburton Overlay shall not be adjusted as provided in LUC 20.15.030.

ii. LUC 20.15.150.B.1 shall not apply to nonresidential development in the Wilburton Overlay. Instead, in-lieu fees shall be assessed on the date that vested rights are first established for the nonresidential development under LUC 20.40.500; provided, that if the development consists of multiple phases, then for each phase the in-lieu fee shall be assessed at the time the associated Design Review for that phase vests under LUC 20.40.500. In-lieu fees shall then be collected prior to building permit issuance.

iii. If vested rights are first established under LUC 20.40.500 for nonresidential development containing life science uses or medical office uses prior to 12:00 a.m. on June 1, 2028, then the Nonresidential Fee Per Square Foot of New Nonexempt Gross Floor Area contained in Table 20.15.150.B for the Wilburton Overlay shall be reduced by 50 percent for such development.

6. Third Phase.

a. The Third Phase shall only begin if the Second Phase expires prior to 12:00 a.m. on June 1, 2028.

b. If the Second Phase expires prior to 12:00 a.m. on June 1, 2028, then the Third Phase shall begin on the date the Second Phase expires.

c. If the Second Phase expires on or after 12:00 a.m. on June 1, 2028, then there shall be no Third Phase of the Commercial Catalyst Program.

d. If the Third Phase begins, then the Third Phase shall expire at 12:00 a.m. on June 1, 2028:

e. If an applicant submits a land use application while the Third Phase is in effect and establishes vested rights under LUC 20.40.500, then the applicant must submit a complete building permit application for the development within 2 years (i.e., 730 calendar days) of the date that vested rights were first established under LUC 20.40.500 for the development. If the applicant fails to do so, then the Third Phase of the Commercial Catalyst Program shall not apply to the development and Chapter 20.15 LUC shall apply as normal to the development.

f. Until the Third Phase expires, Chapter 20.15 LUC shall be modified as follows. Any subsection of Chapter 20.15 LUC not explicitly modified below shall remain in effect during the Third Phase and, where applicable, shall apply as normal.

i. For the duration of the Third Phase, the Nonresidential Fee Per Square Foot of New Nonexempt Gross Floor Area contained in Table 20.15.150.B for the Wilburton Overlay shall not be adjusted as provided in LUC 20.15.030.

ii. LUC 20.15.150.B.1 shall not apply to nonresidential development containing life science uses or medical office uses. Instead, the Nonresidential Fee Per Square Foot of New Nonexempt Gross Floor Area contained in Table 20.15.150.B for the Wilburton Overlay shall be assessed on the date that vested rights are first established for the development containing life science uses or medical office uses under LUC 20.40.500; provided, that if the development consists of multiple phases, then for each phase the in-lieu fee shall be assessed at the time the associated Design Review for that phase vests under LUC 20.40.500. In-lieu fees shall then be collected prior to building permit issuance.

iii. If vested rights are first established under LUC 20.40.500 for nonresidential development containing life science uses or medical office uses prior to 12:00 a.m. on June 1, 2028, then the Nonresidential Fee Per Square Foot of New Nonexempt Gross Floor Area contained in Table 20.15.150.B for the Wilburton Overlay shall be reduced by 50 percent for such development.

7. Calculation of Gross Floor Area Thresholds. The Director shall calculate the 250,000 and 600,000 square feet of gross floor area thresholds described in subsections B.4.b and B.5.b of this section, and by extension determine which phase of the Commercial Catalyst Program is applicable to a development, in accordance with the following:

a. Nonresidential portions of mixed-use development shall not count toward either threshold.

b. On the date that vested rights for a land use application are established under LUC 20.40.500, the proposed square footage of gross floor area associated with that land use application shall be counted toward the applicable threshold; provided, that if the development consists of multiple phases, then for each phase the proposed square footage of gross floor area for each phase shall be counted toward the threshold on the date that the associated Design Review for that phase vests under LUC 20.40.500.

c. Once proposed square footage of gross floor area is counted toward the threshold, it shall continue to count toward the threshold regardless of whether the underlying land use permit, or any subsequent and associated land use permit or building permit, expires or is withdrawn, cancelled, or revoked.

d. Once proposed square footage of gross floor area is counted toward the threshold, it shall continue to count toward the threshold even if the applicant fails to submit a complete building permit application within two years in accordance with subsection B.4.c or B.5.c of this section.

e. Where a land use application proposes non-residential square footage of gross floor area in an amount that would cause the First Phase to expire in accordance with subsection B.4.b of this section, then the First Phase shall apply to that development. However, the nonresidential square footage of gross floor area proposed in excess of the applicable threshold that caused the First Phase to expire shall be counted toward the 250,000 square foot of gross floor area threshold for the Second Phase described in subsection B.5.b of this section.

f. Where a land use application proposes nonresidential square footage of gross floor area in an amount that would cause the Second Phase to expire in accordance with subsection B.5.b of this section, then the Second Phase shall apply to that development.

8. Assurance Device for Nonresidential Development Containing Life Science Uses or Medical Office Uses.

a. To benefit from any phase of the Commercial Catalyst Program, an applicant proposing nonresidential development containing life science uses or medical office uses must submit, in conjunction with the land use application securing a

benefit under any phase of the Commercial Catalyst Program, an assurance device in a form acceptable to the Director under LUC 20.40.490.C.

b. The amount of the assurance device shall be equal to ten percent of the following amount: the full in-lieu fee amount that would be assessed for the development by the normal operation of Chapter 20.15 LUC as may be modified by operation of the applicable phase of the Commercial Catalyst Program.

c. To apply for release of the assurance device, the applicant shall provide documentation to the City, in a form acceptable to the Director, that 90 percent of the development has been leased, transferred, or otherwise conveyed to life science uses or medical office uses. The Director shall release the assurance device only upon certification that 90 percent of the development has been leased, transferred, or otherwise conveyed to life science uses or medical office uses.

d. The assurance device shall require that 90 percent of the development has been leased, transferred, or otherwise conveyed to life science uses or medical office uses within 2 years (i.e., 730 calendar days) of the date that the first certificate of occupancy is issued for the development. If 90 percent of the development has not been so leased, transferred, or otherwise conveyed within that time period, then the City shall obtain the proceeds of the device and shall deposit and use the proceeds as provided in LUC 20.15.110.

9. Legal Agreement for Nonresidential Development Containing Life Science Uses or Medical Office Uses.

a. To benefit from any phase of the Commercial Catalyst Program, an applicant proposing nonresidential development containing life science or medical office uses must fully execute and submit, in conjunction with the land use application securing a benefit under any phase of the Commercial Catalyst Program, a legal agreement.

b. The legal agreement shall be in a form acceptable to the Director. Once fully executed, the applicant shall record the agreement with the King County Recorder's Office on the title of the real property on which the development is located. The agreement shall include, but is not limited to, the following terms and conditions:

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

ii. If 90 percent of the development has not been leased, transferred, or otherwise conveyed to life science uses or medical office uses within 2 years (i.e., 730 calendar days) of the date that the first certificate of occupancy is issued for the development, then the agreement shall require the owner of the property to make a cash payment to the City totaling 90 percent of the following amount: the full in-lieu fee amount that would be assessed for the development by the normal operation of Chapter 20.15 LUC as may be modified by operation of the applicable phase of the Commercial Catalyst Program. Upon receipt of the payment, the City shall deposit and use the proceeds as provided in LUC 20.15.110.

Part 20.25D BelRed Overlay

20.25D.010 General

A. Purpose.

The purpose of this part is to promote excellence in design quality and innovation, while enhancing the identity of the BelRed Overlay, without prescribing a specific architectural style, aesthetic, or theme.

B. Applicability.

1. The provisions of this chapter shall apply to all development within the BelRed Overlay.

2. Except to the extent expressly provided in this Part 20.25D, in Part 20.25B, or as referenced in this section, the provisions of the Land Use Code and all other applicable provisions of the Bellevue City Code shall apply.

C. Relationship to Other Regulations.

1. Refer to LUC 20.10.445 for land uses permitted in the BelRed Overlay.

2. Refer to LUC 20.20.010 for applicable development standards for the Mixed-Use Land Use Districts, including the BelRed Overlay.

3. To the extent that any provision of this Part 20.25D conflicts with any requirement contained in the Shoreline Overlay District (i.e., Part 20.25E LUC), Part 20.25E LUC shall control.

4. To the extent that any provision of this Part 20.25D conflicts with any requirement contained in the Critical Areas Overlay District (i.e., Part 20.25H LUC), Part 20.25H LUC shall control.

20.25D.015 BelRed Overlay 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:

A. "Arts District Intensive Area" is an area legally described in Section XX of Ordinance No. XXXX and depicted on Figure 20.25D.015.A. The Arts District Intensive Area is located primarily, but not exclusively, within the BelRed Station Area Node and is intended to provide for a thriving arts district.

B. "BelRed Overlay" shall mean the area legally described in Section XX of Ordinance No. XXXX and depicted on Figure 20.25D.015.A. The BelRed Overlay consists of the area included in all seven neighborhood districts, with the exception of the area within the Medical Institution District subject to Part 20.25J LUC.

C. "Neighborhood Districts" are the following seven individual subareas within the BelRed Overlay, defined by key natural and built environment features, that each have unique goals and policies under the BelRed Subarea Plan:

1. "116th Ave NE Corridor" consisting of the area legally described in Section XX of Ordinance No. XXXX and depicted on Figure 20.25D.015.A.
2. "BelRed Station Area Node" consisting of the area legally described in Section XX of Ordinance No. XXXX and depicted on Figure 20.25D.015.A.
3. "North of Northup & NE 20th Street" consisting of the area legally described in Section XX of Ordinance No. XXXX and depicted on Figure 20.25D.015.A.
4. "Overlake Village Station Area Node" consisting of the area legally described in Section XX of Ordinance No. XXXX and depicted on Figure 20.25D.015.A.
5. "South of Bel-Red Road" consisting of the area legally described in Section XX of Ordinance No. XXXX and depicted on Figure 20.25D.015.A.
6. "Spring District Station Area Node" consisting of the area legally described in Section XX of Ordinance No. XXXX and depicted on Figure 20.25D.015.A.
7. "Two Creeks" consisting of the area legally described in Section XX of Ordinance No. XXXX and depicted on Figure 20.25D.015.A.

Figure 20.25D.015.A

Map of BelRed Overlay, Neighborhood Districts and Arts District Intensive Area
[MAP TO BE PROVIDED BEFORE CITY COUNCIL ACTION]

20.25D.020 Access and Connectivity

A. General

Except as provided in this section, LUC 20.25B.020 applies to development in the BelRed Overlay.

B. Access, Blocks, and Circulation.

1. BelRed Street Network.

   a. Intent. The BelRed street network introduces a public and private right-of-way system that improves mobility by increasing access for local vehicular traffic and active transportation throughout the BelRed Overlay. BelRed streets consist of a variety of street typologies on both public rights-of-way and access corridors, defined in subsection B.3 of this section.

   b. Where Required. Figure 20.25D.020.B.1 Identifies the general location of specific new publicly-dedicated streets, as well as the area where block limits established under subsection B.2 of this section apply. This network continues the development of required streets in the BelRed Overlay which have been in effect since 2009.

   c. Modifications. The Director may approve modifications to the BelRed Street Network map to respond to specific site conditions, property ownership, phasing considerations, or a specific redevelopment proposal seeking a different street configuration; provided that the modified map satisfies the intent of subsection B.1.a of this section, accounts for general intersection alignments, is generally consistent with the map in Figure 20.25D.020.B.1 below, and meets applicable standards below. This subsection provides for flexibility to the location and alignment of defined local streets and green streets identified in Figure 20.25D.020.B.1. Criteria and process to replace a defined local street segment with a private access corridor is provided in subsection B.4 of this section. ~~Alternatives for implementing the street grid may also be allowed through a Development Agreement approved pursuant to Part 20.30C LUC.~~ Part 20.30C LUC also permits, in some circumstances, the use of a Development Agreement to approve an alternative to the requirements of subsection B.1 of this section.

Commented [A11]: Language updated for clarity.

Figure 20.25D.020.B.1. BelRed Street Network Map

[Note: the final map will be finalized prior to code adoption]

2. Blocks.

   a. A block shall be bordered on all sides by any of the following access corridors in areas within the BelRed Overlay where block limits apply, as designated in Figure 20.25D.020.B.1, except that this requirement shall not apply to sites less than 105,000 square feet in area.

      i. Public rights-of-way, including local streets and green streets;

      ii. Flexible access corridor;

      iii. Active transportation access corridor;

      iv. Enhanced shared use path;

      v. Service corridor. Service corridors may not border more than one side of the block; or

      vi. Eastrail corridor.

   b. Block Dimensions. The following block dimension requirements apply in areas within the BelRed Overlay where block limits apply, as designated in Figure 20.25D.020.B.1, except that these requirements shall not apply to sites less than 105,000 square feet in area.

      i. The perimeter of a block shall be no more than 1,200 feet in length.

      ii. The north-south dimension of a block shall be no more than 350 feet in length.

      iii. All block dimensions described in this section shall be measured as follows: If there is a sidewalk, then the dimension shall be measured from the back of the sidewalk. If there is not a sidewalk, then the dimension shall be measured from the inside edge of the corridor.

   c. For sites that are less than 105,000 square feet in area or are not located within the area of the BelRed Overlay where block limits apply, the following shall apply:

i. Vehicular access onto these sites shall be provided from a commercial driveway. The commercial driveway shall connect to a public right-of-way, or to a flexible access corridor which connects to a public right-of-way.

3. Access and Circulation Design.

a. Local Streets. Local streets are designed to serve as essential access routes for vehicles, supporting a wide range of functions that contribute to neighborhood livability and safety. These functions include designated amenity zones on both sides of the street. Amenity zones act as a buffer between pedestrians and moving vehicles, enhancing the overall streetscape and pedestrian experience. Local streets are dedicated for public access.

i. Required Width. The required minimum width of a local street is 47 feet, comprised of the following design components:

(1) Twenty-foot vehicle area;

(2) Two six-inch curbs;

(3) Two five-foot amenity zones; and

(4) Two eight-foot sidewalks.

ii. On-Street Parking. Where required, as provided in Subsection C of this section, on-street parking lanes are a minimum width of eight feet.

b. Green Streets. Green Streets are important east-west streets that connect the street network to parks and open space. Green Streets should be considered urban trails and extensions of parks and open space. They are important streets for pedestrians and bicyclists. Green Streets utilize natural drainage systems, to the extent feasible, to improve and reduce the amount of stormwater runoff at its source. Green streets are dedicated for public access.

i. Required width. The required minimum width of a green street is 60 feet, comprised of the following design components:

(1) Twenty-foot vehicle area;

(2) Two twelve-inch curb less zones;

(4) Two eleven-foot amenity zones interspersed with eight-foot parking lanes; and

(5) Two eight-foot sidewalks.

ii. Stormwater planters shall be required pursuant to Bellevue Utilities Department Engineering Standards Chapter D9, now or as hereafter amended.

iii. Parking lanes on Green Streets shall be designed to alternate between expanded landscape areas and parking stalls.

iv. Green street design details, including roadway sections and engineering, shall receive all approvals required pursuant to City Codes and standards, including but not limited to transportation and utility codes and development standards, now or as hereafter adopted.

c. Flexible Access Corridor. Flexible access corridors accommodate active transportation and essential vehicular access, including, but not limited to, parking, pick-up/drop-off, maintenance, and emergency vehicle access, which will be identified during the development review process.

i. Streetscape Elements. Flexible access corridors shall contain the following elements at a minimum and a required corridor width of 37 feet:

(1) Two 10-foot travel lanes serving vehicles and active transportation modes;

(2) Two eight-foot sidewalks;

(3) One four-foot amenity zone;

(4) Two six-inch curbs; and

(5) Street and pedestrian-scale lighting to meet applicable illumination standards contained in the Transportation Design Manual.

ii. If on-street parking is provided by development, then the corridor width must be widened beyond the minimum by an additional eight feet per parking lane.

d. Active Transportation Access Corridor. Active transportation access corridors are corridors that primarily serve active transportation and allow for emergency vehicle access. Active transportation access corridors are private corridors and shall be open and accessible to the public pursuant to LUC 20.25B.020.B.2.c and shall provide a public access easement in accordance with LUC 20.25B.020.B.2.d. Corridors shall contain the following elements with a required corridor width of 32 feet:

i. 20-foot shared active transportation and emergency vehicle path;

ii. 12-foot amenity zone consisting of landscape and other amenity areas;

iii. Pedestrian-scale lighting;

iv. Bollards at corridor access points with other transportation facilities restricting vehicular access to the corridor except for access by emergency vehicles.

e. Enhanced Shared-Use Path. Enhanced Shared-Use Paths shall be outdoors and provide public access through and between larger blocks or development sites. Minimum standards for Enhanced Shared-Use Paths do not provide for emergency vehicle access.

i. Elements. The required width of an Enhanced Shared-Use Path is 26 feet and includes the following minimum elements:

(1) 14-foot shared active transportation path;

(2) 12-foot amenity zone;

(3) Pedestrian-scale lighting.

ii. Signage. Directional signage shall identify circulation routes for all users and 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.

iii. Design.

(1) Incorporate design elements, such as paving, lighting, landscaping, and signage to identify the Shared-Use Path as a public space;

(2) Provide access that complies with the Americans with Disabilities Act;

(3) Provide lighting that is appropriately scaled for its public users, compatible with the landscape design, and improves safety;

(4) Be visible from surrounding spaces and uses. Provide windows, doorways, and other devices on the pedestrian and bicycle route to ensure that the connection is used, feels safe, and is not isolated from view; and

(5) Any building cantilevering shall not extend over the minimum 26-foot width of the Enhanced Shared-Use Path.

iv. Plaza Paths. Enhanced Shared-Use Paths which achieve all design criteria for Outdoor Plazas provided in Chart 20.25D.050.B.4 may also earn Outdoor Plaza credit in the Amenity Incentive System, provided that unobstructed travel area of at least 14 feet is maintained throughout the length of the active transportation path.

e. Service Corridor. Service corridors are corridors that support "back-of-house" functions essential to site operations, which may include, but are not limited to, emergency vehicle access, solid waste collection, and incidental loading and unloading activities. The purpose of these corridors is to support a building's operational functions without interfering with the site's primary circulation routes. Service corridors are private corridors and shall be open and accessible to the public pursuant to LUC 20.25B.020.B.2.c and shall provide a public access easement in accordance with LUC 20.25B.020.B.2.d.

i. Required Width. The minimum unobstructed width of a service corridor shall comply with applicable fire and transportation standards and shall not be less than 20 feet.

ii. Access Limitations. Service corridors shall not serve as the primary vehicular access to parking garages and shall not serve as the main pedestrian access to building entries, tenant spaces, or other areas intended for regular public use. Service corridors may serve as primary vehicular access to parking garages on small sites.

f. Commercial Driveway. For the sole purpose of subsection B.2.c of this section, commercial driveways provide connections from access corridors to parking areas located within commercial or mixed-use development.

i. If a sidewalk is required per Transportation Department review, a minimum eight-foot sidewalk is required adjacent to the commercial driveway.

ii. Commercial driveways shall not be used to satisfy the requirements of subsection B.2.b of this section.

4. Substituting Local Streets. Local street segment locations provided in Figure 20.25D.020.B.1 have been planned to provide for consistent vehicle, emergency vehicle, bicycle and pedestrian access throughout the BelRed Overlay, regardless of the pattern of future development. The Director may approve alternative

configurations utilizing private access corridors, provided they achieve a similar standard for access and achieve enhanced outcomes for active transportation access and public realm improvements. The proposed alternative configuration shall be evaluated against the purpose and all applicable criteria provided in this subsection.

a. Access Types. Local street segments may be replaced with flexible access corridors, active transportation access corridors, or enhanced shared use paths.

~~b. Enhanced Design Components. The following requirements apply to private access corridors replacing local streets. All other standards provided for private access corridors provided in 20.25D.020.B.3 apply, except as they conflict:~~

~~i. The minimum width of sidewalks is 10 feet.~~

Commented [A12]: Updated in response to September 9 Planning Commission feedback; the required minimum sidewalk width has been updated to 8 feet.

b~~c~~. Minimum Criteria. The alternative configuration must:

i. Meet all applicable requirements for emergency vehicle access;

ii. Avoid creating adverse impacts to the surrounding neighborhood or circulation system. Potential impacts can be resolved through easements or other agreements with neighboring property owners, provided the applicant provides the City with an executed and recorded legal agreement that, to the Director's satisfaction, demonstrates that all applicable property owners have given all applicable rights and authorizations necessary for the specific agreement resolving the impact;

iii. Meet the intent of applicable Americans with Disabilities Act requirements for public rights-of-way throughout the private access corridors replacing public streets; and

iv. Provide active uses along at least 50 percent of the total façade length fronting replacement private access corridors. This provision is optional for proposals daylighting a stream.

c~~d~~. Critical Areas. If all of the following criteria are satisfied, then a publicly dedicated street otherwise required to be constructed within the project limit of a development by normal operation of LUC 20.25D.020.B.1 shall not be required:

i. Normal operation of LUC 20.25D.020.B.1 would require a publicly dedicated street within the project limit of the development.

ii. A portion of the required publicly dedicated street would be located in a wetland or stream critical area regulated under Part 20.25H LUC.

iii. No alternative street alignment is feasible. For the purposes of this subsection, the Director shall consider the following factors when determining whether an alternative street alignment is feasible:

(1) The physical characteristics of the site and of sites adjoining the location where the publicly dedicated street segment would begin and end.

(2) The availability of alternative site layouts that would maintain the same intensity of development while allowing an alternative street alignment that would avoid, or otherwise reduce the amount of, construction of the required publicly dedicated street in a wetland or stream critical area regulated under Part 20.25H LUC.

(3) The cost of constructing the street segment in the wetland or stream critical area compared to the cost of constructing the same length of street segment outside of a critical area.

(4) Any other factors that the Director deems relevant.

iv. The applicant provides alternative access that meets all applicable access standards, including emergency vehicle access, for the site.

C. Location-Specific Access and Design.

1. Spring Boulevard. Spring Boulevard serves as the symbolic and functional thread that knits the BelRed Overlay together. It connects the most intense area of development and includes vehicular, light rail, and nonmotorized travel modes. It is also intended to incorporate significant urban open spaces and environmentally sensitive design features.

a. Where Required. Figure 20.25D.020.C.1 identifies the general location for Spring Boulevard. The Director may approve the final location of the Boulevard to respond to specific site conditions, property ownership, and phasing considerations; provided, that the final location satisfies the intent of subsection C.1 of this section and meets the applicable standards below.

b. Applicable standards.

i. The minimum paved width of a sidewalk shall be 10 feet, with an additional 5-foot amenity zone and a 6-inch curb.

ii. Street design details, including roadway sections and engineering, pedestrian crossings, and bicycle facilities shall receive all approvals required pursuant to City Codes and standards, including but not limited to transportation and utility codes and development standards, now or as hereafter adopted.

Figure 20.25D.020.C.1. Spring Boulevard



Figure 20.25D.140.B : NE 15th/16th Transit Boulevard Segments

Commented [A13]: Existing map, to be updated before City Council action to CoB graphics standards. General location of Spring Boulevard is maintained, street grid is out of date.

2. 130th Avenue Shopping Street. 130th Avenue NE north of Spring Boulevard is envisioned as a centralized neighborhood-serving retail street. Design is intended to make the pedestrian experience a priority and foster a vital retail environment by using uniform design features.

   a. Where Required. The 130th Avenue Shopping Street extends from Spring Boulevard to Northup Way/NE 20th Street. Figure 20.25D.020.C.2 identifies the general location of the 130th Avenue Shopping Street. The Director may approve the final location of the Shopping Street to respond to specific site conditions, property ownership, and phasing considerations; provided, that the final location satisfies the intent of subsection C.2 of this section and meets the applicable standards below.

   b. Applicable Standards.

      i. The minimum paved width of a sidewalk shall be 10 feet, with an additional 5-foot amenity zone and a 6-inch curb.

ii. Street design details, including roadway sections and engineering, shall receive all approvals required pursuant to City Codes and standards, including but not limited to transportation and utility codes and development standards, now or as hereafter adopted.

Figure 20.25D.020.C.2. 130th Avenue Shopping Street



Figure 20.25D.140.C: 130th Avenue Shopping Street

Commented [A14]: Existing map, to be updated before City Council action for CoB graphics standards. General location of Shopping Street is maintained, street grid is out of date.

3. BelRed Road from 124th Avenue NE to 148th Avenue NE.

   a. Where Required. On both sides of BelRed Road from 124th Avenue NE to 148th Avenue NE.

   b. Applicable Standards.

      i. The minimum paved width of a sidewalk shall be 10 feet, with an additional 20-foot amenity zone and a 6-inch curb. Landscaping shall be provided within the amenity zone, except where a plaza or gateway design is incorporated to signal entrances to and movement within the BelRed Overlay. Gateway and plaza elements shall create a clear sense of entry for pedestrians, cyclists, transit users, and motorists, including entry into distinct districts or neighborhoods within the subarea. Where a gateway or plaza is provided, the 20-foot amenity zone may be reduced through an administrative departure in accordance with Part 20.30H LUC.

ii. Street design details, including roadway sections and engineering, shall receive all approvals required pursuant to City Codes and standards, including but not limited to transportation and utility codes and development standards, now or as hereafter adopted.

iii. The sidewalk may meander into the planting area where necessary to retain significant trees or replace a non-viable street tree. In such case, the overall dimension of sidewalk and sidewalk planting shall total 30 feet.

iv. All viable significant trees shall be maintained between the street and existing or proposed development and each of the following standards shall be met:

(1) A minimum of five trees per 1,000 square feet of planting area shall be provided. Evergreen trees shall be a minimum height of 10 feet at planting. Deciduous trees shall have a minimum caliper of two and one-half inches.

(2) Evergreen shrubs shall be provided at a minimum spacing of three feet on center; shrubs shall be a minimum height of 42 inches at planting.

(3) Living ground cover shall be provided as necessary to cover the landscape area within a minimum of three years.

(4) At least 50 percent of the plantings shall be native species.

4. All other arterials.

a. Applicable Standards.

i. The minimum paved width of a sidewalk shall be 10 feet, with an additional 5-foot amenity zone and a 6-inch curb.

ii. Street design details, including roadway sections and engineering, pedestrian crossings, and bicycle facilities shall receive all approvals required pursuant to City Codes and standards, including but not limited to transportation and utility codes and development standards, now or as hereafter adopted.

ii. Street trees together with shrubbery, groundcover and other approved plantings are required in an amenity zone along the length of the frontage.

iii. Street trees with a minimum caliper of two and one-half inches shall be provided at a maximum spacing of 30 feet on center in tree wells a minimum

of five feet wide and 10 feet long. 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.

5. Required On-Street Parking. On-street parking can contribute to the pedestrian environment, be a great benefit to retail uses, and enhance elements of neighborhood character.

   a. Where Required. On-street parking is required with new local streets and green streets. The Director may approve the final location and quantity of on-street parking to respond to specific site conditions, property ownership, and phasing considerations; provided, that the final locations satisfy the intent of this section and meet the applicable standards identified in subsection B.3 of this section.

   b. Applicable Standards. Parking design details shall receive all approvals required pursuant to City Codes and standards, including but not limited to transportation and utility codes and development standards, now or as hereafter adopted.

   c. Exceptions. The Director may approve a reduction of up to 50% of the required on-street parking if one of the following criteria is met:

      i. A parking reduction may be considered when an additional 15% of the required bicycle parking per LUC 20.20.~~2~~590.G is provided as additional short-term bicycle parking and an additional three feet of amenity zone width beyond the minimum required in LUC 20.25D.020.B.3 is provided. The additional amenity zone width shall be provided in the area that would have otherwise been required for on-street parking.

      ii. ~~For uses that are exempt from providing off-street parking per LUC 20.20.590.E a~~A parking reduction may be considered when additional on-site visitor parking and loading spaces are provided, subject to the applicable standards in LUC 20.20.590. The total number of on-site parking spaces provided must be equal to or greater than the number of off-street parking spaces removed.

      iii. A parking reduction may be considered when the applicant proposes significant improvements that would substantially improve the overall streetscape and pedestrian experience, as determined by the director.

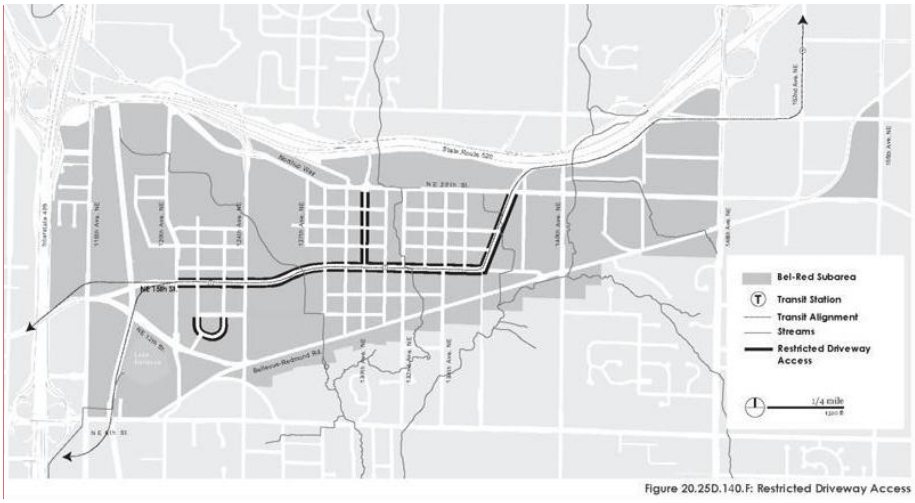
Commented [A15]: Updated for all projects, whether exempt from providing off-street parking or not, to be eligible for the parking reduction.

Eligibility of proposals shall be determined on a case-by-case basis; it is expected that the improvements shall equal or exceed what would be provided through the other criteria in this section.

6. Restricted Driveway Access. Driveway access along certain streets is restricted to minimize conflicts with transit, autos, bicycles, and pedestrians and to reinforce active edge continuity along commercial and retail frontages.

   a. Where Restricted. Driveway access is generally prohibited along Spring Boulevard and the 130th Shopping Street as shown in Figure 20.25D.020.C.6.

Figure 20.25D.020.C.6. Restricted Driveway Access



Commented [A16]: Existing map, to be updated for next draft version. General locations of restricted access are maintained, street grid is out of date.

20.25D.030 Site organization and public realm

A. General

Except as provided in Section B below, LUC 20.25B.030 applies to development in the BelRed Overlay.

B. Active Uses.

1. Where Required. Figure 20.25D.030.B identifies those streets where active uses are required for building frontages.

Commented [A17]: Existing map, to be updated for next draft version. General locations of ground floor retail and commercial are maintained but replaced with active use requirement, street grid is out of date.

Figure 20.25D.030.B. Required Active Uses

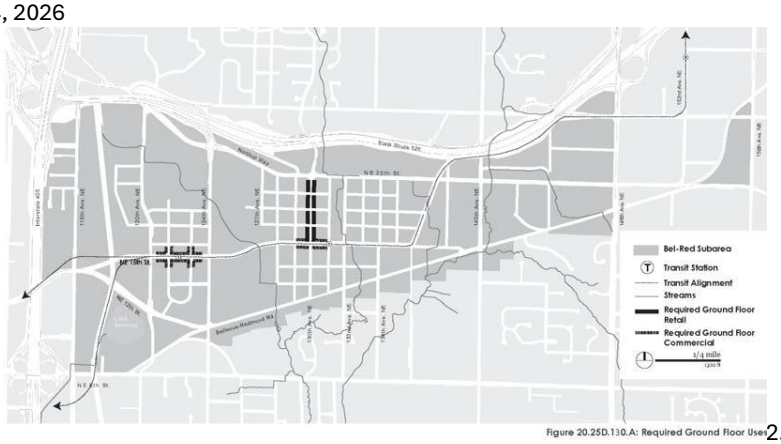


Figure 20.25D.130.A: Required Ground Floor Uses

2. Applicable Standards for Active Uses.

a. In the Spring District Station Area Node, at least 50 percent of the total facade length fronting a designated street shall contain active uses.

b. In the BelRed Station Area Node and Arts District Intensive Area, at least 75 percent of the total facade length fronting a designated street shall contain active uses.

C. Location-Specific Design.

1. Transition Edge Landscape Development.

a. Intent. Landscape development, including retention of significant trees, as required by this section is necessary to create visual separation between different land use districts.

b. Where Required. A 20-foot landscape buffer shall be provided along the property line of any site located south of BelRed Road between 124th Avenue NE and 148th Avenue NE and that abuts a Residential Land Use District, as defined in LUC 20.10.180. A landscape buffer may not be required if abutting property in a Residential Land Use District is developed for a nonresidential use.

c. Applicable Standards.

i. The required landscape buffer shall only be required along the property line abutting a Residential Land Use District.

ii. Evergreen and deciduous trees shall be provided at a maximum spacing of 20 feet on center. No more than 30 percent shall be deciduous. Trees shall be a minimum height of 10 feet at planting.

iii. Evergreen shrubs shall be provided at a minimum spacing of three feet on center. Shrubs shall be a minimum of two gallons in size at planting.

iv. Living ground cover shall be provided as necessary to cover the entire remaining area within a minimum of three years.

v. No portion may be paved except for vehicular entrance drives and required trails or other pedestrian connections, and these features should be minimized to the extent feasible.

20.25D.040 Building Design

A. General

Except as provided in this section, LUC 20.25B.040 applies to development in the BelRed Overlay.

B. Maximum Building Setback.

1. Intent. Integrate development into the urban fabric by orienting and locating primary building uses toward public spaces. Establish a continuous "street wall" that provides a sense of enclosure and visual interest for pedestrians. Limiting building setbacks also supports the economic viability of retail and commercial uses by enhancing direct pedestrian access and visibility to passing customers.

2. Where Required. Figure 20.25D.040.B identifies locations where the ground-floor facades must be generally built to the back of sidewalk.

3. Applicable Standards for Ground-Floor Facades.

   a. Ground-floor facades must be generally built to the back of sidewalk. A maximum structure setback of 15 feet may be allowed.

   b. A maximum of 25 percent of the building façade on an individual block may be setback more than 15 feet to accommodate public or private plazas, parks, or other publicly accessible spaces; however, within the Arts District Intensive Area, this limitation may be increased to more than 25 percent and up to 100 percent of the building facade where a linear event plaza is provided.

c. Windows and walls may be recessed up to 18 inches if columns, pilasters, walls or other architectural fenestration tie them together with the rest of the building frontage.

d. Surface parking is not permitted between the sidewalk and the building wall.

Figure 20.25D.040.B – Ground Floor Facades



Figure 20.25D.130.C Required Sidewalk-Oriented Development

Commented [A18]: Existing map to be updated in the next draft. The general locations of ground-floor facades where a maximum building setback applies are the same areas where sidewalk-oriented development was previously required. The street grid shown is out of date and will be updated in the next draft.

C. Required Transition Edge Development.

1. Intent. Transition edge development requires elements incorporated into the site and building design that soften the impact of South of Bel-Red Road, a neighborhood district which allows more intensive development, where it is adjacent to a residential land use district.

~~2. Where Required. Applies to any building in the South of Bel-Red Road Neighborhood District on property that directly abut a residential land use district unless there are no non-residential uses within 150 feet of the abutting property line.~~

Commented [A19]: Removed duplicative standard for clarity and consistency. These standards are already represented in 20.25C.030.C.

2~~3~~. Applicable Standards for Site Design.

a. Surface parking lots shall be screened from street-level views and from ground-level views of an abutting residential land use district. Surface parking lots shall

be located away from adjacent residential properties, unless no other location is available.

3~~4~~. Applicable Standards for Building Design.

a. The maximum building height of 60 feet above average existing grade may be reached only when incorporating pitched or stepped roof forms.

D. Affordable Housing Building Height Bonus.

1. Applicability. This subsection applies to development which meets the following standards:

a. Property owned or controlled by a regional transit authority established under Chapter 81.112 RCW on [Insert Effective Date of Ordinance] and located in the BR-GC land use district within the BelRed Overlay.

b. The development will include dwelling units on the property.

c. At least 80 percent of the dwelling units are affordable to eligible households earning up to, and including, 80 percent of the area median income.

2. Building Height Bonus. Development eligible for a bonus under LUC 20.25D.040.D.1 may receive a bonus of an additional 55 feet of building height above the maximum provided in LUC 20.20.010.

20.25D.050 Amenity Incentive System

A. General

Except as provided in this section, LUC 20.25B.050 applies to development in the BelRed Overlay.

The bonus point values have been calibrated by neighborhood to provide higher incentives for amenities that contribute to neighborhood character objectives.

B. Specific Amenity Incentive System Requirements.

1. Participation in the Amenity Incentive System shall comply with subsection C of this section and applicability shall follow Neighborhood District and Arts District Intensive Area boundaries as shown in Figure 20.25D.015.A.

2. Arts District Intensive Area Amenities Allocation. The Arts District Intensive Area has a focus on providing abundant space for production, performance, participation, and promotion of arts and cultural spaces. In addition to the requirements of subsection C of this section, Development in the Arts District Intensive Area is subject to the following requirements:

    a. It is required that 75 percent or more of a project's bonus points shall be earned from at least two of the following amenities:

        i. Affordable Housing;

        ii. Affordable Commercial;

        iii. Outdoor Plaza; or

        iv. Public Art

    b. The remaining 25% of a project's bonus points may be earned from any other amenity on the amenity list.

    c. Exceptions:

        i. Sites daylighting a stream, removing armoring from a degraded stream, dedicating parks, or dedicating trails identified in the BelRed Subarea Plan (Figure S-BR-1) may utilize any combination of amenities from the standard list to earn bonus points.

3. Amenity Incentive System In-Lieu Fees.

    a. The amenity incentive system in-lieu fee as of [Insert Effective Date of Ordinance], is $39.69 per square foot. In-lieu fees shall be assessed and collected at building permit issuance.

    b. The amenity incentive system in-lieu fee rate shall be reviewed annually, and, effective January 1st of each year, shall 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. The adjusted amenity incentive system in-lieu fee rate shall be published in the City's fee rate schedule.

c. Amenity incentive system in-lieu fees collected by the City shall be placed in a dedicated account and used exclusively for the following purposes:

i. 35% for the provision of affordable housing as determined by the Office of Housing Director;

ii. 50% shall be used for acquisition or improvement of publicly accessible open space within, adjacent to, or connected to the BelRed Overlay as determined by the Parks and Community Services Director; and

iii. 15% shall be used to support implementation of the BelRed Arts District, including, but not limited to, acquisition or improvement of public art and creative space within, adjacent to, or connected to the BelRed Overlay as determined by the Community Development Director.

d. Funding from in-lieu fees allocated to a specific purpose above may be pooled with funding from in-lieu fees allocated to one or more other purposes listed above to fund a public benefit that would meet all of the purposes above for which any amount of the pooled funding was originally allocated.

C. FAR Exemptions. In addition to the amenities eligible for FAR exemptions in LUC 20.25B.050.C, the square feet of gross floor area reserved for the following amenities shall be exempt from a development's base Floor Area Ratio allowance specified in LUC 20.20.010, provided all applicable Land Use Code requirements are satisfied:

1. Child care services. The applicant shall execute an agreement in a form approved by the City which shall be recorded with the King County Recorder's Office requiring that the space be exclusively reserved and utilized for child care services uses for the life of the building. This agreement shall be a covenant running with the land, binding on assigns, heirs, and successors of the applicant.

2. Grocery Stores. The applicant shall execute an agreement, in a form approved by the City which shall be recorded with the King County Recorder's Office, requiring that the space be exclusively reserved and utilized for the grocery store use for a period of no less than 25 years. Upon written agreement between the City and the

owner of the property, and after a period of no less than 25 years subsequent to the recording of the original covenant, the owner may replace the grocery store use with another use that fulfills the requirements of this section or, as an alternative, pay the then-applicable affordable housing fee-in-lieu. The use replacing the grocery store use, or amount of affordable housing fee-in-lieu paid, must qualify for equivalent or greater exempt FAR than was granted upon recording of the original covenant.

D. Bonus Points. The specific amenity options and corresponding bonus point values applicable within the BelRed Overlay District are established in this Part 20.25D and are described below. Only those amenities identified herein shall be eligible to earn bonus points for purposes of increasing Floor Area Ratio within the BelRed Overlay District.

1. Affordable Housing.

a. Bonus Point Calculation:

i. Four bonus points for every one square foot of gross floor area reserved for use as affordable housing affordable to households earning up to, and including, 80 percent of the Area Median Income.

ii. Six bonus points for every one square foot of gross floor area reserved for use as affordable housing affordable to households earning up to, and including, 60 percent of the Area Median Income.

iii. Eight bonus points for every one square foot of gross floor area reserved for use as affordable housing affordable to households earning up to, and including, 50 percent of the Area Median Income.

iv. Ten percent increase to total affordable housing bonus points earned in the following Neighborhood Districts: BelRed Station, Overlake Village Station, Spring District Station.

b. Design Criteria:

i. Affordable housing shall meet all applicable requirements of Chapter 20.15 LUC.

ii. While all affordable housing is exempt for the purpose of calculating floor area ratio, affordable housing bonus points may be earned only for affordable housing provided in excess of the amount required by LUC 20.15.110.

iii. Affordable housing created exclusively by operation of Chapter 4.52.090 BCC is ineligible to earn bonus points.

iv. To earn bonus points, affordable housing may be located on site, off site, or through a combination of on-site and off-site performance.

v. To earn bonus points, affordable housing located off site must be located within the city limits and within a Tier 1 location as described in LUC 20.15.140.B.1.

vi. Affordable housing earning bonus points under subsection C.1.a.i of this section is ineligible to also earn bonus points under subsection C.1.a.ii or C.1.a.iii of this section.

vii. Affordable housing earning bonus points under subsection C.1.a.ii of this section is ineligible to also earn bonus points under subsection C.1.a.i or C.1.a.iii of this section.

viii. Affordable housing earning bonus points under subsection C.1.a.iii of this section is ineligible to also earn bonus points under subsection C.1.a.i or C.1.a.ii of this section.

2. Affordable Commercial Space.

a. Bonus Point Calculation:

i. Two bonus points for every one square foot of gross floor area reserved for use as commercial space that is leased to a qualified business at a total rate that is less than or equal to one and one-half times the operating expenses of that qualified business, as determined by the Director.

ii. Four bonus points for every one square foot of gross floor area that is reserved for lease to a nonprofit organization with an arts mission, for the

Commented [A20]: Updated to include additional bonus points for affordable commercial space leased to or owned by a nonprofit with organization with an arts mission.

purpose of preserving the space for arts and creative business uses, as determined by the Director.

iii. Six bonus points for every one square foot of gross floor area that is reserved for ownership by a nonprofit organization with an arts mission, for the purpose of preserving the space for arts and creative business uses, as determined by the Director.

iv~~ii~~. Ten percent increase to total affordable commercial bonus points earned under subsections D.2.a.i, D.2.a.ii, or D.2.a.iii in any of the following Neighborhood Districts: BelRed Station, Two Creeks.

v~~iii~~. Ten percent increase to bonus points earned by affordable commercial space leased to a qualified business under subsection D.2.a.i, bonus points earned by affordable commercial space leased to a nonprofit organization with an arts mission under subsection D.2.a.ii, or bonus points earned by affordable commercial space owned by a nonprofit organization with an arts mission under subsection D.2.a.iii when the qualified business or nonprofit organization has also been identified by the City of Bellevue as either displaced or at risk of displacement from the BelRed Subarea, as determined by the Director. This increase may be applied in addition to any applicable Neighborhood District bonus under subsection D.2.a.iv.

vi. Whether a nonprofit organization has an "arts mission" shall be determined by the National Taxonomy of Exempt Entities (NTEE) Code assigned to the nonprofit organization by the United States Internal Revenue Service. The Director shall define by rule what NTEE Code is required. In the event that the United States Internal Revenue Service stops publishing NTEE Codes, then the Director shall define by rule what criteria will be used to determine whether a nonprofit organization has an "arts mission" for the purposes of subsection D.2 of this section.

vii. The Director shall define by rule what constitutes "operating expenses" and "qualified business" for the purposes of subsection D.2 of this section.

Commented [A21]: Updated to include standards 2.a.vii, 2.a.viii, and 2.a.ix for consistency with Wilburton.

viii. The Director may approve a total rate exceeding one and one-half times operating expenses up to a maximum of two times operating expenses to provide for repayment of owner-financed tenant improvements. The Director shall specify by rule the conditions under which a higher total rate may be approved under this subsection, not to exceed the specified maximum.

ix. When adopting any rule to implement this subsection, the Director shall consider, and be consistent with the City's economic development goals, including those specified in the City's Economic Development Plan and Comprehensive Plan.

b. ~~Design Criteria:~~To receive bonus points under this subsection, qualifying commercial space shall:

i. Shall be located on the ground floor. This requirement does not apply to qualified nonprofit organizations with an arts mission earning bonus points under subsections 2.a.ii and 2.a.iii of this section.

ii. Shall comply with any other requirements ~~for qualifying commercial spaces~~ that the Director adopts by rule.

3. Park Dedication.

a. Bonus Point Calculation: Forty-five bonus points for every $1,000 of the appraised value of property donated for park purposes, consistent with the BelRed Parks and Open Space Plan generalized locations and size requirements as depicted in the BelRed Subarea Plan (Figure S-BR-1).

b. Design Criteria:

i. Park dedications shall be consistent with the BelRed Parks and Open Space Plan identified locations and sizes.

ii. Park dedications do not need to be contiguous with the site on which development is proposed.

iii. Park dedications shall include FAR associated with the dedicated area.

iv. The dedication shall be provided in a form satisfactory to the City.

4. Trail Dedications and Easements. Dedications and easements of land for public access trail purposes that are provided by the developer consistent with the BelRed Subarea Parks and Open Space Plan paved multi-purpose, soft surface, or Eastrail access locations and size requirements (Figure S-BR-1).

    a. Bonus Point Calculation:

        i. One-and-a-half bonus points per square foot of trail easement.

        ii. Three bonus points per square foot of trail dedication.

    b. Design Criteria:

        i. Trails are dedicated or provided through an easement for public use at the discretion of and in a form approved by the City.

        ii. Trail dedications and easements shall be consistent with the BelRed Parks and Open Space Plan paved multi-purpose or soft surface locations and sizes.

        iii. Trail dedications and easements do not need to be contiguous with the site for which development is proposed.

        iv. Trail dedications shall include FAR associated with the dedicated area.

        v. Trail easements shall allow City access for trail construction and maintenance.

5. Stream Restoration. Bonuses available for projects which help restore riparian corridors, eligible through both restoration projects and land preservation. Projects must be in the BelRed Overlay, and may include removal of fish passage barriers, daylighting piped stream segments, restoration of natural streamside vegetation, enhanced fish and wildlife habitat, and providing compensatory storage capacity for flooding.

    a. Bonus Point Calculation:

i. Restoration Projects: 66.7 bonus points per $1,000 stream restoration (does not include land value).

ii. One-and-a-half bonus points per square foot of land preserved for future restoration or daylighting through placement into an easement or similar legal mechanism.

b. Design Criteria:

i. A restoration plan shall be prepared by a qualified professional and approved by the City.

ii. All stream daylighting projects and stream restoration projects removing armoring are eligible for stream restoration bonus points. Stream restoration projects which only include restoration planting are only eligible for stream restoration bonus points when exceeding standards for vegetated buffers. Other stream restoration project types not listed may be eligible when demonstrating that the project leads to better protection of function than would result from the application of the standard requirements. Eligible projects may earn bonus points for the full cost of stream restoration.

iii. Must be coordinated with public trail system to the greatest extent possible.

iv. Minimum 10,000 sq. ft.

v. May occur on site or off site.

vi. Owner shall provide easement allowing City access for maintenance, monitoring, and trail construction.

vii. Land preserved for future restoration or daylighting must be protected through an easement or other appropriate legal mechanism at the discretion of and in a form approved by the City.

c. Allocation and Sequencing of Bonus Points Earned by Daylighting Piped Stream Segments.

i. The provisions of this subsection C.5.c only apply to bonus points earned through the daylighting of one or more piped stream segments in the BelRed Overlay and do not apply to bonus points earned through the provision of any other amenities or through other improvements to critical areas or critical area buffers.

ii. Bonus points earned though the daylighting of one or more piped stream segments may be applied within the project limit of any phase of a development, as established in a phasing plan approved through a Master Development Plan in accordance with Part 20.30V LUC, even if the stream daylighting itself will not occur until a later phase of the development so long as the requirements of this subsection C.5.c are satisfied.

iii. The Master Development Plan for the development shall:

(1). Identify the phase in which the stream daylighting will occur;

(2). Identify each phase in which bonus points from the stream daylighting will be applied to earn additional square feet of gross floor area; and

(3). Contain a condition requiring that the stream daylighting occurs with the identified phase or earlier; and

(4). Contain a condition requiring compliance with the requirements of this subsection C.5.c.

iv. The applicant shall execute and record a covenant before issuance of the Design Review approval for the earliest phase of the development to be constructed with bonus points earned through the stream daylighting. The Covenant shall be in a form approved by the Director and shall include, but not be limited to, the following requirements:

(1). The stream daylighting must commence within two years from the date that the first certificate of occupancy is issued for a building located within the project limit of the earliest phase of the development to be constructed with bonus points earned through the stream daylighting. For the purposes of Subsection C.5.c, the stream daylighting shall be

considered to have been "commenced" if all required permits have been issued, a contractor has been retained, and a construction timeline has been provided to the Director.

(2). The stream daylighting must be completed within three years from the date that the first certificate of occupancy is issued for a building located within the project limit of the earliest phase of the development to be constructed with bonus points earned through the stream daylighting. The Director may approve one or more extensions, each of which may individually provide no more than six additional months, if both substantial progress toward completion of the stream daylighting has been made and unforeseen circumstances or conditions necessitate the extension.

(3). An assurance device, in a form acceptable to the Director under LUC 20.40.490.C, in an amount equal to 25% of the cost to daylight the stream, which shall be established using a construction cost estimator acceptable to the Director. At the Director's discretion, the assurance device may be provided separately from the covenant. If the stream daylighting is not completed within the time period required under this subsection C.5.c, including any allowed extensions, then the City shall obtain the proceeds of the device and shall deposit and use the proceeds for stream daylighting or restoration and improvement of critical areas or critical area buffers within the BelRed Overlay.

(4). A signed and notarized irrevocable license to run with the property to allow the employees, agents, or contractors of the City to go on the subject property for the purpose of inspecting and, if necessary, performing the stream daylighting; provided that nothing in the land use code, covenant, or the assurance device shall be construed as obligating the City to perform the stream daylighting.

(5). If the stream daylighting does not occur as required under this subsection C.5.c, then a waiver of the property owner's right to legal protest under

Chapter 35.43 RCW to the formation of a local improvement district to fund the stream daylighting.

(6). If the stream daylighting does not occur as required under this subsection C.5.c, then a requirement that the property owner pay to the City 75% of the full cost to daylight the stream, as calculated under subsection C.5.c.(3), but adjusted, as necessary, to reflect the published annual change in the Seattle Consumer Price Index for Wage Earners and Clerical Workers for each year since the date that the first certificate of occupancy is issued for a building located within the project limit of the earliest phase of the development to be constructed with bonus points earned through the stream daylighting. The Director is authorized to accept the proceeds and the City shall deposit and use the proceeds for stream daylighting or restoration and improvement of critical areas or critical area buffers within the BelRed Overlay.

6. Regional Transfer of Development Rights (TDR). Transfer of development rights to development located entirely within the BelRed Overlay that achieve conservation of rural resource lands outside the Countywide Urban Growth Boundary.

Commented [A22]: TDR credit values and subarea limits to be determined.

   a. Bonus Point Calculation:

      i. ___ bonus points per TDR credit, or as otherwise provided per Bellevue-King County TDR Interlocal Agreement as originally adopted or subsequently amended.

      ii. Ten percent increase to total TDR bonus points earned in the following Neighborhood Districts: 116th Ave NE Corridor, BelRed Station, Spring District Station

   b. Design Criteria:

      i. TDR credits defined in accordance with the King County TDR Program as approved or subsequently amended by the City pursuant to the Bellevue-King County TDR Interlocal Agreement.

      ii. TDR credits for use in the entire BelRed Overlay are limited to ___.

7. Public Art. Any form of permanent artwork that is outdoors and publicly accessible or visible from a public place. The purpose is to create a memorable civic experience and affinity between artist and community.

    a. Bonus Point Calculation:

        i. 66.7 points per $1,000 of appraised art value.

        ii. Ten percent increase to total public art bonus points earned in the following Neighborhood Districts: 116th Ave NE Corridor, BelRed Station, Overlake Village Station.

    b. Design Criteria:

        i. Shall be located outside in areas open to the general public or visible from the adjacent public right-of-way, perimeter sidewalk, or pedestrian way.

        ii. May be an artist-made object or artist-made 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.

        iii. Public art can include murals, sculptures, art elements integrated with infrastructure, and special artist-designed lighting.

        iv. Standalone or landmark artworks shall be at a scale that allows them to be visible at a distance.

        v. Value of art to be determined through appraisal accepted by Bellevue Arts Program.

        vi. 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.

        vii. Proposed artwork shall be durable, vandal resistant, and designed to age well.

Commented [A23]: Consolidating an existing design standard from 20.25D.060 into this section specific to public art.

8. Outdoor Plaza. May be eligible when provided as Standard Outdoor Plaza or Linear Event Plaza.

a. Bonus Point Calculation:

   i. 8 bonus points per square foot of outdoor plaza.

   ii. Ten percent increase to total outdoor plaza bonus earned in the following Neighborhood Districts: 116th Ave NE Corridor, BelRed Station, Spring District Station.

b. Design Criteria:

   i. Standard Outdoor Plaza. A publicly 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 BelRed for residents and users.

      (1) The plaza shall be clearly visible and accessible from the public right-of-way.

      (2) At least 10 percent of the surface area of the plaza shall be landscaped.

      (3) Plazas shall be at least 3,000 square feet in size and shall include at least 4 of the following features:

         (a) Fixed seating such as benches, with at least 1 linear foot of seating area per 30 square feet of hard surface within the open space.

         (b) Multifamily play areas voluntarily designed and constructed in accordance with LUC 20.20.540.

         (c) Performance spaces (Mandatory within the Arts Intensive Area).

         (d) Tables and movable seating, with at least 1 table per 75 square feet of hard surface and at least 2 seats per table.

         (e) Vendor spaces, such as kiosks or spaces for food trucks.

         (f) Water features.

         (g) Weather protection and shade structures

(h) Other elements that enhance the public realm as approved by the Director.

(4) At least 50 percent of the plaza shall remain open to the sky. The Director may approve increased building coverage above a plaza when such coverage provides enhanced vertical clearance that preserves the sense of openness and ensures the space remains visually and physically inviting to the public. The intent of this provision is to allow architectural features, such as canopies or overhead structures, that contribute to the plaza's functionality and comfort without compromising its open character.

(5) The plaza shall be signed as "Public Access" and open to the public at all times and require an easement for public right of pedestrian use in a form approved by the Director. The sign for the plaza shall be visible from the public right-of-way.

(6) Any use or feature for the exclusive use of the building users or tenants shall not be counted for the purpose of calculating bonus points.

ii. Linear Event Plaza. A publicly accessible, continuous open space, predominantly open from above, and designed to relate the surrounding urban context. Linear event plazas provide additional space for events, markets, and other activations along streets and access corridors.

(1) The plaza shall be located within the BelRed Arts District Intensive Area.

(2) The plaza shall abut a Green Street or Active Transportation Access Corridor.

(3) The minimum width of the plaza shall be 20 feet, measured from the edge of the Green Street or Active Transportation Access Corridor it abuts. The plaza shall be designed to accommodate programming for market vending and associated pedestrian circulation.

(4) The minimum length of the plaza shall be 75 feet, extending continuously along the edge of a Green Street or Active Transportation Access Corridor.

Building entrances located within the linear plaza shall not count toward the minimum width.

(5) Driveways shall not interrupt the plaza.

(6) Building cantilevers may project over the width of the plaza provided that a minimum clear height of 16 feet is maintained beneath the projection.

(7) The plaza shall be at the same grade as the adjacent access corridor or street.

(8) Electrical outlets shall be installed and available for event organizers and vendors.

(9) Paving should differentiate the plaza from other sidewalks.

9. Green Building. Building square footage meeting green building certification standards, as provided under LUC 20.20.420.

   a. Bonus Point Calculation:

      i. Tier 1: 0.3 bonus points per gross square foot of certified building

      ii. Tier 2: 0.4 bonus points per gross square foot of certified building

      iii. Ten percent increase to total green building bonus points earned in the following Neighborhood Districts: 116th Ave NE Corridor, South of Bel-Red Road, Spring District Station.

   b. Design Criteria: The Director shall determine which tier of green building certification programs established under LUC 20.20.420 may qualify for each tier of bonus points established above.

10. Natural Drainage Practices. Low impact development techniques that improve natural drainage practices such as rain gardens, pervious pavement, vegetated roofs, and amended soils.

    a. Bonus Point Calculation:

i. 0.7 bonus points per square foot of effective natural drainage practice

ii. Ten percent increase to total natural drainage bonus points earned in the following Neighborhood Districts: South of BelRed Road.

b. Design Criteria:

i. Shall meet criteria of the Bellevue Utilities Department Engineering Standards Chapter D9, now or as hereafter amended.

ii. Underlying soil condition and infiltration rate must be appropriate for the practice.

iii. Requirement for large storm events as determined by Bellevue Utilities Department shall be met.

iv. Maintenance of the natural drainage practice is the obligation of the property owner for the life of the project.

11. Access and Connectivity. May be eligible when provided as publicly dedicated local streets or green streets.

a. Bonus Point Calculation:

i. Six bonus points for every one linear foot of local street provided.

ii. Eight bonus points for every one linear foot of green street provided.

b. Design Criteria:

i. Publicly dedicated local and green streets must be designed and constructed in accordance with the applicable requirements of this Part 20.25D.

20.25D.060 Design Standards

A. Introduction.

The BelRed Subarea design standards support and complement the community vision described in the BelRed Subarea Plan that is part of the City's adopted Comprehensive Plan. The design standards contained in this section are requirements for project approval

for all development within the BelRed Overlay~~. Compliance with these design standards shall be reviewed through~~ subject to Design Review in accordance with Part 20.30F LUC~~;. except that for development in the BR-GC, compliance with these design standards shall be reviewed through . . . . .~~.

Each individual standard provides one or more of the following details:

- Intent: An initial statement describing the objective of the standard or guideline.
- Standard: Text describing the requirements for development consistent with the intent of the standard.

B. Site Standards.

Purpose. These standards address the qualities that make the BelRed subarea unique. They consider what makes an area a special, distinct "place," not simply a group of individual buildings and streets.

1. The Natural Environment.

   a. Intent. Site and building design should capitalize on significant elements of the natural environment, Highland Community Park and planned park and open space, riparian corridors and wetlands. Designs should incorporate open space amenities for residents, employees and visitors. Depending on the location, this may be accomplished through integration of the natural environment with new development or providing a smooth transition between the natural and built environments.

   b. Standards.

      i. Orient active and passive gathering places and walkways toward parks and open, natural spaces;

      ii. Provide clear and direct public access to open space amenities; and

      iii. Open space amenities must adjoin at least one building entrance.

~~2. Architectural Compatibility.~~

Commented [A24]: Updated to remove design standards that are not clear or objective.

~~a. Intent. New buildings should contribute to the quality and identity of their architectural context.~~

~~b. Standards.~~

~~i. Scale architectural elements to be proportionate to the size of the building; and~~

~~ii. Forms, proportions, materials, colors, and architectural design shall complement adjacent buildings.~~

~~3. Public and Private Art.~~

~~a. Intent. Large-scale art in both public and private applications should bring focus to an outdoor space while small-scale pieces should bring detail to the pedestrian realm surrounding a building or site.~~

~~b. Standards.~~

~~i. Proposed artwork shall be designed for and integrated into the building or site; and~~

~~ii. Proposed artwork shall use durable materials that are vandal-resistant and designed to age well.~~

Commented [A25]: Updated to remove design standards that are not clear or objective. The standard contained in subsection B.3.b.ii has been consolidated and distributed to other sections in the code specific to public art.

C. Pedestrian Emphasis Standards.

Purpose. The pedestrian emphasis standards promote an environment where pedestrians are a priority. The highest consideration should be given to the ease and comfort of pedestrian movement and gathering places.

1. The Pedestrian Environment.

   a. Intent. The most important part of a building to a pedestrian is its ground floor, the lowest 15 feet of the facade, 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.

   b. Standards.

      i. Windows shall be transparent at the street level; and

      ii. Walls shall utilize a variety of forms and colors.

~~2. The Pedestrian System.~~

~~a. Intent. Pedestrian routes should be attractive, easy to use and encourage walking and activity. Sidewalks should be continuous, avoiding interruptions such as vehicle curb cuts or changes in direction or grade. The portion of the sidewalk dedicated to walking should be free of barriers such as utility poles,~~

Commented [A26]: Updated to remove design standards that are not clear or objective. The standards contained in subsection C.2.b.iv and v has been consolidated and integrated into 20.25B.020.

~~newspaper boxes, cafe tables and chairs, permanent planters, tree grates or other obstructions and clutter.~~

~~b. Standards.~~

~~i. Separate pedestrian walkways from visual and other nuisances (e.g., trash dumpsters, loading docks, mechanical equipment, etc.);~~

~~ii. Maintain pedestrian access where rights-of-way have traditionally been located;~~

~~iv. Provide mid-block pedestrian connections;~~

~~v. Pave walkways and plazas with durable and slip-resistant materials; and~~

~~vi. Pedestrian routes shall be continuous and uninterrupted.~~

~~3. Pedestrians and the Elements.~~

~~a. Intent. Awnings and canopies are encouraged along the ground floor of buildings to protect pedestrians from rain and snow and provide shade in summer. The design of awnings and canopies should be an integral component of the building façade. Awnings should be in proportion to the building and sidewalk, and not so large as to impact street trees, light fixtures or other street furniture.~~

~~b. Standards.~~

~~i. Weather protection shall be provided consistent with LUC 20.25B.030.D.4; and~~

~~ii. Provided weather protection shall utilize one or more of the following awning or canopy types:~~

~~(1) Fabric awnings;~~

~~(2) Horizontal metal canopies, especially if transom or clerestory windows are above storefront glazing; or~~

~~(3) Glazed canopies.~~

Commented [A27]: Updated to remove weather protection requirements that are redundant or inconsistent with other standards in the code.

~~4. Outdoor Spaces.~~

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

~~b. Standards.~~

Commented [A28]: Updated to remove standards that are ambiguous and inconsistent with other standards in the code. There is no open space requirement in BelRed, therefore these standards are unnecessary and the landscaping, green factor, and green street standards will apply more cohesively instead.

~~i. Provide courtyards, squares, or plazas that are adjoining to, and are accessible from, ground-floor active uses;~~

~~ii. Provide landscape design elements to define walkways and create transitions from the outdoor spaces to adjoining access corridors or commercial driveways;~~

~~iii. Outdoor spaces shall not be separated from adjoining access corridors by visual or physical barriers;~~

~~iv. Outdoor spaces shall not be comprised of areas of the site that remain after establishing the location of the structure(s) and other site elements.~~

2~~5~~. 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 awkward spots.

b. Standards.

i. Provide formal (e.g., benches, chairs) and informal (e.g., wide steps, edges of landscaped planters, and low walls) seating areas;

ii. Seating areas shall be located primarily in areas adjoining active retail establishments, eating and drinking establishments, food vendors, or pedestrian walkways

iii. Seating areas shall be clearly visible from publicly accessible spaces;

iv. Seating areas shall not be located adjacent to loading areas, service bays, storage areas, or recycling and solid waste collection areas.

D. Architectural Standards.

Purpose. The architecture standards promote high quality development while reinforcing the area's sense of place and Northwest provenance by promoting innovative design, construction techniques and materials that reflect the industrial roots of the area while emphasizing the emerging urban character of BelRed.

1. Building Massing.

a. Intent. The length and breadth of a building should be friendly in scale and inviting to the pedestrian. Portions of a large building mass should be broken into smaller, appropriately scaled modules, with changes in plane indicated by bold projections and indentations. This allows an overly large building to appear as smaller, side-by-side buildings. Vertical and horizontal elements should be used to create a human scale and form a coherent pattern providing visual interest to the pedestrian.

b. Standards.

i. Break down long expanses of building frontage both horizontally and vertically.

ii. A vertically articulated tripartite façade division (i.e., base, middle, and top) is required for buildings over three stories, except for development subject to LUC 20.20.536 or LUC 20.15.050.H; and

iii. Vertical articulation of windows, columns, and bays.

~~2. Rooftops.~~

Commented [A29]: Updated to remove design standards that are not clear or objective.

~~a. Intent. Integrate rooftop elements into the building design. Roof shape, surface materials, colors, and penthouse functions should all be integrated into the overall building design. LUC 20.20.525 provides requirements for rooftop mechanical equipment.~~

~~b. Standards.~~

~~i. Rooftop penthouses occupied by residential or office spaces, terraces and gardens, open spaces, and other features, where allowed, shall be integrated into the overall building design.~~

2~~3~~. Residential Entries.

a. Intent. Residential entries should be substantial enough to suggest privacy yet welcoming to those who approach and enter. The overall character of the entry treatments will vary depending on street type. Entries on streets where sidewalk-oriented development is required will have a higher degree of transparency, orientation towards the street, and design detail than other portions of the subarea.

b. Standards.

~~i. Door hardware shall be made with durable materials;~~

~~ii~~. Where possible, individual entries shall be provided for dwelling units located on the ground-level that adjoin an access corridor or other pedestrian area;

~~iiiv~~. Lobby entries to buildings containing seven or more dwelling units shall provide double or multiple doors; and

~~iiiv~~. Entrances to buildings containing dwelling units shall not be accessed directly from surface parking lots.

3~~4~~. Retail and Commercial Entries.

a. Intent. Design retail and commercial entries to create an open atmosphere that draws customers inside. 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. Architectural detail should be used to help emphasize the building entry.

b. Standards.

i. Building lighting shall emphasize entrances; and

ii. Use weather protection, architectural details, and colors, to emphasize the building entry.

~~5. Ground Floor Retail and Commercial Windows.~~

~~a. Intent. Use transparency to enhance visual interest and to draw people into retail and commercial uses, and provide views inside and outside.~~

~~b. Standards.~~

~~i. Use clear window glazing; and~~

~~ii. Incorporate window types appropriate for the proposed use such as operable windows, transom windows, or other varied glazing combinations.~~

~~E. Lighting Standards.~~

~~Purpose. The lighting of buildings and open spaces should provide security, and contribute to the identity and vitality of the area.~~

~~1. Lighting for Sidewalks and Public Spaces.~~

Commented [A30]: Removed duplicative standards that are captured in subsection C.1.b above.

Commented [A31]: Updated to remove design standards that are not clear or objective. Several standards from this section that provide clear requirements for exterior and building lighting have been consolidated and integrated into 20.25B.030.D.3.

~~a. Intent. Pedestrian-scaled lighting should be used to highlight sidewalks, street trees and other features, and harmonize with other visual elements in the subarea.~~

~~b. Standards.~~

~~i. Lighting poles shall be dark in color, providing lighting to pedestrians and vehicles, and be able to accommodate banners and other decorative features;~~

~~ii. Provide lighting for landscaped areas and trees where permitted;~~

~~iii. Integrate lighting fixtures into the design of buildings or landscape walls and stairways;~~

~~iv. Install foot lighting that illuminates walkways and stairs;~~

~~v. Use energy-efficient lighting, such as LED;~~

~~vi. Direct bollard lighting downward toward walking surfaces;~~

~~vii. Provide festive lighting along signature streets on buildings and trees; and~~

~~viii. Flashing lights, exposed wires, or other devices that may provide safety hazards are not permitted.~~

~~2. Building Lighting.~~

~~a. Intent. Architectural lighting that enhances and helps articulate building design, including illumination of cornices and entries, uplighting and other effects.~~

~~b. Standards.~~

~~i. Integrate accent lighting into the building design;~~

~~ii. Provide shielded fixtures on buildings or integrated with landscaping;~~

~~iii. Lighting shall provide natural color;~~

~~iv. Exterior lighting design shall minimize glare into dwelling units;~~

~~v. Exposed light source and flashing lighting are not permitted; and~~

~~vi. Provide dimmable exterior lighting.~~

20.25D.070 Catalyst Programs for BelRed Overlay

A. Commercial Catalyst Program

1. Purpose. The purpose of the Commercial Catalyst Program is to encourage early and meaningful development of nonresidential medical office and life science uses in the BelRed Overlay, resulting in an emphasized medical innovation district within the 116th Ave NE Corridor Neighborhood District.

2. Applicability.

    a. Until the Commercial Catalyst Program expires, the provisions of the program shall apply to gross floor area reserved for medical office and life science uses in nonresidential development located, either fully or partially, within the 116th Ave NE Corridor Neighborhood District, that is subject to the requirements of LUC 20.15.110.

    b. When the Commercial Catalyst Program expires, the provisions of the program shall no longer apply to any development. Upon expiration of the Commercial Catalyst Program, any gross floor area reserved for medical office and life science uses in nonresidential development located, either fully or partially, within the 116th Ave NE Corridor Neighborhood District, shall comply with the requirements of Chapter 20.15 LUC as normal. Nothing in this subsection affects any vested rights established under LUC 20.40.500 or state law.

3. Program Phases and Duration.

    a, The Commercial Catalyst Program shall consist of only one phase.

    b. When the First Phase Expires, the Commercial Catalyst Program shall simultaneously expire.

4. First Phase.

    a. The First Phase shall begin on [date of adoption].

    b. The First Phase shall expire as follows:

        i. If Design Review applications for development containing at least 850,000 square feet of gross floor area reserved for medical office and life science uses have established vested rights under LUC 20.40.500 on or after [date of adoption], then the First Phase shall expire on the date that vested rights are established under LUC 20.40.500 for the last Design Review application needed to reach the 850,000 square feet of gross floor area threshold.

    c. If an applicant submits a Design Review application while the First Phase is in effect and establishes vested rights under LUC 20.40.500, then the applicant

must submit a complete building permit application for the development within three years (i.e., 1095 calendar days) of the date that vested rights were first established under LUC 20.40.500 for the Design Review application. If the applicant fails to do so, then the First Phase of the Commercial Catalyst Program shall not apply to the development, Chapter 20.15 LUC shall apply as normal to the development, and the Nonresidential Fee Per Square Foot of New Nonexempt Gross Floor Area contained in Table 20.15.150.B for the BelRed Overlay shall be reassessed at the then-applicable rate in accordance with LUC 20.15.150.B.1. No extensions may be granted under LUC 20.15.150.B.1.

d. Until the First Phase expires, Chapter 20.15 LUC shall be modified as follows. Any subsection of Chapter 20.15 LUC not explicitly modified below shall remain in effect during the First Phase and, where applicable, shall apply as normal.

   i. The Nonresidential Fee Per Square Foot of New Nonexempt Gross Floor Area contained in Table 20.15.150.B for the BelRed Overlay shall be reduced by 50 percent when applied to the square feet of gross floor area reserved for medical office and life science uses in the development. The fee shall not be reduced when applied to square feet of gross floor area reserved for other uses in the development.

5. Calculation of Gross Floor Area Thresholds. The Director shall calculate the 850,000 square feet of gross floor area reserved for medical office or life science uses threshold described in subsections B.4.b of this section in accordance with the following:

   a. Square feet of gross floor area of nonresidential portions of mixed-use development reserved for medical office or life science uses shall not count toward the threshold. Only square feet of gross floor area reserved for medical office and life science uses in entirely nonresidential development shall count toward the threshold.

   b. On the date that vested rights for a land use application are established under LUC 20.40.500, the proposed square footage of gross floor area reserved for medical office and life science uses associated with that land use application shall be counted toward the threshold; provided, that if the development consists of multiple phases, then for each phase the proposed square footage of gross floor area reserved for medical office and life science uses for that phase shall be counted toward the threshold on the date that the associated Design Review for that phase vests under LUC 20.40.500.

c. Once proposed square footage of gross floor area reserved for medical office and life science uses is counted toward the threshold, it shall continue to count toward the threshold regardless of whether the underlying land use permit, or any subsequent and associated land use permit or building permit, expires or is withdrawn, cancelled, or revoked.

d. Once proposed square footage of gross floor area reserved for medical office and life science uses is counted toward the threshold, it shall continue to count toward the threshold even if the applicant fails to submit a complete building permit application within the time limit provided in subsection B.4.c of this section.

e. Where a Design Review application proposes square footage of gross floor area reserved for life sciences or medical office uses in an amount that would cause the First Phase to expire in accordance with subsection B.4.b of this section, then the First Phase shall apply to that development.

7. Assurance Device for Nonresidential Development Containing Life Science Uses or Medical Office Uses.

a. To benefit from the Commercial Catalyst Program, an applicant proposing nonresidential development containing life science uses or medical office uses must submit, in conjunction with the Design Review application securing a benefit under the Commercial Catalyst Program, an assurance device in a form acceptable to the Director under LUC 20.40.490.C.

b. The amount of the assurance device shall be equal to ten percent of the following amount: the full in-lieu fee amount that would be assessed for the development by the normal operation of Chapter 20.15 LUC.

c. To apply for release of the assurance device, the applicant shall provide documentation to the City, in a form acceptable to the Director, that 90 percent of the gross floor area reserved for medical office or life science uses in the development has been leased, transferred, or otherwise conveyed to life science uses or medical office uses. The Director shall release the assurance device only upon certification that 90 percent of the gross floor area reserved for medical office or life science uses in the development has been leased, transferred, or otherwise conveyed to life science uses or medical office uses.

d. The assurance device shall require that 90 percent of gross floor area reserved for medical office or life science uses in the development has been leased,

transferred, or otherwise conveyed to life science uses or medical office uses within 2 years (i.e., 730 calendar days) of the date that the first certificate of occupancy is issued for the development. If 90 percent of the development has not been so leased, transferred, or otherwise conveyed within that time period, then the City shall obtain the proceeds of the device and shall deposit and use the proceeds as provided in LUC 20.15.110.

8. Legal Agreement for Nonresidential Development Containing Life Science Uses or Medical Office Uses.

    a. To benefit from the Commercial Catalyst Program, an applicant proposing nonresidential development containing life science or medical office uses must fully execute and submit, prior to the City's final decision on the Design Review application securing a benefit under the Commercial Catalyst Program, a legal agreement.

    b. The legal agreement shall be in a form acceptable to the Director. Once fully executed, the applicant shall record the agreement with the King County Recorder's Office on the title of the real property on which the development is located. The agreement shall include, but is not limited to, the following terms and conditions:

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

        ii. If 90 percent of the gross floor area reserved for medical office and life science uses in the development has not been leased, transferred, or otherwise conveyed to life science uses or medical office uses within 2 years (i.e., 730 calendar days) of the date that the first certificate of occupancy is issued for the development, then the agreement shall require the owner of the property to make a cash payment to the City totaling 90 percent of the following amount: the full in-lieu fee amount that would be assessed for the development by the normal operation of Chapter 20.15 LUC using the fee amount in effect on the date that payment would be due under this subsection. In lieu of a lump sum payment, the Director may approve a payment plan so long as interest is assessed at a rate that preserves the purchasing power of the proceeds over the duration of the payment plan. Upon receipt of the payment, the City shall deposit and use the proceeds as provided in LUC 20.15.110.

Part 20.25H Critical Areas Overlay District

20.25H.065 Nonconforming uses, structures, and sites – Critical Areas, Critical Area Buffers, and Critical Area Structure Setbacks

…

B. **Nonconforming Uses.**

Nonconforming uses shall be regulated by LUC 20.20.561 ~~, LUC 20.25D.060,~~ or LUC 20.25E.040, whichever is applicable to the nonconforming use by normal operation of this title.

C. **Nonconforming Structures**.

1. Nonconforming structures shall be regulated by LUC 20.20.561 ~~, LUC 20.25D.060,~~ or LUC 20.25E.040, whichever is applicable to the nonconforming structure by normal operation of this title.

…

D. **Nonconforming Sites.**

Nonconforming sites shall be regulated by LUC 20.20.561~~, LUC 20.25D.060,~~ or LUC 20.25E.040, whichever is applicable to the nonconforming site by normal operation of this title.

Part 20.25M Light Rail Overlay District

20.25M.010 General

…

D. Applicable Land Use Code Provisions.

1. Applicable Land Use District and Overlay Sections Incorporated by Reference. Predictability and certainty with respect to substantive Land Use Code requirements ensures that an RLRT system or facility design is sensitive to the context of the underlying land use districts and overlays within which it is located, and that temporary and permanent impacts are appropriately mitigated. The following overlay sections of the Land Use Code are expressly incorporated into the

provisions of this Part 20.25M and made applicable to an RLRT system or facility within those overlays:

…

~~c. Part 20.25B LUC – Transition Area Design District sections as follows:~~

~~i. LUC 20.25B.010 – Purpose;~~

~~ii. LUC 20.25B.040.A – Building Height;~~

~~iii. LUC 20.25B.040.C – Landscaping, Open Space and Buffers;~~

~~iv. LUC 20.25B.040.D – Site Design Standards;~~

~~v. LUC 20.25B.040.E – Mechanical Equipment;~~

~~vi. LUC 20.25B.050.B – Building Design Guidelines;~~

~~d. Part 20.25D LUC – BelRed LUC sections as follows:~~

~~i. LUC 20.25D.010.B – Land Use Districts;~~

~~ii. LUC 20.25D.070 – Land Use Charts;~~

~~iii. LUC 20.25D.110.B, C, D, E, F – Various landscape standards;~~

~~iv. LUC 20.25D.110.H – Fences;~~

~~v. LUC 20.25D.120.D – Parking Structure Performance Standards;~~

~~vi. LUC 20.25D.130 – BelRed Development Standards;~~

~~vii. LUC 20.25D.150 – Design Guidelines;~~

c~~e~~. Part 20.25E LUC – Shoreline Overlay District; and

d~~f~~. Part 20.25H LUC – Critical Areas Overlay District.

…

~~5. RLRT Transition Area – Design District. The Light Rail Overlay District is an "area providing transition" pursuant to LUC 20.25B.020. The Regional Transit Authority shall comply with the provisions of Part 20.25B LUC specifically incorporated by reference in this subsection D, except where standards in this Light Rail Overlay chapter are more restrictive. "Districts receiving transition" are R-1, R-1.8, R-2.5, R-3.5, R-4, R-7, R-7.5, R-10, R-20 and R-30 zoned properties developed in a residential use. The limitation contained in LUC 20.25B.020.B.3 is not applicable to the Light~~

~~Rail Overlay District, RLRT facility or system. For purposes of applying the RLRT transition area requirements of this part, the Light Rail Overlay District is the area occupied by RLRT system improvements.~~

...

20.25M.020 Definitions applicable to the Light Rail Overlay District.

The following definitions are specific to the Light Rail Overlay District and shall have the following meanings:

...

~~F. "Regional light rail transit transition area (RLRT transition area)," as that term is used within the scope of this overlay, refers to any "area receiving transition" as defined in LUC 20.25M.010.D.5.~~

~~G~~F. "Regional Transit Authority" refers to an agency formed under the authority of Chapters 81.104 and 81.112 RCW to plan and implement a high capacity transportation system within a defined region.

20.25M.030 Required permits.

A. Process Roadmap.

1. Use Approval – Two Process Options

a. Use Permitted by Land Use Code. An RLRT system and its facilities are permitted uses in all land use districts; provided, that the alignment location and profile of the RLRT system has been approved, subsequent to adoption of this overlay, by a Bellevue City Council-adopted resolution or ordinance, or by a development agreement. Any Council-adopted development agreement shall be consistent with Chapter 36.70B RCW and subsection B.1 of this section. Refer to LUC 20.10.440 (Transportation and Utilities Uses in Land Use Districts), ~~LUC 20.25D.070 (Transportation and Utilities Uses in BelRed Land Use Districts),~~ and LUC 20.25H.055.B Note 12.

...

20.25M.040 RLRT system and facilities development standards.

...

C. Landscape Development Requirements.

1. General.

a. Applicability. In Light Rail Overlay District areas located within the underlying Downtown Overlay District (Part 20.25A LUC) or in the BelRed Overlay ~~District~~ (Part 20.25D LUC), landscape development for an RLRT system or facility shall be provided pursuant to the requirements of such underlying district; provided, however, that the landscape development requirements below shall apply to the RLRT transition area along Main Street in the Downtown Overlay District. In Light Rail Overlay District areas not located within the Downtown Overlay District or the BelRed Overlay ~~District~~, landscape development for an RLRT system or facility shall be provided as described in this subsection.

...

3. Landscape Screening and Buffers Adjacent to Linear Alignment.

a. Type and Minimum Depth of Landscape Screening and Buffers.

...

~~iii. Within an RLRT transition area, light rail alignment abutting private property shall be screened with 30 feet of Transition Area Design District landscaping which meets the planting requirements of LUC 20.25B.040C.2.c. Landscape screening provided under the terms of this subsection shall be placed within the required 30-foot setback from the RLRT track alignment.~~

...

Part 20.30C Development Agreements

20.30C.020 Applicability

A. General.

1. If a development agreement is authorized under this section and, if required under LUC 20.30C.050, an application for a master development plan or a design review has been submitted, then the City is authorized, but not required, to accept, review, and approve a development agreement proposed by an applicant. This process is voluntary on the part of both the applicant and the City.

2. If a development agreement is not authorized under this section or, if required under LUC 20.30C.050, no application for a master development plan or a design review has been submitted, then the City will not accept, review, or approve a development agreement proposed by an applicant.

3. Subsections B through I of this section each operate independently of one another. If a development agreement would be authorized by multiple subsections, then the City Council shall determine the subsection through which the development agreement will be negotiated when deciding whether to negotiate a development agreement pursuant to LUC 20.30C.060.

...

H. ~~Mixed-Use Land Use Districts Subject to Part 20.25R LUC~~Wilburton Overlay.

1. Authorized Development Agreements. Development agreements are only authorized in ~~Mixed-Use Land Use Districts~~the Wilburton Overlay ~~subject to Part 20.25R LUC~~ in the following circumstances:

   a. For development occurring on real property that is immediately adjoining and touching any section of the Grand Connection.

2. Limitations on Modifications. If authorized under subsection H.1 of this section, then the development agreement may modify any of the development standards contained in the Land Use Code or the Bellevue City Code except for the following:

   a. The maximum building height shall not be modified to exceed 450 feet for any building; and

   b. Development standards contained in Chapter 22.16 BCC, including any transportation impact fee schedule adopted by separate ordinance in accordance with BCC 22.16.085, shall not be modified through a development agreement and BCC 22.16.070.C.3 and BCC 22.16.080.G do not apply within the Wilburton Overlay.

I. BelRed Overlay.

1. Authorized Development Agreements. Development agreements are only authorized in the BelRed Overlay for development meeting all of the following criteria:

   a. The development is required to provide new publicly-dedicated streets under LUC 20.25D.020.B.1.

   b. The site on which the development will occur has a site area greater than four acres.

   c. If the applicant proposes an alternative to, or elimination of, otherwise required publicly dedicated streets within the project limit of the development, then the

development must provide alternative public access throughout and across the project limit of the development as follows:

i. In comparison to the area of the otherwise required publicly-dedicated street that would be reserved for pedestrian, bicycle, and non-motorized travel, the alternative public access must provide increased public access reserved for pedestrian, bicycle, and non-motorized travel, with a minimum width of 14 feet, throughout and across the project limit of the development to connections on adjoining sites or adjoining publicly-dedicated streets;

ii. In comparison to the otherwise required publicly-dedicated street, the development must plant trees, of the size and type that would have been planted in the otherwise required publicly-dedicated street, in a number that is greater than the number of trees that would otherwise be required to be planted in the amenity zones of the publicly-dedicated streets;

iii. Any sidewalks along vehicular streets must be a minimum of eight~~10~~ feet wide; and

iv. Meet all requirements of 20.25D.020.B.4.b~~e~~.

d. If the applicant proposes modifications to any other development standards, then the proposal must provide an alternative to the modified development standard that provides a combination of at least three of the following public benefits:

i. Affordable housing, located within the project limit and either for rent or for sale, that is affordable to households earning 60% area median income or less, in an amount greater than what would otherwise be required by operation of LUC 20.15.120.B.1.b or LUC 20.15.130.B.1.b, as applicable to the development;

ii. Affordable commercial space, located within the project limit and of a size conducive to its intended use, meeting the requirements of LUC 20.25D.050.D.2 that is leased or conveyed to a nonprofit organization with an arts mission, for the purpose of preserving the space for arts and creative business uses, as determined by the Director;

iii. A park, located in the BelRed Overlay, meeting the requirements of LUC 20.25D.050.D.3;

Commented [A32]: Updated in response to September 9 Planning Commission feedback.

iv. A significant investment in public art, located within the project limit, meeting the requirements of LUC 20.25D.050.D.7; or

v. An outdoor plaza, located within the project limit, of a size greater than otherwise required under LUC 20.25D.050.D.8 and that meets all other requirements of LUC 20.25D.050.D.8.

2. Limitations on Modifications. If authorized under subsection I.1 of this section, then the development agreement may modify any of the development standards contained in the Land Use Code or the Bellevue City Code except for the following:

a. The maximum building height shall not be modified to exceed 250 feet for any building;

b. Development standards contained in Chapter 22.16 BCC, including any transportation impact fee schedule adopted by separate ordinance in accordance with BCC 22.16.085, shall not be modified through a development agreement and BCC 22.16.070.C.3 and BCC 22.16.080.G do not apply within the BelRed Overlay;

c. Development standards contained in Part 20.25H LUC shall not be modified through a development agreement.

20.30C.050 Submittal Requirements

A. Master Development Plan or Design Review Application Required.

1. If a master development plan is required for the project, then a proposal for a development agreement shall be included as part of a complete application for the master development plan.

2. If a master development plan is not required for the project, but a design review is required, then a proposal for a development agreement shall be included as part of a complete application for a design review.

3. If neither a master development plan nor a design review are required for the project, then the City will not review a proposal for a development agreement.

4. Exceptions. Subsections A.1, A.2, and A.3 of this section do not apply to proposals for a development agreement in circumstances when the development agreement is authorized:

a. For City-funded development under LUC 20.30C.020.B;

b. For development on City-owned real property under LUC 20.30C.020.C;

c. For homeless services uses under LUC 20.30C.020.F; or

d. For the use, construction, or installation of a regional light rail transit facility or regional light rail transit system under LUC 20.30C.020.G.

B. Pre-Application Conference Encouraged.

Even if not required under LUC 20.35.020, an applicant desiring a development agreement is encouraged to participate in a pre-application conference prior to submitting a proposed development agreement for review under this Part 20.30C LUC.

C. Submittal Requirements.

1. The submittal of a proposal for a development agreement shall include the following:

   a. The applicant must identify all development standards that are proposed to be modified, describe all proposed modifications, and must certify that the proposal complies with all applicable limitations on modifications described in LUC 20.30C.020;

   b. The applicant must describe the additional or alternative public benefits and compare them to the baseline public benefits that would be required to be provided without the development agreement;

   c. If a complete master development plan application or a complete design review application is either required under this section or has otherwise been submitted, then the applicant shall include a request under LUC 20.35.030.E.2.d that the City temporarily suspend review of such applications until review of the proposal for a development agreement has been completed by the City Council; and

   d. The applicant must provide any other information that may be reasonably required by the Director to review the development agreement.

2. Exception. Subsection C.1 of this section shall not apply to development agreements for homeless services uses. Instead, the submittal requirements for development agreements for homeless services uses shall be as provided in LUC 20.20.455.

Part 20.30F Design Review

20.30F.115 Applicability

A. General. If development is located in one of the following locations, then Design Review is required except as otherwise provided in subsection B of this section:

1. Downtown;
2. BelRed Overlay, except in the BR-GC as provided in subsection B of this section;
3. ~~A Mixed-Use Land Use District subject to Part 20.25R LUC~~Wilburton Overlay;

...

B. Exceptions.

1. All development for which a City Council approval is required and an opportunity for public comment has been provided shall be exempt from the Design Review process, but must still comply with the applicable Design Review criteria and standards contained in applicable development regulations.
2. All development in the BelRed General Commercial (BR-GC) land use district; Provided, that an applicant may submit a design review application for approval by the Director pursuant to Part 20.30F LUC for a development proposal located in the BR-GC land use district that includes departures permitted by Part 20.30H LUC~~deviations permitted by LUC 20.25D.030.C~~.

...

Part 20.30H Departures

20.30H.115 Applicability

The Director may, through the Design Review process, approve a proposal that departs from standards applicable in the overlay districts indicated below to the extent provided below for the overlay district at issue. This Part 20.30H LUC is not applicable to requests for deviations from the Transportation Design Manual, which are reviewed by the Transportation Department Director. If Design Review is not required for a development, then no administrative departure may be granted.

...

C. Parts 20.25B, 20.25C, and 20.25D~~R~~ LUC – ~~Mixed-Use Land Use Districts~~BelRed Overlay and Wilburton Overlay. A departure from the specific numeric standards contained in LUC 20.25~~R~~B.020 through 20.25~~B~~R.040, LUC 20.25C.020 through 20.25C.040, LUC 20.25D.020, or other sections of the Land Use Code that provide for departures in the

~~Mixed-Use Land Use Districts~~BelRed Overlay or the Wilburton Overlay may be approved, with the exception of numeric standards for the following:

1. Affordable Housing;
2. Sidewalk width; and
3. Access Corridor Width.

...

E. LUC 20.25D.030 and LUC 20.25D.040 – BelRed Overlay. A departure from the specific requirements set forth in LUC 20.25D.030 or 20.25D.040.

20.30H.120 Decision Criteria

A. ~~Decision Criteria.~~For departures authorized pursuant to LUC 20.30H.115.A, .B, or .C, t~~T~~he Director may approve, or approve with conditions, a request~~s~~ for ~~Administrative~~ an administrative d~~D~~eparture~~s from applicable provisions of the Land Use Code~~ if the applicant demonstrates that the following criteria are met:

1~~A~~. The resulting design will be more consistent with the purpose and intent of the Land Use Code standard that is not adequately accommodated by strict application of the Code; and

2~~B~~. Proposed modifications to numeric standards are the minimum reasonably necessary to achieve the intent of strict application of the Land Use Code;

3~~C~~. Any Administrative Departure criteria required by the specific terms of this Code have been met; and

4~~D~~. The modification is reasonably necessary to implement or ensure consistency with a departure allowed through an approved Development Agreement, if applicable.

...

C. For departures authorized pursuant to LUC 20.30H.115.E, the Director may approve, or approve with conditions, a request for an administrative departure if the applicant demonstrates that the following criteria are met:

1. The resulting design will be more consistent with the purpose and intent of the Land Use Code standard that is not adequately accommodated by strict application of the Code.

Part 20.30V Master Development Plan

20.30V.115 Applicability

A. General. If development meets both of the following criteria, then a Master Development Plan is required:

1. Either the development is constructed in phases or contains multiple buildings located within a single project limit; and
2. The development is located within one of the following locations:
   a. Downtown;
   b. BelRed Overlay;
   c. ~~A Mixed-Use Land Use District subject to Part 20.25R LUC~~Wilburton Overlay;
   d. The Community Mixed-Use Design District subject to Part 20.25I LUC;
   e. The MI Land Use District;
   f. The EG-TOD Land Use District; and
   g. The EM-TOD Land Use District.

...

D. BelRed ~~Land Use Districts~~Overlay. If development is located within the BelRed Overlay but is not located within a node, then a Master Development Plan is only required if the development is constructed in phases, regardless of whether the criteria specified in subsection A of this section is satisfied.

20.30V.120 Scope of Approval.

...

C. **Additional Requirements.**

Development located in the following land use districts are subject to additional Master Development Plan requirements:

1. 20.25A.030 – Downtown;
2. 20.25N.020 – Camp and Conference Center District;
3. 20.25P.020 – Eastgate Transit Oriented Development Land Use District; and
4. 20.25Q.030 – East Main Transit Oriented Development Land Use District.~~; and~~
5. ~~20.25D.030 – BelRed.~~

20.30V.130 Phasing plan required.

...

B. The phasing plan must:

1. Include a narrative regarding the installation of site improvements, landscaping, and amenities necessary to support each phase of development;

~~2. Provide for a proportionate installation of required amenities and improvements when each phase of development is constructed; and~~

~~2~~3. Include any other information that may be reasonably required by the Director; and~~.~~

3. Allocate and sequence the construction or installation of required amenities and improvements in a manner that meets the following requirements:

   a. If the development contains multiple buildings within a project limit, then amenities and improvements may be allocated among all buildings within that project limit.

   b. If the development is constructed in phases, then each phase shall provide for a proportionate or greater construction or installation of amenities and improvements within the project limit for that phase. However, no phase may depend on the future construction or installation of amenities or improvements, except for future stream daylighting in the BelRed Overlay as provided in LUC 20.25D.050.D.5.c.

20.30V.170 Land area computation.

Section is proposed to be deleted in its entirety.

~~A. General~~

~~Land which is dedicated to the City of Bellevue for right-of-way without compensation to the owner in conformance with paragraph B of this section is included in the land area for the purpose of computing maximum FAR notwithstanding LUC 20.50.020, Floor Area Ratio (FAR), and for the purpose of computing allowable dwelling units per acre.~~

~~B. Special Dedications.~~

~~1. A property owner may make a special dedication by conveying land identified for right-of-way 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.~~

~~2. A property owner may also make a special dedication by conveying land identified by the Director of Transportation as necessary for safety operational improvement projects.~~

Chapter 20.40 Administration and Enforcement

20.40.100 Administration of the Land Use Code.

...

F. Appeals.

...

G. Amendments to Previously Adopted Rules or Emergency Rules.

1. Except as provided in subsection G.2 of this section, any amendment to a previously adopted rule or emergency rule shall comply with the requirements of LUC 20.40.100.C or LUC 20.40.100.D, as may be applicable.

2. The Director may make any one or more of the following administrative amendments to a previously adopted rule or emergency rule without following the requirements of LUC 20.40.100.C or LUC 20.40.100.D;

   i. Amendment of cross-references contained in the rule or emergency rule to sections or subsections of local, state, or federal laws or regulations that are necessary to ensure such cross-references remain accurate;

   ii. Amendments necessary to correct scrivener's errors; and

   iii. Amendments necessary to ensure that previously adopted rules are accessible in accordance with local, state, and federal digital accessibility requirements.

20.50 Definitions

20.50.010 A definitions.

...

Access Corridor. Any of the following: Active Transportation Access Corridor, Eastrail Corridor, Enhanced Flexible Access Corridor, Flexible Access Corridor, Grand Connection, Shared-Use Path, and Public Right~~s~~-of-Way.

...

Amenity Zone. The portion of an access corridor between the curb and sidewalk. This zone includes street trees and landscaping, complemented by pedestrian-supportive amenities.

Additional amenities appropriate for the amenity zone include street furnishings, lighting, public art, bicycle racks, and garbage cans.

...

Area, Site. The area, measured in square feet, within the property lines. ~~(See also Floor Area, Gross and Floor Area, Usable.)~~

...

20.50.012 B definitions.

...

BelRed Overlay. Shall have the same meaning as provided in LUC 20.25D.015. ~~The area of the city located generally from Interstate 405~~

~~to Bellevue's border with Redmond at 148th Ave NE (including a small triangle west of 156th Ave NE) and between State Route 520 and Bellevue-Redmond Road, which area is more specifically described in the BelRed legislative rezone~~

...

20.50.016 D definitions.

...

Detention Centers. Facilities that are state, federal, or privately-operated in which persons are detained in custody under process of law pending the outcome of legal proceedings but are not used for punishment, correction, counseling, or rehabilitation following the conviction of a criminal offense. Detention centers or facilities may also include public or private facilities used for the detention, transportation, or food services for persons detained by state or federal law enforcement including, but not limited to, holding facilities, processing centers, and staging areas for the transportation for detained persons. The following facilities are excluded under this definition: (1) facilities detaining persons under RCW 71.09.020(7) or (16), chapter 10.77 RCW, or chapter 71.05 RCW; (2) crisis recovery centers; (3) substance abuse treatment centers; (4) facilities that provide mental health care as a primary service; and (5) facilities that provide youth protection or services under RCW 43.185C.260.

20.50.020 F definitions.

...

Commented [A33]: Updated to define detention centers, as part of the ongoing work reviewed by the City Council in the one-year moratorium on these types of facilities.

Floor Area, Gross. The area, measured in square feet, included within the inside finished wall surface of the surrounding exterior walls of a building, excluding interior openings in floor plates (e.g., vent shafts, stair wells, and interior atriums), outdoor courts, courtyards, and exterior balconies.

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 site area.~~net on-site land area (square feet)~~. ~~Net on-site land area includes the~~ For the purposes of calculating Floor Area Ratio, site area includes the area of all~~n~~ easements, but does not include public right-of-way except for public right-of-way that is dedicated, without compensation, to the City as part of the development. This definition does not apply to single-family dwellings or middle housing (refer to the definition of Floor Area Ratio (FAR) – Single-Family and Middle Housing Dwellings contained in this section), or to Downtown (refer to the definition of DT – Floor Area Ratio (FAR) in LUC 20.25A.020.A).

Floor Area Ratio (FAR) – Single-Family and Middle Housing Dwellings. A measure of development intensity for buildings equal to the gross floor area divided by ~~net on-site land area (square feet)~~site area. Included in the calculation of gross floor area is the floor area of the ground floor plus that of any additional stories of all buildings on the lot, including accessory structures. High-volume spaces that are 18 feet or greater in height are counted twice. Excluded in the calculation of gross floor area is the floor area or partially exposed lower levels that are less than five feet above finished grade, attic areas which are unfinished and nonhabitable, and carports, porches, and decks.

...

20.50.034 M definitions.

...

Mass Timber Construction. A method of building that primarily utilizes ~~engineered wood products, including, but not limited to, cross-laminated timber (CLT), glued-laminated timber (glulam), nail-laminated timber (NLT), dowel-laminated timber (DLT), and laminated veneer lumber (LVL)~~ mass timber products, as defined in RCW 19.27.570, as the main structural elements. These products are designed to provide enhanced strength, stability, and fire resistance compared to traditional timber. Mass timber construction is characterized by the use of these prefabricated wood components in walls, floors, and roofs, offering an efficient, sustainable alternative to conventional steel and concrete construction.

...

20.50.044 R definitions.

...

Right-of-Way, Public. All public streets and property dedicated to public use for streets together with public property reserved for public utilities, transmission lines and extensions, walkways, sidewalks, bikeways or equestrian trails. In mixed-use land use districts established under LUC 20.10.020 and described in LUC 20.10.398, Public Right-of-Way does not include any of the following: Active Transportation Access Corridor, Eastrail Corridor, Enhanced Flexible Access Corridor, Flexible Access Corridor, Grand Connection, Service Corridor, or Shared-Use Path.

20.50.046 S definitions.

...

Small Site. A lot in a Mixed-Use Land Use District, established under LUC 20.10.020 and described in LUC 20.10.398, and in existence prior to January 1, 2025, that is less than or equal to 40,000 square feet in area and corresponds to the project limit within which the small site is located. This definition does not apply to lots less than 40,000 square feet in area that are aggregated into a project limit that is greater than 40,000 square feet.

...

20.50.054 W definitions.

...

Wilburton Overlay. Shall have the same meaning as provided in LUC 20.25C.015.

...

BelRed Look Forward LUCA **Attachment D**
Draft LUC 20.25H Amendments
October 14, 2026

Part 20.25H Critical Areas Overlay District

II. DESIGNATION OF CRITICAL AREAS AND DIMENSIONAL STANDARDS

...

20.25H.030 Identification of critical area.

...

B. Recording Required.

1. Site Plan. The Director may require t~~T~~he property owner receiving approval of a use or development within the Critical Areas Overlay District pursuant to this part to ~~shall~~ record a site plan, covenant, maintenance agreement, or other instrument clearly delineating the critical area, critical area buffer, and critical area structure setback with the King County Recorder's Office prior to occupancy. The recorded instrument must include a statement that the provisions of this part, as now or hereafter amended, control use and development of the subject property.

...

20.25H.035 Critical area buffers and structure setbacks.

A. Critical Area Buffers.

"Critical area buffer" means a designated area contiguous to a regulated critical area that is necessary to support the continued function and stability of the critical area. For wetlands, streams, frequently flooded areas, and fish and wildlife conservation areas, buffers protect the critical area from degradation caused by human activity. For geologic hazard areas, buffers are intended to reduce risk to public safety and property by providing separation from potential geologic hazards.

The following standard critical area buffers are established for each critical area set forth below. Increased buffer widths may apply when vegetated buffer and habitat corridor standards are not met. For information about increased buffer widths or modifying required critical area buffers and structure setbacks, see the referenced sections noted in the table.

Commented [A1]: Revised to clarify that increased buffers may be required when vegetation standards are not met, and where those details can be found.

Critical Area Category or Type	Critical Area Buffer Width	Modification of Buffer
...		
Category IV ~~over 1,000 square feet~~		LUC 20.25H.095 LUC 20.25H.230
...		

...

B. Critical Area Structure Setbacks.

The purpose of the critical area structure setback is to protect critical areas and their buffers from the impacts of construction, shading, and other indirect effects associated with adjacent development.

Except as provided below, all critical areas shall have a 15-foot critical area structure setback from the edge of the critical area buffer. LUC 20.25H.055.D governs what activities and uses are allowed in a critical area structure setback.

1. Geologically hazardous areas shall not have a critical area structure setback. Instead, such areas shall only have an associated buffer as regulated by Article VII.
2. Critical aquifer recharge areas shall not have a critical area structure setback.
3. Piped streams shall have the setback specified in LUC 20.25H.075.D.2.
4. Where an NGPA has been recorded, the critical area structure setbacks shall be measured from the NGPA boundary.

III. USES, ACTIVITIES, AND DEVELOPMENT IN THE CRITICAL AREAS OVERLAY DISTRICT

20.25H.050 Uses, activities, and development in the Critical Areas Overlay District.

...

Commented [A2]: This threshold was removed with 2025 CAO update, removing outdated reference

Commented [A3]: Added clarity for how to measure critical area structure setbacks when there is a recorded NGPA.

B. Activities and Development.

1. Seismic Hazard Areas, Coal Mine Hazard Areas, Erosion Hazard Areas, and Habitat Associated with Species of Local Importance. The seismic hazard areas, coal mine hazard areas, erosion hazard areas, and habitat associated with species of local importance designated as critical areas by this part do not include absolute restrictions on development or activity. Instead, uses allowed under subsection A of this section may be undertaken in such critical areas, so long as the performance standards for geologic hazard areas found in LUC 20.25H.125 and 20.25H.130, or for habitat associated with species of local importance found in LUC 20.25H.160, as applicable, are satisfied. Erosion hazard areas are subject to the erosion control standards in LUC 20.25H.135 as well as standards found in the Clearing and Grading Code BCC 23.76 and Best Management Practices adopted under BCC 23.76.025.

...

3. Proposals that involve modification of, or impacts, to critical areas and their buffers that require mitigation require a Critical Areas Land Use Permit per Part 20.30P LUC. Activities and development allowed per LUC 20.25H.055 may qualify for an exemption or may be reviewed with the underlying permit application(s) if it can be demonstrated by a qualified professional that impacts can either be avoided or minimized according to the mitigation sequencing in LUC 20.25H.215.

20.25H.055 Activities and development allowed within critical areas – Performance standards.

A. General

1. The activities and development described in subsection B of this section may be undertaken in a critical area or critical area buffer if all of the requirements of the referenced sections are met.

2. Proposals that involve modification of, or impacts to, critical areas, critical area buffers, or both critical areas and critical area buffers require a Critical Areas Land Use Permit in accordance with Part 20.30P LUC except as follows:

   a. Activities or development allowed under LUC 20.25H.055 may instead be allowed through the underlying permit(s), as the Director's discretion;

Commented [A4]: Minor updates in this section provided as clean-up and do not substantially change existing regulation.

Commented [A5]: Provided to add additional clarity for eligibility of critical areas land use permit exceptions, no substantial changes to existing regulation.

b. Activities or development allowed under LUC 20.25H.055 may qualify for a land use exemption under LUC 20.30P.157; or

c. As otherwise noted in Part 20.25H LUC.

3. Any proposal to modify a critical area or its buffer must demonstrate compliance with mitigation sequencing under LUC 20.25H.215.

~~A Critical Areas Land Use Permit shall be required unless otherwise noted.~~

4. This section does not apply to critical aquifer recharge areas (CARAs). Activities and development allowed within CARAs shall be governed by Article VI of this Part 20.25H LUC.

~~**A. Hierarchy of Alteration**~~

5. Hierarchy of Alteration. Where an activity or development is proposed on a site with more than one type of critical area, preference shall be given to disturbing those critical areas with the least sensitivity to human disturbance, based on a consideration of both existing functions and values, and future functions and values if left undisturbed.

...

B. Activities and Development Allowed Within Critical Areas.

The following chart lists activities and development that may be allowed in a critical area or critical area buffer. The sections noted in the chart for each allowed activity or development and type of critical area refer to the applicable performance standards that must be met.

Allowed Activity or Development	Type of Critical Area			
	Streams	Wetlands	Geologic Hazard Areas[7]	Frequently Flooded Areas
...				
Repair and maintenance	20.25H.055.C.1 20.25H.080.A	20.25H.055.C.1 20.25H.100	20.25H.055.C.1 20.25H.125	20.25H.055.C.1 20.25H.180.B

Commented [A6]: Updates to the table are for consistency and clarity of application.

of bridges and culverts [1, 2]				
Repair and Maintenance of Structures with Existing Foundations or a Footprint of Less than 100 Square Feet. [2]			20.25H.055.C.1	
New ~~or expanded~~ public rights-of-way, private roads, access easements and driveways	20.25H.055.C.2 20.25H.080.A 20.25H.080.B	20.25H.055.C.2 20.25H.100	20.25H.055.C.2 20.25H.125	20.25H.055.C.2 20.25H.180.B 20.25H.180.C.4
		...		
Existing landscape maintenance[1, 2]	20.25H.055.C.3.h 20.25H.080.A	20.25H.055.C.3.h 20.25H.100	20.25H.055.C.3.h 20.25H.125	20.25H.055.C.3.h [17] 20.25H.180.B
		...		
~~Expansion or replacement of existing~~	20.25H.065 ~~20.25H.080.A~~	20.25H.065 ~~20.25H.100~~	20.25H.065 ~~20.25H.125~~	20.25H.065 ~~20.25H.180.B~~ [9]

Commented [A7]: Existing exemption from 20.25H.125.L has been moved to this section 20.25H.055 for clarity and consistent application.

~~primary structures~~ Alterations to a Nonconforming Structure or Nonconforming Site				~~20.25H.180.C.1~~
...				

Notes:

(1) For purposes of this section, repair and maintenance includes replacement of facilities and systems, or expansion so long as the area of permanent disturbance of the critical area or critical area buffer is not expanded. As applicable to public rights-of-way, private roads, access easements, parking areas and driveways, repair and maintenance also includes removing and replacing improvements within the area of permanent disturbance, and expansion of paved areas, so long as the area of permanent disturbance within the critical area or critical area buffer is not expanded.

...

C. Performance Standards.

The following performance standards apply as noted in the table in subsection B of this section. The critical areas report may not be used to modify the performance standards set forth in this subsection C:

1. Repair and Maintenance, Temporary Disturbance, or Construction Staging.

   a. Work shall be consistent with all applicable City of Bellevue codes and standards;

   b. Removal of landmark trees or significant trees is prohibited; and

c. Areas of temporary disturbance associated with the work shall be restored to pre-project conditions, pursuant to a restoration plan meeting the requirements of LUC 20.25H.210.

d. If the repair or maintenance is to an existing structure in a landslide hazard area that has a footprint of less than 100 square feet, then no soil or below grade vegetation disturbance is allowed without a critical areas land use permit.

Commented [A8]: Existing exemption from 20.25H.125.L has been moved to this section 20.25H.055 for clarity and consistent application.

...

3. Performance Standards for Specific Uses or Development. In the event of a conflict between the generally applicable performance standards and specific standards, those more protective of critical area functions and values shall prevail.

...

j. Habitat Improvement and Restoration Projects. ~~This provision applies to voluntary restoration only.~~ All d~~D~~isturbance and construction associated with proposals for habitat improvement or restoration projects ~~, clearing and grading~~ are allowed in the critical area or critical area buffer provided the proposal ~~for habitat improvement projects~~ demonstrat~~es~~ing an improvement to functions and values of a critical area or critical area buffer. Qualifying ~~Habitat improvement P~~projects ~~shall~~ be:

Commented [A9]: Revised for clarity and consistency of application.

i. Consistent with RCW 77.55.181, which provides streamlined permit review for fish habitat enhancement projects that meet the eligibility criteria of the Washington Department of Fish and Wildlife (WDFW) and qualify for exemption from local permits under the State Environmental Policy Act (SEPA) and Hydraulic Project Approval (HPA) processes;

ii. Sponsored or cosponsored by a public agency or federally recognized tribe and whose primary function is habitat restoration;

...

IV. STREAMS

20.25H.075 Designation of critical area and buffers.

...

C. Designation of Stream Critical Area Buffers.

The following critical areas buffers are established:

...

2. Buffer Modification. Modifications to the stream critical area buffer may be approved pursuant to this section:

...

b. Interrupted Buffer. ~~Where a legally established right-of-way, railroad right-of-way, other similar infrastructure, or significant development such as homes or commercial structures blocks the protective measures provided by a buffer, then the edge of the significant development or infrastructure shall be the extent of the buffer, provided:~~

i. If the buffer required by operation of LUC 20.25H.075 is interrupted by qualifying infrastructure or development, then the edge of that infrastructure or development shall be the extent of the buffer so long as the part of the critical area buffer that would have otherwise been located on the other side of the infrastructure or development provides insignificant biological and hydrological function to the subject stream as determined through a critical area report. For the purposes of this subsection, "qualifying infrastructure or development" includes any of the following:

(1) Public right-of-way, railroad right-of-way, access corridors, or other similar infrastructure.

(2) Existing structures or buildings of a size and type that would completely interrupt application of the otherwise required buffer.

~~i. The part of the critical area buffer on the other side of the significant development or infrastructure provides insignificant biological and/or hydrological function to the subject stream as determined through a critical area report, in relation to the portion of the buffer adjacent to the stream; and~~

ii. Sites that qualify for interrupted buffer under subsection C.2.b.i above must plant any portion of the uninterrupted buffer that is present on their site to achieve the v~~V~~egetative buffer standards under subsection C.1.a.ii of this section ~~are met~~.

...

Commented [A10]: Updated to provide clarity to interrupted buffer and required vegetative buffer standards.

V. WETLANDS

20.25H.095 Designation of critical area and buffers.

…

D. Designation of Wetland Critical Area Buffer.

The following critical area buffers are hereby established:

…

3. Buffer Modification. Modifications to the wetland critical area buffer may be approved pursuant to this section.

…

b. Interrupted Buffer. ~~Where a legally established right-of-way, railroad right-of-way, other similar infrastructure or significant development such as homes or commercial structures blocks the protective measures provided by a buffer, the edge of the significant development shall be the extent of the buffer, provided:~~

i. If the buffer required by operation of LUC 20.25H.095 is interrupted by qualifying infrastructure or development, then the edge of that infrastructure or development shall be the extent of the buffer so long as the part of the critical area buffer that would have otherwise been located on the other side of the infrastructure or development provides insignificant biological and hydrological function to the subject wetland as determined through a critical area report. For the purposes of this subsection, "qualifying infrastructure or development" includes any of the following:

(1) Public right-of-way, railroad right-of-way, access corridors, or other similar infrastructure.

(2) Existing structures or buildings of a size and type that would completely interrupt application of the otherwise required buffer.

~~i. The part of the critical area buffer on the other side of the significant development provides insignificant biological or hydrological function as determined through a critical area report in relation to the portion of the buffer adjacent to the wetland; and~~

ii. Sites that qualify for interrupted buffer under subsection D.3.b.i above must plant any portion of the uninterrupted buffer that is present on their site to

Commented [A11]: Updated to provide clarity to interrupted buffer and required vegetative buffer standards.

achieve the ~~V~~vegetative buffer standards under subsection D.1.a.ii of this section are met.

...

VII. GEOLOGIC HAZARD AREAS

20.25H.120 Designation of critical area and buffers.

A. Designation of Critical Areas.

The City's GIS mapping layers relating to this chapter are entitled "Steep Slopes" and "Liquefaction Prone Area." These maps and other available resources (such as topographic maps, soils maps, and aerial photos) are intended only as guides. They depict the approximate location and extent of known critical areas. Some critical areas depicted in these resources may no longer exist and critical areas not shown in these resources may currently be present. The provisions of this chapter and the findings of a critical area report and review of the report by the City take precedence over the City's mapping in regard to identification and mitigation of potential geologic hazards. Site-specific geologic hazard studies shall be conducted prior to approval of development, clearing and grading, utility installation, or other activities to evaluate if a geologic hazard area actually exists, and to assess suitable options for hazard mitigation, if appropriate.

The following geologic hazard areas are hereby designated critical areas subject to the regulations of this part:

...

2. Steep Slopes. Except as provided below, s~~S~~lopes of 40 percent or more that have a vertical rise of at least 10 feet over 25 feet or less of horizontal distance and that exceed 1,000 square feet in area, not including areas composed of consolidated rock. ~~and exceed 1,000 square feet in area.~~

   a. Engineered slopes previously created as part of legally permitted construction projects, such as road or rail embankments, are not steep slopes regulated by the land use code as a critical area. Like all slopes, engineered slopes are subject to the requirements of the clearing and grading code, Chapter 23.76, and any other applicable development regulations.

Commented [A12]: Revised to clarify an existing exemption revised in subsection C.2 below.

...

B. Geologic Hazard Area Buffers.

...

b. Steep slopes: 50 feet.

C. Modification of Geologic Hazard Areas and Buffers.

Modifications to the geological hazard area and buffer may be approved pursuant to this section.

~~2. Exception to Geologic Hazard Critical Area Buffer. An exemption may be requested for any General Geologic Hazard Area, created through previous, legal grading activities, to allow the hazard to be altered as part of a development proposal. Any portion of the previously created hazard that remains following site development will be subject to the protection mechanisms of this section, including buffer requirements.~~

~~a. Exemptions are reviewed through the appropriate land use permitting process and based on City review and acceptance of a soils report, prepared by a licensed geologist or licensed geotechnical engineer, that addresses the proposed exemption and demonstrates that the required static and seismic factors of safety for the slope are achieved.~~

1~~3~~. Buffer Modification. Proposed modifications to the geologic hazard critical area buffer shall be documented through a critical areas report, LUC 20.25H.230, and may be approved via the underlying permit process, as applicable. Additional requirements outlined in this section shall also be adhered to.

a. Within the critical areas report, minimum buffers for landslide hazard ~~areas~~ and steep slopes may be reduced to 15 feet if a geotechnical engineer or geologist assesses the critical area and determines that the proposal meets the following decision criteria:

i. T~~t~~he risks for instability are minimal ~~or that the structure~~, and~~,~~

ii. The structure, neighboring properties, or other ~~, or waterways~~ critical areas will not be adversely affected by buffer reduction for the critical area.

Commented [A13]: Removed and repackaged into the definition for steep slope in subsection A.2 above.

Commented [A14]: Minor revisions for clarity.

b. If reduction of the buffer to less than 15 feet or construction on the landslide hazard or steep slope ~~hazard~~ is requested then, in addition to the requirements of subsection C.1.a, the critical area ~~study~~ report must also include the following:

i. Exploration(s) that provide strength data such as soil Standard Penetration Tests (SPT) or other industry accepted methods. For construction above a landslide hazard or steep slope hazard area at least one exploration must be conducted near the top of the slope or above the proposed construction area and extend at least to the elevation of the base of the landslide hazard or steep slope hazard area. For sites where structures are planned at the base of a landslide hazard or steep slope area at least one exploration is required to be conducted near the top of the slope or the property boundary if the landslide hazard or steep slope extends off of the property. Another exploration should be performed near the base of the landslide hazard or steep slope or if the landslide hazard or steep slope extends off the property the exploration should be placed near the property boundary where the landslide hazard or steep slope exists.

ii. A comprehensive study of slope stability including an analysis of proposed cuts, fills, and other site grading and construction effects where the overall minimum factor of safety for slope stability is 1.5 for static conditions and 1.1 for seismic conditions, or as required by standards found in the clearing and grading code, Chapter 23.76, as based on current building code seismic design conditions for the post construction conditions. Additionally, a slope stability analysis of the worst case conditions during construction must also be evaluated for static conditions and show a factor of safety of 1.5 or greater. These analyses must be included in a report including soil parameters and loading conditions utilized for the analysis.

iii. Critical areas report shall be signed and stamped by both a geotechnical engineer and geologist, or an individual with both licenses.

2. Approval to reduce a buffer or impact a geological hazard area is made on a case-by-case review and is applicable to the proposal under consideration. Subsequent

Commented [A15]: Added to clarify that additional review is required for changes or alterations proposed to an approved plan.

review by a qualified professional will be required for changes or alterations to a site previously granted approval.

20.25H.125 Performance standards – Landslide hazards and steep slopes.
In addition to generally applicable performance standards set forth in LUC 20.25H.055 and 20.25H.065, development within a landslide hazard or steep slope critical area or their critical area buffers ~~of such hazards~~ shall incorporate the following additional performance standards in design of the development, as applicable. The requirement for long-term slope stability shall exclude designs that require regular and periodic maintenance to maintain their level of function.

...

~~K. An exemption may be requested for any landslide or steep slope hazard area, created through previous, legal grading activities, to allow the hazard to be altered as part of a development proposal. Any portion of the previously created hazard that remains following site development will be subject to the protection mechanisms of this section, including buffer requirements. Exemptions are reviewed through the appropriate land use permitting process and based on City review and acceptance of a soils report, prepared by a licensed geologist or licensed geotechnical engineer, that addresses the proposed exemption and demonstrates that the required static and seismic factors of safety for the slope are achieved; and~~

Commented [A16]: Removed and repackaged into the definition for steep slope in subsection A.2 above.

~~L. An exemption may be requested for "minor work" in the landslide hazard areas. Minor work is considered pruning of above grade portions of vegetation or removal of dead trees and vegetation, replacement of existing equipment with a disturbance area of less than 10 square feet or repairs to structures that will utilize existing foundation elements, or having a footprint of less than 100 square feet and require no soil or below grade vegetation disturbance.~~

Commented [A17]: Removed and repackaged into 20.25H.055 for clarity and consistent application.