



# Bellevue Planning Commission

**Wednesday, April 27, 2016**

6:30 to 8:45 p.m. ■ 1E-113

City Hall ■ 450 110th Avenue NE, Bellevue

## Agenda

Regular Meeting and Public Hearing

6:30 p.m.

1. **Call to Order**  
*Michelle Hilhorst, Chairperson*
2. **Roll Call**  
*Michelle Hilhorst, Chairperson*
3. **Approval of Agenda**
4. **Special Guest Speaker – Bellevue School District Senior Staff**
5. **Public Comment\***  
*Limited to 5 minutes per person or 3 minutes if a public hearing has been held on your topic.*
6. **Communications from City Council, Community Council, Boards and Commissions**
7. **Staff Reports**
8. **Draft Minutes Review**
9. **Public Hearing**
  - A. **Expansion of Floor Area Exception for Assisted Living Uses through Provisions of Affordable Housing**  
Review of proposed code amendment to allow an incentive in the code for affordable assisted living.  
*Carol Helland, Land Use Division Director*  
  
*Public comment is welcome for this public hearing and it is limited to 5 minutes per person.*
10. **Study Session**
  - A. **Expansion of Floor Area Exception for Assisted Living Uses through Provisions of Affordable Housing**  
Review of proposed code amendment to allow an incentive in the code for affordable assisted living.  
*Carol Helland, Land Use Division Director*

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**B. Eastgate/I-90 Corridor Implementing Regulations**

Introduction and review of Transit Oriented Development Center District, past studies, incentive zoning, use tables.

*Patricia Byers, Code Development Manager*

*Terry Cullen, AICP, Comprehensive Planning Manager, PCD*

**11. Public Comment\*** - *Limited to 3 minutes per person*

**12. Adjourn**

**Planning Commission Members**

Michelle Hilhorst, Chair

John deVadoss, Vice Chair

Jeremy Barksdale

John Carlson

Aaron Laing

Anne Morisseau

Stephanie Walter

John Stokes, Council Liaison

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

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



DATE: April 21, 2016

TO: Chair Hilhorst and Members of the Planning Commission

FROM: Carol Helland, Land Use Division Director 452-2724  
Development Services Department

SUBJECT: Floor Area Increase for Assisted Living Uses through Provision of Affordable Housing - File No. 16-126684-AD

**INTRODUCTION**

On December 14, 2015, representatives of Aegis Living came before the Council in Oral Communications with a request to initiate and expedite a Land Use Code Amendment (LUCA) that would affect their property in the BR-MO District. They presented specific LUCA language that would allow the maximum floor area dedicated to “assisted living” use in the Bel Red Medical Office District (BR-MO) to exceed the base FAR of 1.0 up to a maximum FAR of 2.0, subject to provision of a fee-in-lieu affordable housing incentive.

The City Council discussed the merits of undertaking a code amendment to achieve the objectives of the Aegis Living proposal on February 1 and February 22, 2016. On February 22, the Council initiated a LUCA to enable increased density in multifamily districts city-wide for assisted living where combined with on-site or fee-in-lieu provision of affordable housing, and forwarded the LUCA to the Planning Commission for a public hearing and recommendation.

**PROPOSAL SUMMARY**

The LUCA prepared for Planning Commission consideration would enable a density increase in the BelRed and Downtown subareas where:

1. Residential density is governed by FAR,
2. The FAR Amenity System currently does not apply or provide for an affordable housing incentive, and
3. Assisted living, congregate care and nursing home uses are permitted.

The resulting amendment would expand the excepted FAR for affordable housing uses to the BelRed-Medical Office (BR-MO) and BelRed-Office Residential (BR-OR) land use districts. The balance of the BelRed districts either except affordable housing as an existing amenity, or do not permit assisted living, congregate care and nursing home uses. Therefore, amendments to the code outside these two land use districts are not necessary to achieve the Council direction. In Downtown, excepted FAR for affordable housing uses would be permitted in any land use district where assisted living, congregate care or nursing home uses are allowed.

Where the amendment is applicable, the new language would except up to 1 FAR of affordable housing from the calculation of FAR for a residential project if certain criteria are met. If the

affordable housing is provided on-site, the amount of excepted FAR would be negotiated through a development agreement and the affordable housing would be required to meet applicable design criteria, a public benefit must be shown to be derived from development of affordable housing at the proposed location, and an agreement must be executed with the City to ensure that the affordable housing remains on the site for the life of the project.

If the affordable housing is not provided on-site, the applicant is required to pay a fee-in-lieu, and must execute an agreement with the City to ensure that the use remains dedicated to assisted living, congregate care or nursing home for the life of the project. In BelRed, calculation of the in-lieu-fee would be based on the affordable housing amenity rates adopted into the BelRed code. Affordable housing is not currently an amenity offered in the Downtown code. As a result, payment of the in-lieu-fee in Downtown would be negotiated through a Council-approved development agreement.

A draft LUCA was introduced to the Planning Commission on March 23, 2016. A copy of the draft LUCA is included in Attachment 1 to this staff report.

### **REVIEW PROCESS**

A LUCA is reviewed through Process IV per LUC 20.35.400 - .450. Following review of the draft LUCA, the Planning Commission directed staff to schedule a public hearing for April 27, 2016. Following the public hearing on April 27, the Planning Commission will be asked to develop a recommendation for transmittal to the City Council for final action. The Planning Commission will either formulate its recommendation on the same night as the public hearing or during a future meeting, based on specific decision criteria set forth in Land Use Code section 20.30J.135.

### **PUBLIC NOTICE**

Notice of the public hearing and application for environmental review under the State Environmental Policy Act (SEPA) together with the SEPA checklist were published in the City's Weekly Permit Bulletin on April 7, 2016. Notice of the SEPA threshold determination was published on April 21, 2016 in the Weekly Permit Bulletin. As of the writing of this staff report, no public comments on the proposal have been received.

Pursuant to the Washington State Growth Management Act, state agencies must be given 60 days to review and comment on proposed amendments to the Land Use Code. A copy of the proposed amendment has been provided to the state agencies with a request to expedite their review so that the City Council can take final action as soon as the Planning Commission has prepared its recommendation.

The balance of this Staff Report analyzes the decision criteria in the Land Use Code that must be met to support adoption of a Land Use Code Amendment and the required Environmental Review.

### **DECISION CRITERIA**

LUC 20.30J.135 establishes the decision criteria for an application to amend the text of the Land Use Code. Those criteria, and the relationship of the proposal to them, are discussed below:

- A. The amendment is consistent with the Comprehensive Plan; and

The Comprehensive Plan General Elements as well as the Bel-Red Subarea Plan contain policies applicable to this LUCA proposal. The most relevant policies are listed below:

- **Comprehensive Plan Housing Vision.** *Bellevue meets the housing needs of its diverse population, strengthening neighborhoods and communities.*
- **Comprehensive Plan Housing Goal.** *To maintain the vitality and stability of single family, multifamily and mixed used neighborhoods, and promoting a variety of housing opportunities to meet the needs of all members of the community.*
- **Policies HO-7 and HO-23.** *Encourage the development of affordable housing through incentives and other tools consistent with state-enabling legislation.*
- **Policy HO-11.** *Encourage housing opportunities in mixed residential/commercial settings throughout the City.*
- **Policy HO-12.** *Provide incentives to encourage residential development for a range of household types and income levels in multifamily and mixed use commercial zones.*
- **Policy HO-34.** *Provide reasonable accommodation for housing people with special needs in all areas, and avoid concentrations of such housing, while protecting residential neighborhoods from adverse impacts.*

**Finding:** The LUCA encourages the development of affordable housing by excepting floor area devoted to assisted living, nursing home or congregate care uses through the provisions of affordable housing. The LUCA provides implementation flexibility by allowing use of the FAR exception when a component of affordability is provided on-site subject to the terms of a Council-approved development agreement, or by payment of a fee-in-lieu to support affordable housing off-site.

B. The amendment enhances the public health, safety or welfare; and

**Finding:** By linking the affordable housing incentive to the creation of assisted living, the LUCA may also encourage developers to accommodate affordability into assisted living projects which will support a range of household types and income levels that are currently underserved by affordable housing options.

C. The amendment is not contrary to the best interest of the citizens and property owners of the City of Bellevue.

**Finding:** The LUCA allows the FAR exception only in those land use districts where assisted living, congregate care and nursing home uses are currently allow. As a result, residential neighborhoods will be protected from an increase in development intensity of a type and scale this is not already contemplated by the underlying zoning.

### **STATE ENVIRONMENTAL POLICY ACT**

The application for SEPA review was noticed together with the draft LUCA and the notice of the public hearing that is scheduled for April 27, 2016. The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the programmatic proposal to amend the Land Use Code to allow a floor area increase for assisted living uses through the provision of affordable housing. The City codes and requirements, applicable to projects that could take advantage of this code amendment, including SEPA, the Land Use Code, Noise Ordinance, Building Code and other construction codes will adequately mitigate expected environmental impacts. Therefore, issuance of a Determination of Non-significance (DNS) is the appropriate threshold determination under the State Environmental Policy Act.

The following is a summary of the environmental review for this proposal:

#### A. Environmental Record

The environmental summary consists of analysis based on the following documents and studies in the environmental record or, if noted, incorporated by reference.

- Environmental Checklist, Supplemental Sheet for Nonproject Actions, prepared by Trish Byers, Code Development Manager, City of Bellevue Development Services Department, dated April 7, 2016.
- Draft Land Use Code Amendment; File No. 16-126684-AD.

#### B. Proposed Timing and Phasing

The Planning Commission is scheduled to hold a public hearing on the amendment on April 27, 2016. Following the public hearing, the Planning Commission will formation a recommendation that they will transmit to the City Council. The City Council will ultimately be asked to act on the Planning Commission recommendation on the draft LUCA during a future City Council meeting.

#### C. Environmental Summary

##### **Purpose and Need:**

Aegis Living has requested an increase in density in the BR-MO District for assisted living that also contributes to affordable housing. The rationale for the amendment was to facilitate assisted living to meet the needs of a growing older population, as well as the public benefit in promoting affordable housing. With a growing older population, Bellevue will face an increasing need for assisted living housing. The Council has already recognized the need for more affordable housing opportunities, and initiated work on an Affordable Housing Action Plan.

The Aegis proposal represents an opportunity for an “early win” in advancing the affordable housing strategy. However, the opportunity is bigger than the BR-MO District where the request

was targeted. As a result, the Aegis concept of promoting a density bonus for assisted living, combined with on-site or fee-in-lieu affordable housing, would be enabled by the LUCA in districts city-wide that set density by FAR (currently Downtown and BelRed).

**Major Conclusions, Significant Areas of Controversy and Uncertainty:**

The major conclusions are that the proposal will likely result in the generation of fees to support the off-site construction of affordable housing when developers seek to increase floor area available for their proposed assisted living, congregate care and nursing home uses. Uncertainty exists as to whether the LUCA will support the creation of on-site assisted living, congregate care and nursing home uses that are affordable to households with an income of less than 80% of the median annual income for King County. There are no known significant areas of controversy.

**Issues to be Resolved, Including Environmental Choices to Made Between Alternatives Courses of Action**

Adoption of the proposed Land Use Code Amendment will permit assisted living developers to exceed the applicable base FAR by up to 1.0 additional FAR, subject to provisions of a fee-in-lieu for affordable housing. Any proposed assisted living development project that proposes to use the FAR exception will continue to be subject to Design Review pursuant to the City of Bellevue’s Process II permit review procedure, and will require conformance with all applicable design guidelines and development standards.

The alternative course of action would be to not adopt the proposed Land Use Code Amendment. If the Land Use Code Amendment is not adopted, the contemplated fee-in-lieu would be not be created. Known in-lieu-fee contributions proposed to be generated by the Aegis Living proposal would be lost, and future fees would be foreclosed. At the standard BelRed residential rate of \$18/sf were applied to exempt 1.0 FAR on the 35,000 square foot Aegis Living property, this would generate about \$0.6M.

**NEXT STEPS**

April 27, 2016:

- Planning Commission holds the Public Hearing.
- Following the Public Hearing:
  - Planning Commission develops a Recommendation.
  - PC Recommendation transmitted to City Council.
- City Council takes final action.

**ATTACHMENTS**

1. Draft Land Use Code Amendment

**FAR Increase for Assisted Living Uses though Provision of Affordable Housing**

**File No. 16-126684 AD**

Section 1. Land Use Code Section 20.25A.020.B.3 is hereby amended as follows:

B. Exceptions to Dimensional Requirements.

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3. Floor Area Ratio Exceptions.

a. Up to a maximum of 1.0 FAR of the floor area in a project limit that is devoted to retail activities will not be counted for the purpose of calculating FAR in the proportions set forth in LUC 20.25A.115, so long as the retail activities are designed and located in compliance with:

- i. LUC 20.25A.115;
- ii. Guidelines 2 and 3 for “A” Rights-of-Way in Section IV.F of the Design Guidelines –Building/Sidewalk Relationships; and
- iii. If applicable, Guidelines and Standards for Upper Level Retail in Section IV.F of the Design Guidelines – Building/Sidewalk Relationships.

b. In the area of the Downtown bounded on the west by Bellevue Way, on the east by 112th Avenue NE, on the south by NE 4th Street and on the north by NE 8th Street, the maximum Floor Area Ratio may be exceeded if the major pedestrian corridor is constructed as required by LUC 20.25A.100.E.1, or the major public open space is constructed as required by LUC 20.25A.100.E.4. The maximum Floor Area Ratio may only be exceeded by the amount provided for under the major pedestrian corridor amenity bonus, LUC 20.25A.030.C.16 or by the amount provided for under the major public open space amenity bonus, LUC 20.25A.100.E.4.d.vi, or by a combination thereof.

[c. Up to 1 FAR of floor area dedicated to on-site affordable housing in a congregate care senior housing, nursing home or assisted living project shall not be counted for the purposes of calculating the FAR, provided that:](#)



i. The square footage of excepted floor area shall be negotiated through a Council-approved development agreement that is consistent with Chapter 36.70B RCW;

ii. The bedroom mix and exterior finishes shall be comparable to the market rate units, but interior design, unit size, amenities and interior finishes may vary;

iii. A public benefit shall be derived from the development of affordable housing in the proposed location; and

iv. An agreement in a form approved by the City shall be executed by the applicant and recorded with the King County Record's Office, or its successor organization, requiring the affordable housing to remain for the life of the project. This agreement shall be a covenant running with the land, binding on assigns, heirs, and successors of the applicant.

d. Up to 1 FAR of floor area dedicated to Congregate Care Senior Housing, Nursing Home, or Assisted Living uses shall not be counted for the purposes of calculating the FAR, provided that the applicant:

i. Pays a fee-in-lieu of providing on-site affordable housing, negotiated through a Council-approved development agreement that is consistent with Chapter 36.70B RCW, for each square foot of excepted floor area; and

ii. Executes and records with the King County Record's Office, or its successor organization, an agreement in a form approved by the City dedicating the excepted floor area to Congregate Care Senior Housing, Nursing Home, or Assisted Living uses for the life of the project. This agreement shall be a covenant running with the land, binding on assigns, heirs, and successors of the applicant.

Section 2. Land Use Code Section 20.25D.080.B.3 is hereby amended as follows:

B. Exceptions to Dimensional Requirements.

.....

3. Floor Area Ratio Exceptions.

a. Per the FAR Amenity Incentive System, LUC 20.25D.090, floor areas dedicated to affordable housing, public restrooms, and child care/nonprofit uses shall not be counted for the purpose of calculating FAR.

b. Each square foot of ground floor retail and enclosed plaza meeting the criteria set forth below shall not be counted for the purpose of calculating FAR:

i. Ground Floor Retail Uses: Ground floor retail uses as defined in LUC 20.25D.130.A shall not be counted provided the following limitations are met:

(1) The ground floor retail shall only be eligible for exception if located within a multi-story, multi-use building;

(2) The ground floor retail shall meet the requirements set forth in LUC 20.25D.130.A, Bel-Red Subarea Development Standards, applicable to retail uses;

(3) Outside the nodes the maximum depth of tenant space eligible for exception is 60 feet; and

(4) Inside the nodes ground floor retail shall not be counted.

ii. Enclosed Plazas shall not be counted provided the following limitations are met:

(1) The enclosed plaza shall be clearly visible and accessible from the public right-of-way;

(2) The enclosed plaza shall coordinate with and complement ground floor retail uses to the maximum extent feasible;

- (3) At least 10 percent of the surface area of the enclosed plaza shall be landscaped;
- (4) The enclosed plaza shall contain at least one sitting space for each 100 square feet of plaza;
- (5) The enclosed plaza shall be a minimum size of 1,000 square feet;
- (6) Only 4,000 square feet of the enclosed plaza shall be excepted for the purpose of calculating FAR;
- (7) The enclosed plaza shall have a minimum horizontal dimension (width and depth) of no less than 20 feet;
- (8) The enclosed plaza shall be signed as “Public Access” and open to the public from 7:00 a.m. to 9:00 p.m. daily or during business hours, whichever is longer. The sign for the enclosed plaza shall be visible from the public right-of-way; and
- (9) Any use or feature for the exclusive use of the building users or tenants shall be counted for the purpose of calculating FAR.

c. In the BR-MO and BR-OR land use districts, up to 1 FAR of floor area dedicated to on-site affordable housing in a congregate care senior housing, nursing home or assisted living project shall not be counted for the purposes of calculating the FAR, provided that:

i. The square footage of excepted floor area shall be negotiated through a Council-approved development agreement that is consistent with Chapter 36.70B RCW;

ii. The bedroom mix and exterior finishes shall be comparable to the market rate units, but interior design, unit size, amenities and interior finishes may vary;

iii. A public benefit shall be derived from the development of affordable housing in the proposed location; and

iv. An agreement in a form approved by the City shall be executed by the applicant and recorded with the King County Record's Office, or its successor organization, requiring the affordable housing to remain for the life of the project. This agreement shall be a covenant running with the land, binding on assigns, heirs, and successors of the applicant.

d. In the BR-MO and BR-OR land use districts, up to 1 FAR of floor area dedicated to Congregate Care Senior Housing, Nursing Home, or Assisted Living uses shall not be counted for the purposes of calculating the FAR, provided that the applicant:

i. Pays the residential fee-in-lieu of providing on-site affordable housing, pursuant to LUC Chart 20.25D.080.B.3.c, in the fee amount required by LUC Chart 20.25D.090.C for each square foot of excepted floor area; and

ii. Executes and records with the King County Record's Office, or its successor organization, an agreement in a form approved by the City dedicating the excepted floor area to Congregate Care Senior Housing, Nursing Home, or Assisted Living uses for the life of the project. This agreement shall be a covenant running with the land, binding on assigns, heirs, and successors of the applicant.



**DATE:** April 27, 2016

**TO:** Chair Hilhorst and Planning Commission Members

**FROM:** Terry Cullen, AICP, Comprehensive Planning Manager, [tcullen@bellevuewa.gov](mailto:tcullen@bellevuewa.gov), 452-4070, *Planning & Community Development Department*

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

**SUBJECT:** Eastgate Land Use Code Amendments – Introduction to the Transit Oriented District (TOD), Results of the Economic Analysis, Proposed Use Tables

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**DIRECTION NEEDED FROM PLANNING COMMISSION**

- Action
- Discussion
- Information

The purpose of this agenda item is to introduce the Transit Oriented Development Center (TOD) of the proposed land use code amendments that will implement the Eastgate Land Use and Transportation Study.

The Planning Commission discussion is programmed over 2 meeting dates – April 27, 2016 and May 25, 2016. The discussion for this meeting (April 27) will include the following:

1. the long-term direction established by previous studies and plans;
2. transportation components/considerations in the TOD;
3. land uses in the TOD; and
4. floor area ratio in the TOD and how to get there;

The discussion for the May 25 meeting will include:

5. the street standards for the district; and
6. the overall design standards for the district.

**1) LONG-TERM DIRECTION ESTABLISHED BY PREVIOUS STUDIES AND PLANS**

It is important the decision makers and the public understand the long-term direction established by previous studies and plans. The objective for the present work is to develop and recommend land use code amendments that are consistent with, and further, the intent of, the work done and

adopted that lead up to this work phase.

There are two pieces of work that have been done relative to Eastgate that specify direction and intent for the future of this area:

- A. The Eastgate/I-90 Land Use & Transportation Project-Citizen Advisory Committee Final Report was completed and adopted by the Citizen Advisory Committee (CAC) April 5, 2012 and transmitted to Bellevue City Council.

*Since November 2010 the CAC has examined this corridor in depth, developed and evaluated alternative course of action, and produced a land use and transportation vision that will guide development in the area for the next twenty years. We believe this vision is the right fit for the corridor, and promotes a desirable but realistic evolution in land use supported by modes and implementable transportation solutions. (CAC Transmittal Letter to Bellevue City Council, April 5, 2012)*

The CAC and City staff conducted a thorough and lengthy process working with the public to carefully establish a long-term vision and direction for the Eastgate/I-90 area.

Salient TOD Related Points from the Study:

- Eastgate has a history being a strong employment center but it lacks amenities and conveniences that could affect its ability to remain competitive.
- There is very little capacity to accommodate for office growth due to lack of undeveloped land and zoning constraints.
- The area has poor transportation connectivity.
- Transportation capacity is limiting but additional growth can be accommodated with modest improvements. Multi-modal options and land use mixes that create greater internal trip capture will be needed.
- The area on the north side of I-90 between Eastgate Way and Bellevue College, east of the park and ride is suitable for the creation of a Transit Oriented Development District.

- B) Bellevue City Council adopted the Bellevue Comprehensive Plan in August 2015. The comprehensive plan is a broad statement of community goals and policies that direct the orderly and coordinated physical development of a city into the future. A comprehensive plan anticipates change and provides specific guidance for future legislative and administrative actions. It reflects the results of citizen involvement, technical analysis, and the judgment of decision-makers. The maps, goals, and policies of the plan provide the basis for the adoption of regulations, programs, and services, which implement the plan. The plan serves as a guide for zoning, infrastructure development, and developing community services.

Part of the adopted Comprehensive Plan is the Eastgate Subarea Plan. The major tenets of the Eastgate/I-90 Land Use & Transportation Project are adopted and institutionalized in the Comprehensive Plan.

The Eastgate/I-90 Land Use & Transportation Project CAC Final Report is a separate attachment from the bound copy of the Planning Commission information packet. The Eastgate Subarea Plan is included in the bound copy of this information packets and Attachment A. Staff will review the components of both with the Planning Commission as it relates to the TOD. (This includes: overall adopted policy direction, overall purpose of the TOD, development concepts, uses, amount, floor area ratios, building heights, connectivity, leveraging other assets and investments and design elements.) This will set the stage for the more detailed discussion about the code amendments needed to implement the direction and intent.

#### Salient TOD Related Points from the Neighborhood Area Plan:

- It builds on the success of the corridor as a major employment and office center, by adding capacity for additional office growth and allowing a greater mix of support retail and service uses.
- It establishes a mixed-use Transit-Oriented Development center around the transit center and south of Bellevue College. A substantial portion of the future office and residential growth in the corridor is expected to occur at this location.
- It supports increased floor area ratios and building heights throughout the corridor to meet demand for continued job and economic growth.
- It encourages office and retail land uses to take advantage of freeway access, transit service, and non-motorized transportation alternatives without adversely impacting residential neighborhoods.
- It encourages improvement of transit facilities and service to and from key points in the Eastgate Subarea.
- It requires that graceful edges and transitions be provided between more intense development and existing residential land uses by maximizing the use of existing vegetation and topography to buffer and maintain compatibility between different land uses through land use regulations.
- It requires that design review be considered for commercial, office, and mixed-use development that promotes pedestrian-friendly design, ensures quality and a sense of permanence, promotes environmental sustainability and creates a distinct identity.
- It creates community character in commercial, office, and mixed use development through the use of standards and incentives that support public art, street lighting, landscaping, distinctive building design, and pedestrian-oriented site design.

- It encourages the development of a dynamic public realm by integrating publicly accessible plazas, open spaces, and other gathering spaces within private development in commercial, office, and mixed use areas.
- It encourages a mixed-use area between Bellevue College and I-90 into a walkable, transit-oriented center at the level of intensity needed to create a vibrant mix of offices, residences, and locally-serving shops and restaurants that are urban in character.

*Staff Requested Direction/Feedback from the Planning Commission – What components of the Land Use & Transportation Project and the Eastgate Subarea Plan are the most important to capture in land development regulations for the TOD that will best implement, and further, the vision and intent of each?*

## **2) TRANSPORTATION COMPONENTS IN THE TOD**

The TOD must be designed in a way that accommodates multi-modal transportation options with an emphasis on the pedestrian.

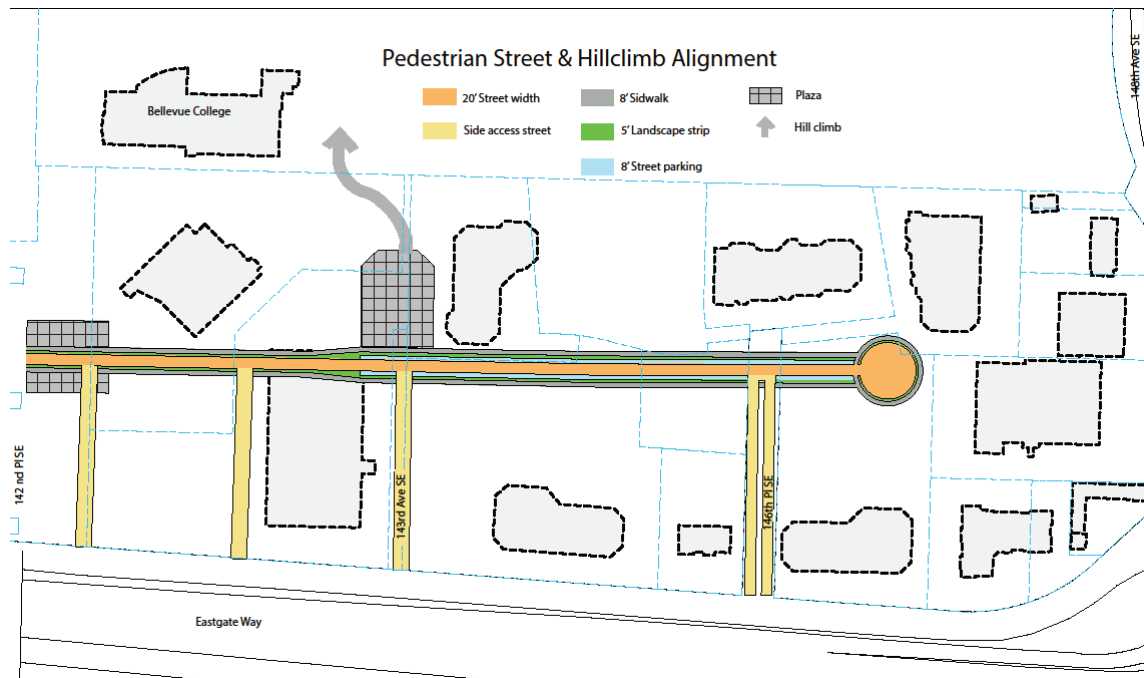
The transportation components in the TOD that staff is considering include:

- An east/west pedestrian friendly street in the mid-section of the TOD with varying street widths, limited on-street parking and a cul-de-sac at the eastern terminus.
- Visually appealing north-south access roads leading into the center of the TOD.
- A pedestrian connection to Bellevue College from the TOD.
- Walking and biking friendly connections to the Mountains to Sound Greenway and to the transit station and park and ride.

At the meeting, staff will describe these components in more detail and some of the staff discussions that have taken place.

The following is an example of a potential transportation concept for the TOD.





*Staff Requested Direction/Feedback from the Planning Commission – Does this concept further the direction of the CAC and the comprehensive plan? What components of the concept plan work well? What could be improved?*

### **3) PROPOSED USES IN THE TRANSIT ORIENTED DEVELOPMENT CENTER DISTRICT**

The CAC wanted the Transit Oriented Development District to be the central focus of Eastgate. The CAC envisioned the TOD to have the tallest, most visible buildings in the Eastgate area, which would be framed by the wooded slopes and the landscaping on Eastgate Way. While the buildings would be of urban scale, they would also have pedestrian-oriented facades fronting on the main street.

The CAC envisioned intense mixed-use development in the TOD that leverages the advantages of the transit center and Bellevue College. Part of that vision includes an appropriate mixture of uses such as office, residential and retail. In addition, the CAC recommended the inclusion of a substantial residential component, which could include student housing that, would serve Bellevue College students. Activation of the main street is one of the main goals of this project, so the uses allowed within the TOD should lend themselves to a vibrant pedestrian environment serving students, office workers, and those who use the transit center.

Attachment B is the proposed list of uses (including permitted uses, conditional uses and administrative conditional uses) for the TOD zoning district. Staff will present this information to the Planning Commission at the meeting.

*Staff Requested Direction/Feedback from the Planning Commission – Does the Planning Commission agree with the use tables as proposed? Is it consistent with, and further, both the land use component of the Eastgate plan as developed and recommended by the CAC and Eastgate Subarea Plan adopted in the Bellevue Comprehensive Plan? If not, what changes would you recommend?*

#### **4) FLOOR AREA RATIO IN THE TOD AND HOW TO GET THERE**

The CAC envisioned a maximum 1.5 to 2.0 floor area ratio for the TOD. Transportation analysis was completed a few years ago and improvements programmed with population and employment commensurate with development built at 2.0 floor area ratio. This FAR would give the Eastgate TOD additional capacity to remain competitive in the years to come, be achievable with transportation infrastructure and planned improvements and be consistent with both the CAC vision and the adopted comprehensive plan.

Two methods for regulating the FAR to encourage the development to respond with new development or redevelopment include a zoning incentive system, or a more traditional approach with set or fixed requirements.

The CAC and the updated Eastgate Subarea Plan called for the City to “consider” a zoning incentive system whereby development provided needed infrastructure and amenities in return for added floor area and height. The City staff asked CAI Community Attributes Inc. to conduct an analysis of the economic underlying a potential incentive zoning program for the Eastgate study area. Typically, economic modeling is not conducted for an area rezoning. In this case the City conducted limited economic modeling only for the single purpose of considering and calibrating a potential incentive zoning system. Would it be possible to have an incentive zoning system similar to what is in place for the Bel-Red redevelopment area and the Downtown?

CAI completed that analysis in April 2015. The results demonstrated that the non-residential areas examined could achieve greater economic surplus redeveloping to a higher FAR and that would encourage a different development pattern over time, one characterized by less surface parking perhaps, or one having more residential mixed into the development. From that, the NMU and OLB-2 zoning districts were proposed to have 1.0 FAR, twice the amount of the existing 0.5 FAR maximum permitted today in comparable districts. The TOD area would continue to have 2.0 FAR maximum but now the base FAR would now be 1.0.

Given this, staff realized that a zoning incentive system would not be feasible in the Eastgate TOD. Increased development costs to buy up the FAR from 1.0 to 2.0 would not be offset by increased economic surplus for the developer. The variables that contribute to a higher economic surplus (such as capitalization rates, rent rates and development costs) fluctuate so

much that a developer would not take the risk. Likewise from the City's perspective (the other party in an incentive zoning transaction), increases in FAR over 2.0 could dramatically increase other costs for the City (e.g. transportation).

The traditional approach setting the FAR and fixed requirements to achieve up to that FAR could achieve intended results. Staff proposes to create a new TOD zoning district that will allow up to 2.0 FAR but will identify greater expectations through intent, requirements for design review and new design guidelines and standards. For example, requirements will include elements that are most critical to activating the Transit Oriented Development zoning district, such as pedestrian oriented frontage on the east/west street in the TOD; weather protection for pedestrians, a green factor for infrastructure and sustainability; usable open space; impervious surfaces; and sensitive design of parking garages.

The economic analysis is available upon request. The detail and complexity of the analysis, though interesting, is not always self-explanatory, and it could take a substantial amount of time and discussion to explore it. Staff is available and willing to explore that independently with any interested party.

*Staff Requested Direction/Feedback from the Planning Commission – What types of uses and TOD components should be required to get 2.0 FAR?*

## **NEXT STEPS**

The Planning Commission's next meeting to discuss the Eastgate land use code amendments is scheduled for May 25, 2016. The Planning Commission will be receiving the entire packet of proposed code amendments at this time for review. TOD related items in that study session at that meeting will include:

1. the street standards for the district; and
2. the overall dimensional and design standards for the district.

End of Staff Report

# Eastgate Subarea Plan

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## GOAL:

**To preserve and promote the accessibility and appearance of residential neighborhoods, local amenities, and business establishments within the Subarea.**

*Discussion: The Subarea is mostly developed. It is important that subsequent development and redevelopment improves the function and appearance of the various land uses and that they are compatible with each other.*

## OVERVIEW

The Eastgate Subarea provides a gateway for south Bellevue and an axis for travel between the Eastside and metropolitan Seattle. Rolling tree- and house-covered hills on either side of the I-90 corridor surround a major commercial interchange located at the center of the Subarea.

Convenient access makes the Eastgate Subarea a desirable place to live and work. Jobs, stores, schools, churches, parks, and trails all are within easy walking distance of each other. As one of Bellevue's older areas, the Subarea contains established residential neighborhoods, many with attractive views. Combined, these amenities have greatly enhanced the quality of life for the Subarea's residents and business owners alike.

The Eastgate Subarea encompasses approximately 1,500 acres. Its boundaries are 137th Avenue S.E. to the west, S.E. 23rd Street to the north, 168th Avenue S.E. to the east, and S.E. 41st Street to the south. With the Eastgate annexation in 2012, all of the subarea is within City limits.

The I-90 business corridor covers 10 percent of the subarea and is home to major corporations, high technology industries, and community shopping areas. When combined with the adjacent Factoria commercial core, the area is the third largest employment area in the city. The corridor, which has developed primarily since 1980, owes its success to the area's accessibility to I-90 and its proximity to major urban centers. The Eastgate Plaza Shopping Center, which serves the large residential neighborhoods in and near the Subarea, also is located in this corridor. The area north of the I-90 corridor features large and small parks; a deep, wooded ravine; about 160 acres of publicly-owned land; and numerous public facilities such as churches, government agencies, and Bellevue College. Parks, schools, and churches also are found within the Subarea on both sides of I-90.

In 2012, the Eastgate/I-90 Land Use & Transportation Project (Eastgate/I-90 project) was completed. The study area boundaries of that project, which establishes a long-range vision for the I-90 business corridor, incorporate much, but not all, of the Eastgate subarea, as well as portions of the Factoria and Richards Valley subareas.

The Eastgate/I-90 project supports changes intended to capture market demand, improve transportation conditions, address concerns of the employment sector as well as the general public, and position the corridor to grow gracefully over time. It includes the following key elements:

- It builds on the success of the corridor as a major employment and office center, by adding capacity for additional office growth and allowing a greater mix of support retail and service uses.
- It establishes a mixed-use Transit-Oriented Development center around the transit center and south of Bellevue College. A substantial portion of the future office and residential growth in the corridor is expected to occur at this location.
- It increases opportunities for residential development in the corridor, to add vibrancy to the area, provide housing in proximity to Bellevue College and places of work, benefit from existing transit service, and support nearby retail uses.
- It seeks to enhance Bellevue College's visual presence and connections to the adjacent community.
- It promotes the Mountains-to-Sound Greenway by supporting the development of the Mountains-to-Sound Greenway trail through Bellevue and by incorporating sustainable design and abundant natural landscaping into the built environment.
- It identifies modest but effective motorized and non-motorized transportation improvements that may be accomplished through partnerships with other agencies.
- It supports increased floor area ratios and building heights throughout the corridor to meet demand for continued job and economic growth.

This Subarea Plan provides a framework for Land Use Code amendments that will implement the vision of the Eastgate/I-90 Land Use & Transportation Project as summarized above.

## Land Use

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### **POLICIES**

**POLICY S-EG-1.** Focus Eastgate growth into a mixed use center adjacent to the Eastgate Transit Center with greater height and intensity than the surrounding area.

**POLICY S-EG-2.** Establish a pedestrian-oriented street that provides a community plaza and allows for connections between Bellevue College, the Eastgate Park and Ride, and the office, retail, and residential development in the transit-oriented development center.

**POLICY S-EG-3.** Encourage office and retail land uses that take advantage of freeway access, transit service, and non-motorized transportation alternatives without adversely impacting residential neighborhoods.

*Discussion: Intense office development can generate adverse traffic impacts and block residential views. Site design also can impact residential quality. To support this policy, office and retail development should be well designed so that it is compatible with surrounding neighborhoods and be oriented around a multi-modal transportation system that reduces vehicular congestion and traffic impacts.*

**POLICY S-EG-4.** Encourage the integration of restaurants and other commercial uses that serve local workers into and adjacent to office development to enhance the mix of uses within walking distance of employment areas.

*Discussion: The reason for encouraging restaurants and other commercial services within office developments is to reduce vehicular traffic between the office parks and retail areas. Retail areas are intended to serve primarily local needs.*

## Environment

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### POLICIES

**POLICY S-EG-5.** Protect the Vasa Creek riparian corridor from development to improve water quality, fisheries, and provide open space.

*Discussion: The Vasa Creek riparian corridor has major segments that remain in a natural state. This creek is one of the few natural areas left in the Subarea and should be protected. A trail along the creek may be possible if environmental impacts can be avoided.*

**POLICY S-EG-6.** Ensure that increases in impervious surface area or stormwater runoff will not increase the quantity or worsen the stormwater quality entering public drainage systems, streams, Phantom Lake, Lake Washington, and Lake Sammamish.

*Discussion: Construction activities should control erosion and sedimentation. This could include seasonal limitation on grading activities, natural vegetative filtration, and use of the best available technology. Storm water quality from developments should be improved prior to discharge into the public drainage system.*

**POLICY-S-EG-7.** Explore sub-regional stormwater detention as a future step to provide a more effective approach to stormwater control and mitigation and to achieve broader environmental benefits through coordinated treatment and detention across multiple properties.

## **Residential Development**

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### **POLICIES**

**POLICY S-EG-8.** Maintain single-family housing as the predominant residential land use in the Subarea in land area and appearance.

**POLICY S-EG-9.** Limit multifamily zoning to locations accessible directly from arterials, as depicted on the Land Use Plan (*Figure S-EG.1*).

**POLICY S-EG-10.** Multifamily housing may be appropriate to separate office and retail land uses from single-family neighborhoods or as a part of mixed use developments where there is close proximity to transit or neighborhood-serving commercial uses, with a special emphasis on meeting the housing needs of Bellevue College.

**POLICY S-EG-11.** Encourage more opportunities for affordable housing in the Subarea by maintaining and rehabilitating existing housing stock.

## **Transportation and Circulation**

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### **POLICIES**

**POLICY S-EG-12.** Discourage multifamily zoning and commercial traffic from passing through local streets in single-family neighborhoods.

**POLICY S-EG-13.** Consider allowing a reduction in parking requirements where it is possible to do so because of proximity to transit.

**POLICY S-EG-14.** Improve safety, convenience, and access by ensuring that internal circulation systems are integrated with the street system to improve multi-modal mobility within and between developments.

**POLICY S-EG-15.** Collaborate with the Washington State Department of Transportation to relieve congestion created by vehicles entering and exiting Interstate 90.

**POLICY-S-EG-16.** Develop the Mountains to Sound Greenway trail through the subarea to provide pleasant, safe, non-motorized facilities that provide local and regional connections.

*Discussion: the Mountains to Sound Greenway trail connects the Puget Sound with central Washington along 100 miles of I-90. Within Bellevue, there is a 3 mile gap through the Eastgate area from Factoria to Bellevue city limits. Closing this gap will provide a transportation and recreation resource that will benefit Eastgate residents, visitors, and businesses.*

**POLICY S-EG-17.** Improve connectivity within the subarea for pedestrians and bicycles where opportunities exist by integrating land uses, improving roadway safety for all modes of travel, and linking commercial, office, parks, and public spaces with trails and pathways.

**POLICY S-EG-18.** Encourage improvement of transit facilities and service to and from key points in the Eastgate Subarea.

*Discussion: 142nd Place SE should be established as a frequent transit network corridor that reinforces the Transit Oriented Development Area, enhances bus service connections to Bellevue College, and is designed to serve as a gateway feature for the area. In addition, it may be possible to serve more parts of the Subarea, and to serve the Subarea more efficiently, by working with partner agencies and organizations.*

## Community Design

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### **POLICIES**

**POLICY S-EG-19.** Reinforce the area's location on the Mountains to Sound Greenway, accentuate Eastgate as a major entry into Bellevue, and emphasize the emerging urban character of the Eastgate I-90 corridor through the application of land use regulations, public amenity incentives, and design guidelines.

**POLICY S-EG-20.** Provide graceful edges and transitions between more intense development and existing residential land uses by maximizing the use of existing vegetation and topography to buffer and maintain compatibility between different land uses through land use regulations.

**POLICY S-EG-21.** Consider design review for commercial, office, and mixed use development that promotes pedestrian-friendly design, ensures quality and a sense of permanence, promotes environmental sustainability and creates a distinct identity.

**POLICY S-EG-22.** Preserve the view amenities of adjacent single-family neighborhoods as development and redevelopment occurs.

**POLICY S-EG-23.** Discourage new development from blocking existing views from public spaces.



**POLICY S-EG-24.** Support the overall sustainability and green identity of the I-90 corridor consistent with the Mountains to Sound Greenway by including visibly recognizable natural features in public and private development. Examples include, but are not limited to green walls, façade treatments, green roofs, retained native vegetation, and abundant natural landscaping.

**POLICY S-EG-25.** Diminish the effect of rooftop equipment on views from residential areas by requiring rooftop equipment to be low-profiled and screened to match the building's exterior color, building materials, and styles.

**POLICY S-EG-26.** Maintain the Subarea's predominantly treed skyline and encourage preservation of existing stands of trees and landscaping.

**POLICY S-EG-27.** Encourage the State Department of Transportation to provide landscaping that clarifies access patterns and improves the appearance of their properties.

**POLICY S-EG-28.** Create community character in commercial, office, and mixed use development through the use of standards and incentives that support public art, street lighting, landscaping, distinctive building design, and pedestrian-oriented site design.

**POLICY S-EG-29.** Encourage the development of a dynamic public realm by integrating publicly accessible plazas, open spaces, and other gathering spaces within private development in commercial, office, and mixed use areas.

## **Parks and Open Space**

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### **POLICIES**

**POLICY S-EG-30.** Integrate a system of parks, recreational facilities, and open spaces that will benefit surrounding neighborhoods and help create an environment that supports healthy lifestyles.

**POLICY S-EG-31.** Create and encourage an interconnected system of non-motorized trails as a part of public and private development within the subarea that will link community amenities, provide recreational opportunities, and offer transportation benefits.

**POLICY S-EG-32.** Develop local connections to the Mountains to Sound Greenway through the subarea in order to enhance the trail as a local and regional recreational asset.

# Coordination and Partnership

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## POLICIES

**POLICY S-EG-33.** Coordinate with Bellevue College, the State of Washington, the Mountains to Sound Greenway Trust, county and regional agencies, the private sector, and others to implement the desired land use and transportation changes in this subarea plan.

**POLICY S-EG-34.** Support the evolution of Bellevue College according to its institutional mission and encourage campus growth that is physically and functionally integrated into surrounding land uses.

# Planning District Guidelines

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## POLICIES

### Planning District 1

**POLICY S-EG-35.** Retain significant vegetation and supplement vegetation on the steep slope along the southeast edge of Kamber Road between 137th Avenue S.E. and S.E. 24th Street.

**POLICY S-EG-36.** Designate the 10.5 acre site northwest of the I-90 Business Park, known as the Old School District property, Single-family Urban Residential.

*Discussion: At the reclassification stage particular attention should be given to the mitigation of traffic impacts to the adjacent residential neighborhoods that could result from the site's development. Multiple access points should be considered in order to disperse traffic. Alternatives to access from S.E. 26th Street/158th Avenue S.E. should be pursued.*

**POLICY S-EG-37.** Designate the 4-acre Saint Andrews Church property and the northern 9.5 acres of the Latter Day Saints Temple property as Single-family High-density (SF-H).

*Discussion: The development of congregate care senior housing, nursing home, or affordable housing may be appropriate for the site. A conditional use permit should be required to insure compatibility with adjacent development and insure that it is in keeping with the character of the Subarea. Multifamily Low density may be appropriate for a rezone only to accommodate congregate care senior housing, nursing homes, or affordable housing.*

## **Planning District 2**

**POLICY S-EG-38.** Retain sufficient vegetation on the eastern side of the Sunset property to visually buffer Bellevue Community College.

**POLICY S-EG-39.** Screen industrial development from residences to the north of Kamber Road from light industrial development with a landscaped buffer.

**POLICY S-EG-40.** Protect the surrounding neighborhoods from future development in the I-90 Business Park by observing transition area requirements from residential uses as well as maintaining landscape buffers.

*Discussion: Encourage retention of significant open space in the I-90 Business Park in conjunction with utilization of the remaining Development potential. Apply the OLB-OS designation in support of this policy. [Amended Ord. 5392]*

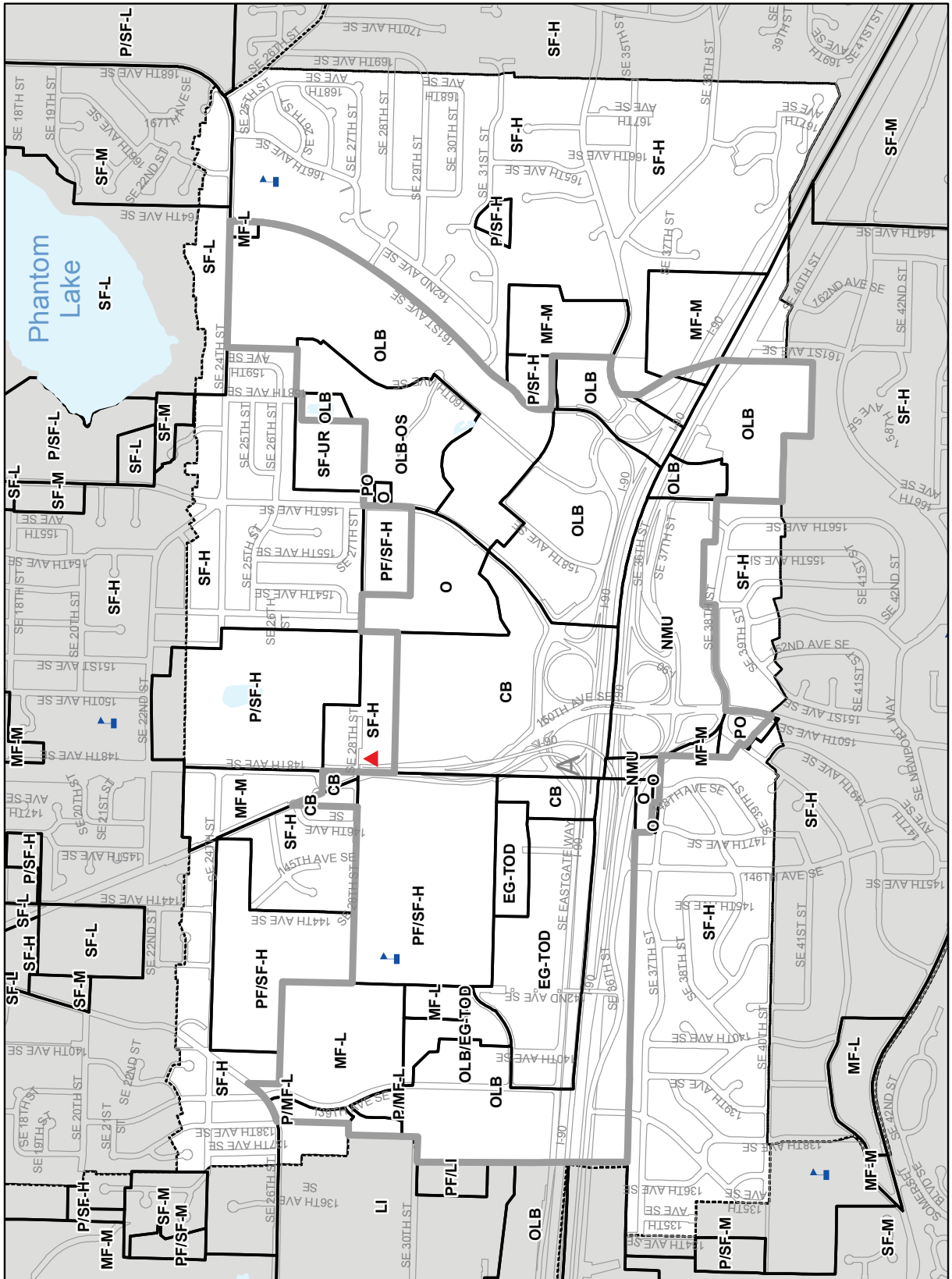
**POLICY S-EG-41.** Rezone master planned areas in District 2 to be consistent with the underlying Land Use designation and implement the Eastgate Land Use and Transportation project vision when existing concomitant agreements affecting the site are renegotiated or repealed and upon approval of a new Master Development Plan.

*Discussion: Large master planned projects in Eastgate are subject to Master Plan/ Design Review requirements and conditions associated with concomitant zoning agreements that may prevent implementation of zoning consistent with the Eastgate Land Use and Transportation Project vision. Portions of the Sunset Corporate campus, subject to concomitant agreement 14463 and the area generally associated with the I-90 Corporate Campus, subject to concomitant agreements 6015, 11390, and 33217 should only be rezoned when the existing concomitant agreements are renegotiated or repealed.*

**POLICY S-EG-42.** Encourage a mixed use area between Bellevue College and I-90 into a walkable, transit-oriented center at the level of intensity needed to create a vibrant mix of offices, residences, and locally-serving shops and restaurants that are urban in character.

**POLICY S-EG-43.** Retain neighborhood-serving commercial uses through flexible zoning that allows a rich combination of neighborhood retail and services.

**POLICY S-EG-44.** Consider the use of a land use incentive system in office and mixed use areas that incentivizes provision of infrastructure and amenities that offer public benefits through the potential for additional floor area ratio (FAR) and height.



## Eastgate Land Use Plan



SF	Single Family	PO	Professional Office	GC	General Commercial		Fire Stations
MF	Multi Family	O	Office	LI	Light Industrial		Public Schools
-L	Low Density	OLB	Office, Limited Business	PF	Public Facility		Planning Districts
-M	Medium Density	OLB-OS	Office, Open Space	P	Park		Bellevue City Limits (2015)
-H	High Density	NB	Neighborhood Business	NMU	Neighborhood Mixed Use		Lakes
-UR	Urban Residential	CB	Community Business	EG-TOD	Eastgate-Transit Oriented Development		Outside of Bellevue
				OLB/EG-TOD	OLB and Eastgate-Transit Oriented Development		

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**20.10.365 Transit Oriented Development District (TOD)**

The purpose of the TOD District is to provide an area for a mix of housing, retail, office, and service uses, with an emphasis on housing. The district is limited in area so that there is an appropriate level of density nearest the highest levels of transit service.

20.10.400

...

- B. If the symbol “P” appears in the box at the intersection of the column and row, the use is permitted subject to general requirements for the use and the use district.
- C. If the symbol “C” appears in the box at the intersection of the column and the row, the use is permitted subject to the Conditional Use provisions specified in Part [20.30B](#) or 20.30C LUC and to general requirements for the use and the use district.
- D. If the symbol “A” appears in the box at the intersection of the column and the row, the use is permitted subject to the Administrative Conditional Use provisions as specified in Part [20.30E](#) LUC and to general requirements for the use and the use district.

**NOTE: Only the TOD District is provided here, rather than all of the districts. Because of this, there will be some footnotes that have been included, but aren’t applicable to the TOD. They are applicable to other districts not shown.**

20.10.440

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Manufacturing- Nonresidential Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Transit Oriented Development (TOD)
2 and 3	Manufacturing (1,4)	
21	Food and Beverage Products Mfg.	<u>P 6</u>
22	Textile Products Mfg.	
23	Apparel, Fabric, Accessories and Leather Goods Mfg.	
24	Lumber and Wood Products Mfg.	
25	Furniture and Fixtures Mfg.	
26	Paper Products Mfg.	
27	Printing, Publishing and Allied Industries	
28	Chemicals and Related Products Mfg.	
31	Rubber Products Mfg.	

**Manufacturing- Nonresidential Districts**

<b>STD LAND USE CODE REF</b>	<b>LAND USE CLASSIFICATION</b>	<b>Transit Oriented Development (TOD)</b>
314	Misc. Plastic Products Mfg.	
321		
322	Light Stone, Clay, and Glass Products Mfg.; Glass,	
324	Pottery and China Ceramic	
325	Products, Stone Cutting and	
327	Engraving	
329	Handcrafted Products Mfg.	
3427	Computers, Office Machines and Equipment Mfg.	
3433		
3434	Electrical Equipment Mfg.;	
3435	Appliances, Lighting, Radio,	
3436	TV Communications,	
3437	Equipment and Component Parts	
3491	Fabricated Metal Products Mfg.; Containers, Hand	



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Manufacturing- Nonresidential Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Transit Oriented Development (TOD)
3492	Tools, Heating Equipment, Screw Products, Coating and Plating	
3493		
3495		
3497		
35	Measuring, Analyzing and Controlling Instruments, Photographic, Medical and Optical Goods; Watches and Clocks Mfg.; Computer Software	C
3997	Signs and Advertising Display Mfg.	
3999	Misc. Light Fabrication Assembly and Mfg. Not Elsewhere Classified	

**Notes: Uses in land use districts – Manufacturing**

- (1) Manufacturing uses exclude concrete batch plants and primary metal industries such as foundries, smelters, blast furnaces and rolling mills.
- (2) Paper products manufacturing excludes paper and pulp manufacturing in LI Districts.

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- (3) Manufacture of flammable, dangerous or explosive materials is excluded in LI Districts.
- (4) An office is permitted if accessory and subordinate to a manufacturing use.
- (5) Food and beverage public tasting rooms are permitted only as a subordinate use to the manufacturing use.
- (6) Permitted only when combined with an eating and drinking establishment.
- (7) Permitted only when combined with a retail store selling the handcrafted products.

**Recreation – Nonresidential Districts**

STD  
LAND USE CLASSIFICATION  
CODE  
REF

Transit Oriented Development

	<u>TOD</u>
7	Cultural Entertainment and Recreation
711	Library, Museum
7113	Art Gallery
712	Nature Exhibitions: Aquariums, Botanical Gardens and Zoos
7212	Public Assembly (Indoor): Sports, Arenas,

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7214	Auditoriums and Exhibition Halls but Excluding School Facilities	
7222		
7231		
7232		
7212	Motion Picture, Theaters, Night Clubs, Dance Halls and Teen Clubs	A
7214		
7218		
7213	Drive-In Theaters	P
	Adult Theaters (7)	
7223	Public Assembly (Outdoor): Fairgrounds and Amusement Parks, Miniature Golf, Golf Driving Ranges, Go-Cart Tracks, BMX Tracks and Skateboard Tracks	P
73		
73	Commercial Amusements: Video Arcades, Electronic Games	
7411	Recreation Activities: Golf Courses, Tennis Courts, Community Clubs, Athletic Fields,	
7413		
7422		

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7423	Play Fields, Recreation Centers, Swimming Beaches and Pools (2,11)
7424	
7441	
7449	
744	Marinas, Yacht Clubs
7413	
7414	Recreation Activities: Skating, Bowling,
7415	Gymnasiums, Athletic Clubs, Health Clubs,
7417	Recreation Instruction
7425	
7491	Camping Sites and
7515	Hunting Clubs
76	Private Leisure and Open Space Areas Excluding Recreation Activities Above
	Public/Private Park
	Stables and Riding Academies

A

P

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	Boarding or Commercial Kennels
	City Park* (10)

**Notes: Uses in land use districts – Recreation**

- (1) Cultural activities include only branch libraries in R-2.5, R-3.5, R-4, R-5, R-7.5, R-10, R-15, R-20 and R-30 Districts.
- (2) For carnivals, see LUC 20.20.160.
- (3) Recreation activities do not include athletic clubs in O, LI and GC Districts.
- (4) Limited to a maximum of 2,000 gross square feet per establishment.
- (5) Nonresidential uses are permitted in Downtown-R Districts only when developed in a building which contains residential uses.
- (6) Excludes zoos.
- (7) Adult theaters are subject to the regulations for adult entertainment uses in LUC 20.20.127.
- (8) Athletic and health clubs are permitted without administrative conditional use approval if subordinate to a permitted use.
- (9) Recreation activities are restricted to health clubs, recreation instruction, and gymnasiums in NB Districts and the total floor area for all combined recreation activity uses may not exceed 5,000 square feet per NB site.
- \*(10) City parks are generally permitted in all zones. However, the following types of uses or facilities in City parks in single-family or R-10 zones require conditional use approval: lighted sports and play fields, sports and play fields with amplified sound, community recreation centers, motorized boat ramps, and beach parks on Lake Washington, Lake Sammamish, Phantom Lake and Larson Lake. Nonrecreation uses in City parks in all zones outside the Downtown require conditional use approval, except that the permit requirements for wireless communication facilities shall be as set forth in LUC 20.20.195. For purposes of this requirement, “nonrecreation use” means a commercial, social service or residential use located on park property but not functionally related to City park programs and activities.

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Residential – Nonresidential Districts

STD LAND USE CODE REF	Residential – Nonresidential Districts	LAND USE CLASSIFICATION	<u>TOD</u>	<u>Transit Oriented Development</u>
1	Residential			
	Single-Family Dwelling (3)			
	Two to Four Dwelling Units Per Structure (6)		<u>P</u>	
	Five or More Dwelling Units Per Structure (6)		<u>P</u>	
12	Group Quarters: Dormitories, Fraternal Houses, Excluding Military and Correctional Institutions and Excluding Secure Community Transition Facilities (16)		<u>P</u>	

**Residential – Nonresidential Districts**

STD LAND USE CODE REF	Residential – Nonresidential Districts	LAND USE CLASSIFICATION	<u>TOD</u>	<u>Transit Oriented Development</u>
	Rooming House (17)		<u>P</u>	
	Senior Citizen Dwellings (4,7*)		<u>P</u>	
13 15	Hotels and Motels <u>Transient Lodging</u>		<u>P/A 18</u>	
	Congregate Care Senior Housing (4,7*,16)		<u>P</u>	
6516	Nursing Home (7*,16)		<u>P</u>	
	Assisted Living (4,7*)		<u>P</u>	
	Accessory Dwelling Unit (9)			

**Notes: Uses in land use districts – Residential**

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- (1) No more than 50 percent of the gross floor area of the structure shall be devoted to residential use in O Districts, unless Conditional Use Permit approval is obtained and the applicable Comprehensive Plan policies do not discourage multifamily uses.
- (2) (Deleted by Ord. 4999).
- (3) A boardinghouse or bed and breakfast is permitted in a single-family dwelling, provided the requirements of LUC 20.20.140 are met.
- (4) ~~An agreement must be recorded with the King County Department of Records and Elections restricting senior citizen dwellings, congregate care senior housing, or assisted living to remain in perpetuity as senior housing. An agreement must be recorded with the King County Department of Records and Elections and filed with the Bellevue City Clerk, restricting senior citizen dwellings, congregate care senior housing, or assisted living to remain for the life of the project.~~
- (5) Through the planned unit development process, senior citizen dwellings may include common dining and recreation facilities.
- (6) Multifamily development in Planning Districts A and B of the Crossroads Subarea is not allowed. Multifamily development in Planning District E of the Crossroads Subarea north of NE 8th Street may be allowed through a Council-approved development agreement that is consistent with Chapter 36.70B RCW and includes design guidelines that are consistent with the vision of Comprehensive Plan Policies S-CR-79 and S-CR-81 regarding the creation of mixed-use developments with pedestrian connections, park connections where appropriate, and public open space. Refer to the Crossroads Subarea Planning District Guidelines of the Comprehensive Plan for Planning Districts A, B and E.
- (7) In Planning Districts A and B of the Crossroads Subarea and in Planning District E of the Crossroads Subarea north of NE 8th Street, existing legal nonconforming multifamily uses can be converted to senior citizen housing, congregate care senior housing, assisted living or nursing homes. Refer to the Crossroads Subarea Planning District Guidelines of the Comprehensive Plan for Planning Districts A, B and E.\*
- (8) These residential uses are permitted in NB Districts only if located on the second floor and above the permitted ground floor nonresidential uses.
- (9) Accessory dwelling units are permitted only as subordinate to single-family dwellings and are subject to the provisions of LUC 20.20.120.
- (10) (Deleted by Ord. 4999).
- (11) (Deleted by Ord. 4999).
- (12) (Deleted by Ord. 4999).
- (13) (Deleted by Ord. 4999).
- (14) (Deleted by Ord. 4999).
- (15) One single-family dwelling unit, occupying no more than 25 percent of the floor area of the structure, is permitted in the PO District.
- (16) See LUC 20.20.190 for additional regulations.

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April 25, 2016



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(17) See LUC 20.20.700 for general development requirements for rooming house.

(18) Hotels and motels are permitted outright. Transient Lodging other than hotels and motels, require an administrative conditional use permit.

**Resources – Nonresidential  
Districts**

STD LAND USE CODE REF	LAND USE CLASSIFICATION	<u>Transit Oriented Development</u>	<u>TOD</u>
8	Resource Production (Minerals, Plants, Animals Including Pets and Related Services)		
81	Agriculture, Production of Food and Fiber Crops, Dairies, Livestock and Fowl, Excluding Hogs		
	Marijuana Production		
8192	Other Horticultural Specialties: Medical Cannabis Collective Gardens (4)		
821	Agricultural Processing		
	Marijuana Processing		
8221	Veterinary Clinic and Hospital (5)		<u>P 7</u>

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Resources – Nonresidential  
Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	<u>Transit Oriented Development</u>	<u>TOD</u>
8222	Poultry Hatcheries		
83	Forestry, Tree Farms and Timber Production		
8421	Fish Hatcheries		
85	Mining, Quarrying (Including Sand and Gravel), Oil and Gas Extraction		

**Notes: Uses in land use districts – Resources**

- (1) In the R-2.5, R-3.5, R-4, R-5, R-7.5, R-10, R-15, R-20, R-30, NB, PO, O, OLB, F1, F2, F3, LI, GC and CB Districts agriculture is limited to the production of food and fiber crops.
- (2) Agriculture processing excludes grain mill products manufacturing and slaughtering in LI Districts.
- (3) Veterinary clinics and hospitals are limited to 5,000 square feet per use in NB Districts.
- (4) Medical cannabis collective gardens are prohibited in Bellevue. See LUC 20.20.535 for general requirements applicable to marijuana uses.
- (5) See LUC 20.20.130.E for additional regulations.

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(6) See LUC 20.20.535 for general development requirements for marijuana uses. (Ord. 6253, 8-3-15, §§ 3, 4; Ord. 6197, 11-17-14, § 4; Ord. 6132 B-1, 10-21-13, § 2; Ord. 5717, 2-20-07, § 2; Ord. 5480, 10-20-03, § 2; Ord. 5475, 10-20-03, § 4; Ord. 5403, 8-5-02, § 3; Ord. 5385, 7-15-02, § 5; Ord. 5089, 8-3-98, § 3; Ord. 4979, 3-17-97, § 1; Ord. 4973, 3-3-97, § 301; Ord. 4816, 12-4-95, § 401; Ord. 4422, 9-28-92, § 2; Ord. 2945, 2-2-81, § 5)

(7) Boarding and commercial kennels are permitted as a subordinate use to a veterinary clinic and hospital meeting the criteria of LUC 20.20.130.

Services – Nonresidential Districts

	<u>Transit</u>
	<u>Oriented</u>
	<u>Development</u>
<b>STD</b>	
<b>LAND</b>	
<b>USE</b>	
<b>CODE</b>	<b>TOD</b>
<b>REF</b>	<b>CLASSIFICATION</b>

6	Services	
61	Finance, Insurance, Real Estate Services	P
62	Personal Services: Laundry, Dry Cleaning, Barber and Beauty, Photography Studio and Shoe Repair	P
6241	Funeral and Crematory Services	

Services – Nonresidential Districts

<u>STD</u>	<u>LAND</u>	<u>USE</u>	<u>CODE</u>	<u>LAND USE</u>	<u>TOD</u>
<u>REF</u>	<u>CLASSIFICATION</u>				
6262				Cemeteries	
629				Child Care Services (3,4)	
				Family Child Care Home in Residence	
				Child Day Care Center	<u>P</u>
63				Business Services, Duplicating and Blue Printing, Steno, Advertising (Except Outdoor), Travel Agencies and Employment	<u>P</u>

Services – Nonresidential Districts

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634	Building Maintenance and Pest Control Services	
637	Warehousing and Storage Services, Excluding Stockyards	
639	Rental and Leasing Services: Cars, Trucks, Trailers, Furniture and Tools	
641	Auto Repair and Washing Services (26)	P
649	Repair Services: Watch, TV, Electrical, Upholstery	P

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Services – Nonresidential Districts

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	Professional Services: Medical Clinics and Other Health Care Related Services	<u>P</u>
	Professional Services: Other	<u>P</u>
	Pet Grooming and Pet Daycare (28)	<u>P</u>
6513	Hospitals	<u>C 29</u>
66	Contract Construction Services: Building Construction, Plumbing, Paving and Landscape	
671	Governmental Services: Executive, Legislative,	<u>P</u>

Services – Nonresidential Districts

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TOD

	Administrative and Judicial Functions	
672	Governmental Services: Protective Functions and Related Activities	<u>P</u>
673	Excluding Maintenance Shops	
	Limited Governmental Services: Protective Functions (21)	
	Limited Governmental Services: Executive and Administrative, Legislative and Protective Functions (22)	<u>P</u>

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674	Military and Correctional Institutions (27)	
675	Secure Community Transition Facility (23,24)	
681	Education: Primary and Secondary (25,27)	<u>A</u>
682	Universities and Colleges (27)	<u>P</u>
683	Special Schools: Vocational, Trade, Art, Music, Driving, Barber and Beauty Schools	<u>P</u>
691	Religious Activities (27)	<u>P</u>



Services – Nonresidential Districts

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692 (A)	Professional and Labor Organizations Fraternal Lodge	P
692 (B)	Social Service Providers	P
	Administrative Office – General	P
	Computer Program, Data Processing and Other Computer-Related Services	P
	Research, Development and Testing Services	P

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**Notes: Uses in land use districts – Services**

- (1) Finance, insurance, real estate services are permitted only if commercially or industrially related in LI Districts.
- (2) Personal services are permitted in LI Districts only if located in a multiple function building or complex.
- (3) Refer to Chapter 20.50 LUC for definitions of child care service, family child care home, and child day care center.
- (4) A child care service may be located in a community facility in any land use district pursuant to LUC 20.20.170.E.
- (5) These uses are permitted in LI Districts only if located in a multiple function building or complex.
- (6) Automobile rental and leasing services require administrative conditional use approval and are subject to the decision criteria in LUC 20.20.135.
- (7) Rental services are restricted to autos and furniture in CB and F1 Districts and to truck, trailer, and tool rentals, provided the site has two street frontages.
- (8) Auto repair and washing services are permitted only if washing services are a subordinate use to a permitted or special use in Downtown-MU Districts.
- (9) Professional services are permitted in LI Districts only if located in a multiple function building or complex.
- (10) Governmental services include maintenance shops in LI and GC Districts.
- (11) Limited to a maximum of 1,500 gross square feet per establishment.
- (12) Nonresidential uses are permitted in Downtown-R Districts only if developed in a building which contains residential uses.
- (13) Drive-in facilities may be permitted through Design Review, Part 20.30F LUC, at any location in the Downtown-O-2 District, or within 200 feet of NE 4th Street or NE 8th Street in the Downtown-O-1 District; but only if all the following criteria are met:
  - (a) On-site capacity for vehicle stacking of 10 spaces for one drive-up station and 20 spaces for two or more drive-up stations must be provided.
  - (b) The design of the vehicular access is compatible with high volume pedestrian walkways and parking access. The vehicular access will not disrupt established retail or service frontages designed to serve pedestrians, nor can the vehicular access lanes be located between the street and the main pedestrian access to the buildings.
  - (c) The vehicle stacking lanes must be contained within a structured parking area, or be otherwise screened.
  - (d) Landscaping or screening must be provided to mitigate any adverse effects on nearby property. Perimeter walkways and sidewalks must conform to the requirements of LUC 20.25A.060.
  - (e) Walk-up banking service, whether manned or electronically activated customer service stations, must be provided on-site during regular daytime business hours for pedestrian business when there is no interior banking service.

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- (14) These uses are permitted only in Bellevue School District schools, whether under control of the School District or the City.
- (a) In the review of the proposed use or uses under the Administrative Conditional Use Permit application, Part 20.30E LUC, the following criteria shall be considered:
- (i) Consistency of the proposal with the goals and policies of the Comprehensive Plan.
  - (ii) Extent to which the physical environment will be modified by the proposal.
  - (iii) Ability to provide on-site parking facilities to accommodate intended uses under the proposal.
  - (iv) Extent of additional demand on public utilities and public services resulting from the proposal.
  - (v) Noise impacts of the proposal.
  - (vi) Traffic volumes and street classifications in the area of the proposal.
  - (vii) Compatibility of the proposal with surrounding land uses.
  - (viii) Impact of the proposal on the visual and aesthetic character of the neighborhood.

In addition, the proposed use or uses shall not be more intensive than if the school were being used as a school.

- (b) A master Conditional Use Permit listing a range of permissible uses from those permitted in the land use district as listed in LUC 20.10.440 can be obtained for the entire school by using the conditional use process, Part 20.30B or Part 20.30C LUC. Uses listed in the permit shall be permitted outright and uses not listed but permitted as conditional uses shall obtain a Conditional Use Permit.
- (15) Permitted in inactive elementary school facilities. The following criteria shall be considered:
- (a) Subsections a.i – viii of Note 14 – Uses in land use districts – Services.
  - (b) Hours of operation.
  - (c) Proposed signing.
- (16) Other than administrative office use, each individual service use in NB Districts is limited to 5,000 square feet. Administrative office use is limited as follows: when located on the first floor of a building, administrative office use is limited to 5,000 square feet or 25 percent of the first floor footprint, whichever is less; when located above the first floor of a building, administrative office use is allowed without a limit on total aggregate square footage, so long as each individual administrative office use is limited to 5,000 square feet. In no event may administrative office uses exceed more than 50 percent of the total building square footage. Administrative conditional use approval is required for hours of operation between 12:00 midnight and 6:00 a.m. The applicant must meet the decision criteria for an Administrative Conditional Use Permit set forth in Chapter 20.30E LUC, and must demonstrate that: (a) the use will meet the

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requirements of the Noise Control Ordinance, Chapter 9.18 BCC; and (b) the use will meet the lighting standards of the Community Retail Design District for all lighting fixtures on the premises that would be lit between the hours of 12:00 midnight and 6:00 a.m. Businesses operating between the hours of 12:00 midnight and 6:00 a.m. on the effective date of City of Bellevue Ordinance No. 4422 are exempt from the ACUP requirements.

- (17) Only travel agencies are permitted in NB Districts.
- (18) Rental services limited to truck, trailer and tool rentals are permitted in NB Districts with administrative conditional use approval, provided the site has two street frontages.
- (19) Auto repair and washing services are permitted with administrative conditional use approval only in NB sites that have two street frontages.
- (20) Personal services are permitted only when functionally integrated within a building or complex used primarily as a hotel or motel; office building; university or college; charitable, social service, professional or labor organization; or recreational facility.
- (21) Uses are limited to neighborhood community police stations of 1,000 square feet or less.
- (22) Uses are limited to 1,000 square feet, except for protective functions which are limited to community police stations of 1,500 square feet or less.
- (23) No portion of a property on which a Secure Community Transition Facility is proposed to be located may be within 300 feet of the boundary of any land use district within which the SCTF use is prohibited. The required 300 feet shall be measured in accordance with the policy guidelines established by the Department of Social and Health Services pursuant to RCW 71.09.285(4), now or as hereafter amended.
- (24) Secure Community Transition Facilities are subject to the regulations for Secure Community Transition Facilities in LUC 20.20.750.
- (25) Primary and secondary educational facilities are an administrative conditional use in all land use districts; provided, that in all residential land use districts and the DNTN-R District a Conditional Use Permit is required for:
  - (a) The siting of such educational facility on a site not previously developed with an educational facility; or
  - (b) The addition to or modification of a site previously developed with an educational facility where that addition or modification involves:
    - (i) An increase of 20 percent or more in the number of students occupying the school. The increase shall be measured against the number of students for which the school was designed prior to the addition or modification, without regard to temporary structures that may have been added to the site over time. If there is no information establishing the number of students for which the school was originally designed, then the increase shall be measured against the average number of students occupying the school in the three academic years immediately preceding the proposed addition or modification; or
    - (ii) A change in the age group of students occupying the school, or the addition of an age group where such age group was not previously served at the school, except that the addition of students younger than kindergarten age consistent with the definition of school in LUC 20.50.046 shall not be considered a change in the age group of students or an addition of an age group for purposes of this subsection. For purposes of this subsection, age group refers to elementary, middle, junior or high school, as defined and used by the school district operating the school; or

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- (iii) The addition of facilities or programs that may result in impacts not anticipated at the time the original school was developed, including, for example: development of lighted ballfields or the addition of lighting to existing ballfields; development of an exterior sound amplification system; development of fixed outdoor seating; or a proposal to increase the height of the facility pursuant to LUC 20.20.740.A.3.b.
- (26) Battery Exchange Stations are ancillary to Auto Repair and Washing Services, and are permitted through the applicable review process as a component of that use. Operators of Battery Exchange Stations must comply with federal and state law regulating the handling, storage, and disposal of batteries.
- (27) See LUC 20.20.190 for additional regulations.
- (28) Boarding and commercial kennels are permitted as a subordinate use to a pet grooming or pet day care meeting the criteria of LUC 20.20.130.
- (29) Stand-alone emergency rooms shall only be allowed when affiliated with a hospital.
- (30) Office-designated properties in the Eastgate Subarea annexed into the City with the Eastgate annexation (May 2012) shall not be considered nonconforming with respect to FAR if the development thereon was legally established prior to the date of annexation.

**Transportation and Utilities – Nonresidential  
Districts**

**STD** Transit  
**LAND** Oriented  
**USE** Devel-  
**CODE** pment  
**REF** **LAND USE CLASSIFICATION** TOD

4	Transportation, Communications and Utilities
41	Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops

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Transportation and Utilities – Nonresidential  
Districts

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LAND USE CLASSIFICATION

TOD

42	Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters	<u>C</u>
4291		
4214	Motor Vehicle Transportation: Maintenance Garages and Motor Freight Services (23)	
422		
43	Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage and Maintenance	<u>A 12</u>
	Accessory Parking (6)(24)	<u>P 4</u>
46	Auto Parking: Commercial Lots and Garages (24)	
	Park and Ride (5) (24)	<u>A</u>
475	Radio and Television Broadcasting Studios	<u>P</u>

Transportation and Utilities – Nonresidential  
Districts

STD  
LAND  
USE  
CODE  
REF

Transit  
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Devel-  
pment

TOD

STD LAND USE CODE REF	LAND USE CLASSIFICATION	<u>TOD</u>
485	Solid Waste Disposal (19)	
	Highway and Street Right-of-Way (24)	<u>P</u>
	Utility Facility	<u>C</u>
	Local Utility System	<u>P</u>
	Regional Utility System	<u>C</u>
	On-Site Hazardous Waste Treatment and Storage Facility (7)	
	Off-Site Hazardous Waste Treatment and Storage Facility (8)	
	Essential Public Facility (20)	<u>C</u>

**Transportation and Utilities – Nonresidential  
Districts**

<u>STD</u>	<u>LAND</u>	<u>USE</u>	<u>CODE</u>	<u>REF</u>	<u>LAND USE CLASSIFICATION</u>	<u>TOD</u>	<u>Transit Oriented Development</u>
					Regional Light Rail Transit Systems and Facilities (25)	<u>C/P</u>	
					Wireless Communication Facility (WCF): (without WCF Support Structures)	<u>14, 16, 21</u>	
					Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding)	<u>14, 16</u>	
					Satellite Dishes (18)	<u>P</u>	
					Electrical Utility Facility (22)	<u>A/C 22</u>	

**Notes: Uses in land use districts – Transportation and Utilities<sup>1</sup>**

- (1) Deleted by Ord. 5086.
- (2) Intentionally deleted.
- (3) Accessory parking is not permitted in residential land use districts as accessory to uses which are not permitted in these districts.



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- (4) The location of an off-site parking facility must be approved by the Director of the Development Services Department. See LUC 20.25A.050H.
- (5) Park and Ride. A park and pool lot or other carpool facility is regulated as a park and ride. A park and ride providing no more than 50 parking spaces, and utilizing the parking area of an existing use shall be regulated as an accessory use under LUC 20.20.200. Any other park and ride requires a Conditional Use Permit.
- (6) Accessory parking requires approval through the review process required for the primary land use which it serves pursuant to LUC [20.10.440](#).
- (7) On-site hazardous waste treatment and storage facilities as defined by LUC 20.50.024 are only permitted as administrative conditional use approvals as a subordinate use to a permitted or special use. These facilities must comply with the state siting criteria as adopted in accordance with RCW 70.105.210.
- (8) Off-site hazardous waste treatment and storage facilities as defined by LUC 20.50.024 must comply with the state siting criteria as adopted in accordance with RCW 70.105.210.
- (9) (Deleted by Ord. 5086).
- (10) These uses are permitted only if located in a multiple function building or complex.
- (11) Aircraft transportation is limited in these districts to government heliports used exclusively for emergency purposes and regulated pursuant to the terms of LUC 20.20.450.
- (12) Aircraft transportation is limited in these districts to government and hospital heliports used exclusively for emergency purposes and regulated pursuant to the terms of LUC 20.20.450.
- (13) Design Review approval, Part 20.30F LUC, or a Change of Use Permit is required to establish a commercial parking facility. Refer to LUC 20.25A.050E for additional development requirements.
- (14) Wireless communication facilities (WCFs) are not permitted on any residential structure, undeveloped site located in a residential land use district, or site that is developed with a residential use. This note does not prohibit locating WCF: a) on any residential structure or undeveloped site in R-20 or R-30 Land Use Districts; or b) on any nonresidential structure (i.e., churches, schools, public facility structures, utility poles, etc.) or in public rights-of-way in any residential land use district.
- (15) Intentionally deleted.
- (16) Refer to LUC 20.20.195 for general requirements applicable to wireless communication facilities and other communication, broadcast and relay facilities.
- (17) Intentionally deleted.
- (18) Refer to LUC 20.20.730 for general requirements applicable to Large Satellite Dishes.
- (19) Refer to LUC 20.20.820 for general requirements applicable to solid waste disposal facilities.

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- (20) Refer to LUC 20.20.350 for general requirements applicable to Essential Public Facilities (EPF).
- (21) Antenna and associated equipment used to transmit or receive fixed wireless signals when located at a fixed customer location are permitted in all land use districts and are exempt from the requirements of LUC 20.20.010, 20.20.195 and 20.20.525 so long as the antenna and equipment comply with 47 C.F.R. 1.400, now or as hereafter amended. A building permit may be required to ensure safe installation of the antenna and equipment.
- (22) For the definition of electrical utility facility, see LUC 20.50.018, and for reference to applicable development regulations relating to electrical utility facilities, see LUC 20.20.255. For new or expanding electrical utility facilities proposed on sensitive sites as described by Figure UT.5a of the Utilities Element of the Comprehensive Plan, the applicant shall obtain Conditional Use Permit approval under Part 20.30B LUC, complete an alternative siting analysis as described in LUC 20.20.255.D and comply with decision criteria and design standards set forth in LUC 20.20.255. For expansions of electrical utility facilities not proposed on sensitive sites as described by Figure UT.5a, the applicant shall obtain Administrative Conditional Use Permit approval under Part 20.30E LUC and comply with decision criteria and design standards set forth in LUC 20.20.255.
- (23) Battery Exchange Stations are ancillary to Motor Vehicle Transportation, and are permitted through the applicable review process as a component of that use. Operators of Battery Exchange Stations must comply with federal and state law regulating the handling, storage, and disposal of batteries.
- (24) Electric Vehicle Infrastructure, excluding Battery Exchange Stations, is ancillary to motor vehicle parking and highways and rights-of-way, and is permitted through the applicable review process as a component of that use.
- (25) Refer to Part 20.25M LUC, Light Rail Overlay District, for specific requirements applicable to EPF defined as a regional light rail transit facility or regional light rail transit system pursuant to LUC 20.25M.020. A conditional use permit is not required when the City Council has approved a regional light rail transit facility or regional light rail transit system by resolution or ordinance, or by a development agreement authorized by Chapter 36.70B RCW and consistent with LUC 20.25M.030.B.1.

(26) Auto parking, commercial lots and garages are only allowed in the OLB 2 District if they are west of 142<sup>nd</sup> Avenue SE.

**Wholesale and Retail – Nonresidential Districts**

STD LAND USE CODE REF	LAND USE CLASSIFICATION	<u>Transit Oriented Development</u>
		<u>TOD</u>
5	Trade (Wholesale and Retail) (39)	
51	Wholesale Trade: General Merchandise, Products, Supplies, Materials and Equipment except the following: (1)	
5111	Wholesale Trade: Motor	
5156	Vehicles, Primary and	
5157	Structural Metals, Bulk	
5191	Petroleum (2)	
5192		
5193	Scrap Waste Materials, Livestock	

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	Recycling Centers	<u>P</u>	
521	Lumber and Other Bulky Building Materials		
522	Including Preassembled Products (3)		
523			
524			
5251	Hardware, Paint, Tile and Wallpaper (Retail)		
5252	Farm Equipment		
53	General Merchandise: Dry Goods, Variety and Dept. Stores (Retail)	<u>P</u>	
54	Food and Convenience Store (Retail) (27)	<u>P</u>	
5511	Autos (Retail)		
	Trucks, Motorcycles, Recreational Vehicles (Retail)		
	Boats (Retail)		
552	Automotive and Marine Accessories (Retail)		

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553	Gasoline Service Stations (40)	
56	Apparel and Accessories (Retail)	<u>P</u>
57	Furniture, Home Furnishing (Retail)	<u>P</u>
58	Eating and Drinking Establishments (37)	<u>P 28</u>
59	Misc. Retail Trade: Drugs, Liquor, Antiques, Books, Sporting Goods, Jewelry, Florist, Photo Supplies, Video Rentals and Computer Supplies	<u>P</u>
	Adult Retail Establishments (31)	<u>P</u>
59	Marijuana Retail Outlet	
5961	Farm Supplies, Hay, Grain, Feed and Fencing, etc. (Retail)	
596	Retail Fuel Yards	
5996	Garden Supplies, Small Trees, Shrubs, Flowers, Ground Cover,	

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	Horticultural Nurseries and Light Supplies and Tools	
5999	Pet Shop (Retail and Grooming)	P
	Computers and Electronics (Retail)	P

**Notes: Uses in land use districts – Wholesale and Retail**

- (1) Wholesale trade includes sales offices for these goods.
- (2) Wholesale trade of motor vehicles, primary and structural metals, and bulk petroleum includes sales offices for these goods and excludes tank farms.
- (3) Bulk retail includes sales offices for these goods.
- (4) Automobile (retail) is subject to the decision criteria in LUC 20.20.135.
- (5) Each individual wholesale and retail use in NB Districts, except retail food stores and miscellaneous retail trade, is limited to 5,000 square feet. Wholesale and retail uses intending to operate between the hours of 12:00 midnight and 6:00 a.m. must obtain administrative conditional use approval. The applicant must meet the decision criteria for an Administrative Conditional Use Permit set forth in Chapter 20.30E LUC, and must demonstrate that: 1) the use will meet the requirements of the Noise Control Ordinance, Chapter 9.18 BCC; and 2) the use will meet the lighting standards of the Community Retail Design District for all lighting fixtures on the premises that would be lit between the hours of 12:00 midnight and 6:00 a.m. Businesses operating between the hours of 12:00 midnight and 6:00 a.m. on the effective date of the ordinance codified in this chapter are exempt from the ACUP requirements.
- (6) Retail auto sales are permitted only in the following locations:
  - a. The west side of 116th Avenue NE between NE 8th Street and the SE 8th Street off-ramp from northbound I-405;
  - b. Along SE 36th Street west of the ravine located at the approximate alignment of 133rd Avenue SE and east of 132nd Avenue SE; and
  - c. West of 148th Avenue SE between SE Eastgate Way and Bellevue College, on properties fronting wholly or partially on 148th Avenue SE. Retail auto sales located in this area shall be subject to design review per Part 20.30F LUC, which shall in particular address and control spillover lighting, and associated vehicle inventory storage shall predominantly occur within a building or buildings. Transition area landscape buffers consistent with LUC 20.25B.040.C shall be provided along interior property lines that abut properties located within OLB and LI land use districts.

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- (7) Motorcycle (retail) requires administrative conditional use approval in LI Districts.
- (8) (Deleted by Ord. 5089).
- (9) (Deleted by Ord. 5089).
- (10) (Deleted by Ord. 5089).
- (11) Furniture and home furnishings are limited to uses with on-site warehousing in LI Districts.
- (12) Computer supplies are permitted as a subordinate use to computer sales in LI and GC Districts.
- (13) Eating and drinking establishments are excluded in transition areas in O Districts.
- (14) Eating and drinking establishments are permitted in the OLB, F2 and F3 Districts subject to the following criteria:
  - (a) Such uses are physically integrated within a structure primarily used as a hotel or motel; office building; charitable, social, professional and labor organization; fraternal lodge; recreational facility or institution such as a public assembly (indoor).
  - (b) Such uses do not exceed 20 percent of the gross floor area of the structure or structures.
  - (c) The entire site complex has a unity of design in terms of wall and roof materials, roof slopes and window patterns.
- (15) Eating and drinking establishments are permitted in LI Districts only if located in a multiple function building or complex.
- (16) Eating and drinking establishments may include liquor sales only if operated under a Class A or C liquor license issued by the Washington State Liquor Control Board. Eating and drinking establishments with other classes of liquor licenses require administrative conditional use approval.
- (17) Other retail trade is limited to drugstores only in O Districts.
- (18) Intentionally deleted.
- (19) Except for drugstores, all miscellaneous retail uses combined cannot exceed 10,000 square feet and each individual use cannot exceed 3,000 square feet.
- (20) Garden supplies excludes items such as large trees, rock and bulk supplies which require special handling equipment in NB, CB, F1 and Downtown-MU Districts.
- (21) Limited to a maximum of 1,500 gross square feet per establishment.
- (22) Limited to a maximum of 3,000 gross square feet per establishment, except for food, retail.
- (23) Nonresidential uses are permitted in Downtown-R Districts only when developed within the same project limit and simultaneously with an equal or greater amount of floor area devoted to residential uses.

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- (24) No on-site outdoor display or inventory storage.
- (25) Motorcycles only.
- (26) Only pet grooming is permitted in the LI and GC Districts.
- (27) Food and convenience stores (retail) must contain at least 75 percent square footage of retail food sales not for consumption on premises.
- (28) Drive-in windows are not permitted.
- (29) No more than one eating and drinking establishment is permitted in any building.
- (30) Limited to a maximum of 15,000 gross square feet per establishment or up to 25,000 gross square feet through a conditional use.
- (31) Adult retail establishments are subject to the regulations for adult entertainment uses in LUC 20.20.127.
- (32) (Reserved).
- (33) (Deleted by Ord. 5089).
- (34) Gasoline service stations may include subordinate convenience stores.
- (35) Any business which combines two or more permitted retail sales uses and also includes subordinate retail sales uses shall be limited in size to 50,000 square feet.
- \* (36) Retail uses in CB Districts in the following subareas, as designated in the Comprehensive Plan, are limited in size to 100,000 gross square feet or less: Bridle Trails, Evergreen Highlands, Newcastle, North Bellevue, Northeast Bellevue, Richards Valley, South Bellevue, Southeast Bellevue, and Wilburton; provided, that in CB Districts in the Wilburton Subarea, retail uses may be allowed to exceed 100,000 gross square feet through a Council-approved development agreement that is consistent with Chapter 36.70B RCW and includes design guidelines that (a) address the potential impacts of that scale of retail use, and (b) are consistent with the vision of Comprehensive Plan Policy S-WI-3 regarding the creation of a “retail village” on the commercial area west of 120th Avenue NE.
- (37) Microbrewery manufacturing is permitted subordinate to an eating and drinking establishment; provided, that the manufacturing use occupies not more than 50 percent of the total square footage of the combined establishment.
- (38) Eating and drinking establishments and retail uses are permitted in the Downtown-OLB District, provided the following criteria are met:
  - (a) The uses are functionally integrated within a building or complex primarily used as a hotel or motel; office building; university or college; charitable, social service, professional or labor organization; or recreation facility.
  - (b) The uses do not exceed 30 percent of the total floor area of the building or complex.



Eastgate Transit Oriented Development  
Attachment B

- (c) Each individual retail use is limited to 15,000 gross square feet in area.
- (d) The entire complex achieves a unity of design through the use of similar exterior building materials, colors, and window patterns.
- (39) All wholesale and retail uses, which offer shopping carts to customers, shall (a) designate a shopping cart containment area as defined in BCC 9.10.010; (b) display signage around shopping cart corrals and at the perimeter of the shopping cart containment area that provides notice that unauthorized removal of a shopping cart from the premises constitutes theft under RCW 9A.56.270 and unauthorized abandonment of a shopping cart more than 100 feet away from the parking area of a retail establishment or shopping cart containment area is a Class 3 civil infraction as defined in RCW 7.80.120; and (c) display information on each shopping cart that is consistent with the labeling requirements of RCW 9A.56.270 and includes a 24-hour toll-free phone number to report abandoned shopping carts. Abandoned shopping carts or shopping carts located outside of a shopping cart containment area constitute a public nuisance under BCC 9.10.030(H) and may be abated through the provisions of Chapter 1.18 BCC.
- (40) Battery Exchange Stations are ancillary to Gasoline Service Stations, and are permitted through the applicable review process as a component of that use. Operators of Battery Exchange Stations must comply with federal and state law regulating the handling, storage, and disposal of batteries.
- (41) See LUC 20.20.535 for general development requirements for marijuana uses.
- (42) In the NMU District, microbreweries are allowed when combined with an eating and drinking establishment.
- (43) In the OLB 2 District, retail auto, truck, motorcycle, boat and RV showrooms are allowed. No outdoor storage of autos, trucks, motorcycles, boats, or RVs are allowed.

Planning Commission Schedule

<u>Meeting Date/Project Phase</u>	<u>April 27, 2016</u>	<u>May 11, 2016</u>	<u>May 25, 2016</u>	<u>June 8, 2016</u>	<u>June 15, 2016 (to be determined)</u>	<u>June 22, 2016</u>
<u>Study Session</u>	Assisted Living & Affordable Housing Bonus Incentive LUCA	Open Space, Pedestrian Corridor, Streetscape, Dwntrwn Livability LUCA	Threshold Review, 2016 Annual Comp Plan Amendments	Incentive System, Downtown Livability LUCA		Eastgate Land Use Code Amendments
	Eastgate - TOD Vision, Plan, Economic Analysis & Uses	Single Family Room Rental, Staff Update on Code	Eastgate - Entire Set of Code Amendments			Low Impact Development (LID) LUCA
		Low Impact Development (LID) Principles	Low Impact Development (LID) Principles			
<u>FYI</u>	Bellevue School District Update on School Planning					
<u>Open House</u>				Eastgate Land Use Code Amendments		
<u>Public Hearing</u>	Assisted Living & Affordable Housing Bonus Incentive LUCA		Public Hearing, Threshold Review, 2016 Annual Comp Plan Amendments			Eastgate Land Use Code Amendments
						Low Impact Development (LID) LUCA
<u>Final Commission Recommendations</u>	Assisted Living & Affordable Housing Bonus Incentive LUCA					