



Bellevue Planning Commission

Wednesday, December 9, 2015

6:30 to 8:45 p.m. ■ 1E-113

City Hall ■ 450 110th Avenue NE, Bellevue

Agenda

Regular Meeting

- | | | |
|-----------|--|---------|
| 6:30 p.m. | 1. Call to Order
<i>Michelle Hilhorst, Chairperson</i> | |
| | 2. Roll Call
<i>Michelle Hilhorst, Chairperson</i> | |
| | 3. Approval of Agenda | |
| 6:35 p.m. | 4. Public Comment*
<i>Limited to 5 minutes per person or 3 minutes if a public hearing has been held on your topic</i> | |
| | 5. Communications from City Council, Community Council, Boards and Commissions | |
| | 6. Staff Reports
Bellevue Comprehensive Plan Update Outreach Award | |
| | 7. Draft Minutes Review
November 18, 2015 | |
| | 8. Study Session | |
| 6:50 p.m. | A. Downtown Livability
Conduct public hearing on Downtown land use update “early wins”, discuss potential recommendations to Council
<i>Patti Wilma, Community Development Manager</i>
<i>Emil King, Strategic Planning Manager</i>
<i>Patricia Byers, Code Development Manager</i> | Pg. 1 |
| 7:55 p.m. | B. Eastgate/I-90 Corridor Implementing Regulations
Review of concomitant agreements and process to move elements forward into updated code
<i>Erika Rhett, Senior Planner, PCD</i> | Pg. 141 |
| 8:25 p.m. | C. Eastside Rail Corridor
Project overview, including King County master planning process, interim trail plans, and interface with City projects
<i>Camron Parker, Senior Planner, Parks & Community Services</i>
<i>Michael Ingram, Senior Planner, Transportation</i> | Pg. 149 |

8:45 p.m.

9. **Public Comment*** - *Limited to 3 minutes per person*

10. **Adjourn**

Agenda times are approximate

Planning Commission members

Michelle Hilhorst, Chair

John deVadoss, Vice Chair

Jeremy Barksdale

John Carlson

Aaron Laing

Anne Morisseau

Stephanie Walter

John Stokes, Council Liaison

Staff contacts

Emil King, Strategic Planning Manager 425-452-7223

Michael Kattermann, Acting Comprehensive Planning Manager 425-452-2042

Michelle Luce, Administrative Assistant 425-452-6931

** 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).



December 9, 2015

SUBJECT

Public hearing on Land Use Code Amendments on the Downtown Livability Initiative Early Wins including permitted uses, signage on publicly accessible spaces, location and screening of mechanical equipment, street trees, redefinition of the downtown boundary, weather protection, and extension of the Major Pedestrian Corridor.

STAFF CONTACT

Carol V. Helland, Land Use Director, chelland@bellevuewa.gov 452-2724
Trish Byers, Code Development Manager, pbyers@bellevuewa.gov 452-4241
Development Services Department
Emil King, Strategic Planning Manager, eking@bellevuewa.gov 452-7223
Patti Wilma, Project Development Manager, pwilma@bellevuewa.gov 452-4114
Planning and Community Development

DIRECTION NEEDED FROM PLANNING COMMISSION

- Action
- Discussion
Information

At the December 9, 2015 meeting, the Planning Commission is requested to conduct a Public Hearing and make a recommendation to the City Council regarding the proposed Land Use Code Amendments for the Downtown Livability Initiative early wins. The recommendation to Council will occur as an outcome of your deliberation later this evening in a Study Session.

BACKGROUND

This amendment is intended to implement some of the work that the Downtown Livability Citizens' Advisory Committee accomplished. The Downtown Livability Initiative is to advance implementation of the Downtown Subarea Plan which states that downtown should be livable, viable, and memorable. The City Council formed and directed the Downtown Livability Citizen Advisory Committee (CAC) to provide guidance to City staff in developing recommendations for a Land Use Code (LUC) update. Based on the CAC's final report and the Planning Commission meetings, "early win" amendments were identified and provided to the Planning Commission in Study Session. These early wins were discreet topics that could be addressed early in the code update process because there was consensus among the CAC members and the topics were not complex.

The Downtown Livability Initiative early win amendments that are the subject of the December 9, 2015 public hearing result from community interest and input. More complete background information and discussion of the proposal is included in the enclosed Staff Report.

PUBLIC HEARING

LUC 20.35.400 establishes the procedures for Process IV: City Council legislative actions. LUC 20.35.410 requires that the Planning Commission hold a public hearing on proposals reviewed through Process IV prior to making a recommendation to Council. LUC 20.35.430 states that any person may participate in the public hearing.

ALTERNATIVES

1. Hold a public hearing and move to recommend approval, approval with modifications, or denial of the proposal.
2. Provide an alternative recommendation to Council.

RECOMMENDED MOTIONS

Public Hearing

1. Move to open the public hearing.
2. Move to close the public hearing (after receiving all testimony)

Study Session

Following the public hearings, the Planning Commission is asked to convene the study session, deliberate and make a motion on a recommendation.

3. Move to recommend that City Council approve the proposed Land Use Code Amendments regarding Downtown Livability Initiative early wins.

NEXT STEPS

1. Council study session – transmittal of Planning Commission recommendation
2. Council action on the proposal

ENCLOSURE

Public hearing staff report to the Planning Commission



DATE: November 12, 2015

TO: Planning Commission

FROM: Carol Helland, Land Use Division Director 452-2724
Trish Byers, Code Development Manager 452-4241
Development Services Department
Emil King, Strategic Planning Manager, 452-7223
Patti Wilma, Project Development Manager, 452-4114
Planning and Community Development

SUBJECT: Land Use Code Amendment from Downtown Livability Initiative “early wins” regarding permitted uses, signage for publicly accessible spaces, mechanical equipment location and screening, street trees, downtown boundary definition, weather protection and extension of the Major Pedestrian Corridor. File No. 12-127731AD

I. BACKGROUND

A. Process.

The Downtown Livability Initiative is to advance implementation of the Downtown Subarea Plan which states that downtown should be livable, viable, and memorable. This staff report supports the Planning Consideration of a subset of “early win” amendments to the Land Use Code (LUC) that were identified for accelerated review and adoption. Refer to Attachment A for the Early Win Draft Land Use Code Amendments.

The City Council formed and directed the Downtown Livability Citizen Advisory Committee (CAC) to provide guidance to City staff in developing recommendations for a Land Use Code update. The Council provided guidance through the vision in the Downtown Subarea Plan and 12 principles specific to the Downtown Livability Initiative. The Downtown Subarea Plan establishes the vision and policy guidance that support the development of downtown Bellevue as the primary urban center of the Eastside. The Great Place Strategy found in the Downtown Subarea Plan states:

Goal: The Great Place Strategy

To remain competitive in the next generation, Downtown Bellevue must be viable, livable, memorable and accessible. It must become the symbolic as well as the functional heart of the Eastside Region through the continued location of cultural, entertainment, residential, and regional mixed uses located in distinct, mixed-use neighborhoods connected by a variety of public places and great public infrastructure.

The City Council’s 12 principles are provided in the Attachment B. The principles are intended to help guide the Planning Commission and provide the backdrop for the amendments to be discussed at the public hearing scheduled for December 9, 2015.

The CAC held four open houses and three events with multiple focus groups, conducted walking tours, reviewed public comment, and participated in thirteen CAC meetings. The CAC provided one or more high level code-related recommendations on the following topics:

- Public Open Space
- Pedestrian Corridor
- Design Guidelines
- Amenity Incentive System
- Station Area Planning
- Building Height and Form
- Downtown Parking
- Other Topics

After the CAC completed its work and a final report had been written, the Planning Commission held seven meetings throughout 2015. The first meetings with the Planning Commission oriented them to the work of the CAC, and included a walking tour of the southern portion of the Downtown District. Based on the CAC’s final report and the Planning Commission meetings, “early win” amendments were identified and provided during several study sessions. These early wins were discreet topics that could be addressed early in the code update process because there was consensus among the CAC members, and the topics were not complex.

On October 14 and 28, Staff began presenting the “early win” code amendments that implemented the CACs recommendations. Another study session is scheduled for November 18, for further discussion by the Commission. On October 14, the Planning Commission discussed amendments regarding permitted uses, signage for publicly accessible spaces, and location and screening of mechanical equipment. On October 28, the Planning Commission discussed amendments regarding street trees, the downtown boundary, and added two more amendments to the package to address overhead weather protection and extending the Major Pedestrian Corridor on NE 6th Street from 110th Avenue NE to 112th Avenue NE. The Planning Commission will discuss overhead weather protection and the Pedestrian Corridor extension at a study session on November 18, 2015.

A list of comments received by the Planning Commission is provided in Attachment C.

B. Amendment Description

The draft early win LUC amendments are included in Attachment A. The amendments are organized under seven topics that are summarized below:

1. Permitted Use Charts

Manufacturing

- Two uses from the Manufacturing chart are currently permitted Downtown: printing and hand crafted products. These uses will remain permitted but have been relocated to the Services and Wholesale and Retail charts respectively to be nested with similar activities.

- The rest of the manufacturing chart would be deleted because manufacturing is not consistent with the vision for Downtown as a walkable, livable place with storefronts and open public spaces.

Recreation, Culture, and Entertainment

- Recreational activities such as miniature golf, tennis courts, community clubs, athletic fields, play fields, recreations centers and swimming pools would be permitted in all Downtown districts.
- Other recreational activities such as skating, bowling, gymnasiums, athletic clubs, health clubs, and recreational instruction would be permitted in all Downtown Districts except the DNTN-R District, where the use is permitted only when developed in a building which contains residential uses. Currently, these uses in all but the Downtown Mixed Use (DNTN-MU) district require an administrative conditional use permit, and those recreational uses proposed in the DNTN-R must be developed in a building that also contains residential uses.
- City Parks would be generally permitted. However, when located in the DNTN-R District will require an administrative conditional use permit, rather than a conditional use permit if the park will have lighted sports fields, amplified sound or a community recreation center. Nonrecreation uses in a City Park in the DNTN-R would require a conditional use permit. A nonrecreation use means a commercial, social service or residential use located on park property, but not functionally related to park programs and activities.

Residential

- Single-family residences are currently permitted in all but Downtown Office and Limited Business District. (DNTN-OLB) but are proposed to be disallowed in all Downtown districts. The stated purpose of Downtown in LUC 20.10.370 is to provide the financial and business hub of the community that is an aesthetically attractive area of intense use. Single family residences are not consistent with this purpose, nor do they respond to increasing market pressure for more intense uses such as multi-family condominiums and office buildings.
- Multi-family dwellings would be permitted in all Downtown Districts with the proposed addition of allowing multi-family dwellings in the DNTN-OLB.

Resources

- Veterinary clinic and hospitals would be permitted in all Downtown Districts rather than only being permitted in DNTN-MU. They must meet the requirements of LUC 20.20.130, which have additional standards for animal keeping and services.

Services

- In the Downtown-Office 2 (DNTN-O2), Downtown-Office 1 (DNTN-O1), DNTN-MU and DNTN-OLB, and OB Districts; drive-ins and drive-throughs for finance, insurance, and real estate uses would be permitted as a subordinate use pursuant to LUC 20.20.840 only if located within a structured parking area and not adjacent to any publicly accessible space. Previously, they were allowed outside in all districts, rather than within a structured parking facility. This is proposed because drive-in banks are not consistent with the idea of a walkable Downtown. They cater solely to the vehicles, take up storefront space, and cause traffic issues.

- Pet grooming and daycare would be added as permitted uses. In the DNTN-R, these establishments are limited to 1,500 gross square feet. Also, they must meet the general requirements of LUC 20.20.130, which have additional requirements for animal services.

Transportation and Utilities

- Park and rides, sometimes called park and pools in the LUC, would no longer be allowed because park and ride facilities are intended to provide suburban parking to people who are commuting on mass transit to the Downtown for work or other purposes. The idea is to encourage fewer single-occupancy vehicle trips into the Downtown, and park and rides would be inconsistent with this objective.
- On-site hazardous waste treatment and storage facilities are currently permitted with an administrative conditional use permit. Staff proposes to remove this use from the Downtown districts entirely because it is inconsistent with a livable, safe Downtown.
- Figure UT.5a has been updated to Map UT-7 to be consistent with the new Comprehensive Plan updates passed in August 2015. Both depict new or expanding electrical facilities.

Wholesale and Retail

- Recycling centers would be permitted outright in the DNTN-OLB district where they are currently not permitted at all. In the DNTN-R and DNTN-OB districts, recycling centers were permitted with a conditional use permit, but staff recommends an administrative conditional use permit. A recycling center is defined as “A collection point for small refuse items, such as bottles and newspapers, located either in a container or a small structure,” and applies to stand-alone facilities. Recycling areas that service tenants within a building are permitted outright.
- Automobile and motorcycle retail sales would be permitted in all districts but DNTN-R and DNTN-OB, but no outdoor storage or loading in the right-of-way will be allowed. Currently, these sales may only occur in the DNTN O-1 and DNTN O-2 districts.
- Currently, commercial trucks may not be sold in any Downtown district, this will not change. However, the word “commercial” was added to distinguish between those trucks that would be sold at a retail automobile establishment versus those used in heavy duty, commercial activities.
- Garden supply stores would be permitted in DNTN-R, DNTN-OB, and DNTN-OLB districts. Currently, they are only permitted in the DNTN-MU. This change would encourage livability for those who want to live Downtown and grow gardens on their decks, patios, and rooftops.
- Size restrictions, either a maximum of 1,500 or 3,000 gross square feet, would be eliminated for many uses in the DNTN-R district including hardware, general merchandise, food and convenience stores, apparel stores, furniture stores, drug stores, and pet shops.
- Pet shop grooming would be moved from the wholesale and retail chart to the services chart.
- Microbreweries would be allowed so long as they are combined with an eating and drinking establishment. There would no longer a requirement that the microbrewery is a subordinate use occupying 50 percent or less of the square footage of the entire establishment. The percentage was impossible for microbrewery owners to meet and remain viable, so staff proposes to remove the percentage.

- Drive-in and drive-through pharmacies are permitted as a subordinate use pursuant to LUC 20.20.840 only if located within a structured parking area and not adjacent to any publicly accessible space.

2. Signage for Publicly Accessible Spaces

Type of Publicly Accessible Open Space	Characteristics	Proposed Amendments
Plazas	<ul style="list-style-type: none"> • Continuously open • Designed for people, not as a setting for a building 	<ul style="list-style-type: none"> • Wayfinding signage requirement
Walkways – Midblock (renamed “Through-Block Connections”)	<ul style="list-style-type: none"> • Continuously open • Required in each superblock to permit movement to and from sidewalks, public spaces, buildings and parking areas 	<ul style="list-style-type: none"> • Wayfinding signage requirement • Renamed for clarity
Minor Publicly Accessible Spaces (MPASs)	<ul style="list-style-type: none"> • Along Bellevue Way and 108th Ave NE at their intersections with NE 8th, NE 6th and NE 4th. Also 2 spaces in each superblock • Provide opportunities for active and passive recreation. • Currently limited to normal business hours • Are not required to permit movement to and from sidewalks, public spaces, buildings and parking areas. • Outdoor or enclosed • Must be developed as a plaza, art or landscape feature • May use FAR amenity bonus 	<ul style="list-style-type: none"> • Wayfinding signage requirement • Change from normal business hours to pedestrian bridge hours which are 6 a.m. to 12 midnight or the hours of operation of the adjacent uses, whichever is greater. • If FAR amenity points were received for a plaza, then it must remain open at all times. (A plaza can be an MPAS)

The wayfinding signage would be visible from all points of access and be consistent with respect to color, size, type, verbiage, and placement. The Director would have flexibility to approve alternate signage if the required signage is not feasible, so long as project design and signage objectives are met. This provides uniform application for property owners and predictability for pedestrians. This amendment would also change the name from “Walkways-Midblock” and change the hours for MPASs from normal business hours to the greater of 6 a.m. to midnight or the operating hours of the adjacent building.

3. Location and Screening of Mechanical Equipment

Location

- Staff recommends that mechanical equipment be located below grade or on the roof, rather than the current provision which allows mechanical equipment to be located at grade.
- Staff recommends that no mechanical equipment may abut a public walkway, through-block pedestrian connection, or areas open to the public like a plaza.

Screening

- The design and materials used for the visual barrier or structure shall be consistent with the architecture of the building.
- Vegetation used for screening will provide for 50 percent coverage upon installation and 100 percent coverage in 3 years. The previous provision only stated that there must be screening within 2 years. It should be noted that vegetation is not an appropriate noise mitigation measure.

Exhaust (All new)

- Exhaust equipment shall be located so that it does not discharge on a sidewalk or area designated accessible to the public.
- Exhaust air discharges or outlets would be located a minimum of 16 feet above the sidewalk or public way.
- Exhaust location and discharge would be listed in order of preference:
 - On the building rooftop,
 - Service drive or alley, or other façade that would not be adjacent to a public street, sidewalk, or right of way,
 - Located above a driveway or service drive to the property such as a parking garage or service court, or
 - Located adjacent to the public street or easement so long as it is not directly above an element that has earned an FAR Amenity Incentive System points.

4. Street Trees and Planter Strips

These amendments are aimed at providing the requisite space for healthy, long-lived street trees that provide shade, oxygen, and an aesthetically pleasing downtown. The space is also required so that there is less sidewalk damage and tree mortality. Also planter strips and trees provide a buffer for pedestrians from vehicular traffic.

- Amends the width of planter strips from 4 feet to 5 feet, and tree pits from four by six feet or five by five feet to five by 10 feet.
- Amends the caliper of new trees from 3 inches to 2.5 inches;
- Requires spacing of 20, 25, and 30 feet for small, medium, and large trees as provided in the new Plate B, respectively;
- Requires permanent irrigation for street trees;
- Creates Plate A, which whether a planter strip or tree pits will be required by street;
- Updates Plate B, which lists tree species by street, for pest and disease resistance: suitability for the urban environment, and tree species availability; and
- Explicitly refers to the Environmental Best Management Practices and Design Standards.

5. Downtown Boundary

With respect to the western boundary, this amendment is necessary so that the LUC is consistent with the Comprehensive Plan Update adopted in August 2015. The eastern

boundary has not been moved, it is simply defined with more specificity. A map depicting the Downtown Boundary is provided in Attachment D.

6. Weather Protection

Weather protection enhances walkability especially in the rainy season. The right of way designations are those used in the Building/Sidewalk Design Guidelines rather than those in the CAC report. Staff recommends these designations for clarity and consistency with the rest of the design guidelines. Should the Planning Commission and Council decide to change the right-of-way designations while reviewing the design guidelines early next year, these designations can also be changed.

- In Right-of-Way Designations A, B, and C, 75% of the building frontage shall have overhead weather protection.
- In Right of Way Designations C, D, and D/R, 50% of the building frontage shall have overhead weather protection.
- In Right-of-Way Designation E, overhead weather protection shall be provided at all entries.

Overhead weather protection includes arcades, awnings, and marquees as provided in the Amenity Incentive System. If these features meet the criteria in the Amenity Incentive System, they shall be eligible for Amenity Incentive System points. Other weather protection methods not included in the Amenity Incentive System may also be used to meet this requirement, if approved by the Director. A map of the Downtown Right-of-Way Designations is provided in Attachment E.

7. Extension of the Major Pedestrian Corridor

The specific land use code amendment would formally extend the Major Pedestrian Corridor on NE 6th Street from 110th Avenue NE to 112th Avenue NE. The CAC called this extension the Civic Center block. It would provide an important link from the Transit Center to I-405 and would ultimately be a part of the Grand Connection which will extend from Meydenbauer Bay Park to Wilburton. The extension includes the City Hall Campus and any new development that might occur between City Hall and the Eastlink Light Rail Station on NE 6th Street. A map of the pedestrian corridor extension is provided in Attachment F.

II. REVIEW PROCESS

The review process began with the CAC as discussed in the Background, Section I, above. The CAC completed its final report and the Downtown Livability Initiative code amendments were referred to the Planning Commission. The Planning Commission reviewed the early win Downtown Livability amendments in study sessions dated October 14 and 28, and are scheduled to undertake additional review on November 18, 2015. The public hearing is scheduled to be held on December 9, 2015, after which the Planning Commission will hold a study session and make its recommendation to the City Council.

III. PUBLIC NOTICE

Notice of the Application for the Land use Code Amendment, together with Notice of the SEPA checklist, was published on November 6, 2012. Notice of the SEPA threshold determination, and the public hearing was published on November 12, 2015 in the Weekly Permit Bulletin.

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 was provided to state agencies on November 12, 2015. City Council final action can be taken anytime on or after January 13, 2016.

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.

IV. 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 proposed amendments are supported by the following Comprehensive Plan policies

Permitted Uses

- ED 5. Develop and maintain regulations that allow for continued economic growth while respecting the environment and quality of life of city neighborhoods.
- POLICY S-DT-16. Restrict the location of drive-in and drive-through activities within the Downtown Subarea.

Signage for Publicly Accessible Spaces

- UD 53. Develop and maintain a public signage and wayfinding system throughout the city that reinforces the identity of Bellevue and its distinct neighborhoods.

Location and Screening of Mechanical Equipment

- UD 29. Integrate rooftop mechanical equipment screening with building architecture.
- POLICY S-DT-33. Minimize potential impacts to pedestrians caused by utility equipment, such as cabinets, within the sidewalk where possible.

Street Trees and Planter Strips

- EN 21. Work toward a citywide tree canopy target of at least 40% canopy coverage that reflects our “City in a Park” character and maintain an action plan for meeting the target across multiple land use types including right-of-way, public lands, and residential and commercial uses.
- UD 65. Use appropriate street tree species and provide adequate rooting space to limit damage to sidewalk and street infrastructure.
- UD 66. Ensure that sidewalks, walkways, and trails are furnished, where needed and appropriate, with lighting, seating, landscaping, street trees, planter strips, trash receptacles, public art, bike racks, railings, handicap access, newspaper boxes, etc. without interfering with pedestrian circulation.
- UD 68. Give identity and continuity to street corridors by using a comprehensive street tree plan and other landscaping to enhance circulation routes, soften the appearance of pavement and separate pedestrians from traffic.

Downtown Boundary Redefinition

- N-13. Update neighborhood area plans consistent with the planning boundaries shown in Map N-1. For any given site, the 2014 subarea plan policies remain in effect until and unless they have been superseded by new planning area boundaries and policies.

Overhead Weather Protection

- UD 34. Provide both weather protection and access to sunlight in pedestrian areas using architectural elements.

Major Pedestrian Corridor Extension

- POLICY S-DT-81. Develop the NE 6th Pedestrian Corridor as a unifying feature for Downtown Bellevue by siting buildings and encouraging uses that add to pedestrian movement and activity.

Finding: These code amendments will provide changes to the Land Use Code that are consistent with the Comprehensive Plan.

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

Finding: The amendment will enhance the public health, safety, and welfare by ensuring that development in downtown Bellevue includes appropriate permitted uses, signage and location of mechanical equipment. The street trees, planter strips, weather protection and the extension of the Major Pedestrian Corridor will enhance the health, safety, and welfare of the public by providing safe and pleasant places to live, work, and visit in downtown Bellevue.

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

Finding: The amendment is consistent with the best interest of the citizens and property owners. It will allow for a variety of business and residential housing opportunities in downtown Bellevue while preserving the quality and character of each Downtown District, with standards to help ensure that policy of the Comprehensive Plan is implemented through application of the LUC to new development and to redevelopment.

V. STATE ENVIRONMENTAL POLICY ACT

The Environmental Coordinator for the City of Bellevue has determined that this proposal will not result in any probable, significant, adverse environmental impacts. A Determination of Non-Significance (DNS) was issued on November 12, 2015. A copy of this determination is located in the attachments.

VI. RECOMMENDATION

The requested Land Use Code Amendment included in Attachment A is consistent with the decision criteria required for adoption of a Land Use Code Amendment. Staff recommends that the Planning Commission transmit a recommendation approving all of the proposed early win amendments.

ATTACHMENTS

- A. Early Win Draft Amendments
- B. Council Principles for Downtown Livability Initiative
- C. Public Comment
- D. Map of Downtown Boundary Redefinition
- E. Map of Right-of-Way Designations
- F. Map of Pedestrian Corridor Extension
- G. SEPA Determination

Appendix A Draft Code Amendments

Draft Land Use Code Amendment Uses in Downtown Bellevue Land Use Districts

20.25A.015 Permitted uses

A. Permitted Uses

Specific categories of uses are listed in Chart 20.25A.015.D. Section C of this section explains Chart 20.25A.015.C, and describes the applicable review procedures. The use chart description and interpretation provisions of LUC 20.10.400 do not apply to the Downtown land use districts.

B. Prohibited Uses

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

C. Use Chart Described

In Chart 20.25A.015.D, land use classifications and standard Land Use Code reference numbers are listed on the vertical axis. City of Bellevue land use districts are shown on the horizontal axis.

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

D. Use Charts

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

The Manufacturing Table will be deleted.

Manufacturing – Downtown Districts

STD LAND USE CODE REF	LAND-USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed-Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
2-and 3	Manufacturing (1,4)						
21	Food and Beverage Products Mfg.						
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	S	S	S			
28	Chemicals and Related Products Mfg.						
31	Rubber Products Mfg.						
314	Misc. Plastic Products Mfg.						
321 322 324 325 327	Light Stone, Clay, and Glass Products Mfg.; Glass, Pottery and China Ceramic Products, Stone Cutting and Engraving						
329	Handcrafted Products Mfg.	S	S	S	S	S	S
3427	Computers, Office Machines and Equipment Mfg.						
3433 3434 3435 3436 3437	Electrical Equipment Mfg.; Appliances, Lighting, Radio, TV Communications, Equipment and Component Parts						

3491 3492 3493 3495 3497		Fabricated Metal Products Mfg.; Containers, Hand Tools, Heating Equipment, Screw Products, Coating and Plating						
35		Measuring, Analyzing and Controlling Instruments; Photographic, Medical and Optical Goods; Watches and Clocks Mfg.; Computer Software						
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 mill
- (2) Paper products manufacturing excludes paper and pulp manufacturing in LI Districts.
- (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
- (5) Food and beverage public tasting rooms are permitted only as a subordinate use to the manufacturing use.

Culture, Entertainment, and Recreation – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
711	Library, Museum	P	P	P	A	A	P
7113	Art Gallery	P	P	P	P 4, 5 2, 3	P	P
712	Nature Exhibitions: Aquariums and Botanical Gardens and Zoos	P 6	P 6	P 6			
7212 7214 7222 7231 7232	Public Assembly (Indoor): Sports, Arenas, Auditoriums and Exhibition Halls but Excluding School Facilities	P	P	P	A 5 3	A	P
7212 7214 7218	Motion Picture, Theaters, Night Clubs, Dance Halls and Teen Clubs	P	P	P	A 5 3	A	P
7213	Drive-In Theaters						
	Adult Theaters 4	P	P	P		P	P
7223 73	Public Assembly (Outdoor): Fairgrounds and Amusement Parks, Miniature Golf, Golf Driving Ranges, Go-Cart Tracks, BMX Tracks and Skateboard Tracks 1						

73	Commercial Amusements: Video Arcades, Electronic Games	P	P	P			<u>P</u>
7411 7413 7422 7423 7424 7441 7449	Recreation Activities: <u>Miniature Golf Courses</u> , Tennis Courts, Community Clubs, Athletic Fields, Play Fields, Recreation Centers, Swimming <u>Beaches and Pools</u> <u>2</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	<u>AP</u>	<u>AP</u>
744	Marinas, Yacht Clubs						
7413 7414 7415 7417 7425	Recreation Activities: Skating, Bowling, Gymnasiums, Athletic Clubs, Health Clubs, Recreational Instruction	<u>AP 8</u>	AP8	P	<u>AP 3</u>	AP8	AP 8
7491 7515	Camping Sites and Hunting Clubs						
76	Private Leisure and Open Space Areas Excluding Recreation Activities Above	P	P	P	P	P	P
	Public/Private Park	P	P	P	P	P	P
	Stables and Riding Academies						
	Boarding or Commercial Kennels <u>6</u>						
	City Park (10) <u>5</u>	P/G	P/G	P/G	<u>P/G5</u>	P/G	P/G

~~*Not effective within the jurisdiction of the East Bellevue Community Council.~~

Notes: Uses in Downtown land use districts – Culture, Entertainment, and 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) (1) For carnivals, see LUC 20.20.160.~~

~~(3) Recreation activities do not include athletic clubs in O, LI and GC Districts.~~

~~(4) (2) Limited to a maximum of 2,000 gross square feet per establishment.~~

~~(5) (3) Nonresidential uses are permitted in Downtown-R Districts only when developed in a building which contains residential uses.~~

~~(6) Excludes zoos.~~

~~(7) (4) 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) (5) City parks are generally permitted in all districts. However, the following types of uses or facilities in in City parks in single-family or R-10 zones require conditional-administrative conditional use approval when located in the Downtown-R zone: 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 located in the Downtown-R district requires 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.~~

(6) Boarding and commercial kennels are allowed as subordinate uses to a veterinary clinic or hospital meeting the criteria of LUC 20.20.140.

Chart 20.25A.015.D Uses in Downtown Land Use Districts

Residential – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
	Single Family Residential(3)	P	P	P	P	P	
	Two to Four or more Dwelling Units Per Structure	P	P	P	P	P	P
12	Group Quarters: Dormitories, Fraternal Houses, Excluding Military and Correctional Institutions and Excluding Secure Community Transition Facilities	P	P	P	P	P	P
13 15	Hotels and Motels	P	P	P	P	P	P
	Congregate Care Senior Housing (4) (7*)	P	P	P	P	P	P
6516	Nursing Home, Assisted Living (1)(4) (7*)			P	P	P	P
	Assisted Living (4,7*)			P	P	P	
	Accessory Dwelling Unit (9)			S	S	S	

* ~~Not effective within the jurisdiction of the East Bellevue Community Council.~~

Notes: Uses in Downtown land use districts – Residential

- (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) ~~(1) An agreement must be recorded with the King County Department of Records and Elections and filed with the Bellevue City Clerk, restricting senior citizen dwellings or congregate care senior housing, or assisted living to remain in perpetuity as senior housing.~~
- (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 is not allowed. 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) ~~For Single-Family Land Use Districts, “building height” is defined as the vertical distance measured from the average existing grade around the building to the highest point of a flat roof, or to the mean height between the eaves and ridge of a pitched roof, provided this measurement does not apply to flag poles and short wave radio antennas. Refer to the definition of building height for Single-Family Land Use Districts at LUC 20.50.012.~~

* ~~Not effective within the jurisdiction of the East Bellevue Community Council.~~

Services – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
61	Finance, Insurance, Real Estate Services	P <u>43-10</u>	P <u>43-10</u>	P <u>10</u>	P <u>11, 12-4, 5, 11</u>	P <u>11</u>	P <u>10</u>
62	Personal Services: Laundry, Dry Cleaning, Barber and Beauty, Photography Studio and Shoe Repair	P	P	P	P <u>11, 12-4, 5</u>	P	P <u>4, 20</u>
6241	Funeral and Crematory Services						
6262	Cemeteries						
	Family Child Care Home in Residence <u>1</u>	P	P	P	P	P	P
629	Child Day Care Center <u>1, 2</u>	P	P	P	P	P	P
63	Business Services, Duplicating and Blue Printing, Steno, Advertising (Except Outdoor), Travel Agencies, and Employment, and Printing and Publishing	P	P	P	P <u>11, 12-4, 5</u>	P	P
634	Building Maintenance and Pest Control Services						
637	Warehousing and Storage Services, Excluding Stockyards						
639	Rental and Leasing Services: Cars, Trucks, Trailers, Furniture and Tools	<u>P</u>	<u>P</u>	P			<u>SP</u>
641	Auto Repair and Washing Services (26)			P <u>8-3, 8</u>			
649	Repair Services: Watch, TV, Electrical, Upholstery	P	P	P		P	
	Professional Services: Medical Clinics and Other Health Care Related Services	P	P	P	P <u>11, 12-4, 5</u>	P <u>11-4</u>	P

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	Professional Services: Other	P	P	P	P 11, 12 4, 5	P 11 4	P
	Pet Grooming and Pet Day Care (9)	P	P	P	P 4	P	P
6513	Hospitals			C	C		
66	Contract Construction Services: Building Construction, Plumbing, Paving and Landscape						
671	Governmental Services: Executive, Legislative, Administrative and Judicial Functions	P	P	P	P 11, 12 5	P 11 5	AP
672 673	Governmental Services: Protective Functions and Related Activities Excluding Maintenance Shops			P	C	C	AP
	Limited Governmental Services: Protective Functions (21)						
	Limited Governmental Services: Executive and Administrative, Legislative and Protective Functions (22) 6	P	P	P	P 12 5	P 5	P
674 675	Military and Correctional Institutions						
	Secure Community Transition Facility (23,24)						
681	Education: Primary and Secondary (25) 7	A	A	A	A/C	A	A
682	Universities and Colleges	P	P	P			P
683	Special Schools: Vocational, Trade, Art, Music, Driving, Barber and Beauty Schools			P	P 11, 12 4, 5	P 11 5	P
691	Religious Activities	P	P	P	C	C	P
692 (A)	Professional and Labor Organizations Fraternal Lodge	P	P	P	C	C	P
692 (B)	Social Service Providers	P	P	P	C	C	P
	Administrative Office – General	P	P	P	P 11, 12 4, 5	P	P
	Computer Program, Data Processing and Other Computer-Related Services	P	P	P	P 11, 12 4, 5	P	P
	Research, Business Incubation, Development and Testing Services	P	P	P	P 11, 12 4, 5	P	P

*Not effective within the jurisdiction of the East Bellevue Community Council.

Notes: Uses in Downtown 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) (1) Refer to Chapter 20.50 LUC for definitions of child care service, family child care home, and child day care center.
- (4) (2) 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)(3) Auto repair and washing services are permitted only if washing services are a subordinate use pursuant to LUC 20.20.840 only if located within a structured parking area and not adjacent to any publicly accessible spaces 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) (4) Limited to a maximum of 1,500 gross square feet per establishment.~~
- ~~(12) (5) 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.~~
- ~~(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) (6) Uses are limited to 1,000 square feet, except for protective functions which are limited to community police stations of 1,500 square feet or less.~~
- ~~(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) (7) 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~~
- ~~(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)~~ (8) Battery Exchange Stations are ancillary to Auto Repair and Washing Services, and are permitted through the applicable review process as a component of that use. Operators of Battery Exchange Stations must comply with federal and state law regulating the handling, storage, and disposal of batteries.

~~(27)~~ (9) See LUC 20.20.130 for general requirements applicable to this use.

(10) Drive-in and drive-through facilities are permitted as a subordinate use pursuant to LUC 20.20.840 only if located within a structured parking area and not adjacent to any publicly accessible space.

(11) Drive-in windows and drive-throughs are not permitted.

Transportation and Utilities – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
41	Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops						
42 4291	Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters	A	A	A			A
4214 422	Motor Vehicle Transportation: Maintenance Garages and Motor Freight Services (23)	S	S	S			S
43	Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage and Maintenance	A 41-3	A 41-3	A 42-4			A 41-3
	Accessory Parking (4) (6) (24) 1, 2, 12	P	P	P	P 14	P	P
46	Auto Parking: Commercial Lots and Garages (24) 12	P 13-5	P 13-5	P 13-5	A	P 13-5	P 13-5
	Park and Ride (5) (24)			A			A
475	Radio and Television Broadcasting Studios	P	P	P		P	P
485	Solid Waste Disposal (19)						
	Highway and Street Right-of-Way (24) -12	P	P	P	P	P	P
	Utility Facility	C	C	C	C	C	C
	Local Utility System	P	P	P	P	P	P
	Regional Utility System	C	C	C	C	C	C
	On-Site Hazardous Waste Treatment and Storage Facility (7)	A	A	A	A	A	A
	Off-Site Hazardous Waste Treatment and Storage Facility (8)						
	Essential Public Facility (20) 9	C	C	C	C	C	C
	Regional Light Rail Transit Systems and Facilities (25) 14	C/P	C/P	C/P	C/P	C/P	C/P

Wireless Communication Facility (WCF): (without WCF Support Structures)	14, 16, 21 6, 7, 10					
Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding)	14, 16 6, 7	14, 16 6, 7	14, 16 6, 7	14, 16 6, 7	14, 16 6, 7	14, 16 6, 7
Satellite Dishes (18)-8	P	P	P	P	P	P
Electrical Utility Facility (22)-11	A/C 22-10	A/C 22 10				

* ~~Not effective within the jurisdiction of the East Bellevue Community Council~~

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

~~(1) (Deleted by Ord. 5086).~~

~~(2) Intentionally deleted.~~

~~(4)(1) 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)(2) Accessory parking requires approval through the review process required for the primary land use which it serves pursuant to LUC 20.10.440-20.25A.015.~~

~~(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 70.105.240.~~

~~(9) (Deleted by Ord. 5086).~~

~~(10) These uses are permitted only if located in a multiple function building or complex.~~

~~(11)(3) Aircraft transportation is limited in these districts to government heliports used exclusively for emergency purposes and regulated pursuant to the terms of LUC 20.20.450.~~

~~(12)(4) Aircraft transportation is limited in these districts to government and hospital heliports used exclusively for emergency purposes and regulated pursuant to the terms of LUC 20.20.450.~~

~~(13)(5) 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)(6) Wireless communication facilities (WCFs) are not permitted on any residential structure, undeveloped site located in a residential land use district, or site that is developed with a residential use. 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)(7) 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)(8) 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.~~

~~(20)(9) Refer to LUC 20.20.350 for general requirements applicable to Essential Public Facilities (EPF).~~

~~(21)(10) Antenna and associated equipment used to transmit or receive fixed wireless signals when located at a fixed customer location are permitted in all land use districts and are exempt from the requirements of LUC 20.20.010, 20.20.195 and 20.20.525 so long as the antenna and equipment comply with 47 C.F.R. 1.400, now or as hereafter amended. A building permit may be required to ensure safe installation of the antenna and equipment.~~

~~(22)(11) For the definition of electrical utility facility, see LUC 20.50.018, and for reference to applicable development regulations relating to electrical utility facilities, see LUC 20.20.255. For new or expanding electrical utility facilities proposed on sensitive sites as described by Map UT-7 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 Map UT-7 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)~~(12) Electric Vehicle Infrastructure, excluding Battery Exchange Stations, is ancillary to motor vehicle parking and highways and rights-of-way, and is permitted through the applicable review process as a component of that use.

~~(25)~~(13) Refer to Part 20.25M LUC, Light Rail Overlay District, for specific requirements applicable to EPF defined as a regional light rail transit facility or regional light rail transit system pursuant to LUC 20.25M.020. A conditional use permit is not required when the City Council has approved a regional light rail transit facility or regional light rail transit system by resolution or ordinance, or by a development agreement authorized by Chapter 36.70B RCW and consistent with LUC 20.25M.030.B.1.

~~(3)~~ (14) Accessory parking is not permitted in residential land use districts as accessory to uses which are not permitted in these districts.

Wholesale and Retail – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
51	Wholesale Trade: General Merchandise, Products, Supplies, Materials and Equipment except the following: (1)						
5111 5156 5157 5191 5192	Wholesale Trade: Motor Vehicles, Primary and Structural Metals, Bulk Petroleum (2)						
5193	Scrap Waste Materials, Livestock						
	Recycling Centers	P	P	P	CA	CA	P
521 522 523 524	Lumber and Other Bulky Building Materials Including Preassembled Products (3)						
5251	Hardware, Paint, Tile and Wallpaper (Retail)	P	P	P	P 21, 23-1	P 30-5	P
5252	Farm Equipment						
53	General Merchandise: Dry Goods, Variety and Dept. Stores (Retail)	P	P	P	P 22, 23-1	P 30 5	P
54	Food and Convenience Store (Retail) (27)(3)	P	P	P	P 22, 23-1	P 30 5	P 38
5511	Autos (Retail), Motorcycles (Retail)	P 24-2	P 24-2	P 2			P 2
	Commercial Trucks, Motorcycles, Recreational Vehicles (Retail)	P 24, 25	P 24, 25	P			
	Boats (Retail)	P 24-2	P 24-2	P 24-2			P 2
552	Automotive and Marine Accessories (Retail)			P			P
553	Gasoline Service Stations (40)(8)	A, S-P	A, S-P	P			A 34, S-38 P
56	Apparel and Accessories (Retail)	P	P	P	P 21, 23-1	P 30-2	P 38
57	Furniture, Home Furnishing (Retail)	P	P	P	P 21, 23-1	P 30-2	P
58	Eating and Drinking Establishments (37)(4)(7)	P 28	P 28	P-28	P 23, 28	P 28	P 28, 38
59	Misc. Retail Trade: Drugs, Liquor, Antiques, Books, Sporting Goods, Jewelry, Florist, Photo Supplies, Video Rentals and Computer Supplies (12)	P	P	P	P 21, 23-1	P 30-2	P 38
	Handcrafted Products (retail) (11)(14)	P	P	P	P 21, 23-1	P	P

	Adult Retail Establishments (31)-(6)	P	P	P		P	S-P
59	Marijuana Retail Outlet	A 41-10	A 41-10	A 41-10		A 41-10	A 41-10
5961	Farm Supplies, Hay Grain Feed and Fencing, etc., (Retail)						
596	Retail Fuel Yards						
5996	Garden Supplies, Small Trees, Shrubs, Flowers, Ground Cover, Horticultural Nurseries and Light Supplies and Tools			P 13	<u>P 13</u>	<u>P 13</u>	<u>P 13</u>
5999	Pet Shop (Retail and Grooming)	P	P	P	<u>P 21, 23-1</u>	<u>P 30 5</u>	<u>P 38</u>
	Computers and Electronics (Retail)	P	P	P	<u>P 21, 23-1</u>	<u>P 30 5</u>	<u>P</u>

Notes: Uses in Downtown 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; and~~
 - ~~b. Along SE 36th Street west of the ravine located at the approximate alignment of 133rd Avenue SE and east of 132nd Avenue SE.~~
- ~~(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.
- ~~(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)(1) Nonresidential uses are permitted in Downtown-R Districts only when developed within the same project limit and simultaneously with an equal or greater amount of floor area devoted to residential uses.~~
- ~~(24)(2) No on-site outdoor display or inventory storage. Loading and unloading shall not be permitted in the right of way.~~
- ~~(25) Motorcycles only.~~
- ~~(26) Only pet grooming is permitted in the LI and GC Districts.~~
- ~~(27)(3) Food and convenience stores (retail) must contain at least 75 percent square footage of retail food sales not for consumption on premises.~~
- ~~(28)(4) Drive-in windows and drive-throughs are not permitted.~~
- ~~(29) No more than one eating and drinking establishment is permitted in any building.~~
- ~~(30)(5) Limited to a maximum of 15,000 gross square feet per establishment or up to 25,000 gross square feet through a conditional use.~~
- ~~(31)(6) 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.~~
- ~~(37)(7) Microbrewery manufacturing is permitted when combined with 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.~~
- ~~(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)(8) All wholesale and retail uses, which offer shopping carts to customers, shall (a) designate a shopping cart containment area as defined in BCC 9.10.010; (b) display signage around shopping cart corrals and at the perimeter of the shopping cart containment area that provides notice that unauthorized removal of a shopping cart from the premises constitutes theft under RCW 9A.56.270 and unauthorized abandonment of a shopping cart more than 100 feet away from the parking area of a retail establishment or shopping cart containment area is a Class 3 civil infraction as defined in RCW 7.80.120; and (c) display information on each shopping cart that is consistent with the labeling requirements of RCW 9A.56.270 and includes a 24-hour toll-free phone number to report abandoned shopping carts. Abandoned shopping carts or shopping carts located outside of a shopping cart containment area constitute a public nuisance under BCC 9.10.030(H) and may be abated through the provisions of Chapter 1.18 BCC.~~
- ~~(40)(9) Battery Exchange Stations are ancillary to Gasoline Service Stations, and are permitted through the applicable review process as a component of that use. Operators of Battery Exchange Stations must comply with federal and state law regulating the handling, storage, and disposal of batteries.~~
- ~~(44)(10) See LUC 20.20.535 for general development requirements for marijuana uses.~~

(42)(11) Handcrafted product manufacturing is permitted subordinate to a retail establishment selling that product; provided, that the manufacturing use occupies not more than 50 percent of the total square footage of the combined establishment.

~~* Not effective within the jurisdiction of the East Bellevue Community Council.~~

(12) Drive-in and drive-through pharmacies are permitted as a subordinate use pursuant to LUC 20.20.840 only if located within a structured parking area and not adjacent to any publicly accessible space.

(13) Garden supplies excludes items such as large trees, rock and bulk supplies which require special handling equipment.

(14) No unreasonable threat to human health and the environment shall be caused by flammable, dangerous or explosive materials associated with this use.

Resources – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
8	Resource Production (Minerals, Plants, Animals Including Pets and Related Services)						
81	Agriculture, Production of Food and Fiber Crops, Dairies, Livestock and Fowl, Excluding Hogs						
821	Agricultural Processing						
8221	Veterinary Clinic and Hospital (1)(3)	<u>P</u>	<u>P</u>	P	<u>P</u>	<u>P 2</u>	<u>P</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						

* ~~Not effective within the jurisdiction of the East Bellevue Community Council.~~

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.~~

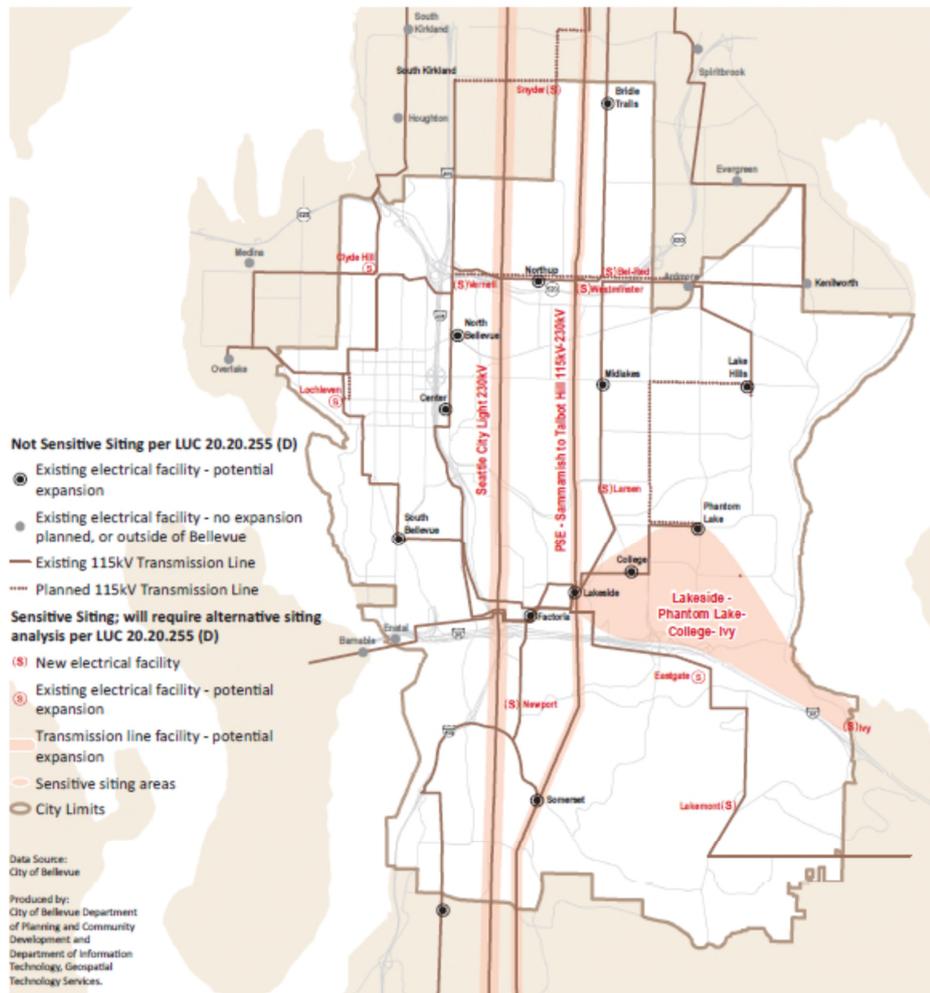
(1) See LUC 20.20.130 for general requirements applicable to this use.

(2) Limited to a maximum of 1,500 square feet per establishment.

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

Map UT-7. New or Expanded Electrical Facilities

This map shows the general locations and conceptual alignments of Puget Sound Energy’s planned facilities together with the city’s sensitive siting classifications. These locations, alignments and classifications guide the review of the actual location of transmission lines, routes, and substations subject to the Conditional Use Permit and other city review processes. The actual locations may ultimately differ from those depicted here.



Draft Land Use Code Amendment

Signage for Publicly Accessible Open Space

20.25A.030 FAR Amenity Standards

20.25A.030.C. Amenity

FAR AMENITY STANDARDS	DOWNTOWN LAND USE DISTRICT						
AMENITY ¹	DNTN-O-1	DNTN-O-2	DNTN-MU	DNTN-R	DNTN-OB	DNTN-OLB	DESIGN CRITERIA
<p>2. PLAZA</p> <p>A continuous open space, which is readily accessible to the public at all times, predominantly open above, and designed specifically for use by people as opposed to serving as a setting for a building.</p>	When located on the ground level or at the upper level within the City Center District:						<p>1. Must abut and be within 3' in elevation of a perimeter sidewalk or pedestrian connection so as to be visually and physically accessible.</p> <p>2. Must provide protection from adverse wind, wherever practical.</p> <p>3. At least 10% of the plaza surface area must be landscaped.</p> <p>4. Must provide at least one sitting space for each 100 sq. ft. of plaza.</p> <p>5. Must be enclosed on at least two sides by a structure or by landscaping which creates a wall effect.</p>
	8:1	8:1	6:1	4:1	6:1	6:1	<p>6. Minimum size is 500 sq. ft. in OB; 1,000 sq. ft. in other land use districts.</p>
	When located at the upper level outside of the City Center District:						<p>7. Maximum size of bonusable plaza square footage is 1,500 sq. ft. in OB; 5,000 sq. ft. in other land use districts.</p> <p>8. Minimum horizontal dimension is 20 ft.</p> <p>9. Must provide opportunities for penetration of sunlight.</p> <p>10. May not be used for parking, loading or vehicular access.</p> <p>11. <u>Must provide directional signage that identifies circulation routes for all users and informs the public that the space is accessible to the public at all times. The signage must be visible from all points of access. The Director shall specify sign requirements including color, size, type, verbiage, placement and any other necessary specification. If the signage requirements are not feasible, the applicant may propose an alternative that is consistent with this provision</u></p>
	4:1	4:1	3:1	2:1	3:1	3:1	

FAR AMENITY STANDARDS	DOWNTOWN LAND USE DISTRICT						
AMENITY ¹	DNTN-O-1	DNTN-O-2	DNTN-MU	DNTN-R	DNTN-OB	DNTN-OLB	DESIGN CRITERIA
							and achieves the design objectives for the building and the site.

20.25A.060.C –~~Walkways~~ Through-Block Connections ~~Mid-Block.~~

1. Purpose. A through-block pedestrian connection provides an opportunity for increased pedestrian movement through superblocks in the Downtown.
2. Location. Except as set forth in paragraph C.4 of this section, through-block pedestrian connections are required in each superblock. These through-block pedestrian connections must be provided to permit movement through the superblock from a perimeter walkway or sidewalk to publicly accessible spaces, adjoining structures or development, or parking areas. The Director may modify or eliminate the requirement for these pedestrian connections for projects with expanded lot coverage and floorplates as allowed pursuant to LUC [20.25A.065.C](#) where providing such connections is not feasible due to structure and site size.
3. Design Guidelines. The following criteria apply to review of a proposed pedestrian through-block connection.
 - a. Through-block ~~P~~pedestrian connections must be developed as an internal walkway or sidewalk, an arcade, a pedestrian skybridge, and may meander.
 - b. Through-block ~~P~~pedestrian connections must comply with the applicable definitions in Chapter [20.50](#) LUC.
 - c. Through-block ~~P~~pedestrian connections must be designed to form logical routes from origins to destinations.
 - d. Through-block ~~P~~pedestrian connections must offer diversity in terms of activity and pedestrian amenity along pedestrian routes.

- e. Through-block Ppedestrian connections must meet construction code handicapped requirements.
- f. Through-block Ppedestrian connections should use trees and landscaping to provide definition and enclosure.
- g. Through-block Ppedestrian connections should provide for weather protection from rain through use of sheltered walkways or sidewalks, canopies, multiple building entrances, lobbies, and entries of sufficient size and accessibility.
- h. Directional signage shall identify circulation routes for all users and state that the space is accessible to the public at all times. The signage must be visible from all points of access. The Director shall specify sign requirements including color, size, verbiage, type, placement and any other necessary specification. If the signage requirements are not feasible, the applicant may propose an alternative that is consistent with this section and achieves the design objectives for the building and the site.

LUC 20.25A.110.E.5 Minor Publicly Accessible Spaces.

- a. Purpose. Minor publicly accessible spaces provide relief from high intensity urban development, serve as visual gateways to the intensive Downtown Core, and provide opportunities for active or passive recreation.
- b. Location. Minor publicly accessible spaces shall be located along Bellevue Way and 108th Avenue NE approximately at their intersections with NE 8th Street, NE 6th Street and NE 4th Street. Additionally, at least two spaces shall be located in each superblock based on coordination of design and proximity to other publicly accessible spaces, or pedestrian connections.
- c. Design Guidelines
 - i. Minor publicly accessible spaces may be outdoors or enclosed as long as adequate access is provided and their existence is easily identifiable.

ii. A minor publicly accessible space must be open at least during the hours of 6 a.m. to midnight, or during the hours of operation of adjacent uses, whichever is greater. ~~normal business hours.~~

iii. A minor publicly accessible open space must be developed as a plaza, enclosed plaza, or art or landscape feature. The design criteria of LUC 20.25A.030.C must be met, and the FAR amenity bonus may be utilized.

iv. Directional signage shall identify circulation routes for all users and state that the space is accessible to the public at the times specified by paragraph c.ii. of this section. The signage must be visible from all points of access. The Director shall specify sign requirements including color, size, verbiage, type, placement, and any other necessary specification. If the signage requirements are not feasible, the applicant may propose an alternative that is consistent with this section and achieves the design objectives for the building and the site.

d. Public Access – Legal Agreement

1. Owners of property that is used for a minor publicly accessible open space shall execute a legal agreement providing that such property is subject to a nonexclusive right of pedestrian use and access by the public during hours of operation.

2. The agreement shall provide that the public right for pedestrian use shall be enforceable by the City of Bellevue, and the City shall have full rights of access to the minor publicly accessible space and associated circulation routes for purposes of enforcing the rights of the public under this agreement.

3. Owners of property subject to this legal agreement will maintain the pedestrian access route and may adopt reasonable rules and regulations for the use of this space; provided, that the rules and regulations are not in conflict with the right of pedestrian use and access, and are consistent with this section.

4. The agreement shall be recorded with the King County Division of Records and Elections and the Bellevue City Clerk.

Draft Land Use Code Amendment

Mechanical Equipment Screening and Location

20.25A.045 Mechanical Equipment Screening and Location

A. Applicability.

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

B. Location Requirements ~~Design Objectives.~~

~~The following objectives apply to the type and placement of mechanical equipment proposed:~~

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

C. Screening Requirements

~~1.3.~~ Exposed mechanical equipment ~~should~~ shall be visually screened by a predominantly solid, non-reflective visual barrier that equals or exceeds the height of the mechanical equipment. The design and materials of the visual barrier or structure shall be consistent with the following requirements:

C. ~~Implementation.~~

~~1.— Mechanical equipment located at or below grade may be placed within a required rear or side setback area unless that setback is in a single-family residential land use district, directly abuts a residential land use district, or that setback is within a critical area, critical area buffer, or critical area structure setback required by Part [20.25H](#) LUC.~~

~~2.— Mechanical equipment associated with new single-family residential homes and homes adding more than 1,000 gross square feet in single-family residential land use districts shall be located in the rear yard or, if placed in the side yard outside of the side structure setback, shall provide sound screening to attenuate noise impacts. Mechanical equipment located in the rear yard shall not be placed less than five feet from any property line.~~

~~3.— Mechanical equipment located at or below grade will not be included for purposes of calculating lot coverage.~~

~~4. Mechanical equipment shall be visually screened by a solid, non-reflective visual barrier that equals or exceeds the height of the mechanical equipment provided, that the function of a large satellite dish antenna or an antenna array may not be compromised by the screening requirement. The barrier may consist of the following:~~

~~a. Architectural features, such as parapets, screen walls, trellis systems, or mechanical penthouses shall be consistent with the design intent and finish materials of the main building, and as high or higher than the equipment it screens; or~~

~~b.— Walls or solid fencing, of a height at least as high as the equipment it screens;~~

~~e.b. Vegetation and/or a combination of vegetation and view-obscuring fencing, shall be of a type and size which that will provide a dense visual barrier at least as high as the equipment it screens and will provide 50% screening at the time of planting and 100% screening within ~~two~~ three years from the time of planting; or~~

~~d.— The natural topography of the site or the adjoining property or right-of-way.~~

~~5.2. Where screening from above is required, mMechanical equipment shall be screened from above by incorporating one of the following measures, in order of preference:~~

- a. A solid nonreflective roof. The roof may incorporate nonreflective louvers, vents, or similar penetrations to provide necessary ventilation or exhaust of the equipment being screened;
- b. Painting of the equipment to match or approximate the color of the background against which the equipment is viewed;

~~6.3. For development which requires approval of a discretionary land use permit, the City may modify the screening requirements of subsections C.4 and C.5 of this section subject to the criteria set forth in subsection C.7 of this section.~~

~~7.c. 3. Mechanical Equipment Installed on Existing Roofs. The Director may approve alternative screening measures not meeting the specific requirements of this section if the applicant demonstrates that:~~

~~a. The proposed alternative screening measures will achieve the design objectives of subsection B of this section and produce an equal or better result than the requirements of subsection C.4 1 or C.5 2 of this section; or~~

~~b. When screening of mechanical equipment on an existing roof is required:~~

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

D. Exhaust Control Standards

1. Where technically feasible, exhaust equipment shall be located so as not to discharge onto a sidewalk, right-of-way, or area designated accessible to the public; including but not limited to a plaza, through-block connection, pedestrian bridge, and minor publically accessible space.

- a. Exhaust air discharges or outlets shall never be located within 16 feet above sidewalk, street, easement or other area designated accessible to the public.

b. Where exhaust discharges or outlets abut a sidewalk or right-of-way, the discharge must be deflected away from the public space.

2. Exhaust Location Order of Preference. Mechanical exhaust shall be located and discharged based on the following order of preference:

- a. On the building roof,
- b. On the service drive, alley, or other façade that does not abut a public street, sidewalk or right of way,
- c. Located above a driveway or service drive to the property such as a parking garage or service court, or
- d. Location that abuts a public street or easement, provided that the exhaust discharge is not directly above an element that has earned FAR Amenity Incentive System points, such as a public plaza.

3. Exhaust outlets shall not be allowed to discharge to an area that has earned FAR Amenity Incentive System points, such as a public plaza.

E. Modifications

The location and screening of mechanical equipment and exhaust systems is subject to review and approval at the time of land use review. The Director may allow modifications to the requirements in this section if the applicant demonstrates that the alternate location or screening measures provide an equal or better result than the requirements of this section.

F. Noise Requirements

1. Mechanical equipment shall meet the requirements of Chapter 9.18 BCC Noise Control.

2. The applicant shall be required to demonstrate the mechanical system compliance with the requirements of Chapter 9.18 BCC prior to issuance of Certificate of Occupancy.

Draft Land Use Code Amendment

Street Trees and Weather Protection

20.25A.060 Walkways and sidewalks.

A. ~~Minimum Width~~—Walkways and Sidewalks - Perimeter.

~~4-1.~~ Minimum Width.

a. ~~4-~~ The minimum width of perimeter walkway or sidewalk on the streets identified in this paragraph is ~~12~~ 16 feet plus a 6 inch curb, and includes an area adjacent to the curb for planter strips or tree pits as prescribed by LUC 20.25A.060- Plate A ~~plus a 6 inch curb along:~~

- ~~a-i.~~ NE 6th between 110th Avenue NE and 112th Avenue NE; and
- ~~b-ii.~~ 106th Avenue NE between NE 4th and NE 8th; and
- ~~c-iii.~~ 108th Avenue NE between NE 4th and NE 8th; and
- ~~d-iv.~~ 110th Avenue NE between NE 4th and NE 8th.

~~2. b-~~ The minimum width of a perimeter walkway or sidewalk is ~~12 feet plus four feet of planter strip plus six inches curb along:~~

- ~~a-v.~~ Bellevue Way between Main and NE 12th; and
- ~~b-vi.~~ NE 4th between 100th Avenue NE and 112th Avenue NE; and
- ~~c-vii.~~ NE 8th between 100th Avenue NE and 112th Avenue NE.

b. ~~3. c-~~ The minimum width of a perimeter walkway or sidewalk, ~~excluding the area required for street trees in paragraph B.2 of this section, is eight feet plus four feet in which street trees are to be planted plus six inches curb along any other street.~~ Along any other street not otherwise described, the minimum width of a perimeter walkway or sidewalk is 12 feet plus a 6 inch curb, and includes an area adjacent to the curb for planter strips or tree pits as prescribed in LUC 20.25A.060, Plate A ~~below plus a 6 inch curb.~~

c. Within the width of the walkway or sidewalk, at least 6 feet of unobstructed travel path shall be maintained for safe pedestrian access.

d. Planter strips shall be at least 5 feet wide and tree pits shall be at least 5 feet wide by 10 feet long. Planter strips and tree pits shall be located adjacent to the curb ~~between the street improvement and the walkway or sidewalk~~ unless precluded by existing utilities which cannot be reasonably relocated. The width of the planter strip or tree pit shall be included in the total width of the sidewalk above. Tree pits may be covered with protective grate.

~~B. 2. Street Trees and Landscaping Required – Perimeter.~~

~~1. a. Tree Species. The property owner shall install street trees and other required vegetation, in addition to any landscaping required by LUC 20.25A.040, according to the requirements of LUC 20.25A.060, Plate B as now or hereafter amended and this section. ~~or as approved by the Director unless a minor modification is approved by the Director.~~~~

~~2. Except for the streets listed in paragraph A.2 of this section, the area in which street trees are planted must be at least four feet wide, and located between the street improvement and the walkway or sidewalk unless precluded by existing utilities which cannot reasonably be relocated. Any street tree planting area must be at least four feet by six feet or five feet by five feet or smaller area as approved by the Director, unless upon request of the applicant minor modification of this requirement is approved by the Director, and protected by an approved decorative grate. This grate may intrude into the sidewalk.~~

~~3. b. Installation. Street trees, at least ~~three~~ two and a half (2.5) inches in caliper or as approved by the Director, must be planted at least three feet from the face of the street curb, and a maximum of 20, 25, and 30 feet on center for small, medium, and large trees respectively as designated on LUC 20.25A.060 Plate B, as now or hereafter amended. ~~Unless upon request of the applicant a minor modification of this requirement is approved by the Director, and conforms to the sight distance requirements of BCC 14.60.240. A street tree planting area may also include decorative paving and other plant materials except turf grass that requires mowing. Installation shall be in accordance with the Parks and Community Services Department Environmental Best Management Practices and Design Standards, as now or hereafter amended.~~~~

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

~~4.d. Street Landscaping On the streets listed in paragraph A.2 of this section, street trees shall be planted and placed as required in paragraph B.3 of this section.~~ Street trees together with shrubbery, groundcover and other approved plantings are required in a planter strip along the length of the frontage. ~~The planter strip must be at least four feet wide, unless a smaller width is approved by the Director.~~ Vegetation included in the planter strip shall be able to withstand urban conditions, ~~urban in character~~, shall be compatible with other plantings along the same street, and shall reflect the character of the area within which they are planted, as approved by the Director.

B. Overhead Weather Protection. Overhead weather protection shall be provided per right of way designation in the Design Guidelines, Building/Sidewalk Relationships:

1. In Right-of-Way Designations A, B, and C, 75% of the building frontage shall have overhead weather protection.

2. In Right-of-Way Designations D, and D/R, 50% of the building frontage shall have overhead weather protection.

3. In Right-of-Way Designation E, overhead weather protection shall be provided at all entries.

4. Overhead weather protection includes arcades, awnings, and marquees as provided in 20.25A.030.C. If these features meet the design criteria of the Amenity Incentive System, they shall be eligible for FAR Amenity Incentive System points. Overhead weather protection meeting the definition of LUC 20.50.038, but not the design criteria of the Amenity Incentive System may also be used to meet this requirement, but shall not be eligible for the FAR Amenity Incentive System points.

~~C. Walkways – Mid-Block Through-Block Pedestrian Connections.~~

1. Purpose. A through-block pedestrian connection provides an opportunity for increased pedestrian movement through superblocks in Downtown.
2. Location. Except as set forth in paragraph C.4 of this section, through-block pedestrian connections are required in each superblock. These through-block pedestrian connections must be provided to permit movement through the superblock from a perimeter walkway or sidewalk to publicly accessible spaces, adjoining structures or development, or parking areas, and other perimeter walkways or sidewalks. The Director may modify or eliminate the requirement for these pedestrian connections for projects with expanded lot coverage and floorplates as allowed pursuant to LUC [20.25A.065.C](#) where providing such connections is not feasible due to structure and site size.
3. Design Guidelines. The following criteria apply to review of a proposed pedestrian through-block connection.
 - a. Through-block Ppedestrian connections must be developed as an internal walkway or sidewalk, an arcade, a pedestrian skybridge as permitted by LUC 20.25A.130, and may meander.
 - b. Through-block Ppedestrian connections must comply with the applicable definitions in Chapter [20.50](#) LUC.
 - c. Through-block Ppedestrian connections must be designed to form logical routes from origins to destinations.
 - d. Through-block Ppedestrian connections must offer diversity in terms of activity and pedestrian amenity along pedestrian routes.
 - e. Through-block Ppedestrian connections must meet construction code handicapped requirements.
 - f. Through-block Ppedestrian connections should use trees and landscaping to provide definition and enclosure.
 - g. Through-block Ppedestrian connections should provide for weather protection from rain through use of sheltered walkways or sidewalks, canopies, multiple building entrances, lobbies, and entries of sufficient size and accessibility.

h. Directional signage shall identify circulation routes for all users and state that the space is accessible to the public at all times. The signage must be visible from all points of access. The Director shall specify sign requirements including color, size, verbiage, type, placement and any other necessary specification. If the signage requirements are not feasible, the applicant may propose an alternative that is consistent with this section and achieves the design objectives for the building and the site.

4. Old Bellevue.

a. Development abutting the streets identified below shall provide mid-block connections between:

i. Main Street and NE 1st Street at approximately 101st Avenue NE; and

ii. 102nd and 103rd Avenues approximately mid-block between Main Street and NE 1st Street; and

iii. Main Street at approximately 103rd Avenue and 102nd Avenue SE at approximately SE 1st Street.

b. A through mid-block pedestrian connection must be developed as a walkway or a combination walkway and vehicular lane. The connection shall incorporate decorative lighting and seating areas.

c. If a combination walkway and vehicular lane does not have a separate raised walkway, the walkway surface must be paved with unit paver blocks or other unique paving surface to denote that it is a pedestrian area.

C. Conflicts

To the extent that this section of the Land Use Code conflicts with the Parks and Community Services Department Environmental Best Management Practices and Design Standards, this section of the Land Use Code shall control.

D. Minor Modification

If the requirements of this section are not feasible, the Director may approve minor modifications that achieve equal or better results. Provided that the sight distance requirements of BCC

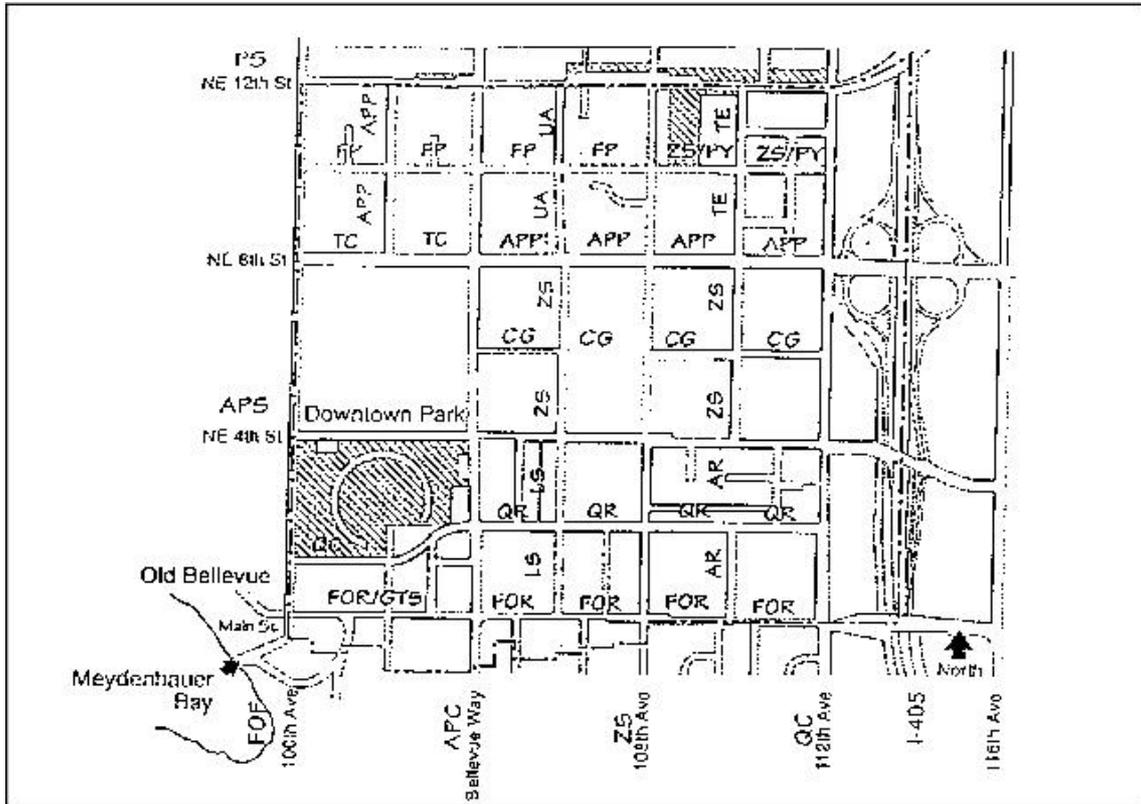
14.60.240 and widths of the sidewalks, walkways, and curbs shall not be modified pursuant to this paragraph.

Plate A - Downtown Bellevue Planter Strip/Tree Pits Required

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

Bellevue Way (NE 12th to NE 10th)	Planter Strip
Bellevue Way (NE 10th to NE 4th)	Planter Strip
Bellevue Way (NE 4th to Main)	Planter Strip
Bellevue Way (Main to Downtown Boundary)	Planter Strip
105th (NE 4th to NE 2nd)	Planter Strip
North-South (continued)	
105th SE (near Main St)	Planter Strip
106th (NE 12th to NE 8th)	Planter Strip
106th (NE 8th to NE 4th)	Tree Pits
106th (NE 4th to Main)	Planter Strip
106th Pl NE (near NE 12th)	Tree Pits
107th (NE 2nd to south of Main)	Tree Pits
108th (NE 12th to NE 8th)	Tree Pits
108th (NE 8th to NE 4th)	Tree Pits
108th (NE 4th to south of Main)	Tree Pits
109th (near NE 10th)	Planter Strip
110th (NE 12th to NE 8th)	Planter Strip
110th (NE 8th to NE 4th)	Planter Strip
110th (NE 4th to Main)	Planter Strip
111th (NE 11th to NE 9th)	Planter Strip
111th (NE 4th to NE 2nd)	Planter Strip
112th (NE 12th to Main)	Planter Strip

DELETE PLATE BELOW





City of
Bellevue

PLATE B

No Scale

**DOWNTOWN BELLEVUE STREET
TREE SPECIES PLAN**



Existing parkland - - -

Downtown Boundary symbol	Latin Name/Common Name	Symbol	Latin Name/Common Name
APC	Acer platanoides 'Cleveland'/Cleveland Maple	LS	Liquidambar styraciflua/Sweet Gum

Downtown Boundaries	Latin Name/Common Name	Symbol	Latin Name/Common Name
APP	Acer platanoides 'Parkway'/Parkway Maple	PS	Prunus serrulata 'Kwanzan'/Kwanzan Cherry
APS	Acer platanoides 'Superform'/Superform Maple	PY	Prunus yedoensis 'Akebono'/Akebono Cherry
AR	Acer rubrum/Red Maple	PC	Pyrus calleryana 'Bradford'/Bradford Pear
CJ	Cercidiphyllum japonicum/Katsura Tree	QC	Quercus coccinea/Scarlet Oak
FOR	Fraxinus ornus 'Raywood'/Raywood Ash	QR	Quercus robur/English Oak
FOF	Fraxinus oxycarpa 'Flame'/Flame Ash	TC	Tilia cordata/Little Leaf Linden
FP	Fraxinus pennsylvanica 'Marshall'/Marshall Seedless Ash	TE	Tilia euchlora 'Redmond'/Redmond Linden
GTH	Gleditsia triacanthos inermis/Thornless Honey Locust	UA	Ulmus americana 'Homestead'/Homestead Elm
GTS	Gleditsia triacanthos 'Skyline'/Skyline Honey Locust	ZS	Zelkova serrata/Zelkova
CG	See street tree requirements in the NE 6th Street Pedestrian Corridor Guidelines		

Plate B Downtown Bellevue Street Tree Species Plan

East-West	Proposed Street Trees	Tree Size
NE 12th (102nd to I-405)	Pear: Pyrus calleryana 'Glens form'	Small
NE 11th (110th to 112th)	Katsura: Cercidiphyllum japonicum	Large
NE 10th (100th to 106th)	Tupelo: Nyssa sylvatica 'Firestarter'	Medium
NE 10th (106 to I-405)	Zelkova serrata 'Village Green'	Medium
NE 9th (110th to 111th)	Katsura: Cercidiphyllum japonicum	Large
NE 8th (100th to 106th)	Honeylocust: Gleditsia triacanthos 'Shademaster'	Medium
NE 8th (106th to 112th)	Pac Sunset Maple: Acer truncatum x platanoides 'Warrenred'	Medium
NE 6th (Bellevue Way to 106th)	Honeylocust: Gleditsia triacanthos 'Shademaster'	Medium
NE 6th (106th to I-405)	Katsura: Cercidiphyllum japonicum	Large
NE 4th (100th to I-405)	Autumn Blaze Maple: Acer x Freemanii 'Jeffersred'	Large
NE 3rd Pl (110th to 111th)	Tupelo: Nyssa sylvatica 'Firestarter'	Large
NE 2nd Pl (108th to 111th)	Persian ironwood: Parrotia persica 'Vanessa'	Medium
NE 2nd (Bellevue Way to I-405)	English oak: Quercus robur 'Pyramich'	Large

NE 1st/2nd (100th to Bellevue Way)	Hungarian oak: <i>Quercus frainetto</i> 'Schmidt'	Large
NE 1st (103rd to Bellevue Way)	Ginkgo: <i>Ginkgo biloba</i> 'Magyar'	Medium
Main St (100th to Bellevue Way)	Ginkgo: <i>Ginkgo biloba</i> 'Magyar'	Medium
Main St (Bellevue Way to I-405)	Tupelo: <i>Nyssa sylvatica</i> 'Afterburner'	Medium
North-South		
100th (NE 12th to NE 10th)	Pear: <i>Pyrus calleryana</i> 'Aristocrat'	Small
100th (NE 10th to NE 1st)	Scarlet oak: <i>Quercus coccinea</i>	Large
100th (NE 1st to Main)	Ginkgo: <i>Ginkgo biloba</i> 'Magyar'	Medium
101st (near NE 10th)	Ginkgo: <i>Ginkgo biloba</i> 'Autumn Gold'	Medium
101st Ave SE (south of Main St)	Katsura: <i>Cercidiphyllum japonicum</i>	Large
102nd (NE 12th to NE 8th)	Miyabe maple: <i>Acer miyabei</i> 'Rugged Ridge'	Large
102nd (NE 1st to south of Main St)	Katsura: <i>Cercidiphyllum japonicum</i>	Large
103rd (near NE 10th)	Ginkgo: <i>Ginkgo biloba</i> 'Autumn Gold'	Medium
103rd (NE 2nd to Main St)	Katsura: <i>Cercidiphyllum japonicum</i>	Large
Bellevue Way (NE 12th to NE 10th)	Tulip tree: <i>Liriodendron tulipifera</i> 'JFS-oz'	Large
Bellevue Way (NE 10th to NE 4th)	Honeylocust: <i>Gleditsia tricanthos</i> 'Shademaster'	Medium
Bellevue Way (NE 4th to Main)	Tulip tree: <i>Liriodendron tulipifera</i> 'JFS-oz'	Large
105th (NE 4th to NE 2nd)	Sweetgum: <i>Liquidambar styraciflua</i> 'Worplesdon'	Large
North-South	Proposed Street Trees	Tree Size
105th SE (near Main St)	London planetree: <i>Platanus x acerifolia</i> 'Bloodgood'	Large
106th (NE 12th to NE 8th)	Elm: <i>Ulmus propinqua</i> 'Emerald Sunshine'	Large
106th (NE 8th to NE 4th)	Elm: <i>Ulmus Americana</i> 'Jefferson'	Large
106th (NE 4th to Main)	Elm: <i>Ulmus</i> 'Morton Glossy'	Large
106th Pl NE (near NE 12th)	London planetree: <i>Platanus x acerifolia</i> 'Bloodgood'	Large
107th (NE 2nd to south of Main)	Hornbeam: <i>Carpinus caroliniana</i> 'Palisade'	Medium
108th (NE 12th to NE 8th)	Persian ironwood: <i>Parrotia persica</i> 'Ruby Vase'	Medium

108th (NE 8th to NE 4th)	Sweetgum: Liquidambar styraciflua 'Worplesdon'	Large
108th (NE 4th to south of Main)	Zelkova serrata 'Green Vase'	Medium
109th (near NE 10th)	Linden: Tilia cordata 'Chancole'	Large
110th (NE 12th to NE 8th)	Linden: Tilia americana 'Redmond'	Large
110th (NE 8th to NE 4th)	Zelkova serrata 'Village Green'	Medium
110th (NE 4th to Main)	Red maple: Acer rubrum 'Somerset'	Large
111th (NE 11th to NE 9th)	Ginkgo: Ginkgo biloba 'Autumn Gold'	Medium
111th (NE 4th to NE 2nd)	Ginkgo: Ginkgo biloba 'Autumn Gold'	Medium
112th (NE 12th to Main)	Scarlet oak: Quercus coccinia	Large

Draft Land Use Code Amendment

Downtown Boundary Redefined

LUC 20.50.016 D Definitions

Downtown. The area of the City located generally from I-405 on the east to 100th Avenue NE on the west and from NE 12th Street on the north to approximately Main Street on the south, specifically within the boundaries described as follows:

Beginning at the Northwest corner of the Northwest quarter of Section 32, Township 25 North, Range 5 East, W.M., also being the centerline intersection of NE 8th Street and 100th Avenue NE; thence south along the west line of said Northwest quarter and along the centerline of 100th Avenue NE to the Northwest corner of the Southwest quarter of said Section 32 and the intersection of Main Street; thence south along the west line of said Southwest quarter and the centerline of 100th Avenue SE to a point being 200 feet south of, as measured at right angles to, the north line of said Southwest quarter of Section 32; thence easterly parallel with said north line 215 feet; thence southerly parallel with the west line of said Southwest quarter 90 feet to a point on the north line of Lot 82 of Bellevue Acre and Half Acre Tracts; thence easterly along the north line of Lot 82 to the centerline of Meydenbauer Way SE; thence southwesterly along the arc of the centerline of Meydenbauer Way SE and diverging southerly along the centerline of 101st Avenue SE to a point being the intersection of the centerline with the westerly projection of the south line of Lot 50 of Bellevue Acre and Half Acre Tracts as shown on that certain Condominium (THE FORUM) recorded under V.13, P.47-48 and Amended under V.18, P.8; thence easterly along the south line of Lot 50 to the centerline of 102nd Avenue SE; thence continuing easterly along the south lines of Lots 49 and 14 of Bellevue Acre and Half Acre Tracts to the centerline of 104th Avenue SE; thence northerly along said centerline to a point being the intersection of the centerline with the westerly projection of the south line of Lot 14 of Maxwellton Braes; thence easterly along the south line of Lot 14 to the Southeast corner thereof; thence northerly along the east line of Lot 14 to the Southwest corner of Lot 57 of Maxwellton Braes; thence easterly along the south line of Lot 57 to the centerline of 105th Avenue SE; thence continuing easterly along the south lines of Lots 58 and 101 of Maxwellton Braes to the centerline of 106th Avenue SE, and also being 15 feet westerly of the west line of Lot 2 of Trinwith Addition; thence northerly along said centerline to the south line of North 241.20 feet of the Southwest quarter of said Section 32; thence easterly along said south line to the centerline of 107th Avenue SE; thence northerly along said centerline to a point being the

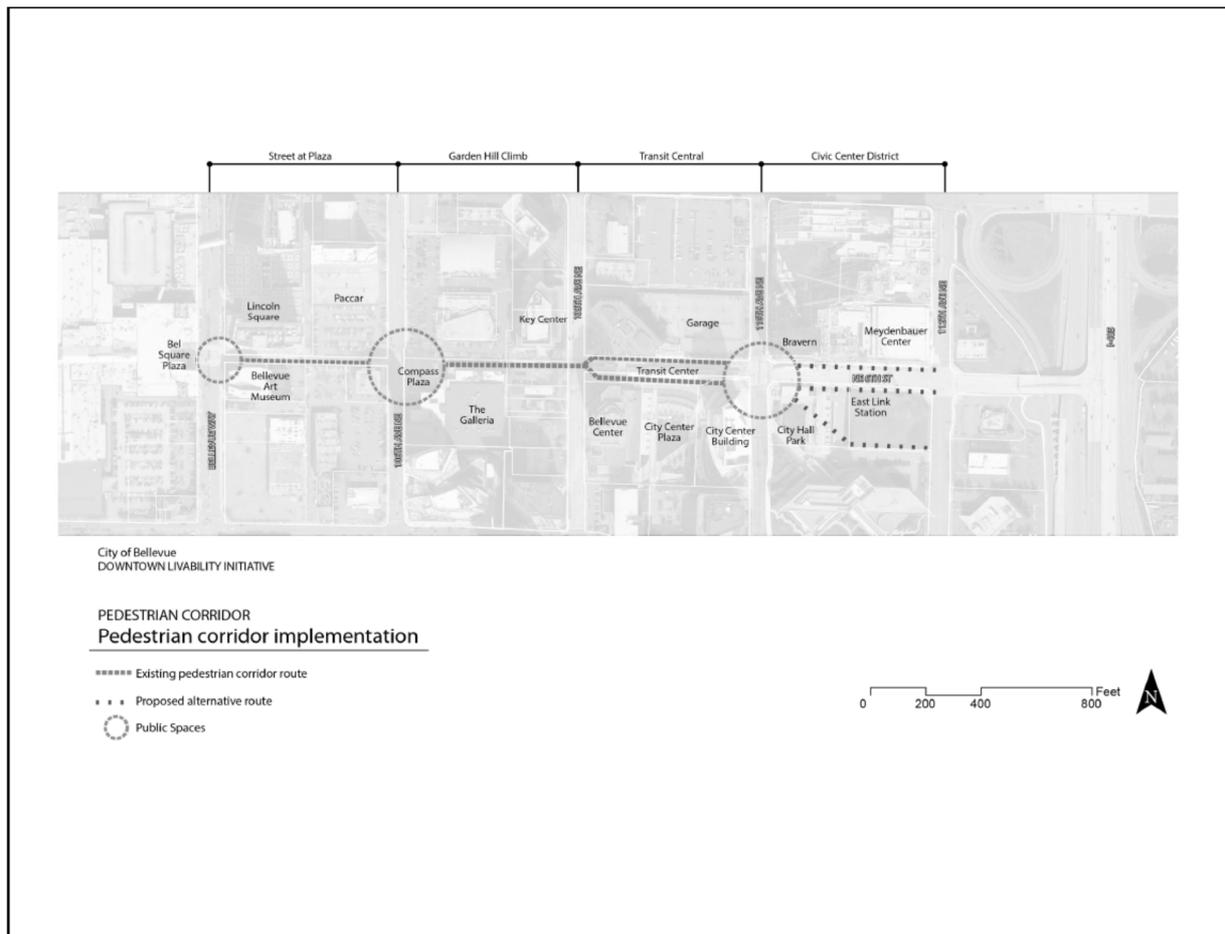
intersection of the centerline with the westerly projection of the south line of Lot 15 of Trinwith Addition; thence easterly along the south line of Lot 15 to the Southeast thereof; thence southerly to the south line of the North 227.07 feet of the Southwest quarter of said Section 32; thence easterly along said south line to the west line of the East 230 feet of said Southwest quarter; thence northerly along said west line to the south line of the North 176.42 feet of said Southwest quarter; thence easterly along said south line to the east line of the Southwest quarter of said Section 32 also being the centerline of 108th Avenue SE; thence northerly along said centerline to the intersection of 108th Avenue SE and Main Street; thence easterly along the centerline of Main Street to its intersection with the westerly right of way margin of SR 405 as shown on WSDOT Right of Way plan set titled SR 405 S.E. 30TH ST. VIC. TO N.E. 40TH ST. VIC., Sheets 17 through 24, approved and adopted February 11, 2005; thence northerly along said westerly margin to its intersection with the easterly right of way margin of 112th Avenue NE; thence northerly along said easterly right of way margin to its intersection with the westerly right of way margin of SR 405; thence northerly along said westerly margin to its intersection with the centerline intersection of NE 12th Street; thence westerly along the centerline of NE 12th Street to its projected intersection with the west line of the Southwest quarter of Section 29 Township 25 North, Range 5 East, W.M., also being the centerline intersection of 100th Avenue NE; thence south along the west line of said Southwest quarter and along the centerline of 100th Avenue NE to the **Point of Beginning**, and there ending, all in King County, Washington.

Draft Land Use Code Amendment

Extension of Major Pedestrian Corridor

20.50.034 M definitions.

Major Pedestrian Corridor. An alignment which is generally for exclusive pedestrian use providing a reasonably direct, but interesting pedestrian route in the immediate vicinity of NE 6th Street between 102nd Avenue NE and 110th the east side of 112th Avenue NE as depicted in the Pedestrian Corridor Implementation Map.



20.25A.030 FAR amenity incentive system

....

C. Specific Requirements.

For purposes of applying the FAR Amenity Incentive System, the “City Center District” shall mean that area of the Downtown bounded by 100th Avenue NE, 112th Avenue NE, NE 4th Street and NE 8th Street.

16. MAJOR PEDESTRIAN CORRIDOR The major pedestrian corridor located on or in the immediate vicinity of NE 6th Street between 102nd Avenue and 110 th 112th Avenue NE.	16:1*	N/A	16:1*	N/A	N/A	N/A	Must comply with the requirements of LUC 20.25A.100.E.1.
*Bonus floor area may be achieved through the provision of this amenity only in conjunction with a permit to construct the Major Pedestrian Corridor in accordance with LUC 20.25A.100.E.1.							

For purposes of applying the Amenity Incentive System, a level shall be considered the ground level so long as less than half of that ground level story height is located above or below the average finished grade of the adjacent public right-of-way or pedestrian connection. The two stories immediately above the ground level story and intended to activate the ground level pedestrian environment through demonstrated compliance with LUC 20.25A.115, Design Guidelines – Building/Sidewalk Relationships, shall be considered an upper level.

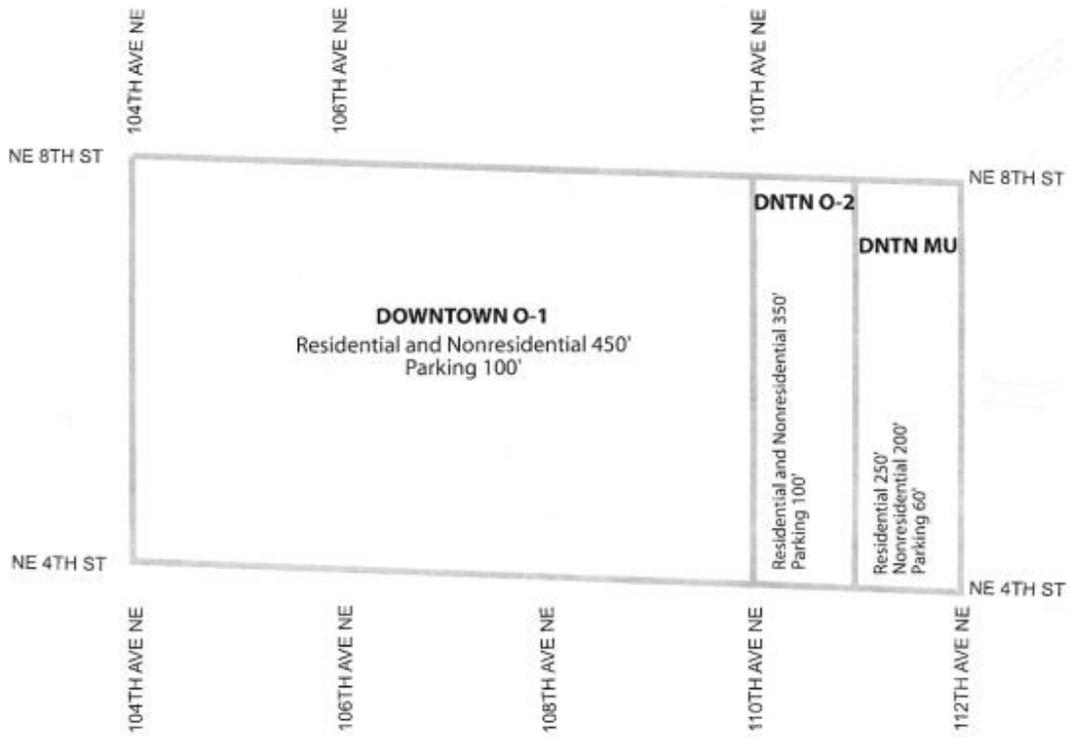
Participation in the FAR Amenity Incentive System must comply with the following chart:...

20.25A.030E. Transfer of Bonus Floor Area

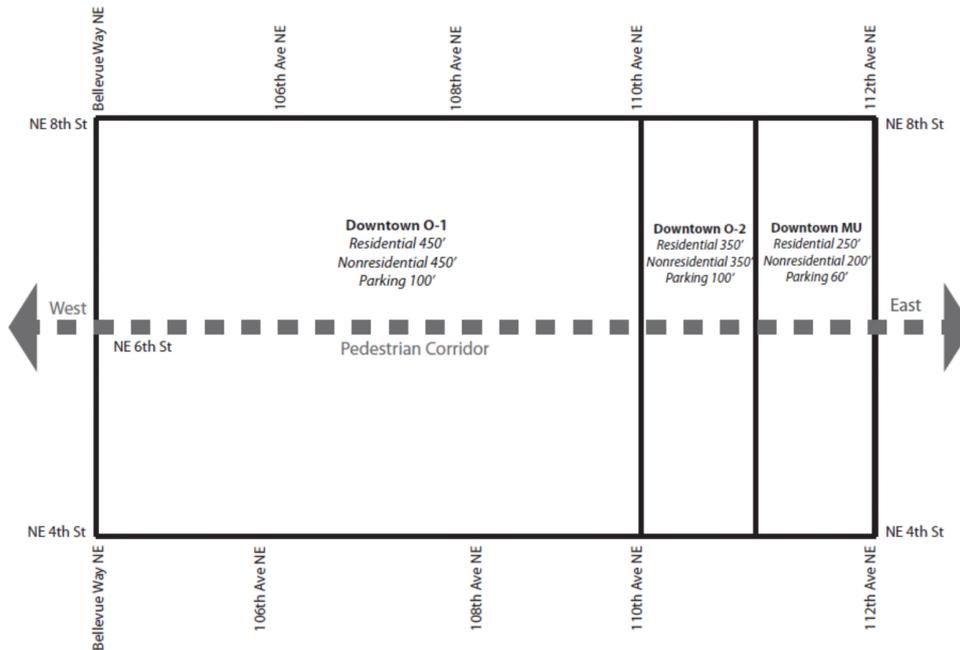
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4. Notwithstanding any provision of this Code, no transfer of floor area occurs when all property is included in one project limit.

DELETE FOLLOWING DIAGRAM.



Insert new diagram below.



Heights in Core Design District*

Corridor/Open Space Bonuses

Used on-site and/or transferred

*These building heights may be achieved, but not exceeded, as a result of either transferring from another site, using on-site, or a combination thereof, the bonus floor area received as a result of constructing the Major Pedestrian Corridor or Major Public Open Spaces. These building height limits may not be exceeded by using any other Code provision. The 450-foot height limit shown for Downtown O-1 shall be calculated by including any mechanical or other similar equipment or nonhabitable structural elements.

LUC 20.25A.100

...

E. Downtown Core Design District

1. Major Pedestrian Corridor.

- a. Purpose. The major pedestrian corridor is to serve as a focus for pedestrian use.
- b. Location. The alignment of the major pedestrian corridor is defined as the area within 30 feet of the extension of the north line of Lots 3 and 4, Block 2 of Cheriton Fruit Gardens Plat No. 1 recorded in the King County Department of Records and Elections in Volume 7 of Plats at page 47, extending from the eastern edge of the enclosed portion of Bellevue Square to 108th Avenue NE and the area within 30 feet north of the north curb and 30 feet south of the south curb of the Bellevue Transit Center traffic lanes as hereafter approved by the City, extending across the 108th Avenue NE right-of-way and to ~~440th~~ the east side of 112th Avenue NE. This alignment may be modified by the Bellevue Pedestrian Corridor Guidelines or by a Corridor Development Design Plan for a specific property.
- c. Bellevue Pedestrian Corridor Guidelines. Each development abutting the pedestrian corridor as described in paragraph E.1.c.v of this section must comply with the provisions of this paragraph and the Bellevue Pedestrian Corridor Guidelines and Major Open Space Design Guidelines as adopted by the City Council, or as the same may hereafter be amended. The Bellevue Pedestrian Corridor and Major Public Open Space Design Guidelines consist of general design guidelines consistent with provisions of this paragraph.
 - i. The corridor must present a coordinated design. The City will consider coordinated design features such as uniform treatment of signing, landscaping and lighting over the entire length of the corridor. Variety in design will be allowed and in some cases encouraged in order to provide visual interest and harmony with adjacent development. The corridor must incorporate numerous pedestrian amenities such as seating areas, landscaping, art features, weather protection and pedestrian scale lighting.
 - ii. The major pedestrian corridor must provide predominantly continuous pedestrian-oriented frontage, plazas, pedestrian ways, street arcades, landscape features, or enclosed plazas along its entire length.
 - iii. The entire corridor must be open to the public 24 hours per day. Segments of the corridor may be bridged or covered for weather protection, but not enclosed. Temporary closures will be allowed as necessary for maintenance purposes.
 - iv. Pedestrian movement across 104th Avenue NE, 106th Avenue NE or 108th Avenue NE and 110th Avenue NE shall be at grade.
 - v. The major pedestrian corridor width is established as part of the Bellevue Pedestrian Corridor Guidelines. The corridor width shall average 60 feet and in no case be less than 40 feet over each superblock west of 108th Avenue NE, and shall average 30 feet and in no case be less than 20 feet on each side over the

superblocks extending from the western edge of the 108th Avenue NE right-of-way to ~~140th~~ the east side of 112th Avenue NE.

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

- (1) 330 feet of the centerline of the major pedestrian corridor if west of 108th Avenue NE; or
- (2) The area between the exterior edge of the curblines eastward of the Transit Center and the eastward extension of the trigger lines as defined in paragraph E.1.c.v(1) of this section to ~~140th~~ the east side of 112th Avenue NE.

...

Appendix B Council Principles for Downtown Livability Initiative

Chapter 1

Project principles approved by the City Council.

Council Principles for Downtown Livability Initiative

Change

Principle

After several development cycles since the original Code adoption, it has become increasingly clear what is working and not working with development incentives.	1. Refine the incentive system to develop the appropriate balance between private return on investment and public benefit.
Downtown Bellevue has experienced a massive influx of new residents. This has helped create long hoped-for urban qualities, but also led to increased frictions that occur in a dense, mixed use environment.	2. Promote elements that make Downtown a great urban environment while also softening undesirable side effects on Downtown residents.
Downtown has seen a significant increase in pedestrians and street-level activity.	3. Increase Downtown's liveliness, street presence, and the overall quality of the pedestrian environment.
Through new development, Downtown has an opportunity to create more memorable places, as well as a distinctive skyline.	4. Promote a distinctive and memorable skyline that sets Downtown apart from other cities, and likewise create more memorable streets, public spaces, and opportunities for activities and events.
Environmental rules and strategies have evolved over the past decades since the Downtown Code was adopted.	5. Encourage sustainability and green building innovation in Downtown development. Enable design that promotes water, resource, and energy conservation, and that advances ecological function and integrity.
Downtown is attracting a younger and more diverse demographic mix, of workers, visitors, and residents.	6. Respond to Downtown's changing demographics by meeting the needs of a wide range of ages and backgrounds for an enlivening, safe and supportive environment.
As Downtown has become a more mature urban center, it is experiencing an increase in visitors and more interest in tourism.	7. Promote elements that will create a great visitor experience and a more vital tourism sector for Downtown.
We live in an increasingly global economy, with flows of goods and services, capital and people transcending state and national boundaries.	8. Strengthen Downtown's competitive position in the global and regional economy, while reinforcing local roots and local approaches.
Downtown's relationship with adjacent residential neighborhoods has evolved. It remains important to achieve a transition in building form and intensity between Downtown and adjacent residents, but nearby neighborhoods are also seeking the attractions that the city center brings.	9. Maintain graceful transitions with adjoining residential neighborhoods, while integrating these neighborhoods through linkages to Downtown attractions.
The development arena is becoming increasingly competitive, as Downtown continues to seek quality investments that implement the Subarea Plan vision.	10. Refine the Code to provide a good balance between predictability and flexibility, in the continuing effort to attract high quality development that is economically feasible and enhances value for all users.
As Downtown has matured and filled in, opportunities for quality development are becoming limited, and expectations have grown as to how each development contributes to the greater whole.	11. Promote through each development an environment that is aesthetically beautiful and of high quality in design, form and materials; and that reinforces the identity and sense of place for Downtown and for distinct districts.
Bellevue's park and open space system has dramatically evolved, for example with acquisition and planning for Meydenbauer Bay Park, development of the Downtown Park, and the nearby Botanical Garden on Wilburton Hill.	12. Advance the theme of "City in a Park" for Downtown, creating more green features, public open space, trees and landscaping; and promoting connections to the rest of the park and open space system.

Land Use Code Amendment – 12-127731AD
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Attachment C Planning Commission 2015 Downtown Livability Public Comment

6/24

The property owner of the NW corner of Main Street and 112th request increased height and FAR in the SE portion of Downtown due to the proximity to the East Main Light Rail Station. The CAC recommendation is no change to the Perimeter Design District (PDD) B and a possible height increase from 55 ft. to 70 ft. in PDD A with no FAR increase.

Consider all stakeholders and impacts to current Downtown residents and employees. Increase height and density near light rail stations to maximize its use. Equalizing FAR in MU may be worse than the perceived problem. Encourage people to live where they work in Downtown, an approach that would required some unit to be affordable.

Nothing in the plan dictates skinnier buildings – but they may be taller.

The amenity system is one of the city's strengths. Whether or not more is better needs to be discussed along with the need for extraordinary amenities that will actually increase livability.

The BDA supports careful evaluation of the CAC recommendations. Building design and the amenities offered Downtown play an essential role in the health and vibrancy of the city's economy.

Northtowne Neighborhoods Association (NNA): The perimeter area is a pleasant transition from the single family homes north of 12th. Pleasant transitions are a concern of both surrounding neighborhoods and people in the Core.

Changes to FAR and building height between 8th and 11th will require some concessions from the Northtowne neighborhood because these are changes to compromises we already made with the current zoning. NNA would consider these changes if the City also considers improving McCormick Parks along NE 12th.

Area 3A. Increasing heights and FAR is not consistent with maintaining transitions. Building over 200 ft will cast shadows north to the single family neighborhood.

Area 2D. NNA is opposed to any increased height as 2D abuts NE 12th. NA will vigorously challenge increases in this area.

2C. An urban village with grocery, plaza, housing, drugs is a fine concept for this corner. The plaza should be in sun and not shaded like Galleria and Bravern.

It is mandatory that re—zoning in this area include subsidized low income housing. This should be the first development of the property.

Study shadow impacts of increased heights on adjacent neighborhoods.

Almost everyone who works Downtown is getting her from somewhere else. We need to reduce commute trips by:

- Predictable and reasonable trip times
- Walkable City of Bellevue Schools / you programs
- Open spaces and parks
- Amenities
- Parking (visitor parking is a problem)
- Maintaining density limits in MU
- No changes to building heights

7/8

Property on the NW corner of Main and 112th Ave NE St is within the walkshed for the East Main Station. With increased height taller buildings that provide for more light and air than short squatty ones of the same density. This intersection calls for gateway treatment. To accomplish that will require increased height and FAR.

I chose to live Downtown because of the vibrant environment. Consider preserving major view corridors Downtown as growth continues. Views are an important part of downtown livability.

Feedback on Downtown Livability has been primarily been from builders and land owners. Seek feedback from those who live in Downtown and do not limit decision making to input from developers and land owners.

1A. In the area proposing an increase to 600 ft. the FAR cap only applies to commercial buildings. Unlimited residential FAR needs to be addressed.

2B and 3A FAR increases will cause traffic congestion.

Before any changes are enacted develop a plan for transportation and parking.

Sidewalk widths seem adequate on some streets but far too narrow and too close to speeding traffic on other streets. Planting curbside trees will add some protection for pedestrians as well as soften the hardscape and help recapture our city's dwindling tree canopy.

Inadequate parking for employees, residents, visitors, shoppers, and the handicapped are already a huge problem. Buildings should provide guest parking including for the handicapped parking.

7/22

Bellevue Towers Livability Committee rep. A survey of their residents shows this priority: transportation, parking, amenities, pedestrian congestion and safety, public spaces, and design outcomes. Residents want low to moderate congestion and the ability to walk to most destinations. Short-term, convenient, accessible and affordable parking is important. They suggest a free circulator shuttle, shuttle to transit centers, and protected bike lanes plus a tram from the transit center to Bel Sq.

All planning decisions are tied directly to resident livability priorities for transportation, parking and safety.

9/9 – none

9/23

Please increase height and FAR for NW corner of 112th and Main St. to accommodate TOD (transit-oriented development)

Ensure on-going dialogue between Downtown residents and the PC on how best to secure the benefits of development and growth while preserving and improving the quality of life for residents.

No significant changes to transportation infrastructure are anticipated to address the forecasted increase in residents and work force expected by 2030.

Address infrastructure needs before any zoning changes occur.

Density should be outside the Core and closer to the freeway exits and light rail stations.

10/14

There are currently multiple properties in Downtown that due to restrictions on use are unable to accommodate many viable businesses, leaving ground floor retail spaces empty. Many uses are restricted due to underlying zoning and the amenity program. Pedestrian-oriented frontage (POF) restrictions need to be completely overhauled.

More flexibility is needed to allow for uses that make sense for the growing urban area.

Restriction against first floor general office uses that offer no services makes sense but businesses that serve the community should be allowed.

Suggested new POF include: fitness studios, child enrichment programs, banks and other financial services, medical and dental practices, pet daycare and grooming, breweries and micro distilleries.

Big development is taking over Downtown. The ambiance of a village on Main Street. We need growth but not at the cost of our historic character.

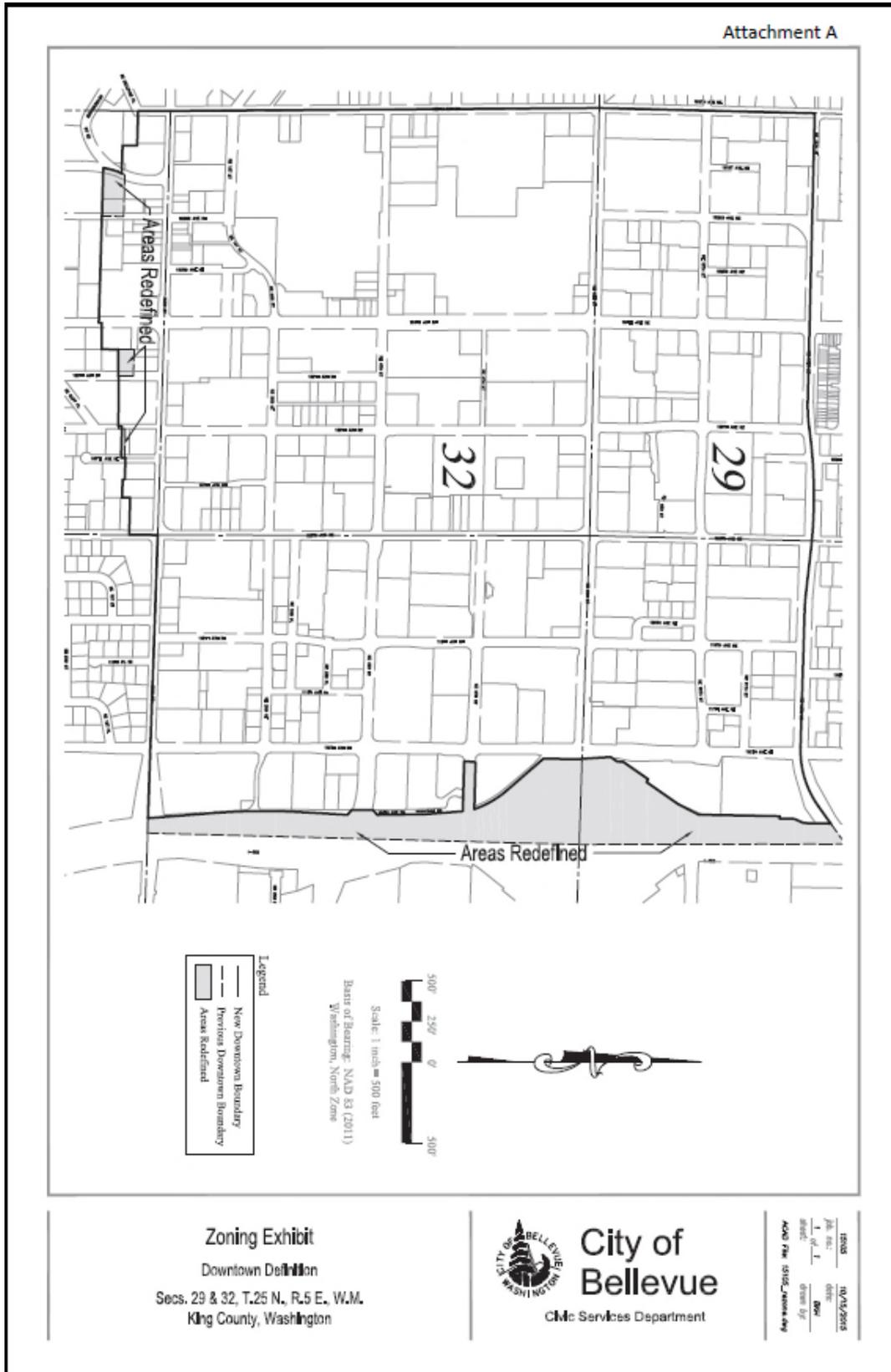
10/28

Corrected Sept. 23 minutes and noted both John L. Scott Real Estate and his company BDR share the vision that with some appropriate zoning the 112th at Main NW corner would support a great transit-oriented development and serve as a gateway with commercial, retail and residential uses.

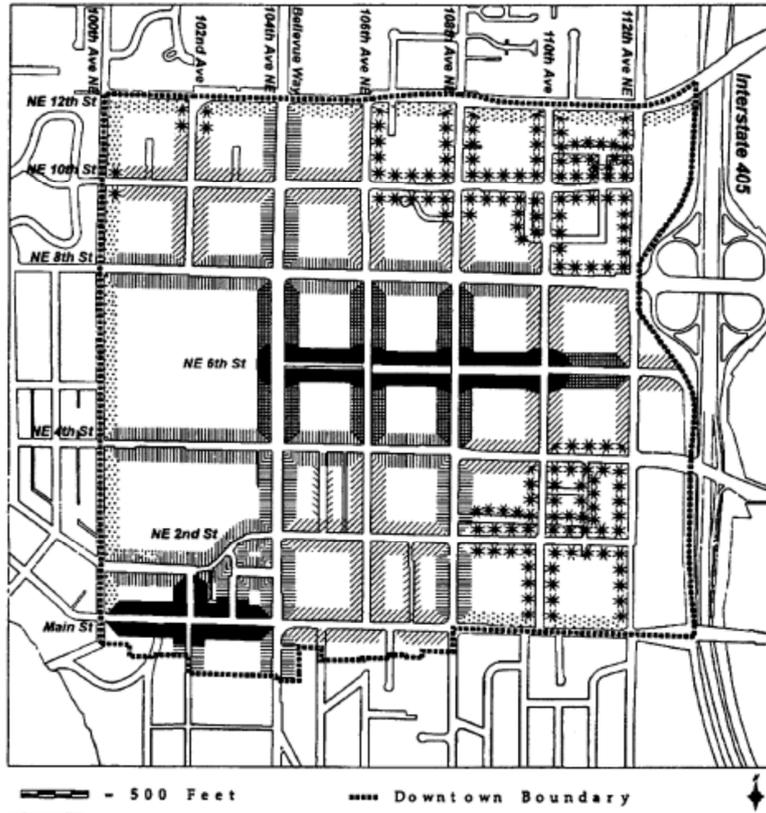
Patrick Bannon: The BDA's Land Use and Livability Committee is a diverse group. The committee is encouraged that the permitted use charts are being scrubbed. They are in agreement that flexibility and permissiveness is needed.

There remains a potential risk of criteria leading to outdated interpretations that could prevent viable uses that would fill vacancies. It will be vitally important for the Commission to pursue a mechanism around flexibility.

Attachment D Map of Right-of-Way Designations



Appendix E Map of Right of Way Designations

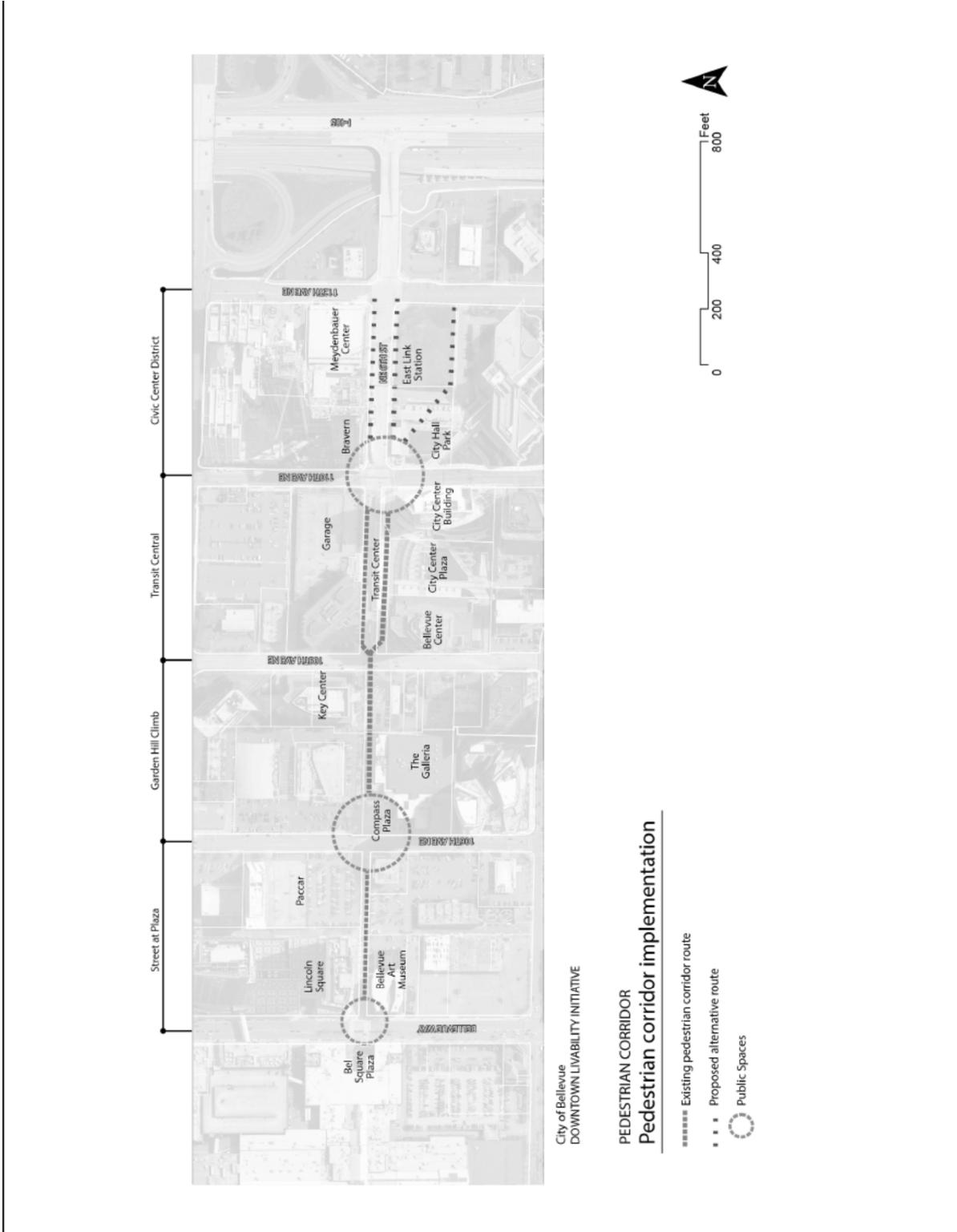


Right-of-Way Designations

-  A
-  B
-  C
-  D
-  D/R
-  E

Note: In the Downtown-Old Bellevue District, the "A" right-of-way designation extends south of Main Street on both sides of 102nd Avenue SE for a distance of 100 feet and extends north of Main Street on both sides of 103rd Avenue NE for a distance of 100 feet.

Attachment F Map of Pedestrian Corridor Extension





DEVELOPMENT SERVICES DEPARTMENT
ENVIRONMENTAL COORDINATOR
450 110th Ave NE., P.O. BOX 90012
BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: City of Bellevue Development Services Department

LOCATION OF PROPOSAL: Downtown

DESCRIPTION OF PROPOSAL: The Downtown Livability Initiative Citizens' Advisory Committee issued a final report concluding that Downtown Bellevue's future competitive edge will depend on creating a livable, memorable Downtown environment. To accomplish this, the proposed Downtown Livability Initiative would examine building heights and urban form, refine urban design guidelines with a stronger focus on the pedestrian and street environment, and promote other amenities that will serve the people who will live, work, and play in Downtown Bellevue in 2030. This proposal is the first set of Land Use Code amendments that implementing the Downtown Livability Initiative. The subject of these amendments include permitted uses, signage for publicly accessible spaces, mechanical equipment location and screening, street trees, redefinition of the Downtown boundary, overhead weather protection and extension of the Major Pedestrian Corridor. Some pedestrian related elements recommended through the Downtown Transportation Plan Update will also be considered.

FILE NUMBER: 12-127731-AD

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklist and information filed with Land Use Division. This information is available to the public on request.

- This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.
- This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment period from the date below. Comments must be submitted by 5 p.m. on _____.

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

This DNS is only appealable as part of the City's action on the amendment to the Land Use Code. In order to comply with requirements of SEPA and the State of Washington Growth Management Act for coordination of hearings, any appeal of the SEPA threshold determination herein will be considered by the Growth Management Hearings Board along with an appeal of the City Council's action. See LUC 20.35.250C.


Environmental Coordinator

11/12/2015
Date

OTHERS TO RECEIVE THIS DOCUMENT:
State Department of Fish and Wildlife
U.S. Army Corps of Engineers
Attorney General
King County
Muckleshoot Indian Tribe

Environmental Checklist
Reviewed by Heidi M. Bedwell
(HMB)

**CITY OF BELLEVUE
ENVIRONMENTAL CHECKLIST
(Integrated SEPA/GMA Process)**

A. BACKGROUND INFORMATION

PROPOSAL TITLE: Downtown Livability Land Use Code Amendment

PROPERTY OWNERS' NAME: N/A; applies Subarea-wide

PROPOSAL LOCATION: Applies to all property designated Downtown (DNTN-01, DNTN-02, DNTN-MU, DNTN-R, DNTN-OB, and DNTN-OLB)

PROPOSER'S NAME: City of Bellevue, Planning and Community Development Department (PCD)

CONTACT PERSON'S NAME: Patti Wilma, PCD Planning Manager

CONTACT PERSON'S ADDRESS: Planning and Community Development Department
City of Bellevue
P.O. Box 90012
Bellevue, WA 98009-9012

CONTACT PERSON'S PHONE: 425-452-4114

BRIEF DESCRIPTION OF THE PROPOSAL'S SCOPE AND NATURE:

1. **General description:** This proposal is to amend Land Use Code related to these Downtown elements:

- The amenity incentive system
- Building Form and Height
- Design Guidelines
- The Pedestrian Corridor
- Parking
- Light Rail Interface
- Permitted uses including vendor carts
- Mechanical Screening
- Maintenance Standards of vacant buildings
- Recycling and solid waste criteria
- Elements recommended through the Downtown Transportation Plan Update

SEPA checklist originally included a full list of potential code amendments when application was noticed in 2012. Proposed Code Amendment is a subset of these items. SEPA determination is for only those items identified in the code amendment. See staff report to Planning Commission dated November 12, 2015 for detailed information on project proposal.

• *Downtown Signage*
2. **Site acreage:** Applies to all property within the Downtown in the City.
See Attachment 1

3. **Number of dwelling units/buildings to be demolished:** N/A

4. **Number of dwelling units/buildings to be constructed:** N/A
5. **Square footage of buildings to be demolished:** N/A
6. **Square footage of buildings to be constructed:** N/A
7. **Quantity of earth movement (in cubic yards):** N/A
8. **Proposed land use:** This Code update will address uses typical in an urban center: office, commercial, residential, recreational, and civic activities/functions.
9. **Design features, including building height, number of stories and proposed exterior materials:** N/A
10. **Other:** N/A

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

A public hearing on the proposal is anticipated in the fourth quarter of 2013. City Council final action on the proposal will follow that public hearing. December 9, 2015

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

No.

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

1988 Convention Center IES: 88-3453-LE
1997 Lincoln Square EIS: 97-8314-LE
1998 Meydenbauer Place Convention Center Expansion: 98-1564-LE
1998 Bellevue Super Block (Wasatch): 98-3744-LE
2000 DIP EIS: - 00-239368-LE
2003 The Bravern: 03-114595-LE
2004 Overlake Hospital Master Plan EIS: 04-112140-LE
2005 BelRed Corridor Programmatic EIS – 05-127994-LE
2008 Transportation Facilities Plan Update EIS 2009-2020: 08-132179-LE
2012 Transportation Facilities Plan Update EIS 2013-2024: 12-127104-LE

HMB

2015 103556 LD Evergreen Plaza Bellevue 1/23/2015
2015 107029 LD Metro 112 Phase II 3/10/2015
2015 107220 LD Hyde Square Apartments 3/13/2015
2015 113442 LD Bellevue Tower 5/12/2015
2015 120258 LD Vuecrest Apartments 8/03/2015
2015 123104 LD Four 106 9/15/2015
2015 124509 LD Bosa - Bellevue Way 9/28/2015
2015 125030 LD Alamo Manhattan B2 10/08/2015

Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. List dates applied for and file numbers, if known.

Applications currently in review include:

12-117760-LD – Alamo Manhattan Main Street. Applied for 7/13/12

12-127765-LD – 23 story office building 10833 NE 8th St. Applied for 10/31/12

List any government approvals or permits that will be needed for your proposal, if known. If permits have been applied for, list application date and file numbers, if known.

Ordinance adoption by the City Council.

B. Environmental Elements

No discussion of the individual Environmental Elements is required for GMA actions per WAC 197-11-235.3.b.

C. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (do not use this sheet for project actions)

SUMMARY

Project Summary:

<p>Proposed Code Amendment is a subset of these items. SEPA determination is for only those items identified in the code amendment. See staff report to Planning Commission dated November 12, 2015 for detailed information on project proposal.</p>

A key conclusion from the Downtown Implementation Plan (DIP) was that Downtown Bellevue’s future competitive edge will depend on creating a livable, memorable Downtown environment. Toward this end, the proposed Downtown Livability work program would examine building heights and urban form, refine urban design guidelines with a stronger focus on the pedestrian and street environment, and promote other amenities that will serve the people who will live and work in Downtown Bellevue in 2030.

The need for the Downtown Livability work has been reviewed with Council on previous occasions during the past few years. The key question stemming from those discussions has not been if the work should be accomplished, but rather when it would be most appropriate to initiate. The Downtown Implementation Plan and subsequent work identified a series of concepts to advance this agenda, but progress has been piecemeal, limited by other City priorities and the need to establish the Downtown light rail alignment.

The Downtown Subarea Plan identifies a number of urban design concepts that have not yet been integrated into the Land Use Code. The differentiation of unique Downtown neighborhoods, “signature streets” on Bellevue Way, 106th and 108th; additional pedestrian features, and integration of Great Streets with building frontages are among these ideas.

HMB

Key portions of the Downtown Land Use Code are in need of updating. Perhaps most notably, the Downtown zoning incentive system has never been comprehensively re-visited since its original adoption in 1981. Both the amenities it includes and the bonus rates provided are in critical need of updating, to ensure that the zoning incentive system remains an effective tool for private development to help achieve the Downtown vision. A related issue is building height, with the goal that the Code encourages interesting building forms and differentiation, rather than a bulky, uniform result. In addition, the Land Use Code's parking standards have not kept pace with changes in travel mode split, and Pedestrian Corridor design guidelines are in need of updating.

Achieving Downtown's urban development vision requires active engagement by both public and private sectors. Overall the private sector has been very supportive in partnering with the City to create urban amenities and advance the Downtown Plan. However, there is a sense that the current Code and incentive system should be improved to better reflect market realities and provide greater flexibility in implementing desired amenities. In refining the Code and incentive system, this market perspective will be an important dimension. We want to ensure that the recommended package of amendments is economically feasible for development to implement, and that it will result in development being able and willing to "move the bar" to new levels of quality and livability.

Project Objectives

The proposed work program has the following objectives:

- Refine the Land Use Code to better achieve the Downtown vision while being sensitive to development economics.
- Improve Downtown's pedestrian environment.
- Improve the livability of Downtown as a residential location.
- Enhance the unique identities and characters of Downtown's distinct neighborhoods.
- Integrate this effort with the East Link Collaborative Design process specific to Downtown Bellevue.
- Integrate the Downtown Livability Work Program with the Downtown Transportation Plan effort currently underway.

Scope/Significant Topical Areas

Following are the significant topical areas proposed for the Downtown Livability work program. If this initiative is approved, staff will conduct an early public scoping process before the list is made final.

1. Amenity Incentive System

- Update the amenity incentive system; fine-tune amenities to best support the Downtown vision.

A foundation for development in Downtown Bellevue is a combination of an amenity incentive system and design standards through which floor area (FAR) and building height are earned by providing features with special public benefit. The existing Code framework dates back to 1981; neither the specific bonus features nor bonus rates have been fundamentally updated in a

quarter century to respond to changes in the Downtown environment. This work will refine the incentive system to promote downtown livability and memorability, update to today's market, and ensure the system provides adequate flexibility to achieve the desired outcomes.

Outcome: Revised incentive system that results in better urban form, updated set of bonus amenities, and updated economic foundation.

2. Building Form and Height

- Analyze building form and height; identify potential areas for increased height limits, in return for additional public benefit.

Allowing additional height in some areas could produce more interesting building and roof forms, as well as new opportunities for generating additional or more meaningful public amenities through the incentive system. Related issues include whether the Code should continue to provide for differential height allowances between residential and nonresidential uses in most Downtown districts, and whether the Code should allow transfer of FAR across Downtown districts.

The vision and development regulations for the area currently identified as DT-OLB (Downtown-Office and Limited Business) between 112th and I-405 will also be considered.

Outcome: Possible refinements may allow limited increase to building heights, potentially to include adjustments to FAR transferability opportunities; while generating additional public amenities through the incentive system.

3. Design Guidelines

- Refine Downtown design guidelines to achieve an improved pedestrian environment and a downtown with stronger architectural interest and sustainable building practices.

The City currently has Design Guidelines in place that address building/sidewalk relationships, Downtown in general, Perimeter Design Districts (on the edges of Downtown), Old Bellevue, the Core, and the Civic Center District. There have been varying levels of success in the design outcomes achieved by built projects. These guidelines need updating to promote excellence in urban design and make Downtown an increasingly diverse, livable, and memorable place.

Outcome: Revised guidelines incorporating the Great Streets work, refinements to form, district character, open space, pedestrian orientation and other key design considerations. Ensure that the design review process continues to be customer-focused, fair, predictable, and measurable.

4. Pedestrian Corridor

- Update the Pedestrian Corridor vision/guidelines to create a more vibrant, livable and memorable experience.

The NE 6th Street Pedestrian Corridor was designated in 1981 as a major unifying feature through Downtown. It is to be a safe, lively, high quality, and diverse focal point for the downtown area. Today the Pedestrian Corridor has become a key urban design feature for Downtown, but there is a sense that it is far from achieving its full potential. The Council has previously identified re-visiting the Pedestrian Corridor design framework and implementation as a priority.

Outcome: Revised Pedestrian Corridor vision and guidelines incorporating a more livable and robust vision for the Corridor.

5. Light Rail Interface

- Downtown Station Area Planning; achieve maximum “connectivity” to attract ridership and encourage an active street environment.

The City is currently in the early stages of a Collaborative Design Process for the East Link system within Bellevue. There will be opportunities for Downtown planning work to inform this process to ensure that trade-offs are adequately addressed for consistency with the Downtown vision. Existing Comprehensive Plan policies and the Light Rail Best Practices Report provide general guidance on integrating light rail into an urban downtown, but much more work is needed to translate these policies into specific urban design outcomes. Key issues include refinements to the Code and design guidelines to create an attractive, vital environment immediately surrounding the Downtown light rail station, and achieving maximum “connectivity” to the station to attract ridership and encourage a more active street environment.

Outcome: Inform the ongoing Collaborative Design Process for the Downtown segment; Land Use Code refinements that incorporate Light Rail Best Practices and Station Area Planning.

6. Downtown Parking

- Examine downtown parking standards; respond to shifts in demand, promote multi-modal mobility and economic vitality.

With the continuing shift of Downtown to a more multi-modal urban center, a number of parking components are in need of review. These include minimum parking ratios, parking dimensional standards, treatment of surface parking, garage design, and parking uses (shared, short term, long term).

Outcome: Revised parking ratios and design standards to meet future needs, considering Downtown Transportation Plan work and East Link Light Rail.

7. Other Land Use Code Amendments

Other general and Downtown Land Use Code amendments may be incorporated into this work program. These include a number of needed refinements that have been collected over recent years, along with minor “clean-up” amendments. A tentative list includes the following:

- Maintenance standards for vacant sites and buildings
- Mechanical screening
- Recycling and solid waste criteria
- Signage (not part of the Land Use Code)
- Vendor carts
- Permitted Uses

Outcome: Code refinements to update and address missing or outdated elements.

Environmental Summary per WAC 197-11-235(3)(b):

State the proposal's objectives: To comply with the requirements of the GMA by adopting development regulations that implement and are consistent with the Comprehensive Plan.

Specify the purpose and need to which the proposal is responding:

A key conclusion from the Downtown Implementation Plan (DIP) was that Downtown Bellevue's future competitive edge will depend on creating a livable, memorable Downtown environment. Toward this end, the proposed Downtown Livability work program would examine building heights and urban form, refine urban design guidelines with a stronger focus on the pedestrian and street environment, and promote other amenities that will serve the people who will live and work in Downtown Bellevue in 2030.

State the major conclusions, significant areas of controversy and uncertainty: Development regulations that are consistent with implement the Comprehensive Plan are required under the GMA. Little controversy exists related to this proposal. The Planning Commission may recommend limits on the proposal.

State the issues to be resolved, including the environmental choices to be made among alternative courses of action:

A no action alternative would result in the Downtown's urban development vision stated in the Comprehensive Plan not being realized. The result would be that Downtown Bellevue is not prepared to serve the people who will live and work in Downtown Bellevue in 2030.

State the impacts of the proposal, including any significant adverse impacts that cannot be mitigated: The proposal is a non-project action to amend elements of the Land Use code applicable in the Downtown as identified above. There are no significant adverse impacts anticipated from that action. Impacts from previous environmental Any specific proposal to construct new development with the regulations would require project level review. Adoption of the proposed regulations will ensure that the City is in compliance with GMA requirements for consistency.

Describe any proposed mitigation measures and their effectiveness: No specific development is being approved with this proposal. No significant environmental impacts have been identified, therefore no mitigation measures are proposed. Future development under the provisions of the regulation will be subject to SEPA review, as well as to the City's existing development regulations.

- 1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?**

HMB

The proposed code amendment will not increase the potential impacts to water, air and earth resources or noise production.

Proposed measures to avoid or reduce such increases are: N/A

2. How would the proposal be likely to affect plants, animals, fish or marine life?

The proposed code amendment will not increase the potential impacts to plants and animals.

Proposed measures to protect or conserve plants, animals, fish or marine life are: N/A

3. How would the proposal be likely to deplete energy or natural resources?

No adverse impacts to energy or natural resources are anticipated.

Proposed measures to project or conserve energy and natural resources are: N/A

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposal will not affect any environmentally sensitive areas. Per LUC 20.25H.005 the Critical Area Overlay District does not apply to the Downtown.

Proposed measures to protect such resources or to avoid or reduce impacts are: N/A

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposal will not affect any shoreline areas. Per LUC 20.25H.005 the Critical Area Overlay District does not apply to the Downtown.

Proposed measures to avoid or reduce shoreline and land use impacts are: N/A

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Impacts to the transportation system will be addressed in the bi-annual Transportation Facilities Plan Updates and EIS.

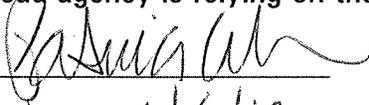
Proposed measures to reduce or respond to such demand(s) are: N/A

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

HMB

No conflicts are known or anticipated.

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

Signature 

Date Submitted 11/6/12

HMB

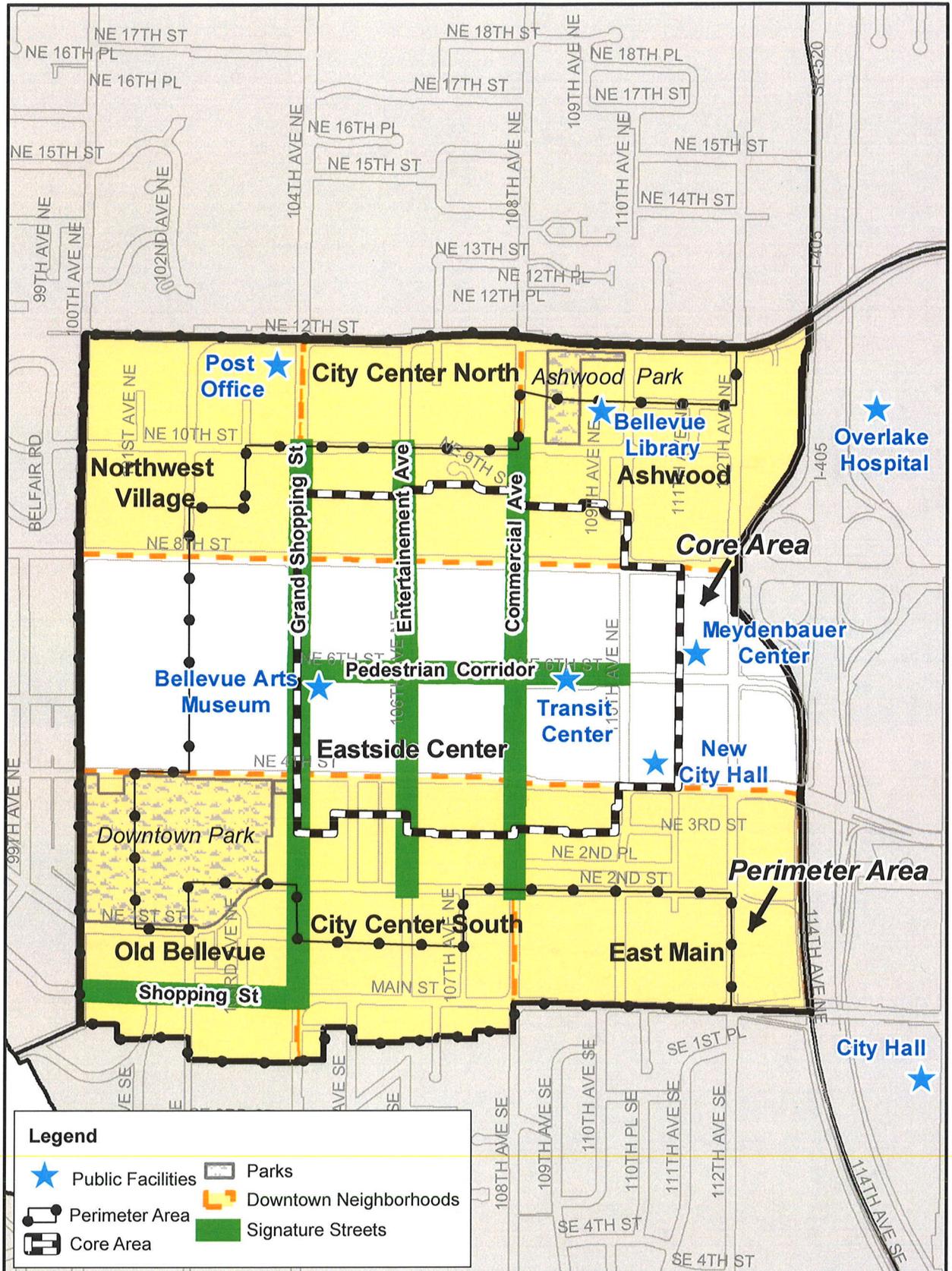
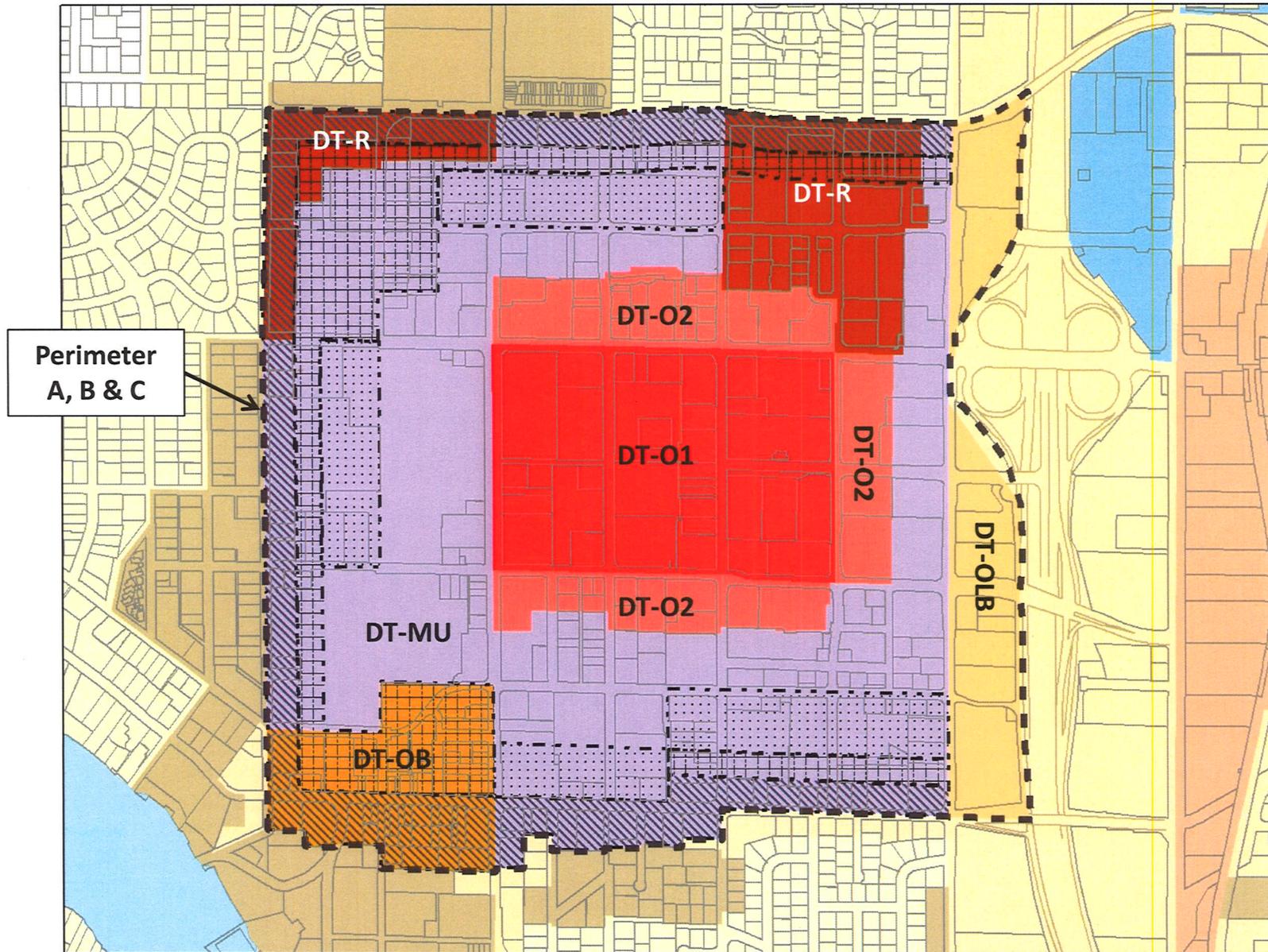


FIGURE A
Downtown Future Land Use Plan



ATTACHMENT 1a

Downtown Zoning



Attachment A | Definition of Downtown

Commented [BT(1)]: This definition is included twice in the staff report package. Once here and once in Attachment A.6.

20.50.016 D Definitions

Downtown. The area of the City located generally from I-405 on the east to 100th Avenue NE on the west and from NE 12th Street on the north to approximately Main Street on the south, specifically within the boundaries described as follows:

Beginning at the Northwest corner of the Northwest quarter of Section 32, Township 25 North, Range 5 East, W.M., also being the centerline intersection of NE 8th Street and 100th Avenue NE; thence south along the west line of said Northwest quarter and along the centerline of 100th Avenue NE to the Northwest corner of the Southwest quarter of said Section 32 and the intersection of Main Street; thence south along the west line of said Southwest quarter and the centerline of 100th Avenue SE to a point being 200 feet south of, as measured at right angles to, the north line of said Southwest quarter of Section 32; thence easterly parallel with said north line 215 feet; thence southerly parallel with the west line of said Southwest quarter 90 feet to a point on the north line of Lot 82 of Bellevue Acre and Half Acre Tracts; thence easterly along the north line of Lot 82 to the centerline of Meydenbauer Way SE; thence southwesterly along the arc of the centerline of Meydenbauer Way SE and diverging southerly along the centerline of 101st Avenue SE to a point being the intersection of the centerline with the westerly projection of the south line of Lot 50 of Bellevue Acre and Half Acre Tracts as shown on that certain Condominium (THE FORUM) recorded under V.13, P.47-48 and Amended under V.18, P.8; thence easterly along the south line of Lot 50 to the centerline of 102nd Avenue SE; thence continuing easterly along the south lines of Lots 49 and 14 of Bellevue Acre and Half Acre Tracts to the centerline of 104th Avenue SE; thence northerly along said centerline to a point being the intersection of the centerline with the westerly projection of the

south line of Lot 14 of Maxwellton Braes; thence easterly along the south line of Lot 14 to the Southeast corner thereof; thence northerly along the east line of Lot 14 to the Southwest corner of Lot 57 of Maxwellton Braes; thence easterly along the south line of Lot 57 to the centerline of 105th Avenue SE; thence continuing easterly along the south lines of Lots 58 and 101 of Maxwellton Braes to the centerline of 106th Avenue SE, and also being 15 feet westerly of the west line of Lot 2 of Trinwith Addition; thence northerly along said centerline to the south line of North 241.20 feet of the Southwest quarter of said Section 32; thence easterly along said south line to the centerline of 107th Avenue SE; thence northerly along said centerline to a point being the intersection of the centerline with the westerly projection of the south line of Lot 15 of Trinwith Addition; thence easterly along the south line of Lot 15 to the Southeast thereof; thence southerly to the south line of the North 227.07 feet of the Southwest quarter of said Section 32; thence easterly along said south line to the west line of the East 230 feet of said Southwest quarter; thence northerly along said west line to the south line of the North 176.42 feet of said Southwest quarter; thence easterly along said south line to the east line of the Southwest quarter of said Section 32 also being the centerline of 108th Avenue SE; thence northerly along said centerline to the intersection of 108th Avenue SE and Main Street; thence easterly along the centerline of Main Street to its intersection with the westerly right-of-way margin of SR 405 as shown on WSDOT Right-of-Way plan set titled SR 405 S.E. 30TH ST. VIC. TO N.E. 40TH ST. VIC., Sheets 17 through 24, approved and adopted February 11, 2005; thence northerly along said westerly margin to its intersection with the easterly right-of-way margin of 112th Avenue NE; thence northerly along said easterly right-of-way margin to its intersection with the westerly right-of-way margin of SR 405; thence northerly along said westerly margin to its intersection with the centerline intersection of NE

Commented [BT(2)]: Inserted hyphens

Commented [BT(3)]: Inserted hyphens

Commented [BT(4)]: Inserted hyphens

Commented [BT(5)]: Inserted hyphens

Commented [BT(6)]: Insert hyphens

12th Street; thence westerly along the centerline of NE 12th Street to its projected intersection with the west line of the Southwest quarter of Section 29 Township 25 North, Range 5 East, W.M., also being the centerline intersection of 100th Avenue NE; thence south along the west line of said Southwest quarter and along the centerline of 100th Avenue NE to the **Point of Beginning**, and there ending, all in King County, Washington.

Attachment A.1
Draft Land Use Code Amendment
Uses in Downtown Bellevue Land Use Districts

20.25A.015 Permitted uses

A. Permitted Uses

Specific categories of uses are listed in Chart 20.25A.015.D. Section C of this section explains Chart 20.25A.015.C, and describes the applicable review procedures. The use chart description and interpretation provisions of LUC 20.10.400 do not apply to the Downtown land use districts.

Commented [BT(7)]: Typo. Change to D

B. Prohibited Uses

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

Commented [BT(8)]: Grammatical error corrected.

C. Use Chart Described

In Chart 20.25A.015.D, land use classifications and standard Land Use Code reference numbers are listed on the vertical axis. City of Bellevue land use districts are shown on the horizontal axis.

1. If no symbol appears in the box at the intersection of the column and the row, the use is not allowed in that district, except for short-term uses, which are regulated under Part 20.30M LUC

(Temporary Use Permits) and subordinate uses which are regulated under LUC 20.20.840.

2. If the symbol “P” appears in the box at the intersection of the column and row, the use is permitted subject to applicable general requirements of Chapter 20.20 LUC for the use and the district-specific requirements of this Part 20.25A LUC.

3. If the symbol “C” appears in the box at the intersection of the column and the row, the use is permitted subject to the Conditional Use provisions specified in Part 20.30B in addition to any applicable general requirements for the use and the land use district.

4. If the symbol “A” appears in the box at the intersection of the column and the row, the use is permitted subject to the Administrative Conditional Use provisions as specified in Part 20.30E LUC in addition to any applicable general requirements for the use and the land use district.

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

D. Use Charts

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

Commented [BT(9)]: Grammatical error corrected.

Commented [BT(10)]: Capitalized the word “use.”

Commented [BT(11)]: Grammatical error corrected.

The Manufacturing Table – ~~Downtown Districts~~ will be ~~deleted~~.

Commented [BT(12)]: Inserted Downtown Districts for clarity.

Commented [BT(13)]: After questions from a BDA Livability Committee member about watchmakers and printing, staff added the sentences below for clarity,

Staff added:
Printing and Publishing has been moved to the Services Use Chart.
Handcrafted products have been moved to the Wholesale and Retail Use Chart.

Manufacturing – Downtown Districts

STD LAND D USE CODE REF	LAND-USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residenti al District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
2 and 3	Manufacturing (1,4)						
21	Food and Beverage Products Mfg.						
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	S	S	S			
28	Chemicals and Related Products Mfg.						
31	Rubber Products Mfg.						
314	Misc. Plastic Products Mfg.						

Downtown Livability
Early Wins

Planning Commission

December 9, 2015

321 322 324 325 327	Light Stone, Clay, and Glass Products Mfg.; Glass, Pottery and China Ceramic Products, Stone Cutting and Engraving						
329	Handcrafted Products Mfg.	\$	\$	\$	\$	\$	\$
3427	Computers, Office Machines and Equipment Mfg.						
3433 3434 3435 3436 3437	Electrical Equipment Mfg.; Appliances, Lighting, Radio, TV Communications , Equipment and Component Parts						
3494 3492 3493 3495 3497	Fabricated Metal Products Mfg.; Containers, Hand Tools, Heating Equipment, Screw Products, Coating and Plating						
35	Measuring, Analyzing and Controlling Instruments, Photographic, Medical and Optical Goods; Watches and Clocks Mfg.; Computer Software						
3997	Signs and Advertising Display Mfg.						

3999	Misc. Light Fabrication Assembly and Mfg. Not Elsewhere Classified						
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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 mill
- (2) — Paper products manufacturing excludes paper and pulp manufacturing in LI Districts.
- (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
- (5) — Food and beverage public tasting rooms are permitted only as a subordinate use to the manufacturing use.

Culture, Entertainment, and Recreation – Downtown Districts

STD LAN D USE COD E REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
711	Library, Museum	P	P	P	A	A	P
7113	Art Gallery	P	P	P	P 4, 5, 2, 3	P	P
712	Nature Exhibitions: Aquariums and Botanical Gardens and Zoos	P 6	P 6	P 6			
7212 7214 7222 7231 7232	Public Assembly (Indoor): Sports, Arenas, Auditoriums and Exhibition Halls but Excluding School Facilities	P	P	P	A 5 3	A	P
7212 7214 7218	Motion Picture, Theaters, Night Clubs, Dance Halls and Teen Clubs	P	P	P	A 5 3	A	P
7213	Drive-In Theaters						
	Adult Theaters 4	P	P	P		P	P
7223 73	Public Assembly (Outdoor): Fairgrounds and Amusement Parks, Miniature Golf, Golf Driving Ranges, Go-Cart Tracks, BMX Tracks and Skateboard Tracks 1						

Commented [BT(14)]: BDA Livability Committee member requested revision.
Delete Footnote 2 that limits use to a maximum of 2,000 square feet.

Commented [BT(15)]: BDA Livability Committee member requested revision.
Delete P. Current criteria in LUC 20.20.127 would foreclose an adult theater in this zone because it would be within 660 feet from City Parks.

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73	Commercial Amusements: Video Arcades, Electronic Games	P	P	P		<u>P</u>	<u>P</u>
7411 7413 7422 7423 7424 7441 7449	Recreation Activities: <u>Miniature Golf Courses</u> , Tennis Courts, Community Clubs, Athletic Fields, Play Fields, Recreation Centers, Swimming <u>Beaches and Pools</u> <u>2</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u> <u>5</u>	<u>AP</u>	<u>AP</u>
744	Marinas, Yacht Clubs						
7413 7414 7415 7417 7425	Recreation Activities: Skating, Bowling, Gymnasiums, Athletic Clubs, Health Clubs, Recreational Instruction	<u>AP</u> <u>8</u>	<u>AP</u> <u>8</u>	P	<u>AP</u> <u>3</u> <u>5</u>	<u>AP</u> <u>8</u>	<u>AP</u> <u>8</u>
7491 7515	Camping Sites and Hunting Clubs						
76	Private Leisure and Open Space Areas Excluding Recreation Activities Above	P	P	P	<u>P</u> <u>5</u>	P	P
	Public/Private Park	P	P	P	<u>P</u> <u>5</u>	P	P
	Stables and Riding Academies						
	Boarding or Commercial Kennels <u>6</u>						
	City Park (40)- <u>5</u>	<u>P</u> / <u>C</u>	<u>P</u> / <u>C</u>	<u>P</u> / <u>C</u>	<u>P</u> / <u>C</u> <u>5</u>	<u>P</u> / <u>C</u>	<u>P</u> / <u>C</u>

Commented [BT(16): BDA Livability Committee member requests revision.
Include Commercial Amusement uses in OB as permitted outright.

Commented [BT(18): Revision requested by Parks Dept.
Add Footnote 5.

Commented [BT(19): BDA Livability Committee member: Why was A deleted and P inserted? The CAC wanted more open space and a more permissive code. These changes addresses that request. Moreover, the use is permitted outright across all districts to ensure consistency.

Commented [BT(17): Omit size limitation to encourage open space.

Commented [BT(20): Revision requested by Parks Dept.
Add Footnote 5.

Commented [BT(21): Revision requested by Parks Dept.
Add Footnote 5.

Commented [BT(22): Revision requested by Parks Dept.
Add Footnote 5.

~~*Not effective within the jurisdiction of the East Bellevue Community Council.~~

Notes: Uses in Downtown land use districts – Culture, Entertainment, and 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) (1) For carnivals, see LUC 20.20.160.~~

~~(3) Recreation activities do not include athletic clubs in O, LI and GC Districts.~~

~~(4) (2) Limited to a maximum of 2,000 gross square feet per establishment.~~

~~(5) (3) Nonresidential uses are permitted in Downtown-R Districts only when developed in a building which contains residential uses.~~

~~(6) Excludes zoos.~~

~~(7) (4) 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) (5) City parks are generally permitted in all districts. However, the following types of uses or facilities in City parks in single-family or R-10 zones require conditional administrative conditional use approval when located in the Downtown-R zone: 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 located in the Downtown-R district requires 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.~~

~~(6) Boarding and commercial kennels are allowed as subordinate uses to a veterinary clinic or hospital meeting the criteria of LUC 20.20.140.~~

Commented [BT(23)]: Downtown BDA Livability committee member requests the deletion of this size limitation with respect to Art Galleries.

Commented [BT(24)]: Revisions requested by Parks Dept.

Delete originally proposed footnote and insert:

(5) Outdoor recreation facilities that include lighted sports and play fields or sports and play fields with amplified sound require administrative conditional use approval when located in the Downtown-R zone.

//////
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Chart 20.25A.015.D Uses in Downtown Land Use Districts

Residential – Downtown Districts

STD LAN D USE COD E REF	LAND USE CLASSIFICATION	Downtow n Office District 1	Downtow n Office District 2	Downtow n Mixed Use District	Downtow n Residenti al District	Downtow n Old Bellevue District	Downtow n Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
	Single Family Residential (3)	P	P	P	P	P	
	Two to Four or more Dwelling Units Per Structure	P	P	P	P	P	P
12	Group Quarters: Dormitories, Fraternal Houses, Excluding Military and Correctional Institutions and Excluding Secure Community Transition Facilities	P	P	P	P	P	P
13 15	Hotels and Motels	P	P	P	P	P	P
	Congregate Care Senior Housing (1)(4) (7*)	P	P	P	P	P	P
6516	Nursing Home, Assisted Living (1)(4) (7*)			P	P	P	P
	Assisted Living (4,7*)			P	P	P	
	Accessory Dwelling Unit (9)			S	S	S	

* Not effective within the jurisdiction of the East Bellevue Community Council.

Commented [BT(25): BDA Livability Committee member asks for deletion because he can't imagine group quarters in Old Bellevue.

The question isn't whether we believe that the group quarters will be developed in Old Bellevue in the future. There are many future uses that we cannot predict. Rather, the question is whether the use should be allowed given our direction from the Council and the Downtown Livability Initiative Citizens' Advisory Committee (CAC). Since the Council and CAC want to promote livability, encouraging different kinds of housing such as group quarters should be permitted.

Commented [BT(26): Footnote 1 was included in Nursing Home use rather than correct use which is Congregate Care Senior Housing.

Commented [BT(27): See comment directly above.

Notes: Uses in Downtown land use districts – Residential

~~(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) (1) An agreement must be recorded with the King County Department of Records and Elections and filed with the Bellevue City Clerk, restricting senior citizen dwellings or congregate care senior housing, or assisted living to remain in perpetuity as senior housing.~~

~~(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 is not allowed. 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) For Single-Family Land Use Districts, "building height" is defined as the vertical distance measured from the average existing grade around the building to the highest point of a flat roof, or to the mean height between the eaves and ridge of a pitched roof, provided this measurement does not apply to flag poles and short wave radio antennas. Refer to the definition of building height for Single-Family Land Use Districts at LUC 20.50.012.~~

~~* Not effective within the jurisdiction of the East Bellevue Community Council.~~

Services – Downtown Districts

STD LAN D USE COD E REF	LAND USE CLASSIFICATIO N	Downtow n Office District 1	Downtow n Office District 2	Downtow n Mixed Use District	Downtow n Residenti al District	Downtow n Old Bellevue District	Downtow n Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
61	Finance, Insurance, Real Estate Services	P 4 <u>3</u> <u>10</u>	P 4 <u>3</u> <u>10</u>	P <u>10</u>	P 11, 12, 4, <u>5, 11</u>	P <u>11</u>	P <u>10</u>
62	Personal Services: Laundry, Dry Cleaning, Barber and Beauty, Photography Studio and Shoe Repair	P	P	P	P 11, 12, 4, <u>5</u>	P	P <u>4, 20</u>
6241	Funeral and Crematory Services						
6262	Cemeteries						
	Family Child Care Home in Residence <u>1</u>	P	P	P	P	P	P
629	Child Day Care Center <u>1, 2</u>	P	P	P	P	P	P
63	Business Services, Duplicating and Blue Printing, Steno, Advertising (Except Outdoor), Travel Agencies, and Employment, and <u>Printing and Publishing</u>	P	P	P	P 11, 12, 4, <u>5</u>	P	P

Commented [BT(28): BDA Livability Committee member requests revision. Delete Footnote 11, add Footnote 10. This change would allow drive-throughs in structured parking as an accessory use.

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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	<u>P</u>	<u>P</u>	<u>P</u>			<u>SP</u>
641	Auto Repair and Washing Services (26)			<u>P</u> & <u>3.8</u>			
649	Repair Services: Watch, TV, Electrical, Upholstery	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	
	Professional Services: Medical Clinics and Other Health Care Related Services	<u>P</u>	<u>P</u>	<u>P</u>	<u>P 11, 12 4, 5</u>	<u>P 11 4</u>	<u>P</u>
	Professional Services: Other	<u>P</u>	<u>P</u>	<u>P</u>	<u>P 11, 12 4, 5</u>	<u>P 11 4</u>	<u>P</u>
	<u>Pet Grooming and Pet Day Care (9)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P 4</u>	<u>P</u>	<u>P</u>
6513	Hospitals			<u>C</u>	<u>C</u>		
66	Contract Construction Services: Building Construction, Plumbing, Paving and Landscape						
671	Governmental Services: Executive, Legislative, Administrative	<u>P</u>	<u>P</u>	<u>P</u>	<u>P 11, 12 5</u>	<u>P 11 5</u>	<u>AP</u>

Deleted:

Commented [BT(29)]: Delete size limitation for pet grooming and pet day care.

Because the impacts could be significant, Staff recommends Administrative Conditional Use approval where the use occupies more than 2000 square feet. When the use occupies less than or equal to 2000 square feet, the use would be permitted outright.

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	and Judicial Functions						
672 673	Governmental Services: Protective Functions and Related Activities Excluding Maintenance Shops			P	C	C	AP
	Limited Governmental Services: Protective Functions (21)						
	Limited Governmental Services: Executive and Administrative, Legislative and Protective Functions (22) <u>6</u>	P	P	P	P 42 <u>5</u>	P <u>5</u>	P
674 675	Military and Correctional Institutions						
	Secure Community Transition Facility (23,24)						
681	Education: Primary and Secondary (25) <u>7</u>	A	A	A	A/C	A	A
682	Universities and Colleges	P	P	P			P
683	Special Schools: Vocational, Trade, Art, Music, Driving, Barber and Beauty Schools			P	P 11, 12 <u>4,5</u>	P 44 <u>5</u>	P
691	Religious Activities	P	P	P	C	C	P
692 (A)	Professional and Labor	P	P	P	C	C	P

Commented [BT(30)]: Delete entire row.

Commented [BT(31)]: BDA Livability Committee member: Delete size limitation for special schools.

Because the impacts could be significant, Staff recommends Administrative Conditional Use approval where the use occupies more than 2000 square feet. When the use occupies less than or equal to 2000 square feet, the use would be permitted outright.

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	Organizations Fraternal Lodge						
692 (B)	Social Service Providers	P	P	P	C	C	P
	Administrative Office – General	P	P	P	P 11, 12 4, 5	P	P
	Computer Program, Data Processing and Other Computer- Related Services	P	P	P	P 11, 12 4, 5	P	P
	Research, <u>Business</u> <u>Incubation</u> , Development and Testing Services	P	P	P	P 11, 12 4, 5	P	P

Commented [BT(32)]: Footnote 4 was inadvertently stricken here. Corrected.

~~*Not effective within the jurisdiction of the East Bellevue Community Council.~~

Notes: Uses in Downtown 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) (1) Refer to Chapter 20.50 LUC for definitions of child care service, family child care home, and child day care center.~~
- ~~(4) (2) 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) (3) Auto repair and washing services are permitted only if washing services are a subordinate use pursuant to LUC 20.20.840 only if located within a structured parking area and not adjacent to any publicly accessible spaces. 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) (4) Limited to a maximum of 1,500 gross square feet per establishment.~~
- ~~(12) (5) Nonresidential uses are permitted in Downtown-R Districts only if developed in a building which contains residential uses.~~

Commented [BT(33)]:
Delete current footnote.
Replace with:
(8) (3) Auto repair and washing services are permitted only if washing services are a subordinate use pursuant to LUC 20.20.840. All auto repair must be performed in a structure.

- (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.
- (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) (6) Uses are limited to 1,000 square feet, except for protective functions which are limited to community police stations of 1,500 square feet or less.
- (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) (7) 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

(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)~~ (8) Battery Exchange Stations are ancillary to Auto Repair and Washing Services, and are permitted through the applicable review process as a component of that use. Operators of Battery Exchange Stations must comply with federal and state law regulating the handling, storage, and disposal of batteries.

~~(27)~~ (9) See LUC 20.20.130 for general requirements applicable to this use.

(10) Drive-in and drive-through facilities are permitted as a subordinate use pursuant to LUC 20.20.840 only if located within a structured parking area and not adjacent to any publicly accessible space. Parking must comply with LUC 20.25A.050A.

(11) Drive-in windows and drive-throughs are not permitted.

Commented [BT(34)]: Requested revision by Planning Commission on 11/18/2015

Change Footnote 9 to read:
(9) Boarding and commercial kennels are permitted as a subordinate use to a pet grooming or pet day care meeting the criteria of LUC 20.20.130.

Commented [BT(35)]: BDA Livability Committee member requests revision. He suggests that the footnote add the requirement that there be proper queueing for vehicles.

Added sentence requiring compliance with LUC 20.25A.050A. This provision requires compliance with the general parking code. Part of the general parking code, LUC 20.20.590K(5), requires seven stacking places for each drive-through station in addition to the general parking requirements.

Commented [BT(36)]: BDA Livability Committee member requests revision.

Replace with Footnote 11 with Footnote 10 for Finance, insurance and real estate uses in the DNTN-R and DNTN-OB districts. This would allow bank drive-throughs in the DNTN-R and DNTN-OB so long as the drive-through complies with Footnote 10.

**Transportation and Utilities – Downtown
Districts**

STD LAN D USE COD E REF	LAND USE CLASSIFICATIO N	Downtow n Office District 1	Downtow n Office District 2	Downtow n Mixed Use District	Downtow n Residenti al District	Downtow n Old Bellevue District	Downtow n Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
41	Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops						
42 4291	Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters	A	A	A			A
4214 422	Motor Vehicle Transportation: Maintenance Garages and Motor Freight Services (23)	S	S	S			S
43	Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage and Maintenance	A 44- <u>3</u>	A 44- <u>3</u>	A 42- <u>4</u>			A 44- <u>3</u>
	Accessory Parking (4) (6) (24) <u>1</u> , <u>2</u> , <u>12</u>	P	P	P	P <u>14</u>	P	P
46	Auto Parking: Commercial Lots and Garages (24) <u>12</u>	P 43-5	P 43-5	P 43-5	A	P 43-5	P 43-5
	Park and Ride (5) (24)			A			A

Commented [BT(37)]: Underline added.

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475	Radio and Television Broadcasting Studios	P	P	P		P	P
485	Solid Waste Disposal (19)						
	Highway and Street Right-of-Way (24)-12	P	P	P	P	P	P
	Utility Facility	C	C	C	C	C	C
	Local Utility System	P	P	P	P	P	P
	Regional Utility System	C	C	C	C	C	C
	On-Site Hazardous Waste Treatment and Storage Facility (7)	A	A	A	A	A	A
	Off-Site Hazardous Waste Treatment and Storage Facility (8)						
	Essential Public Facility (20) 9	C	C	C	C	C	C
	Regional Light Rail Transit Systems and Facilities (25) 14	C/P	C/P	C/P	C/P	C/P	C/P
	Wireless Communication Facility (WCF): (without WCF Support Structures)	<u>14, 16, 21, 6, 7, 10</u>					
	Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding)	<u>14, 16, 6, 7</u>					
	Satellite Dishes (18) 8	P	P	P	P	P	P

Commented [BT(38)]: Correct footnote number is 13 not 14.

Commented [BT(39)]: See comment by Footnote 6.

Commented [BT(40)]: Added underline.

Electrical Utility Facility (22)-11	A/C 22-10						
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Commented [BT(41)]: Delete incorrect Footnote 10.

* ~~Not effective within the jurisdiction of the East Bellevue Community Council~~

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

~~(1) (Deleted by Ord. 5086).~~

~~(2) Intentionally deleted.~~

~~(4)(1) 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)(2) Accessory parking requires approval through the review process required for the primary land use which it serves pursuant to LUC 20.10.440-20.25A.015.~~

~~(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 70.405.210.~~

~~(9) (Deleted by Ord. 5086).~~

~~(10) These uses are permitted only if located in a multiple function building or complex.~~

~~(11)(3) Aircraft transportation is limited in these districts to government heliports used exclusively for emergency purposes and regulated pursuant to the terms of LUC 20.20.450.~~

~~(12)(4) Aircraft transportation is limited in these districts to government and hospital heliports used exclusively for emergency purposes and regulated pursuant to the terms of LUC 20.20.450.~~

~~(13)(5) 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)(6) Wireless communication facilities (WCFs) are not permitted on any residential structure, undeveloped site located in a residential land use district, or site that is developed with a residential use. 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.~~

Commented [BT(42)]: BDA Livability Committee member asked whether wireless is allowed on mixed use buildings that include residential uses.

Wireless communication facilities are not allowed on mixed use building with residential uses. Historically, the City Council has stated that WCFs should not be permitted on residential structures, residential districts, or sites that have residential uses. They have been allowed on nonresidential structures or in public rights-of-way.

~~(16)~~(7) 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)~~(8) 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.

~~(20)~~(9) Refer to LUC 20.20.350 for general requirements applicable to Essential Public Facilities (EPF).

~~(21)~~(10) Antenna and associated equipment used to transmit or receive fixed wireless signals when located at a fixed customer location are permitted in all land use districts and are exempt from the requirements of LUC 20.20.010, 20.20.195 and 20.20.525 so long as the antenna and equipment comply with 47 C.F.R. 1.400, now or as hereafter amended. A building permit may be required to ensure safe installation of the antenna and equipment.

~~(22)~~(11) For the definition of electrical utility facility, see LUC 20.50.018, and for reference to applicable development regulations relating to electrical utility facilities, see LUC 20.20.255. For new or expanding electrical utility facilities proposed on sensitive sites as described by ~~Map UT-7~~ 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 ~~Map UT-7~~ 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)~~(12) Electric Vehicle Infrastructure, excluding Battery Exchange Stations, is ancillary to motor vehicle parking and highways and rights-of-way, and is permitted through the applicable review process as a component of that use.

~~(25)~~(13) Refer to Part 20.25M LUC, Light Rail Overlay District, for specific requirements applicable to EPF defined as a regional light rail transit facility or regional light rail transit system pursuant to LUC 20.25M.020. A conditional use permit is not required when the City Council has approved a regional light rail transit facility or regional light rail transit system by resolution or ordinance, or by a development agreement authorized by Chapter 36.70B RCW and consistent with LUC 20.25M.030.B.1.

~~(3)~~ (14) Accessory parking is not permitted in residential land use districts as accessory to uses which are not permitted in these districts.

Wholesale and Retail – Downtown Districts

STD LAND D USE CODE E REF	LAND USE CLASSIFICATIO N	Downtow n Office District 1	Downtow n Office District 2	Downtow n Mixed Use District	Downtow n Residenti al District	Downtow n Old Bellevue District	Downtow n Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
51	Wholesale Trade: General Merchandise, Products, Supplies, Materials and Equipment except the following: (1)						
5111 5156 5157 5191 5192	Wholesale Trade: Motor Vehicles, Primary and Structural Metals, Bulk Petroleum (2)						
5193	Scrap Waste Materials, Livestock						
	Recycling Centers	P	P	P	CA	CA	<u>P</u>
521 522 523 524	Lumber and Other Bulky Building Materials Including Preassembled Products (3)						
5251	Hardware, Paint, Tile and Wallpaper (Retail)	P	P	P	P 21, 23-1	P 30-5	<u>P</u>
5252	Farm Equipment						
53	General Merchandise: Dry Goods,	P	P	P	P 22, 23-1	P 30 5	<u>P</u>

Downtown Livability
Early Wins

Planning Commission

December 9, 2015

	Variety and Dept. Stores (Retail)						
54	Food and Convenience Store (Retail) (27) <u>(3)</u>	P	P	P	P 22, 23 <u>1</u>	P 30 <u>5</u>	P 38
5511	Autos (Retail), Motorcycles (Retail)	P 24 <u>2</u>	P 24 <u>2</u>	P <u>2</u>			P <u>2</u>
	Commercial Trucks, Motorcycles, Recreational Vehicles (Retail)	P 24, 25	P 24, 25	P			
	Boats (Retail)	P 24 <u>2</u>	P 24 <u>2</u>	P 24 <u>2</u>			P <u>2</u>
552	Automotive and Marine Accessories (Retail)			P			P
553	Gasoline Service Stations (40) <u>(8)</u>	A, S <u>P</u>	A, S <u>P</u>	P			A 34 , S 38 P
56	Apparel and Accessories (Retail)	P	P	P	P 24, 23 <u>1</u>	P 30 <u>2</u>	P 38
57	Furniture, Home Furnishing (Retail)	P	P	P	P 24, 23 <u>1</u>	P 30 <u>2</u>	P
58	Eating and Drinking Establishments (37) <u>(4)</u> <u>(7)</u>	P 28	P 28	P 28	P 23, 28	P 28	P 28, 38
59	Misc. Retail Trade: Drugs, Liquor, Antiques, Books, Sporting Goods, Jewelry, Florist, Photo Supplies, Video Rentals and Computer Supplies <u>(12)</u>	P	P	P	P 21, 23 <u>1</u>	P 30 <u>2</u>	P 38

	<u>Handcrafted Products (retail) (11)(14)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P 21, 23-1</u>	<u>P</u>	<u>P</u>
	<u>Adult Retail Establishments (31)-(6)</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>S-P</u>
59	<u>Marijuana Retail Outlet</u>	<u>A 44-10</u>	<u>A 44-10</u>	<u>A 44-10</u>		<u>A 44-10</u>	<u>A 44-10</u>
5961	<u>Farm Supplies, Hay Grain Feed and Fencing, etc., (Retail)</u>						
596	<u>Retail Fuel Yards</u>						
5996	<u>Garden Supplies, Small Trees, Shrubs, Flowers, Ground Cover, Horticultural Nurseries and Light Supplies and Tools</u>			<u>P 13</u>	<u>P 13</u>	<u>P 13</u>	<u>P 13</u>
5999	<u>Pet Shop (Retail and Grooming)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P 21, 23-1</u>	<u>P 30 5</u>	<u>P-38</u>
	<u>Computers and Electronics (Retail)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P 21, 23-1</u>	<u>P 30 5</u>	<u>P</u>

Notes: Uses in Downtown 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; and~~

~~b. Along SE 36th Street west of the ravine located at the approximate alignment of 133rd Avenue SE and east of 132nd Avenue SE.~~

~~(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.~~

~~(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.~~

Commented [BT(43)]: Footnote 20 is identical to Footnote 13, therefore Footnote 20 should be deleted.

~~(23)~~(1) Nonresidential uses are permitted in Downtown-R Districts only when developed within the same project limit and simultaneously with an equal or greater amount of floor area devoted to residential uses.

~~(24)~~(2) No on-site outdoor display or inventory storage. Loading and unloading shall not be permitted in the right-of-way.

~~(25)~~— Motorcycles only.

~~(26)~~— Only pet grooming is permitted in the LI and GC Districts.

~~(27)~~(3) Food and convenience stores (retail) must contain at least 75 percent square footage of retail food sales not for consumption on premises.

~~(28)~~(4) Drive-in windows and drive-throughs are not permitted.

~~(29)~~— No more than one eating and drinking establishment is permitted in any building.

~~(30)~~(5) Limited to a maximum of 15,000 gross square feet per establishment or up to 25,000 gross square feet through a conditional use.

~~(31)~~(6) 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.

~~(37)~~(7) Microbrewery manufacturing is permitted when combined with 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.

~~(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.

Commented [BT(44)]: Inserted hyphens

~~(39)~~(8) All wholesale and retail uses, which offer shopping carts to customers, shall (a) designate a shopping cart containment area as defined in BCC 9.10.010; (b) display signage around shopping cart corrals and at the perimeter of the shopping cart containment area that provides notice that unauthorized removal of a shopping cart from the premises constitutes theft under RCW 9A.56.270 and unauthorized abandonment of a shopping cart more than 100 feet away from the parking area of a retail establishment or shopping cart containment area is a Class 3 civil infraction as defined in RCW 7.80.120; and (c) display information on each shopping cart that is consistent with the labeling requirements of RCW 9A.56.270 and includes a 24-hour toll-free phone number to report abandoned shopping carts. Abandoned shopping carts or shopping carts located outside of a shopping cart containment area constitute a public nuisance under BCC 9.10.030(H) and may be abated through the provisions of Chapter 1.18 BCC.

~~(40)~~(9) Battery Exchange Stations are ancillary to Gasoline Service Stations, and are permitted through the applicable review process as a component of that use. Operators of Battery Exchange Stations must comply with federal and state law regulating the handling, storage, and disposal of batteries.

~~(44)~~(10) See LUC 20.20.535 for general development requirements for marijuana uses.

~~(42)~~(11) Handcrafted product manufacturing is permitted subordinate to a retail establishment selling that product; provided, that the manufacturing use occupies not more than 50 percent of the total square footage of the combined establishment.

~~* Not effective within the jurisdiction of the East Bellevue Community Council.~~

(12) Drive-in and drive-through pharmacies are permitted as a subordinate use pursuant to LUC 20.20.840 only if located within a structured parking area and not adjacent to any publicly accessible space.

(13) Garden supplies excludes items such as large trees, rock and bulk supplies which require special handling equipment.

(14) No unreasonable threat to human health and the environment shall be caused by flammable, dangerous or explosive materials associated with this use.

Resources – Downtown Districts

STD LAN D USE COD E REF	LAND USE CLASSIFICATIO N	Downtow n Office District 1	Downtow n Office District 2	Downtow n Mixed Use District	Downtow n Residenti al District	Downtow n Old Bellevue District	Downtow n Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
8	Resource Production (Minerals, Plants, Animals Including Pets and Related Services)						
81	Agriculture, Production of Food and Fiber Crops, Dairies, Livestock and Fowl, Excluding Hogs						
821	Agricultural Processing						
8221	Veterinary Clinic and Hospital (1)(3)	<u>P</u>	<u>P</u>	P	<u>P</u>	<u>P 2</u>	<u>P</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						

* ~~Not effective within the jurisdiction of the East Bellevue Community Council.~~

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.~~

(1) See LUC 20.20.130 for general requirements applicable to this use.

(2) Limited to a maximum of 1,500 square feet per establishment.

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

Attachment A.2

Draft Land Use Code Amendment

Signage for Publicly Accessible Open Space

20.25A.030 FAR Amenity Standards

20.25A.030.C. Amenity

FAR AMENITY STANDARDS	DOWNTOWN LAND USE DISTRICT						DESIGN CRITERIA
	DNTN-O-1	DNTN-O-2	DNTN-MU	DNTN-R	DNTN-OB	DNTN-OLB	
2. PLAZA A continuous open space, which is readily accessible to the public at all times, predominantly open above, and designed specifically for use by people as opposed to serving as a setting for a building.	When located on the ground level or at the upper level within the City Center District:						1. Must abut and be within 3' in elevation of a perimeter sidewalk or pedestrian connection so as to be visually and physically accessible.
	8:1	8:1	6:1	4:1	6:1	6:1	2. Must provide protection from adverse wind, wherever practical.
	When located at the upper level outside of the City Center District:						3. At least 10% of the plaza surface area must be landscaped.
	4:1	4:1	3:1	2:1	3:1	3:1	4. Must provide at least one sitting space for each 100 sq. ft. of plaza.
							5. Must be enclosed on at least two sides by a

FAR AMENITY STANDARDS	DOWNTOWN LAND USE DISTRICT						
AMENITY ¹	DNTN-O-1	DNTN-O-2	DNTN-MU	DNTN-R	DNTN-OB	DNTN-OLB	DESIGN CRITERIA
							<p>structure or by landscaping which creates a wall effect.</p> <p>6. Minimum size is 500 sq. ft. in OB; 1,000 sq. ft. in other land use districts.</p> <p>7. Maximum size of bonusable plaza square footage is 1,500 sq. ft. in OB; 5,000 sq. ft. in other land use districts.</p> <p>8. Minimum horizontal dimension is 20 ft.</p> <p>9. Must provide opportunities for penetration of sunlight.</p> <p>10. May not be used for parking, loading or vehicular access.</p> <p>11. <u>Must provide directional signage that identifies circulation routes for all users and informs the public that the space is accessible to the public at all times. The signage</u></p>

FAR AMENITY STANDARDS	DOWNTOWN LAND USE DISTRICT						
AMENITY ¹	DNTN-O-1	DNTN-O-2	DNTN-MU	DNTN-R	DNTN-OB	DNTN-OLB	DESIGN CRITERIA
							<p><u>must be visible from all points of access.</u> <u>The Director shall specify sign requirements including color, size, type, verbiage, placement and any other necessary specification. If the signage requirements are not feasible, the applicant may propose an alternative that is consistent with this provision and achieves the design objectives for the building and the site.</u></p>

Commented [BT(45): Planning Commission requested revision on Nov. 18, 2015.
 Strike highlighted sentence.
 Add:
 The Director shall require signage as provided in the City of Bellevue Transportation Department Design Manual.

20.25A.060.C – Walkways Through-Block Connections Mid-Block.

1. Purpose. A through-block pedestrian connection provides an opportunity for increased pedestrian movement through superblocks in the Downtown.
2. Location. Except as set forth in paragraph C.4 of this section, through-block pedestrian connections are required in each superblock. These through-block pedestrian connections must be provided to permit movement through the superblock from a perimeter walkway or sidewalk to publicly accessible spaces, adjoining structures or

development, or parking areas. The Director may modify or eliminate the requirement for these pedestrian connections for projects with expanded lot coverage and floorplates as allowed pursuant to LUC [20.25A.065.C](#) where providing such connections is not feasible due to structure and site size.

3. Design Guidelines. The following criteria apply to review of a proposed pedestrian through-block connection.

- a. Through-block Ppedestrian connections must be developed as an internal walkway or sidewalk, an arcade, a pedestrian skybridge, and may meander.
- b. Through-block Ppedestrian connections must comply with the applicable definitions in Chapter [20.50](#) LUC.
- c. Through-block Ppedestrian connections must be designed to form logical routes from origins to destinations.
- d. Through-block Ppedestrian connections must offer diversity in terms of activity and pedestrian amenity along pedestrian routes.
- e. Through-block Ppedestrian connections must meet construction code handicapped requirements.
- f. Through-block Ppedestrian connections should use trees and landscaping to provide definition and enclosure.
- g. Through-block Ppedestrian connections should provide for weather protection from rain through use of sheltered walkways or sidewalks, canopies, multiple building entrances, lobbies, and entries of sufficient size and accessibility.
- h. Directional signage shall identify circulation routes for all users and state that the space is accessible to the public at all times. The signage must be visible from all points of access. The Director shall specify sign requirements including color, size, verbiage.

type, placement and any other necessary specification. If the signage requirements are not feasible, the applicant may propose an alternative that is consistent with this section and achieves the design objectives for the building and the site.

Commented [BT(46): The Planning Commission requested this revision on Nov. 18, 2015.

Strike highlighted sentence.

Add:

The Director shall require signage as provided in the City of Bellevue Transportation Department Design Manual.

LUC 20.25A.110.E.5 Minor Publicly Accessible Spaces.

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

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

c. Design Guidelines

i. Minor publicly accessible spaces may be outdoors or enclosed as long as adequate access is provided and their existence is easily identifiable.

ii. A minor publicly accessible space must be open at least during the hours of 6 a.m. to midnight, or during the hours of operation of adjacent uses, whichever is greater. ~~normal business hours.~~

iii. A minor publicly accessible open space must be developed as a plaza, enclosed plaza, or art or landscape feature. The design criteria of LUC 20.25A.030.C must be met, and the FAR amenity bonus may be utilized.

Commented [BT(47): Through-block connections were also included in Attachment A.5 below for context. Identical changes are provided in both attachments.

Commented [BT(48): There was a suggestion to change the hours of this to the lesser of 6 a.m. to midnight or the hours of operation of adjacent uses because there may be safety concerns where a secluded MPAS is open longer than the adjacent business.

However, these hours coincide with those provided in LUC 20.25A.130 for pedestrian bridges to provide consistency for developers and pedestrians.

Of eight existing MPASs, all are adjacent to the right-of-way, and seven are at or near an intersection providing visibility rather than seclusion. Another proposed MPAS will be built on the southeast corner of 108th Ave. NE and NE 8th Street, another MPAS at an intersection.

iv. Directional signage shall identify circulation routes for all users and state that the space is accessible to the public at the times specified by paragraph c.ii. of this section. The signage must be visible from all points of access. The Director shall specify sign requirements including color, size, verbiage, type, placement, and any other necessary specification. If the signage requirements are not feasible, the applicant may propose an alternative that is consistent with this section and achieves the design objectives for the building and the site.

Commented [BT(49): The Planning Commission requested revision on November 11, 2015.

Delete highlighted sentence.

Add:

"The Director shall require signage as provided in the City of Bellevue Transportation Department Design Manual. "

d. Public Access – Legal Agreement

1. Owners of property that is used for a minor publicly accessible open space shall execute a legal agreement providing that such property is subject to a nonexclusive right of pedestrian use and access by the public during hours of operation.

2. The agreement shall provide that the public right for pedestrian use shall be enforceable by the City of Bellevue, and the City shall have full rights of access to the minor publicly accessible space and associated circulation routes for purposes of enforcing the rights of the public under this agreement.

3. Owners of property subject to this legal agreement will maintain the pedestrian access route and may adopt reasonable rules and regulations for the use of this space; provided, that the rules and regulations are not in conflict with the right of pedestrian use and access, and are consistent with this section.

Commented [BT(50):

Planning Commission requested the following revision on 11/18/2015,
Strike "will," replace with "shall."

4. The agreement shall be recorded with the King County Division of Records and Elections and the Bellevue City Clerk.

Attachment A.3

Draft Land Use Code Amendment

Mechanical Equipment Screening and Location

20.25A.045 Mechanical Equipment Screening and Location

A. Applicability.

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

B. Location Requirements Design Objectives.

~~The following objectives apply to the type and placement of mechanical equipment proposed:~~

1. To the maximum extent reasonable and consistent with building and site design objectives, mechanical equipment shall be located ~~at or below grade rather than mounted on the roof of a structure in the building, below grade, or on the roof.~~

2. Where the equipment must be located on the roof, it ~~should~~ shall be consolidated to the maximum extent reasonable rather than scattered.

3. Mechanical equipment shall not be located adjacent to a sidewalk, through-block pedestrian connection, or area designated open to the public, such as a plaza.

C. Screening Requirements

~~1.3.~~ Exposed mechanical equipment ~~should~~ shall be visually screened by a predominantly solid, non-reflective visual barrier that equals or exceeds

the height of the mechanical equipment. The design and materials of the visual barrier or structure shall be consistent with the following requirements:

~~C. Implementation.~~

~~1.— Mechanical equipment located at or below grade may be placed within a required rear or side setback area unless that setback is in a single-family residential land use district, directly abuts a residential land use district, or that setback is within a critical area, critical area buffer, or critical area structure setback required by Part [20.25H](#) LUC.~~

~~2.— Mechanical equipment associated with new single-family residential homes and homes adding more than 1,000 gross square feet in single-family residential land use districts shall be located in the rear yard or, if placed in the side yard outside of the side structure setback, shall provide sound screening to attenuate noise impacts. Mechanical equipment located in the rear yard shall not be placed less than five feet from any property line.~~

~~3.— Mechanical equipment located at or below grade will not be included for purposes of calculating lot coverage.~~

~~4. Mechanical equipment shall be visually screened by a solid, non-reflective visual barrier that equals or exceeds the height of the mechanical equipment provided, that the function of a large satellite dish antenna or an antenna array may not be compromised by the screening requirement. The barrier may consist of the following:~~

~~a. Architectural features, such as parapets, screen walls, trellis systems, or mechanical penthouses shall be consistent with the design intent and finish materials of the main building, and as high or higher than the equipment it screens; or~~

~~b.— Walls or solid fencing, of a height at least as high as the equipment it screens;~~

~~e.b.~~ Vegetation ~~and/or~~ a combination of vegetation and view-obscuring fencing; shall be of a type and size ~~which that~~ will provides a dense visual barrier at least as high as the equipment it screens and will provides 50% screening at the time of planting and 100% screening within ~~two~~ three years from the time of planting; ~~or~~

Commented [BT(51)]: Delete "will." Add s to provide

Commented [BT(52)]: Delete "will" Add s to provide.

~~d.~~ The natural topography of the site or the adjoining property or right-of-way.

~~5.2.~~ Where screening from above is required, ~~m~~Mechanical equipment shall be screened from above by incorporating one of the following measures, in order of preference:

- a. A solid nonreflective roof. The roof may incorporate nonreflective louvers, vents, or similar penetrations to provide necessary ventilation or exhaust of the equipment being screened;
- b. Painting of the equipment to match or approximate the color of the background against which the equipment is viewed;

~~6.3.~~ For development which requires approval of a discretionary land use permit, the City may modify the screening requirements of subsections C.4 and C.5 of this section subject to the criteria set forth in subsection C.7 of this section.

~~7.c.~~ 3. Mechanical Equipment Installed on Existing Roofs. The Director may approve alternative screening measures not meeting the specific requirements of this section if the applicant demonstrates that:

- a. ~~The proposed alternative screening measures will achieve the design objectives of subsection B of this section and produce an equal or better result than the requirements of subsection C.4 1 or C.5 2 of this section; or~~

~~b. When screening of mechanical equipment on an existing roof is required:~~

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

D. Exhaust Control Standards

1. Where technically feasible, exhaust equipment shall be located so as not to discharge onto a sidewalk, right-of-way, or area designated accessible to the public; including but not limited to a plaza, through-block connection, pedestrian bridge, and minor publically accessible space.

a. Exhaust air discharges or outlets shall never be located within 16 feet above sidewalk, street, easement or other area designated accessible to the public.

b. Where exhaust discharges or outlets abut a sidewalk or right-of-way, the discharge must be deflected away from the public space.

2. Exhaust Location Order of Preference. Mechanical exhaust shall be located and discharged based on the following order of preference:

- a. On the building roof.
- b. On the service drive, alley, or other façade that does not abut a public street, sidewalk or right-of-way.
- c. Located above a driveway or service drive to the property such as a parking garage or service court, or

Commented [BT(53)]: Delete this phrase. Use "finished grade."

Commented [BT(54)]: Inserted hyphens

d. Location that abuts a public street or easement, provided that the exhaust discharge is not directly above an element that has earned FAR Amenity Incentive System points, such as a public plaza.

3. Exhaust outlets shall not be allowed to discharge to an area that has earned FAR Amenity Incentive System points, such as a public plaza.

E. Modifications

The location and screening of mechanical equipment and exhaust systems is subject to review and approval at the time of land use review. The Director may allow modifications to the requirements in this section if the applicant demonstrates that the alternate location or screening measures provide an equal or better result than the requirements of this section.

F. Noise Requirements

1. Mechanical equipment shall meet the requirements of Chapter 9.18 BCC Noise Control.

2. The applicant shall be required to demonstrate the mechanical system compliance with the requirements of Chapter 9.18 BCC prior to issuance of Certificate of Occupancy.

ATTACHMENT A.4

20.25A.060 Walkways and sidewalks.

A. ~~Minimum Width~~—Walkways and Sidewalks - Perimeter.

~~4.1. Minimum Width.~~

a. ~~4.~~ The minimum width of perimeter walkway or sidewalk on the streets identified in this paragraph is 42 16 feet plus a 6 inch curb, and includes an plus four feet in which street trees are to be planted

~~including the an area adjacent to the curb for planter strips or tree pits as prescribed by LUC 20.25A.060- Plate A plus a 6 inch curb along:~~

- ~~a.i.~~ NE 6th between 110th Avenue NE and 112th Avenue NE; and
- ~~b.ii.~~ 106th Avenue NE between NE 4th and NE 8th; and
- ~~c.iii.~~ 108th Avenue NE between NE 4th and NE 8th; and
- ~~d.iv.~~ 110th Avenue NE between NE 4th and NE 8th.

~~2. b. The minimum width of a perimeter walkway or sidewalk is 12 feet plus four feet of planter strip plus six inches curb along:~~

- ~~a.v.~~ Bellevue Way between Main and NE 12th; and
- ~~b.vi.~~ NE 4th between 100th Avenue NE and 112th Avenue NE; and
- ~~c.vii.~~ NE 8th between 100th Avenue NE and 112th Avenue NE.

b. ~~3. c. The minimum width of a perimeter walkway or sidewalk, excluding the area required for street trees in paragraph B.2 of this section, is eight feet plus four feet in which street trees are to be planted plus six inches curb along any other street. Along any other street not otherwise described, the minimum width of a perimeter walkway or sidewalk is 12 feet plus a 6 inch curb, and includes an including the area adjacent to the curb for planter strips or tree pits as prescribed in LUC 20.25A.060, Plate A below plus a 6 inch curb.~~

c. Within the width of the walkway or sidewalk, at least 6 feet of unobstructed travel path shall be maintained for safe pedestrian access.

Commented [BT(55)]: Planning Commission recommended more clarity on 11/18/2015
Delete highlighted phrase.

Sentences should read:
The minimum width of a perimeter walkway or sidewalk on the streets identified in this paragraph is 16 feet plus a 6 inch curb. Included within that 16 feet and adjacent to the curb, there shall be a planter strip or tree pit as prescribed by LUC 20.25A.060 – Plate A:

Commented [BT(56)]: The Planning Commission recommended rewrite for more clarity on Nov. 18, 2015.

Sentence should read:

Along any other street not listed in the paragraph above, the minimum width of a perimeter walkway or sidewalk is 12 feet plus a 6 inch curb. Included in that 12 feet and adjacent to the curb, there shall be a planter strip or tree pit as prescribed in LUC 20.25A.060 – Plate A.

d. Planter strips shall be at least 5 feet wide and tree pits shall be at least 5 feet wide by 10 feet long. Planter strips and tree pits shall be located adjacent to the curb between the street improvement and the walkway or sidewalk unless precluded by existing utilities which cannot be reasonably relocated. The width of the planter strip or tree pit shall be included in the total width of the sidewalk above. Tree pits may be covered with protective grate.

Commented [BT(57): Planning Commission recommended rewrite for clarity on Nov. 18, 2015. Changes below are the result of the rewrite, except the change to protective grates which were made mandatory for pedestrian safety.

Commented [BT(58): Insert title
Planter Strip and Tree Pits

Commented [BT(59): Change sentence to:
Planter strips shall be at least 5 feet wide and as long as the street frontage, excluding curb cuts, driveways and spacing for utilities. Tree pits shall be at least 5 feet wide by 10 feet long.

Commented [BT(60): Delete this sentence. It is included above in a and b.

Commented [BT(61): Change to "shall" for pedestrian safety.

B. 2. Street Trees and Landscaping Required – Perimeter.

4. a. Tree Species. The property owner shall install street trees and other required vegetation, in addition to any landscaping required by LUC 20.25A.040, according to the requirements of LUC 20.25A.060, Plate B as now or hereafter amended and this section. ~~or as approved by the Director unless a minor modification is approved by the Director.~~

2. ~~Except for the streets listed in paragraph A.2 of this section, the area in which street trees are planted must be at least four feet wide, and located between the street improvement and the walkway or sidewalk unless precluded by existing utilities which cannot reasonably be relocated. Any street tree planting area must be at least four feet by six feet or five feet by five feet or smaller area as approved by the Director, unless upon request of the applicant minor modification of this requirement is approved by the Director, and protected by an approved decorative grate. This grate may intrude into the sidewalk.~~

3. b. Installation. Street trees, at least ~~three~~ two and a half (2.5) inches in caliper or as approved by the Director, must be planted at least three feet from the face of the street curb, and a maximum of 20, 25, and 30

feet on center for small, medium, and large trees respectively as designated on LUC 20.25A.060 Plate B, as now or hereafter amended.

~~Unless upon request of the applicant a minor modification of this requirement is approved by the Director, and conforms to the sight distance requirements of BCC 14.60.240. A street tree planting area may also include decorative paving and other plant materials except turf grass that requires mowing. Installation shall be in accordance with the Parks and Community Services Department Environmental Best Management Practices and Design Standards, as now or hereafter amended.~~

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

~~4.d. Street Landscaping On the streets listed in paragraph A.2 of this section, street trees shall be planted and placed as required in paragraph B.3 of this section. Street trees together with shrubbery, groundcover and other approved plantings are required in a planter strip along the length of the frontage. The planter strip must be at least four feet wide, unless a smaller width is approved by the Director.~~

Vegetation included in the planter strip shall be able to withstand urban conditions, urban in character, shall be compatible with other plantings

Commented [BT(62)]: The Planning Commission recommended rewrite for clarity on Nov. 18, 2015.

Delete highlighted words.
Add:

and a maximum of 20 feet for small trees, 25 feet for medium trees and 30 feet for large trees. The size of the tree shall be determined by LUC 20.25A.060 Plate B, as now or hereafter amended.

Commented [BT(63)]: The Planning Commission requested addition on Nov. 18, 2015

ADD:
"The use of planter strips for storm water treatment is encouraged."

Commented [BT(64)]: The Planning Commission recommended the addition below on Nov. 18, 2015.

The use of rain water to supplement irrigation is encouraged."

along the same street, and shall reflect the character of the area within which they are planted, as approved by the Director.

B. Overhead Weather Protection. Overhead weather protection shall be provided per right-of-way designation in the Design Guidelines.

Commented [BT(65)]: inserted hyphens

Building/Sidewalk Relationships:

1. In Right-of-Way Designations A, B, and C, 75% of the building frontage shall have overhead weather protection.

2. In Right-of-Way Designations D, and D/R, 50% of the building frontage shall have overhead weather protection.

3. In Right-of-Way Designation E, overhead weather protection shall be provided at all entries.

4. Overhead weather protection includes arcades, awnings, and marquees as provided in 20.25A.030.C. If these features meet the design criteria of the Amenity Incentive System, they shall be eligible for FAR Amenity Incentive System points. Overhead weather protection meeting the definition of LUC 20.50.038, but not the design criteria of the Amenity Incentive System may also be used to meet this requirement, but shall not be eligible for the FAR Amenity Incentive System points.

Commented [BT(66)]:

The Planning Commission requested that amenity points should not be allowed for mandatory weather protection on Nov. 18, 2015.

However, at least one development project in the system is relying on weather protection for amenity points to reach base FAR

The use of weather protection for amenity points is an interim measure to protect those who are currently seeking land use permits and are planning to use these points.

Amenity points for weather protection may not be available after the Amenity Incentive System is reviewed and amended in a holistic manner next year.

C. Walkways — Mid-Block Through-Block Pedestrian Connections.

1. Purpose. A through-block pedestrian connection provides an opportunity for increased pedestrian movement through superblocks in Downtown.

2. Location. Except as set forth in paragraph C.4 of this section, through-block pedestrian connections are required in each superblock. These through-block pedestrian connections must be provided to permit movement through the superblock from a perimeter walkway or sidewalk to publicly accessible spaces, adjoining structures or development, or parking areas, and other perimeter walkways or sidewalks. The Director may modify or eliminate the requirement for these pedestrian connections for projects with expanded lot coverage and floorplates as allowed pursuant to LUC [20.25A.065.C](#) where providing such connections is not feasible due to structure and site size.

3. Design Guidelines. The following criteria apply to review of a proposed pedestrian through-block connection.

- a. Through-block Ppedestrian connections must be developed as an internal walkway or sidewalk, an arcade, a pedestrian skybridge as permitted by LUC 20.25A.130, and may meander.
- b. Through-block Ppedestrian connections must comply with the applicable definitions in Chapter [20.50](#) LUC.
- c. Through-block Ppedestrian connections must be designed to form logical routes from origins to destinations.
- d. Through-block Ppedestrian connections must offer diversity in terms of activity and pedestrian amenity along pedestrian routes.
- e. Through-block Ppedestrian connections must meet construction code handicapped requirements.

- f. Through-block Pedestrian connections should use trees and landscaping to provide definition and enclosure.
- g. Through-block Pedestrian connections should provide for weather protection from rain through use of sheltered walkways or sidewalks, canopies, multiple building entrances, lobbies, and entries of sufficient size and accessibility.
- h. Directional signage shall identify circulation routes for all users and state that the space is accessible to the public at all times. The signage must be visible from all points of access. The Director shall specify sign requirements including color, size, verbiage, type, placement and any other necessary specification. If the signage requirements are not feasible, the applicant may propose an alternative that is consistent with this section and achieves the design objectives for the building and the site.

4. Old Bellevue.

- a. Development abutting the streets identified below shall provide mid-block connections between:
 - i. Main Street and NE 1st Street at approximately 101st Avenue NE; and
 - ii. 102nd and 103rd Avenues approximately mid-block between Main Street and NE 1st Street; and
 - iii. Main Street at approximately 103rd Avenue and 102nd Avenue SE at approximately SE 1st Street.

Commented [BT(67)]: The Planning Commission requested revision on Nov. 18, 2015.

Delete this sentence.

Add
The Director shall require signage as provided in the City of Bellevue Transportation Department Design Manual.

b. A through mid-block pedestrian connection must be developed as a walkway or a combination walkway and vehicular lane. The connection shall incorporate decorative lighting and seating areas.

c. If a combination walkway and vehicular lane does not have a separate raised walkway, the walkway surface must be paved with unit paver blocks or other unique paving surface to denote that it is a pedestrian area.

Commented [BT(68)]: Through-Block Pedestrian Connections are included here for context and in Attachment A.2. The changes have been included in both attachments.

C. Conflicts

To the extent that this section of the Land Use Code conflicts with the Parks and Community Services Department Environmental Best Management Practices and Design Standards, this section of the Land Use Code shall control.

D. Minor Modification

If the requirements of this section are not feasible, the Director may approve minor modifications that achieve equal or better results. Provided that the sight distance requirements of BCC 14.60.240 and widths of the sidewalks, walkways, and curbs shall not be modified pursuant to this paragraph.

Commented [BT(69)]: The Planning Commission requested revision on Nov. 18, 2015.

Insert semi-colon. Uncapitalize "Provided."

Plate A - Downtown Bellevue Planter Strip/Tree Pits Required

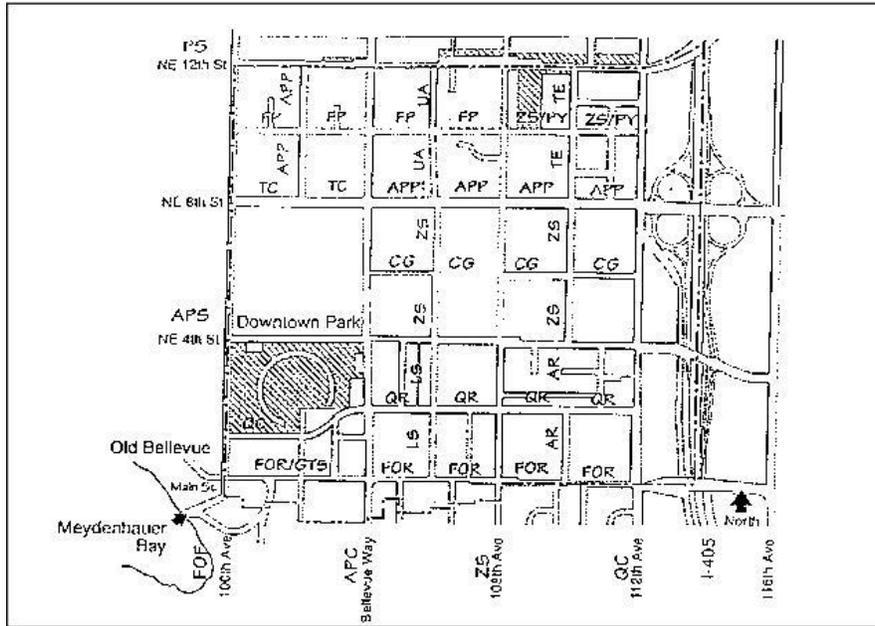
East-West	Planter Strip /Tree Pits
NE 12th (102nd to I-405)	Planter Strip
NE 11th (110th to 112th)	Planter Strip
NE 10th (100th to 106th)	Planter Strip
NE 10th (106 to I-405)	Planter Strip
NE 9th (110th to 111th)	Tree Pits
NE 8th (100th to 106th)	Planter Strip
NE 8th (106th to 112th)	Planter Strip
NE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

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Bellevue Way (NE 4th to Main)	Planter Strip
Bellevue Way (Main to Downtown Boundary)	Planter Strip
105th (NE 4th to NE 2nd)	Planter Strip
North-South (continued)	
105th SE (near Main St)	Planter Strip
106th (NE 12th to NE 8th)	Planter Strip
106th (NE 8th to NE 4th)	Tree Pits
106th (NE 4th to Main)	Planter Strip
106th PI NE (near NE 12th)	Tree Pits
107th (NE 2nd to south of Main)	Tree Pits
108th (NE 12th to NE 8th)	Tree Pits
108th (NE 8th to NE 4th)	Tree Pits
108th (NE 4th to south of Main)	Tree Pits
109th (near NE 10th)	Planter Strip
110th (NE 12th to NE 8th)	Planter Strip
110th (NE 8th to NE 4th)	Planter Strip
110th (NE 4th to Main)	Planter Strip
111th (NE 11th to NE 9th)	Planter Strip
111th (NE 4th to NE 2nd)	Planter Strip
112th (NE 12th to Main)	Planter Strip



Existing parkland - - -

Downtown Boundary Symbol	Latin Name/Common Name	Symbol	Latin Name/Common Name
APC	<i>Acer platanoides</i> ‘Cleveland’/Cleveland Maple	LS	<i>Liquidambar styraciflua</i> /Sweet Gum
APP	<i>Acer platanoides</i> ‘Parkway’/Parkway Maple	PS	<i>Prunus serrulata</i> ‘Kwanzan’/Kwanzan Cherry
APS	<i>Acer platanoides</i> ‘Superform’/Superform Maple	PY	<i>Prunus yedoensis</i> ‘Akebono’/Akebono Cherry
AR	<i>Acer rubrum</i> /Red Maple	PC	<i>Pyrus calleryana</i> ‘Bradford’/Bradford Pear
CJ	<i>Cercidiphyllum japonicum</i> /Katsura Tree	QC	<i>Quercus coccinea</i> /Scarlet Oak

Downtown Boundary Symbol	Latin Name/Common Name	Symbol	Latin Name/Common Name
FOR	Fraxinus ornus 'Raywood'/Raywood Ash	QR	Quercus robur/English Oak
FOF	Fraxinus oxycarpa 'Flame'/Flame Ash	TC	Tilia cordata/Little Leaf Linden
FP	Fraxinus pennsylvanica 'Marshall'/Marshall Seedless Ash	TE	Tilia euchlora 'Redmond'/Redmond Linden
GTH	Gleditsia triacanthos inermis/Thornless Honey Locust	UA	Ulmus americana 'Homestead'/Homestead Elm
GTS	Gleditsia triacanthos 'Skyline'/Skyline Honey Locust	ZS	Zelkova serrata/Zelkova
CG	See street tree requirements in the NE 6th Street Pedestrian Corridor Guidelines		

Delete title directly below

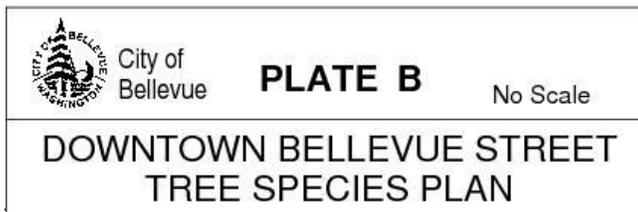


Plate B Downtown Bellevue Street Tree Species Plan

East-West	Proposed Street Trees	Tree Size
NE 12th (102nd to I-405)	Pear: Pyrus calleryana 'Glens form'	Small
NE 11th (110th to 112th)	Katsura: Cercidiphyllum japonicum	Large
NE 10th (100th to 106th)	Tupelo: Nyssa sylvatica 'Firestarter'	Medium
NE 10th (106 to I-405)	Zelkova serrata 'Village Green'	Medium
NE 9th (110th to 111th)	Katsura: Cercidiphyllum japonicum	Large
NE 8th (100th to 106th)	Honeylocust: Gleditsia triacanthos 'Shademaster'	Medium
NE 8th (106th to 112th)	Pac Sunset Maple: Acer truncatum x platanoides 'Warrenred'	Medium
NE 6th (Bellevue Way to 106th)	Honeylocust: Gleditsia triacanthos 'Shademaster'	Medium
NE 6th (106th to I-405)	Katsura: Cercidiphyllum japonicum	Large

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NE 4th (100th to I-405)	Autumn Blaze Maple: Acer x Freemanii 'Jeffersred'	Large
NE 3rd Pl (110th to 111th)	Tupelo: Nyssa sylvatica 'Firestarter'	Large
NE 2nd Pl (108th to 111th)	Persian ironwood: Parrotia persica 'Vanessa'	Medium
NE 2nd (Bellevue Way to I-405)	English oak: Quercus robur 'Pyramich'	Large
NE 1st/2nd (100th to Bellevue Way)	Hungarian oak: Quercus frainetto 'Schmidt'	Large
NE 1st (103rd to Bellevue Way)	Ginkgo: Ginkgo biloba 'Magyar'	Medium
Main St (100th to Bellevue Way)	Ginkgo: Ginkgo biloba 'Magyar'	Medium
Main St (Bellevue Way to I-405)	Tupelo: Nyssa sylvatica 'Afterburner'	Medium
North-South		
100th (NE 12th to NE 10th)	Pear: Pyrus calleryana 'Aristocrat'	Small
100th (NE 10th to NE 1st)	Scarlet oak: Quercus coccinia	Large
100th (NE 1st to Main)	Ginkgo: Ginkgo biloba 'Magyar'	Medium
101st (near NE 10th)	Ginkgo: Ginkgo biloba 'Autumn Gold'	Medium
101st Ave SE (south of Main St)	Katsura: Cercidiphyllum japonicum	Large
102nd (NE 12th to NE 8th)	Miyabe maple: Acer miyabei 'Rugged Ridge'	Large
102nd (NE 1st to south of Main St)	Katsura: Cercidiphyllum japonicum	Large
103rd (near NE 10th)	Ginkgo: Ginkgo biloba 'Autumn Gold'	Medium
103rd (NE 2nd to Main St)	Katsura: Cercidiphyllum japonicum	Large
Bellevue Way (NE 12th to NE 10th)	Tulip tree: Liriodendron tulipifera 'JFS-oz'	Large
Bellevue Way (NE 10th to NE 4th)	Honeylocust: Gleditsia tricanthos 'Shademaster'	Medium
Bellevue Way (NE 4th to Main)	Tulip tree: Liriodendron tulipifera 'JFS-oz'	Large
105th (NE 4th to NE 2nd)	Sweetgum: Liquidambar styraciflua 'Worplesdon'	Large
North-South	Proposed Street Trees	Tree Size
105th SE (near Main St)	London planetree: Platanus x acerifolia 'Bloodgood'	Large
106th (NE 12th to NE 8th)	Elm: Ulmus propinqua 'Emerald Sunshine'	Large
106th (NE 8th to NE 4th)	Elm: Ulmus Americana 'Jefferson'	Large
106th (NE 4th to Main)	Elm: Ulmus 'Morton Glossy'	Large

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106th PI NE (near NE 12th)	London planetree: Platanus x acerifolia 'Bloodgood'	Large
107th (NE 2nd to south of Main)	Hornbeam: Carpinus caroliniana 'Palisade'	Medium
108th (NE 12th to NE 8th)	Persian ironwood: Parrotia persica 'Ruby Vase'	Medium
108th (NE 8th to NE 4th)	Sweetgum: Liquidambar styraciflua 'Worplesdon'	Large
108th (NE 4th to south of Main)	Zelkova serrata 'Green Vase'	Medium
109th (near NE 10th)	Linden: Tilia cordata 'Chancole'	Large
110th (NE 12th to NE 8th)	Linden: Tilia americana 'Redmond'	Large
110th (NE 8th to NE 4th)	Zelkova serrata 'Village Green'	Medium
110th (NE 4th to Main)	Red maple: Acer rubrum 'Somerset'	Large
111th (NE 11th to NE 9th)	Ginkgo: Ginkgo biloba 'Autumn Gold'	Medium
111th (NE 4th to NE 2nd)	Ginkgo: Ginkgo biloba 'Autumn Gold'	Medium
112th (NE 12th to Main)	Scarlet oak: Quercus coccinia	Large

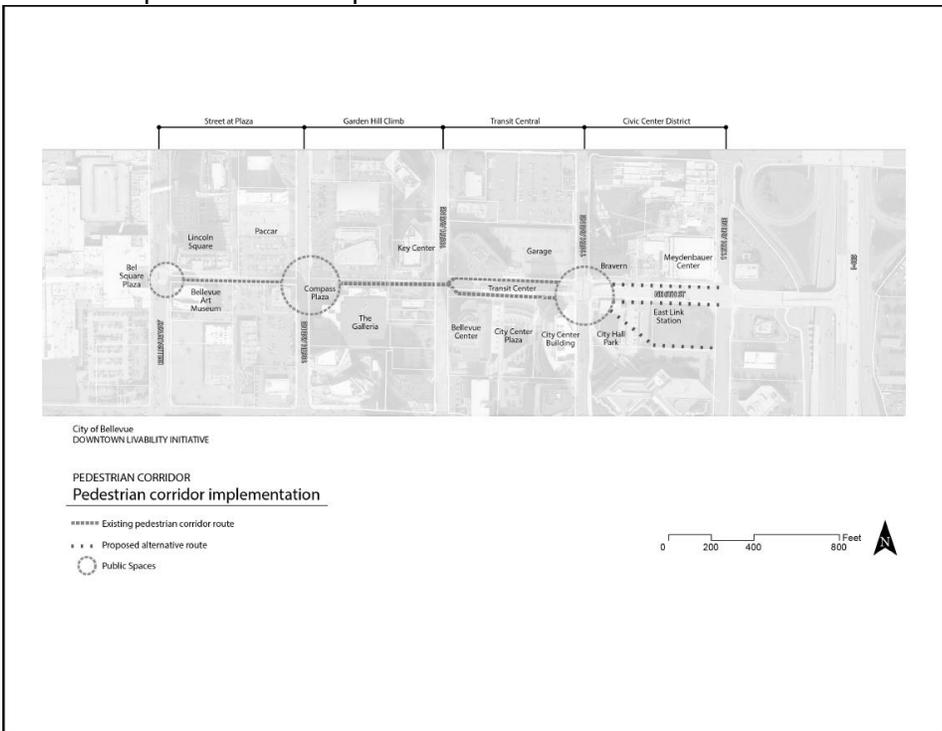
ATTACHMENT A.5

Commented [BT(70)]: Because this definition is identical to that which was provided in Attachment A, it has been removed. Please refer to Attachment A for changes to the Downtown definition.

ATTACHMENT A.6

20.50.034 M definitions.

Major Pedestrian Corridor. An alignment which is generally for exclusive pedestrian use providing a reasonably direct, but interesting pedestrian route in the immediate vicinity of NE 6th Street between 102nd Avenue NE and 440th the east side of 112th Avenue NE as depicted in the Pedestrian Corridor Implementation Map.



<p>16. MAJOR PEDESTRIAN CORRIDOR The major pedestrian corridor located on or in the immediate vicinity of NE 6th Street between 102nd Avenue and 110th 112th Avenue NE.</p>	<p>16:1*</p>	<p>N/A</p>	<p>16:1*</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>Must comply with the requirements of LUC 20.25A.100.E.1.</p>
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*Bonus floor area may be achieved through the provision of this amenity only in conjunction with a permit to construct the Major Pedestrian Corridor in accordance with LUC 20.25A.100.E.1.

20.25A.030 FAR amenity incentive system

....

C. Specific Requirements.

For purposes of applying the FAR Amenity Incentive System, the “City Center District” shall mean that area of the Downtown bounded by 100th Avenue NE, 112th Avenue NE, NE 4th Street and NE 8th Street.

For purposes of applying the Amenity Incentive System, a level shall be considered the ground level so long as less than half of that ground level story height is located above or below the average finished grade of the adjacent public right-of-way or pedestrian connection. The two stories immediately above the ground level story and intended to activate the ground level pedestrian environment through demonstrated compliance with LUC 20.25A.115, Design Guidelines – Building/Sidewalk Relationships, shall be considered an upper level.

Participation in the FAR Amenity Incentive System must comply with the following chart:

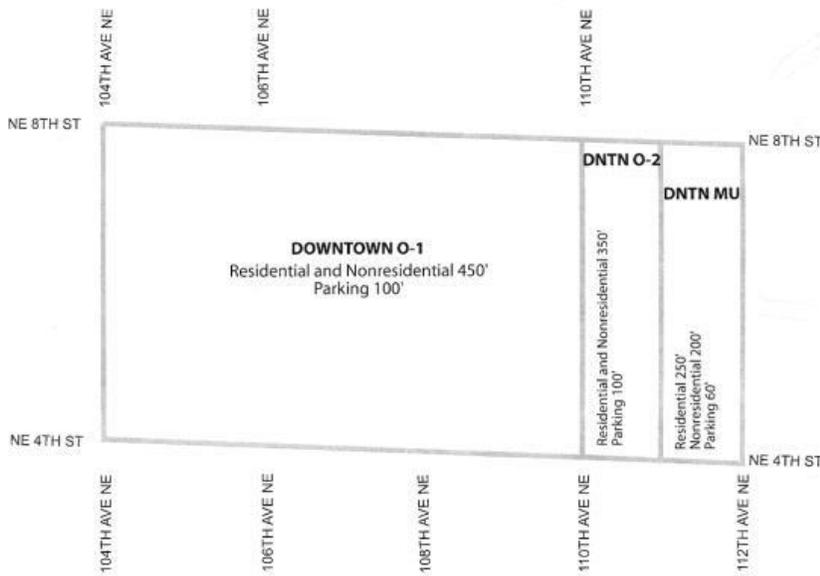
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20.25A.030E. Transfer of Bonus Floor Area

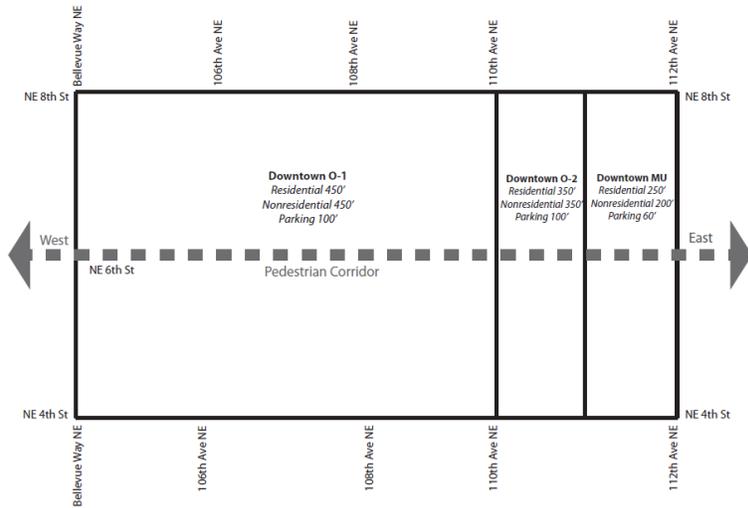
...

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

DELETE FOLLOWING DIAGRAM.



Insert new diagram on following page.



Heights in Core Design District*

Corridor/Open Space Bonuses

Used on-site and/or transferred

*These building heights may be achieved, but not exceeded, as a result of either transferring from another site, using on-site, or a combination thereof, the bonus floor area received as a result of constructing the Major Pedestrian Corridor or Major Public Open Spaces. These building height limits may not be exceeded by using any other Code provision. The 450-foot height limit shown for Downtown O-1 shall be calculated by including any mechanical or other similar equipment or nonhabitable structural elements.



December 1, 2015

SUBJECT

Concomitant Agreements in the Eastgate/ I-90 Land Use and Transportation Project Area

STAFF CONTACT

Erika Rhett, AICP, Senior Planner, erhett@bellevuewa.gov 452-2898
Planning and Community Development

DIRECTION NEEDED FROM PLANNING COMMISSION

- Action
- Discussion
- X** Information

At this study session, the Planning Commission is requested to review information about concomitant agreements in Eastgate. This information is provided to help commissioners better understand how land use and zoning is currently regulated in Eastgate in preparation for review of proposed land use and zoning that will occur in early 2016. No formal action is requested at this time.

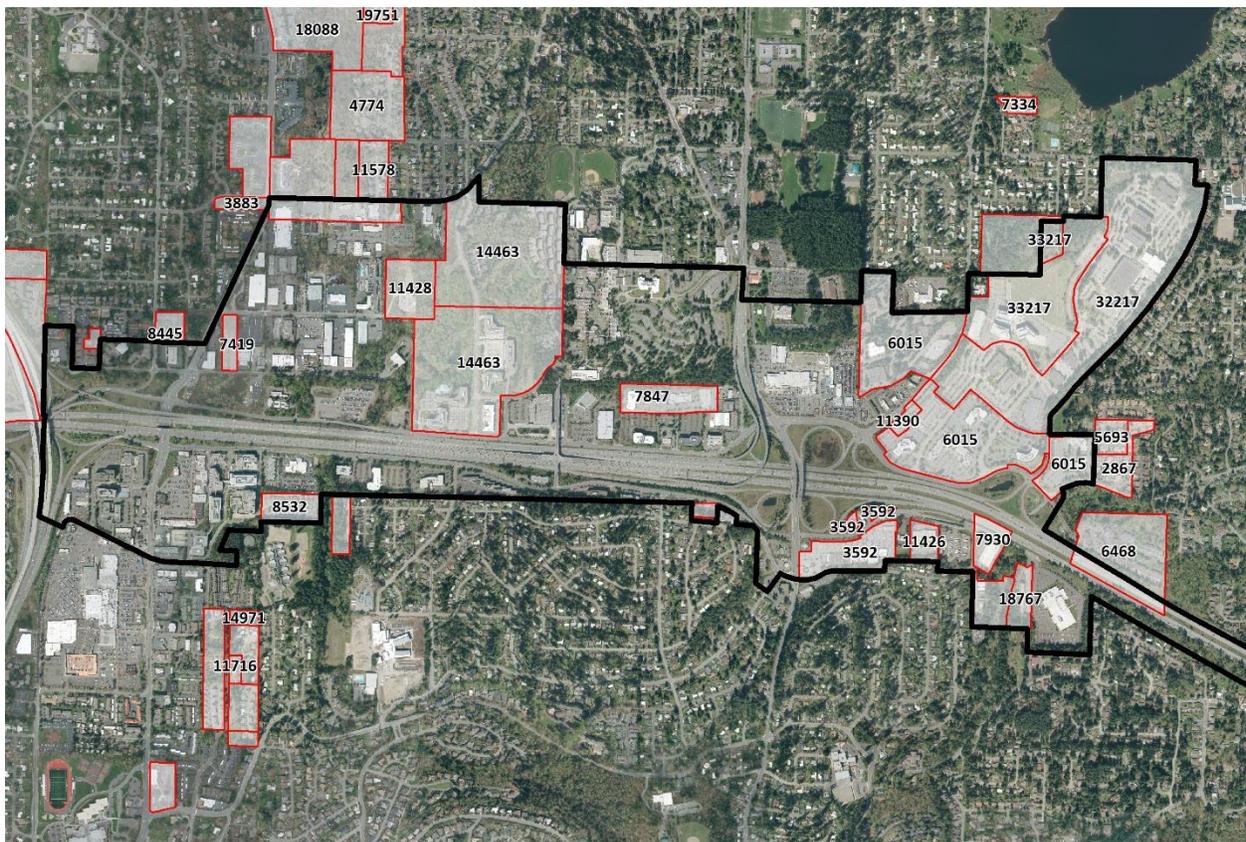
BACKGROUND

In late 2013 Council directed staff and the Planning Commission to begin work to implement the recommendations of the Eastgate/I-90 Citizen's Advisory Committee (CAC). After much study and public input, the CAC proposed a vision for Eastgate that included the following elements:

- a transit-oriented development (TOD) center near Bellevue College and the Eastgate Park and Ride
- a doubling of intensity in office and commercial areas offering a greater mix of uses to serve nearby workers and residents
- multi-modal transportation improvements throughout the corridor, and
- a coherent corridor identity that reflects Eastgate as a gateway to Bellevue on the Mountains to Sound Greenway

Last year the Planning Commission reviewed policy changes to the Comprehensive Plan to implement the Eastgate vision. Policy changes were adopted by Council in August 2015 with the rest of the Comprehensive Plan update. Since that time the Planning Commission has held four work sessions to review land use concepts and give preliminary input on the development of Land Use Code amendments to implement the vision.

Concomitant agreements are part of the current regulatory environment in Eastgate. Concomitant agreements are a form of development regulations that were applied prior to the authorization of the use of development agreements by the state legislature in 1995. By using a concomitant agreement, communities could regulate development by applying property specific provisions at the time of zoning (or rezoning). Development provisions within the agreement are applied to the property until the concomitant is amended or repealed. Provisions also supersede any other zoning or other development regulations if there is an inconsistency or conflict between the standard rules of the city or zone and the regulations established in the concomitant agreement. For example, if the underlying zoning of the parcel allows medical office uses, but they are restricted by the concomitant agreement, medical offices will not be allowed for that property. The power to apply, amend, or repeal a concomitant agreement is with the city council.



There are about 18 different concomitant agreements in place within the Eastgate study area boundary.¹ It is important to understand these agreements because if left in place (and not repealed or amended) the property-specific regulations they create could affect the implementation of new land use and zoning regulations adopted to implement the Eastgate vision. Part of the recommendation of the Eastgate CAC included repealing or amending as many of the concomitant agreements as possible to allow for the full potential of new zoning to

¹ The exact number of concomitant agreements is difficult to define because some of the original agreements were amended, partially repealed, or superseded by other agreements, but 18 is the number of documents currently in place with some type of property-specific development regulation.

be realized. Removal of the agreements would also simplify the rules and regulations for development in the corridor by eliminating a layer of regulation. Attached is a table that summarizes these agreements.

Concomitant Information	Concomitant Provisions
<p>Concomitant: 3592 Ordinance: 2225 (1976) original agreement (amended by Ord. 5355, below)</p> <p>Eastgate Plaza, O'Reilly's Auto, Emerald City Pizza, Bridal Shop 15100 SE 38th, et al</p>	<p>Limit uses to: retail stores, personal service shops, professional and business offices, gas stations, restaurants, laundry and cleaners, retail upholstery, food stores, nursery sales.</p> <p>Height limited to one story.</p> <p>Screening along the north property line.</p> <p>Mechanical equipment, refuse area must be located to avoid conflicts with nearby residential.</p>
<p>Concomitant: 3592 Ordinance: 5355 (2002) (amends Ord. 2225, above)</p> <p>Eastgate Plaza, O'Reilly's Auto, Emerald City Pizza, Bridal Shop 15100 SE 38th, et al</p>	<p>Allows uses in addition to the ones above: financial institutions and health care facilities.</p>
<p>Concomitant: 7419 Ordinance: 3063 (1981)</p> <p>Parcel in LI on 32nd 13150 SE 32nd</p>	<p>Requires design review to consider the impact on adjacent property, including the view from Woodridge Hill.</p>
<p>Concomitant: 7847 Ordinance: 3135 (1982)</p> <p>LI portion of Lincoln Executive Center 3245 136th Pl SE</p>	<p>Master plan development is required with design review.</p> <p>All mechanical equipment must be screened.</p> <p>Steep slopes and vegetation at the north end of the site shall be maintained.</p> <p>Prohibited uses: no outside storage, no manufacturing of explosives, no residential uses, some transportation and utilities uses, most service uses, recreation uses, resource uses. General office uses prohibited in the LI zone.</p> <p>Allows restaurants with limited service hours to meet the needs of workers only, and with limited signage.</p>
<p>Concomitant: None Ordinance: 3152 (1982)</p> <p>North portion of LI 13301, 13515, 13541, 13565 SE 26th</p>	<p>Requires a vegetated buffer along the frontage of the property to screen from residential.</p>

Concomitant Information	Concomitant Provisions
<p>Concomitant: 7930 Ordinance: 3162 (1982)</p> <p>Root Sports 3626 156th SE</p>	<p>Limited to trade uses, office uses, and general commercial uses with a conditional use permit.</p> <p>If the use changes, the full amount of parking must be provided as required by the Land Use Code.</p>
<p>Concomitant: 8532 Ordinance: 3276 (1983)</p> <p>Homestead Suites 3700 132nd SE</p>	<p>Design review required.</p> <p>Must retain the large evergreen trees on the south end of the property.</p>
<p>Concomitant: 11428 Ordinance: 3664 (1986)</p> <p>PSE pole yard 13625 SE 26th</p>	<p>Dedicate right-of-way for a street extension.</p> <p>Retain existing trees and landscaping as a buffer on the east property line.</p> <p>Retain and protect existing drainage courses.</p> <p>Uses limited to electrical power facilities, power pole storage yard.</p>
<p>Concomitant: 11426 Ordinance: 3677 (1986)</p> <p>PCL Building 15405 SE 37th</p>	<p>Increase perimeter landscaping of the southern property line.</p> <p>Height limited to 370' above sea level.</p> <p>Design Review required.</p>
<p>Concomitant: None Ordinance: 3920 (1988)</p> <p>4 small parcels on SE 36th @ 147th SE 14634-14718 SE 36th</p>	<p>A setback and buffer area is required where the property abuts residential property.</p> <p>Removal of an access easement paralleling SE 36th Street.</p> <p>Future development must be responsible for its share of traffic improvements.</p> <p>Total floor area can't be limited to 24, 000 square feet.</p> <p>Design Review is required.</p>
<p>Concomitant: 14463 Ordinance: 4010 (1989)</p> <p>Sunset Corp Campus 13800 SE Eastgate Way et al</p>	<p>Retail and restaurant uses are limited to 750,000 gross square feet.</p> <p>Master plan required.</p> <p>Design Review required.</p> <p>Low, moderate, and median income housing units are required.</p> <p>A childcare facility is required</p>

Concomitant Information	Concomitant Provisions
	<p>A neighborhood park and publicly accessible trail system is required.</p> <p>A fitness center is required.</p> <p>Existing vegetation on the eastern and northern property lines should be retained.</p> <p>Plantings shall emphasize native plant material high in wildlife value.</p> <p>Build a roadway connector between Eastgate Way and Kamber Road and another through this connector and Richards Road.</p> <p>Pipelines, sewers, and conduits should be identified before construction.</p> <p>Off-site mitigation shall be addressed at the time of the building permit.</p>
<p>Concomitant: 18767 Ordinance: 4482 (1993) Candlewood Suites 15805 SE 37th</p>	<p>If housing is developed here, affordable housing is required.</p>
<p>Concomitant: None Ordinance: 4914 (1996)</p> <p>Sinai de Hirsch Temple 3850 156th SE</p>	<p>Non-motorized access shall be provided to 156th Ave SE.</p> <p>Hotel, motel, retail, and commercial recreation uses are prohibited.</p> <p>Must complete SEPA requirements and pay an impact fee for transportation.</p>
<p>Concomitant: 6015 Ordinance: 2818 (1980)</p> <p>I-90 Corporate Campus and most of the eastern half of the Sunset Village area</p> <p><u>EDITS:</u> Concomitant: 33217 Ordinance: 5418 (2002)</p> <p>I-90 office park: Advanta, Boeing 15900 SE Eastgate Way</p>	<p>Maintain existing detention ponds.</p> <p>Get approval for drainage facilities that are part of the Vasa Creek system or Phantom Lake system.</p> <p>Monitor traffic flows and mitigate for any impacts above anticipated levels at the time of building construction</p> <p>Roadways or buildings constructed over the sanitary landfill area should be engineered for support and control of methane gas.</p> <p>Lighting shall not spill onto residential property.</p> <p>Must follow EPA requirements.</p>

Concomitant Information	Concomitant Provisions
	<p>Perimeter areas shall retain existing trees of substantial height and healthy condition.</p> <p>Areas shown as Retained Vegetation Areas shall retain all existing trees and vegetation, except for that which is diseased and dying.</p>
<p>Concomitant: 11390 Ordinance: 3666 (1986)</p> <p>Key Bank Property on 156th 3240 156th SE</p>	<p>Must obtain the proper permits for any water facilities, structures, or piping and to determine the integrity of existing underground tanks.</p> <p>If there is future remodeling or structural modification oil/water separators must be installed and permits obtained.</p> <p>Must follow the rules of concomitant 6015.</p>
<p>Concomitant: None Ordinance: 4827 (1995)</p> <p>Multiple parcels primarily in the vicinity of the I-90 Office Park but also in other locations. For the purposes of this analysis, it affects the Key Bank Property on 156th. 3240 156th SE</p>	<p>Prohibit access to 156th Ave SE except for the service station.</p> <p>Must follow the rules concomitant 6015.</p>

The provisions in the concomitant agreements are varied. Some provisions in these agreements have been made redundant by regulations adopted after the concomitant. For example, Bellevue’s Transition Area Design District provides the same, or similar protection to the concomitant rules that require buffers and screening for development adjacent to lower intensity zones. A few provisions point to compliance with state or federal requirements, which is required regardless of its inclusion in the concomitant. Some provisions included one-time requirements, such as the construction of a street or sidewalk, which have been completed. Other provisions may be inconsistent with the CAC’s vision for Eastgate, including use restrictions that prohibit a mix of uses on some parcels. As a result, many of the concomitant provisions may no longer be necessary or needed.

With a goal of trying to eliminate concomitants in the Eastgate/ I-90 corridor, staff is analyzing the agreements. An assessment will identify which provisions are redundant, unnecessary, or completed. Of the remaining provisions, some should be removed to ensure consistency with the Eastgate vision, such as use restrictions. Others could easily be included in the proposed land use code amendments, such as requiring design review. A few provisions, such as affordable housing requirements, will need additional analysis to determine if it can be repealed, integrated into the land use code, or if it must be preserved in some way. Currently, staff is working with the City Attorney’s office on a strategy for addressing the concomitant agreements, as well as a method to properly notify property owners and the public about the process.

NEXT STEPS

There will be one more conceptual work session to discuss topics related to the public amenity system. After that staff will begin a series of work sessions bringing forward draft land use code based on CAC recommendations and Planning Commission input. Public outreach will also occur in early spring, with a strategy specifically geared toward resolving the concomitant agreements, as well as gathering general input on proposed land use code amendments.



December 1, 2015

SUBJECT

Study session on the *Eastside Rail Corridor*.

STAFF CONTACT

Mike Ingram, Senior Planner, 452-4166, mingram@bellevuewa.gov
Transportation Department

Camron Parker, Senior Planner, 452-2032, cparker@bellevuewa.gov
Parks & Community Services

DIRECTION NEEDED FROM PLANNING COMMISSION

- Action
- Discussion
- X** Information

BACKGROUND

The Eastside Rail Corridor extends from the city of Snohomish south to Renton, including seven miles of corridor through Bellevue (map attached). The ERC is owned and managed by King County, the cities of Kirkland and Redmond, Sound Transit, and Puget Sound Energy. These owners work together through the Regional Advisory Council (RAC) to conduct collaborative management and planning for the ERC. The City of Bellevue is an “Associate” member of the RAC, with staff from the Transportation and Parks & Community Services departments participating on RAC staff teams and staff from the City Manager’s Office providing relevant input to RAC initiatives.

POLICY ISSUES

In order to establish a policy framework for the City’s involvement with ERC planning, the City Council adopted an Interest Statement on the Eastside Rail Corridor on July 22, 2013 (attached). The statement recognizes the unique quality of this corridor and its potential to serve multiple uses. Subsequently, the Comprehensive Plan Update included several policies related to the corridor and the City Council approved an allocation of \$1 million in the 2015-16 CIP Budget for activities that support the Eastside Rail Corridor (CIP G-103).

The Comprehensive Plan includes the following policies concerning the Eastside Rail Corridor:

- PA-4: Connect Bellevue’s parks and trails to the regional system of nearby state, King County and neighboring city parks, greenways, trails and facilities.
- PA-13: Collaborate with King County, Sound Transit and neighboring jurisdictions in the planning and development of the regional Eastside Rail Corridor trail system.

- TR-112: Recognize the potential transportation and recreation uses under consideration for the Eastside Rail Corridor when considering public and private improvements adjacent to and across the corridor and preserve the opportunity for future multi-modal transportation use and access.
- TR-113: Promote and support the design, development and use of the Eastside Rail Corridor as a regional multimodal facility.
- TR-114: Provide for multi-modal transportation use and access when considering public and private projects adjacent to and across the Eastside Rail Corridor.

The Eastside Rail Corridor will be a critical element involved in upcoming planning initiatives including the East Link Wilburton Station design and station area planning, the City's Grand Connection concept and the Wilburton area redevelopment study.

PROJECT STATUS

Work on the ERC is moving forward actively on many fronts. A summary of major work items is provided below and will be presented at the December 9 meeting.

ERC Owners Regional Advisory Committee (RAC) Activity

The current focus of the RAC is investigating options for a regional collaboration among public, private and non-profit stakeholders that will support development of a paved trail on the ERC. A summit event is planned for January 2016 to engage a range of stakeholders. The Planning Commission is invited to attend.

Early Implementation of Interim Trail in Bellevue

In July and October, a delegation from the City, led by Mayor Balducci, met with RAC members from King County and Sound Transit to discuss early implementation of interim trail improvements on the ERC from 108th Avenue NE (near the South Kirkland Park & Ride) to the Wilburton Station and alternatives for the trail crossing at NE 8th Street. As a result, King County has proposed to fund interim trail improvements from the South Kirkland Park and Ride south to SR-520, where the ERC trail can connect with a new 520 trail segment being constructed through a partnership between the City and WSDOT. Additionally, the City, King County and Sound Transit will collaborate to design the NE 8th Street trail crossing as an elevated structure adjacent to the light rail guideway and station.

King County Trail Master Planning Process

As part of the trail master planning process, King County is preparing an Environmental Impact Statement (EIS). Staff from several departments have been involved in contributing information and providing feedback to the county for the master plan and EIS for a paved trail along the ERC. A draft plan and EIS is expected to be released in the first half of 2016, with final adoption of the plan by the King County Council in late 2016.

Wilburton Gap over I-405

During this year's state Legislative session, funding was secured to supplement \$5 million included in the WSDOT I-405 budget to reestablish the ERC connection that was severed with the demolition of the I-405 Wilburton Tunnel in 2008. King County, the City and WSDOT have committed to a collaborative design process to evaluate options for a new crossing.

NEXT STEPS

Staff will continue to monitor and support the various ERC-related initiatives described above. The next opportunity for public engagement is the ERC Summit on January 9 at Meydenbauer Center. Later in 2016, King County will publish their trail master plan and associated DEIS, with opportunity for the public to review and comment.

ATTACHMENTS

1. Eastside Rail Corridor map
2. Eastside Rail Corridor Interest Statement, adopted July 22, 2013

Eastside Rail Corridor



TRAIL PLANNING AREAS

- KING COUNTY-OWNED
- SOUND TRANSIT-OWNED

OTHER OWNERSHIP

- PORT OF SEATTLE
- CITY OF KIRKLAND
- CITY OF REDMOND



BELLEVUE INTEREST STATEMENT FOR THE EASTSIDE RAIL CORRIDOR

Adopted July 22, 2013 by Bellevue City Council

The City of Bellevue supports regional efforts to develop the Eastside Rail Corridor (ERC) for public use and benefit. The City has long supported preservation of this important public right-of-way for multiple public uses. This approach is consistent with regional organizations, local governments, and owners of the corridor. The development of the ERC within King County offers a significant step toward providing important north/south connectivity between local communities from Renton to Woodinville and points along this major public corridor. Over time, this connection provides a rare and unique opportunity to create a variety of benefits and uses for the public. The Bellevue City Council supports the following principles for future corridor design and implementation processes within the King County segment of the corridor:

1. **Governance Structure and Implementation Plan.** Following on the work of the 2013 ERC Regional Advisory Council, Bellevue strongly supports the establishment of a standing regional governing body, including a seat for Bellevue, to provide oversight of the planning, development and implementation steps among affected jurisdictions and parties. This body should be responsible for developing an interim and long-term conceptual plan for the corridor. Examples of the range of work should include the following priority objectives:
 - **Advance the work of the ERC Advisory Council.** Refine the vision developed by the ERC.
 - **Plan for the future.** Develop a roadmap for the design, management and implementation activities in the corridor vision.
 - **Develop a phased, well-integrated plan.** Ensure affected local intersections and state highway interchanges along the corridor are carefully analyzed, planned and phased, especially where there are overlapping or competing interests for uses of the ERC right-of-way in highly constrained locations.
 - **Balance continuity and local interests.** Ensure all efforts address continuity of design incorporating the diverse interests of communities along the corridor.
 - **Be strategic and transparent.** Develop the corridor in a highly collaborative, open and transparent manner that achieves multiple objectives and efficiencies in design, funding, construction and ongoing maintenance of the corridor.
 - **Engage the public.** Design and conduct a comprehensive public outreach program that ensures stakeholder involvement throughout the process.

2. **Develop a Complementary, Comprehensive and Sustainable Financial Plan.** The regional governing body and affected parties should work closely to secure financial support from a range of sources including state, federal and private organizations for capital and operating improvements. Specifically, the financial plan should:
 - Prioritize key investments along the corridor.
 - Provide guidance concerning specific funding alternatives.
 - Use innovative financing mechanisms.
 - Ensure that value engineering, cost containment and other mechanisms are used to optimize funding.

- 3. Implement Multiple Uses.** Development of this corridor is an important component for the Eastside's increasingly multimodal transportation network as the Eastside, Bellevue and the region continue to grow. In addition to implementing a trail supporting pedestrian and bicycle uses and passenger rail uses, there are opportunities to achieve multiple policy objectives and efficiencies given the proximity of public utility uses within, under and adjacent to the corridor. As multiple uses are planned, consideration must be given to mitigating noise, mobility, visual and other impacts to residents and businesses along the corridor, improved mobility for pedestrians and bicyclists as well as investigating national and regional best practices and case studies for multimodal uses of the corridor that add capacity to the transportation system.
- 4. City Implementation Challenges.** Bellevue has a number of key interests related to phasing and implementation intended to improve multimodal connectivity, help reduce congestion and maintain public safety where the corridor and other improvements overlap, including the following:

 - **Grade Separation.** The City has a number of intersections (NE 4th, NE 6th and NE 8th streets) that cross the corridor right-of-way. Of particular concern is the highly constrained area at NE 8th that will require careful planning and design and where grade separation must be explored.
 - **Sound Transit Projects.** The City and Sound Transit are working to deliver the East Link light rail project. Within the project envelope, there are a number of areas that will require special design consideration. For example, if the International Paper site is ultimately chosen for Sound Transit's East Link project operations and maintenance satellite facility, it must be carefully vetted and well integrated into the Region's vision for the Eastside Rail Corridor. Similarly, special care should be given to the multiple uses near the new East Link Hospital Station on NE 8th Street.
 - **State Highways.** WSDOT's future highway expansion also overlaps with the corridor in downtown Bellevue. The corridor design process must be fully integrated with affected state improvements, including all areas of over- and undercrossing at I-405 and I-90 (including the crossing that was removed as part of the recent I-405 widening project due north of I-90).
 - **Public Access.** Planning efforts must ensure optimal public access points along the corridor.
 - **Wilburton Trestle.** The Wilburton Trestle is an iconic structure and, to the greatest extent possible, should be optimized for public use.
 - **Regional Trail and Other Major Destinations.** The implementation plan should ensure quality connections to major destinations in Bellevue such as the Mountains to Sound Greenway, Mercer Slough, Coal Creek Park, Newcastle Beach Park, 520 Trail, Bel-Red redevelopment area, and Downtown Bellevue.
- 5. Ensure Planning Consistency and Innovation.** Relevant regional and local transportation plans, including those developed by the Puget Sound Regional Council (VISION 2040 and Transportation 2040), Sound Transit (ST2 and related Long Range Plan and ST3). ST3, a new effort just getting underway, will provide a new list of high capacity transit improvements for a possible 2016 ballot measure. City Comprehensive Plans and other local improvement plans will require updates to reflect current ERC planning and corridor analysis.



Planning Commission Schedule

December 9, 2015

The Bellevue Planning Commission typically meets on the second and fourth Wednesdays of each month. Meetings begin at 6:30 p.m. and are held in the Council Conference Room (Room 1E-113) at City Hall, unless otherwise noted. Public comment is welcome at each meeting.

The schedule and meeting agendas are subject to change. Please confirm meeting agendas with city staff at 425-452-6931. Agenda and meeting materials are typically posted no later than the Monday prior to the meeting date on the city's website at:

<http://www.bellevuewa.gov/planning-commission-agendas-2015.htm>

<u>Date</u>	<u>Tentative Agenda Topics</u>
Dec 9	Downtown Livability/Land Use Code – Public Hearing on “Early Wins” Eastgate Land Use Code Eastside Rail Corridor
Dec 23	<i>No meeting</i>
Jan 13, 2016	Downtown Livability Staff/Commission Check-in
Jan 27	Downtown Livability
Feb 10	Eastgate Land Use Code
Feb 24	Single Family Room Rentals
Mar 2	Short Course on Local Planning

From: Pamela Johnston <pamjjo@msn.com>
Sent: Tuesday, November 24, 2015 6:15 AM
To: PlanningCommission
Subject: Development Incentives and perceived residential environment quality and attachment and use

I attended the Nov 9 Zoning Incentive Workshop. The discussion about the success of the program made me wonder how you measure the success. Success should not be only measured by if the incentive produced the development outcome. I would argue that the success is if the perceived residential environment quality and attachment is higher with the development than without and if the use by general residents is greater. Have you considered doing a scientific study to measure that? Have there been studies on other Bellevue incentive programs?

I found this study referenced in other works [http://www.pelagicos.net/MARS6300/readings/Bonaiuto et al. 2003.pdf](http://www.pelagicos.net/MARS6300/readings/Bonaiuto_et_al_2003.pdf)
This finds a method for measuring perceived quality and attachment that is more reliable than other studies.

If there is also a method to test increased use beyond the increases in people sue to the development, that would tell if the development contributed to the public good. For example, if a plaza area is created, is the use by people outside the development greater than when it was a parking lot.

When traveling in Bellevue, I consider if I want to take the nice (pleasant) way or the short way. Would be cool if they were the same?

Best,
Pamela Johnston

Pamela Johnston
3741 122nd Ave NE
425.881.3301

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
STUDY SESSION MINUTES

November 18, 2015
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

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

COMMISSIONERS ABSENT: Commissioner Morisseau

STAFF PRESENT: Mike Kattermann, Patti Wilma, Emil King, Department of Planning and Community Development; Patricia Byers, Tom Campbell, Department of Development Services

COUNCIL LIAISON: Not Present

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 6:33 p.m. by Chair Hilhorst who presided.

2. ROLL CALL

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Laing, who arrived at 6:34 p.m., and Commissioner Morisseau, who was excused.

3. APPROVAL OF AGENDA

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

4. PUBLIC COMMENT

Ms. Barbara Benson, 14405 SE 17th Street, said as a resident of Spiritwood she was happy when she received an update from Code Compliance regarding their investigation of the single room rental violation reports she had submitted. The city appears to be taking the appropriate steps to determine and act upon any infractions while respecting lifestyles and privacy. She said she is concerned about repeat violators and what measures will be taken when they are encountered. She noted that in the spring she reported a Craigslist room rental advertisement for all six bedrooms of a Spiritwood property that even featured a three-day open house. What was

troubling was the fact that the owner had previously rented rooms, then advertised the house as a single unit rental, then reverted to room rentals after the permanent ordinance was passed. Four months after filing a complaint with Code Compliance, another Craigslist room rental ad for the same property was posted. Hopefully the city will impose stiff penalties for multiple infractions, and a citywide registration for home rentals. Both would serve as deterrents for those who believe they are above the code.

Ms. Betsi Hummer, 14541 SE 26th Street, said she was elected in 2014 to Position 2 of the East Bellevue Community Council. She said her constituents continue to be concerned about violations of the single room rental ordinance. In November the East Bellevue Community Council received a letter from Tom Campbell of the city's Code Compliance section in which he noted the status of the single room rental enforcement actions. His letter indicated 109 homes had received complaints about violating the ordinance. She said she used the information in the letter to map the location of the homes in question and found that they are located throughout the city. Most of the complaints, however, are centered in the Lake Hills/East Bellevue neighborhoods where the residents love their single family neighborhood and feel that single room rentals are contributing to a trend toward multifamily housing that the East Bellevue Community Council has been addressing since its inception in 1969. Early on, Dr. Howard Wilson, longtime chair of the East Bellevue Community Council, reviewed the historical zoning and is on record stating that on the eve of incorporation into Bellevue, King County zoned Larson Lake, also known as the Lake Hills Greenbelt, for commercial and high-density housing. Over the years the East Bellevue Community Council has worked diligently to keep the area's open use zoning available for enjoyment by all. Through the effort, Lake Hills anchors Bellevue's city in a park image. Bellevue College plans to build student housing in the area, which sounds a lot like multifamily high-density housing in a neighborhood that is zoned single family. The owner of a half-acre lot asked about building an apartment development but was told it would take too much time and money to get the necessary rezone, which does not mesh with Bellevue College's proposed actions. A Lake Hills resident recently learned her next-door neighbor rents a 2000-square-foot home to four other people for \$650 per month each, but the resident is unwilling to file a complaint, preferring instead to keep peace in the neighborhood. By not reporting the issue, a precedent could be set for renting out more homes in a similar fashion. Renter registration would help with compliance issues. It certainly would help the compliance department, and it would keep neighbors from having to inform on one another.

Ms. Kathy Nye, 14508 SE 19th Place, said there appears to be no good way to enforce the rules about renting single rooms. Some say they do not know what the rules are, while others simply ignore the rules. Something like 183 people have filed reports with the city but nothing has been done to enforce the rules for some reason.

5. COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCILS, BOARDS AND COMMISSIONS – None
6. STAFF REPORTS

Senior Planner Mike Kattermann informed the Commissioners that March 2, 2016, from 6:00

p.m. to 9:00 p.m. has been confirmed for planning commissioner short course training. The session will occur at City Hall.

Mr. Kattermann noted that November 13 marked the 25th anniversary of passage of the Growth Management Act.

The Commissioners were told that there was still room for the cultural competence training session on December 17. Anyone wanting to attend was asked to let staff know.

Mr. Kattermann called attention to an announcement for the Eastside Rail Corridor Summit scheduled for January 9, 2016, at Meydenbauer Center. He said there is a cost for attending which the city will pay for any Commissioner wanting to go. The Commission will be given a briefing on the Eastside Rail Corridor on December 9.

7. DRAFT MINUTES REVIEW

A. October 28, 2015

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

8. STUDY SESSION

A. Single Family Rental Housing Ordinance

Code Compliance Supervisor Tom Campbell explained that the issue of unrelated adults living in single family homes in single family zones came to a head in September 2013. The residents who voiced the issue were primarily concerned with external impacts and with the notion of allowing large homes to be built for the purpose of renting out single rooms. The housing stock in the area around Bellevue College was mostly constructed in the 1960s and has been largely inhabited by long-term residents. Large numbers of cars and traffic, increased noise, and generally not knowing who the neighbors are were listed as concerns. The Council directed staff to study the issue following which an emergency ordinance was approved that focused primarily on the definition of family and the number of unrelated adults. It did not get into how to document whether or not the residents were all part of a single family or whether the group functioned as a single housekeeping unit, making documentation and enforcement of the requirements difficult. A two-year study followed adoption of the emergency ordinance during which it was renewed a number of times. After two years of work, the Planning Commission recommended an approach which ultimately was adopted by the Council as a permanent ordinance in April 2015.

Mr. Campbell said the permanent ordinance established a new definition for rooming house as a non-owner-occupied dwelling subject to multiple leases. The ordinance allows owners who occupy their property to rent rooms to up to two unrelated adults. The specific zones in which rooming houses are allowed are spelled out in the ordinance, and additional standards for

rooming houses are established, including requiring off-street parking spaces equal to the number of bedrooms leased.

The key change brought about by the ordinance is a change to the definition of family to mean not more than four adult persons unless all are related by blood, marriage or legal adoption. More than four unrelated adults are allowed provided specific requirements are met that show they are functioning as the equivalent of a single family sharing household expenses under a single lease.

Mr. Campbell said the news coverage of the ordinance has raised awareness of the single family room rental issue, and that has generated more complaints. The city has also received inquiries from possible landlords, something that was not happening before the permanent ordinance was enacted. As of October 26, the city has investigated 109 properties; 43 of the investigations are ongoing. Several of the cases that have been closed were found by the investigation to be in compliance or to not have had a violation at all. Some property owners chose to come into compliance voluntarily. Given that the burden of proof rests with the city, there were some issues encountered related to actually proving what was going on inside some houses. Good information has been submitted to the city regarding Craigslist ads for rental houses. In several instances, when contacted by the city the landlords were not willing to talk. Tenants also on occasion refused to volunteer any information, though information in some of the more developed investigations came from tenants who were being evicted.

There is no requirement in the code for evidence of compliance be provided to the city ahead of time. That has proved frustrating both for the neighbors and the staff. The city's legal department has a meeting planned with code enforcement early in December where the focus will be on developing specific investigation strategies and evidence standards in order to improve the investigative process. There are a handful of cases ready to be moved to a hearing before the hearing examiner in January. The hope is that successful outcomes will have a synergistic effect on landlords.

Commissioner Carlson asked if anyone has been penalized for violating the ordinance. Mr. Campbell allowed that no one has. Asked if the ordinance is enforceable, he said his staff have been finding it difficult to get the level of evidence needed to take cases to a hearing, particularly from property owners and those living in the homes. Commissioner Carlson asked if the ordinance needs to be rewritten or if there needs to be an application of legal strategy. Mr. Campbell said sometimes the issue is as simple as determining actual ownership. Many of the houses, especially those in the Spiritwood neighborhood, are owned by LLCs that may in fact be owned by foreign investors. The registered agent of the LLC can be brought in, but if they refuse to cooperate there is little that can be done. It will be necessary to give the current ordinance a chance before the hearing examiner based on the tools it provides before it can be said with any degree of certainty that a rewrite of the ordinance is needed. Getting some cases upheld by the hearing examiner will go a long way toward getting more compliance, voluntary or otherwise.

Commissioner Walter asked how the closed cases were resolved and if any individual room rentals were stopped as a result of enforcing the code. Mr. Campbell said there were some individual room rentals stopped. Some of the cases were closed following voluntary compliance.

Most of the cases that were closed were the result of not being able to proceed with an investigation due to lack of cooperation. Commissioner Walter suggested that in the case of uncooperative property owners, the cases should be put in a category other than closed. Mr. Campbell pointed out that each closed case file includes a notation as to whether it was closed because no violation was found, closed as a result of voluntary compliance, or closed because the investigation could not proceed. A data file is being put together regarding all the cases for submission to the East Bellevue Community Council. Commissioner Walter asked to have the file provided to the Commission as well.

Commissioner Walter asked if Code Enforcement has the staff needed to fully enforce the code. Mr. Campbell said the cases have been found to take longer to investigate than first anticipated, though when the first ordinance was enacted there really was no way to accurately predict how much time it would take per case. Commissioner Walter suggested the more cases there are that essentially never get resolved because enforcement cannot go forward, the larger the problem is going to get. She asked if a budget request will be made for an additional code enforcement officer and stated that the fact that some landlords are not willing to share information highlights the need for a rental registration approach; if security systems can be registered, rental registration is possible as well. There also needs to be something put in place to deal with repeat offenders and owner groups that have multiple properties. Mr. Campbell said the existing code provides for a doubling of penalties in the case of repeat offenders. Violations are per property and not per owner, though in the case of a person owning several single-room rental properties, the argument could be made that all violations after the first one could be considered a repeat violation. The maximum penalty is \$500 per violation per day, and doubling that would be significant. With regard to staffing, the hours being put in are being tallied and the question of whether or not more staffing is needed will become clear down the road. The issue of rental registration was considered when the original ordinance was adopted. Several dozen jurisdictions around the nation were contacted and the common element found was rental housing for college students. In Bellevue, affordable housing is a crying need and so it is not just students who opt for single room rentals.

Commissioner Barksdale asked about the tenants who occupy single-room rental operations and he was told by Mr. Campbell that from information that has been gathered the tenants are more than just college students. Many are low-income residents who work minimum wage jobs in the city and cannot afford to live far from where they work. The largest number of rooming houses are located near Bellevue College, but in fact they are scattered throughout all Bellevue neighborhoods, including West Bellevue and Bridle Trails. Commissioner Barksdale asked if the city is developing any positive inducements to help fill the need but in accord with the ordinance. Mr. Campbell said the type of rooming house the neighborhoods are complaining about follows a particular business model that divides older existing single family homes into multiple bedrooms for occupation by individuals who are unrelated. The need for affordable housing generally is not something Code Enforcement deals with directly. The city has responded through ARCH and other means to address the affordable housing issue.

Chair Hilhorst noted that while ARCH is one means of solving the affordable housing problem in Bellevue, the work under way with regard to downtown livability and the work under way in

the Eastgate corridor will also result in more affordable housing. The single family rental housing ordinance was created to protect single family neighborhoods at their request.

Commissioner deVadoss said it was disappointing to learn that some cases have been closed due to an inability to gather evidence. With regard to the penalties, he suggested they should be in proportion to the profits made by the landlords. Mr. Campbell said the same penalty is in place for all civil code violations; it is spelled out in Chapter 1.18 of the Bellevue city code. Consideration to imposing a different penalty scheme was not considered when the ordinance was looked at by the Commission and the Council. The key, of course, will be in getting a case before the hearing examiner and having it upheld. Commissioner deVadoss suggested that the question of the penalty should be reopened.

Commissioner deVadoss suggested the Commission would benefit from having a map showing the location of the homes against which complaints have been filed. Mr. Campbell said he would deliver it as soon as it is available.

Commissioner deVadoss asked if there is any follow-up where landlords have voluntarily come into compliance just to ensure they are still in compliance. Mr. Campbell said cases are closed where it can be documented that compliance has been achieved, and there is no additional monitoring unless another complaint is filed regarding the same property. Most civil code violations are complaint based; the exceptions as dictated by Council direction are those that involve serious life and safety hazards, serious environmental violations, and sign code violations. Commissioner deVadoss suggested that given the nature of voluntary compliance it would behoove the city to have some level of follow-up accountability.

Commissioner deVadoss observed that the Achilles heel of the ordinance is the city's ability to gather evidence. Mr. Campbell agreed. He pointed out that with most building or Land Use Code violations, all that is needed is a drive by the site because the evidence is exterior to the house. In the instance where historically there have been one or two cars in a driveway and the number of cars suddenly increases substantially, there is circumstantial evidence that the number of persons living in the house has increased, but that is not direct evidence that the persons are unrelated, or of how many there are. Privacy rights make it very difficult to extract the evidence needed. Commissioner deVadoss commented that the inability to collect evidence denies any return on the investment of those involved in getting the ordinance passed.

Commissioner Carlson agreed with the comments of Commissioner deVadoss and said he would like to see very stiff penalties for repeat offenders. The question remains as to whether or not the problems associated with the ordinance can be fixed with a new legal strategy, or if the ordinance needs to be rewritten. Mr. Campbell said that question will be answered if the upcoming meetings with the legal department result in cases coming up before the hearing examiner in January.

Chair Hilhorst asked staff to put the issue on the Commission's agenda for February for follow-up.

B. Downtown Livability

Strategic Planning Manager Emil King informed the Commission that the Council is scheduled to look at some draft principles related to incentive zoning on December 7, and to reach some conclusions on December 14.

Chair Hilhorst commented positively on the workshop. Having the Council and the Commission together to discuss the issues was a great way to level set. It will be very informative to hear the Council's conclusions on December 7.

Commissioner Laing agreed that the workshop was fantastic. He said it was reminiscent of the discussions had by the Downtown Livability Initiative CAC. He said he would like to see how much FAR the parking and residential bonuses respectively have yielded by reviewing the permits for several downtown buildings over the past few years. That will inform what the impact would be of removing either of those bonuses.

Commissioner deVadoss concurred that the workshop was helpful and suggested there should be more of them in the future regarding various topics.

Commissioner Barksdale said he enjoyed the workshop. He said he would like to see some figures indicating how well the city is doing tracking toward its Comprehensive Plan and initiative objectives. The review should cover which amenities developers are taking advantage of.

Commissioner Carlson agreed that the workshop was helpful, though he said he was surprised to hear Councilmember Wallace say that so many of the incentives are a waste of time in that they involve things that will happen anyway, and suggest that the list of incentives should be radically reduced.

Commissioner Carlson said he was taken by hearing the real success stories that came about as a result of the incentives. If only a quarter of the underground parking in the downtown was in fact on the surface, Bellevue would be a far different city. It was incentive zoning that brought about the locating of parking underground.

Commissioner Walter asked if there is any risk of incentives becoming a kind of currency that is traded among developers. She suggested that if the incentives do get traded, it will be best to have fewer of them so that their value can be more measurable. Ms. Wilma explained that some amenity points can currently be transferred within the downtown core, but only the points that are earned by building the pedestrian corridor. There are other relatively limited transfer opportunities, such as between adjacent properties that are owned by the same property owner, but then only up to 25 percent of the bonus.

Ms. Byers said the objectives of the Downtown Livability Initiative included a vibrant mixed use center, enhancing the pedestrian environment, improving the area as a residential setting, and enhancing the identity and character of the downtown neighborhoods.

Ms. Byers said as drafted, providing weather protection in the form of arcades, awnings and marquees will generate amenity points, even though providing weather protection is mandatory. Weather protection can be provided through other means, but only those elements are eligible for amenity points. Freestanding weather protection is included in the draft. As pedestrian activity increases, the percentage of overhead weather protection increases. For the streets with the highest orientation to pedestrians, 75 percent of the building frontage would be required to have weather protection. The required percentage would be reduced toward the outer edges of the downtown, falling to weather protection required only in all building entries on the edges of the downtown.

Commissioner Laing commented that the draft in Attachment A through Attachment C jumps back and forth between using numbers and spelling out numbers. He said his personal preference for drafting any legal document is to spell out numbers as a word and then include the number in parentheses. Additionally, throughout the document the words “should,” “may” and “shall” are used; he said he would prefer to see “shall” used where something is mandatory, and “may” when not mandatory. Accordingly, the word “must” wherever used in the document should be replaced with “shall,” and the word “should” with the word “may.” Where the word “will” is used, it should also be replaced with “shall.”

Commissioner Laing commented that in order to be consistent with the recommendation of the Downtown Livability Initiative CAC, the recommendation of the Commission to the Council should be to strike paragraph B.4, and to also strike the weather protection element of the amenity table. That is because weather protection will no longer be an amenity, it will be mandated. Mr. King said there are two options: to require weather protection but still have it count as part of the amenity system; and to require weather protection and not count it as part of the amenity system. Ms. Wilma added that there are projects in process that are using weather protection as an amenity, which make things tricky with regard to simply eliminating weather projection from the current amenity system. Ms. Byers said she would provide the Commission with an update at its next meeting.

Chair Hilhorst suggested making it clear for purposes of the public hearing that the intent of the Commission is to ultimately remove weather protection as an amenity.

Commissioner Laing commented that in the draft there is some ambiguity about the idea of the planter strips being at least five feet wide and the tree pits being at least ten feet long, and the notion of having a continuous strip versus a tree pit. It should be clear that along streets that require a continuous strip there will be no tree pits. With regard to irrigation, he noted that while there had been several questions about using rain water, the draft is specific about having irrigation systems connected to metered city water. It makes sense to have a city connection in case of a lack of rainwater, but provision should be made to allow for the use of rainwater, either as a primary or backup means.

Calling attention to paragraph C.3.h, Commissioner Laing noted that as drafted the Director shall specify sign requirements including color, size, verbiage, type, placement and any other

necessary specification. He voiced concern that as drafted the approach does not conform with due process. Applicants should be able to look at the code to determine what they are supposed to do. There are multiple examples of directional signage, some that looks great and some that looks very bad. Even so, there should be flexibility allowed for proposing alternatives.

Ms. Byers said the desire of staff is to have a flyer that can be handed out describing how large signs can be, what colors can be used and so forth, and then include in the code specifications for how modifications can be achieved. The signs should be easily visible, readable and uniform.

Commissioner Laing called attention to paragraph D Minor Modification on page 19 of the draft and suggested that as drafted something is missing. Ms. Byers said the intent was to avoid having the Director making determinations on site distance or sidewalk width given that those issues fall under the jurisdiction of the Department of Transportation. She agreed the language could be clarified. Mr. Kattermann proposed having it read "...achieve equal or better results; provided that the sight distance requirements of..."

Commissioner Laing referred to paragraph 5.c.ii under the design guidelines and voiced concern about the language regarding the greater of 6:00 a.m. to midnight or hours of operation of adjacent uses. He pointed out that the area referenced is not the walkway but rather something like an alcove on private property, possibly associated with a restaurant where there is outdoor seating when the business is open. When the business is closed, however, the property owner should not be allowed to exclude the public from using the space. The code should reference the lesser of 6:00 a.m. to midnight or hours of operation of the uses on the property for which the agreement is to be recorded.

Commissioner Laing also clarified that the proposed code will not be applied retroactively. He noted that there are a significant number of spaces in the downtown that would fall under the category of minor publicly accessible spaces, which means there will be some spaces where the property owner will be permitted to do something to reasonably restrict access outside the normal hours of operation, and there will be other properties where the owner will not be allowed to restrict their space. Ms. Byers said she would take another look at the code language.

A motion to extend the meeting to 8:40 was made by Commissioner Carlson. The motion was seconded by Commissioner Laing and the motion carried unanimously.

Commissioner Walter asked who holds the liability for activities that occur on the through-block connections that the city requires to be open to the public. Commissioner Laing explained that the city typically has the liability for publicly dedicated rights-of-way. The language in the draft regarding reasonable rules and regulations comes out of case law. Where the government requires private property owners to make a portion of their properties publicly accessible, the property must be given some control over what happens on it, otherwise it is a de facto public right-of-way for which the government is fully liable.

With regard to the proposal to extend the pedestrian corridor to include the area between 110th Avenue NE and 112th Avenue NE, running past the Bravern, Meydenbauer Center, City Hall

Plaza and the light rail station to be constructed, Ms. Byers explained that the design guidelines relative to the extension were not changed because no properties will be affected. The exception is any redevelopment of the site bordering NE 6th Street and 112th Avenue NE which is projected to be six to ten years out.

Chair Hilhorst asked if language concerning the pedestrian corridor's impact on the site to be developed should be included sooner rather than later given that it cannot be said with any degree of certainty just how the site will be developed. If the site were to be developed as a park, a different design plan might be called for. Ms. Wilma said it is certain that a building will be located on the site, along with additional open space. Mr. Kattermann added that the site will be used as a staging site for light rail construction activities, which is why the site will not redevelop in the near future.

Ms. Byers added that the extension of the pedestrian corridor is one link in the concept of the grand connection, a study of which will be kicked off in 2016. It will be helpful to have the pedestrian corridor extension spelled out in the code.

Answering questions previously asked by the Commission, Ms. Byers explained that there are currently 12 businesses with drive-through facilities in the downtown area. One bank and two restaurants already enjoy legal nonconforming status, but the code change would cause nine businesses to become legally nonconforming. Any redevelopment activity on those sites would trigger the need to conform with the code.

In two of Kirkland's nine central business district zones, drive-through banks, pharmacies and restaurants are allowed. Drive-through pharmacies and banks of any kind are not allowed in the Market Street corridor. Redmond allows sales and service drive-throughs in 11 of its downtown zones if combined within the garage of a multistory building more than three stories tall, provided there are adequate queuing lanes to serve the peak demand. Redmond's approach is similar to what is proposed in the draft for Bellevue.

Commissioner Carlson asked what the lead objections are to drive-throughs in the downtown core. Ms. Byers said they are car-oriented rather than pedestrian-oriented and the result is often surface queuing space. Drive-throughs also create a conflict between cars wanting to access them and pedestrians wanting to walk down the sidewalk. Ms. Wilma added that the highest and best use of land in the downtown is not the suburban model that includes exposed surface parking lots. The areas that are currently used for drive-throughs preferably will be turned into open space usable by residents, visitors and the workforce.

Commissioner Laing asked if anyone took a look at what the increased parking demand would be if the drive-throughs were to be removed from the banks. He pointed out that people will still arrive at the businesses by car, the real question is whether or not they will need to park and go inside or if they will be able to go through a drive-through. Currently at some drive-throughs, it appears the number of cars in the queue exceeds the number of parking spaces available to accommodate them, and removing the drive-through could result in cars queuing on the streets. Ms. Byers clarified that as drafted drive-throughs are not banned, rather they are required to be

located in underground structured parking. Mr. King said he would look to see if there is any empirical data regarding the amount of time people spend queuing in a line to use a drive-through versus how much time is needed to park and go in and use the business.

Chair Hilhorst stressed that while the more suburban areas of the city have business areas that allow drive-throughs, the downtown is the business area for the residents of Surrey Downs and Northtowne. Those residents should not be locked out of the conveniences those living in the suburban areas enjoy. Ms. Wilma stressed that drive-through food services are not currently allowed anywhere in the downtown; the ones in existence are legal nonconforming uses that will go away as properties redevelop. That has been the code since the mid-1980s.

Ms. Byers said the public hearing is slated for December 9. Study sessions will be scheduled as needed to formulate a recommendation to be sent to the Council.

9. PUBLIC COMMENT – None

10. ADJOURN

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

Chair Hilhorst adjourned the meeting at 8:37 p.m.