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ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3058

AN ORDINANCE establishing a site plan review procedure, and adding a new Section to the Bellevue City Code (Land Use Code) 20.20.775.

WHEREAS, it is desirable to allow flexibility in site design; and

WHEREAS, this flexibility results in better quality development, and permits innovation and attention to special features in site development; and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act, and the City's Environmental Procedures Ordinance; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Bellevue City Code (Land Use Code) 20.20. is amended by the addition of a new Section which reads as follows:

20.20.775 Site Plan Review

- A. Purpose
- B. Scope
- C. General Requirements
- D. Special Requirements
- E. Review Criteria
- F. Design Rules
- G. Application Requirements
- H. Review Procedure
- I. Performance Assurance
- J. Scope of Approval
- K. Recording
- L. Modification

M. Appeals

N. Fees

20.20.775 Site Plan Review

- A. Purpose: The purpose of the Site Plan Review procedure is to provide a procedure allowing for innovations and special features in site development. Guiding principles for this review will be conservation of desirable natural land or urban features and preservation of open space in conjunction with efficient utilization of land. This procedure is designed to harmonize a project's characteristics with the natural or urban features of its site. It is intended that the Site Plan Review encourage variety and innovation in type, design and arrangement of structures and site alterations by permitting a departure from specific requirements of the Land Use Code. In exchange for the flexibility in applying the specific requirements, the applicant must provide a high quality and well designed project superior to that which could otherwise be built, as well as public improvements and other design amenities.
- B. Scope: The Site Plan Review is an optional procedure by the applicant. The Site Plan Review shall apply only to --
1. Nonresidential site development in any Land Use District in which such development is permitted, excluding the CBD Districts, and
 2. Residential site development in R-10, R-15, R-20, R-30, OU, OLB, GC, and CB Land Use Districts.
- C. General Requirements: Unless otherwise provided by this Section, the Bellevue City Code shall apply to all Site Plan Reviews. Only the following Land Use Code requirements may be modified to the extent provided, upon approval of a site plan through the procedures of this Section. Modification may be permitted commensurate with demonstrated aesthetic, environmental, recreational, or other benefit to the public derived from the proposal.
1. Maximum Building Height. Except in a Transition Area, maximum building height may be increased by up to one story but not more than fifteen (15) feet in NB, PO and

residential Districts, and two stories but not more than twenty-five (25) feet in O, OLB, LI, GC, and CB Districts.

2. Setbacks. Except on the residential side of a Transition Area, setbacks or classified street setbacks may be varied where the proposal is located in one of the following Land Use Districts: PO, O, OLB, LI, GC, NB, and CB.
3. Maximum Lot Coverage.
 - a. Maximum lot coverage by structures may be increased to the Floor Area Ratio standards provided in the Comprehensive Plan Goals, Policies and Definitions, or up to 40% lot coverage where the Floor Area Ratios do not apply.
 - b. Notwithstanding any other provision of this Section, the lot coverage requirements in OU Land Use Districts may not be modified through the Site Plan Review procedure. For these requirements, see Section 20.10.160.
4. Landscaping. Landscaping requirements of Section 20.20.520 may be varied pursuant to the provisions of Paragraph 20.20.520.J provided that the public notice and appeal provisions, 20.20.520.J.3 and J.4 of that Paragraph, do not apply.
5. Parking. Upon demonstration that effective alternatives to automobile access are in effect, the parking requirements of Section 20.20.590 may be decreased by not more than 50 percent from those otherwise prescribed for any use, or combination of uses on the same or adjoining sites, to an extent commensurate with the permanence, effectiveness, and the demonstrated reduction in off-street parking demand effectuated by such alternative programs.

Alternative programs which may be considered include, but are not limited to the following:

- Private Vanpool Operation
- Transit/Vanpool Fare Subsidy

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- Elimination of Free Parking as a Fringe Benefit
- Provision of Subscription Bus Services
- Flexible Work Hour Schedule
- Capital Improvements for Transit Services
- Preferential Parking for Carpools/Vanpools
- Participation in the Ride Matching Program
- Reduction of Parking Fees for Carpools and Vanpools
- Establishment of a Transportation Coordinator Position
- Bicycle Parking Facilities
- Charge Fee For Parking

6. Walkways and Trails. The walkway, sidewalk and trail requirements of Sections 20.20.940 - .950 may be varied provided that linkages between points that would have been made under these requirements are provided on the site and that the trails systems in the Comprehensive Plan are developed.

7. OLB Land Use District Requirements. The maximum number of structures per lot pursuant to Section 20.10.280, and the minimum lot size pursuant to Sections 20.10.280 and 20.20.010 may be varied provided that the resulting site design enhances the purpose of the OLB District, and incorporates superior treatment of the OLB design standards. Except as provided in this Paragraph, all OLB design standards must be met and the intent of the OLB District maintained.

D. Special Requirements: The following special requirements shall apply to all Site Plan Review applications:

1. Improvements and Dedications. All applicants may be required to provide the following as a condition of site plan approval: streets, curbs, gutters, bus stops and shelters, sidewalks, walkways, trails, water, sewer and storm drainage facilities, underground electrical

and communication facilities and equipment, recreation equipment and facilities, lighting and landscaping. In addition, all applicants may be required to dedicate to the City easements for circulation and transportation, utilities, drainage, and site preservation, as well as land for right-of-way, open space, parks, bus stops, drainage and utility facilities. Justification shall be demonstrated by the City for any improvements and dedications required by this Paragraph and shall be based on the Comprehensive Plan, the Capital Improvements Program, the Transportation Improvements Program, the Drainage Master Plan, the Comprehensive Sewer Plan, the Comprehensive Water Plan, other adopted plans and policies, the Bellevue City Code, the City of Bellevue Public Works Development Standards, adopted regulations and rules, and the State Environmental Policy Act and the Bellevue Environmental Procedures Ordinance. This Paragraph shall not waive any requirement or prior condition to provide any of the improvements listed above.

2. Open Space. The provision of open space shall be considered as a condition of approval during the review of site plan applications. Each site shall have at least 15% of its area in open space. This figure may be increased by the Planning Director and Public Works Director based on the character of the surrounding neighborhood, the type of use proposed, natural features to be retained, and views to be protected.
 3. Screening. All projects shall contain screening for rooftop and ground level mechanical and electrical equipment, garbage and refuse containers, outdoor storage and other structural elements. Screening shall be of a material or vegetation and design compatible with the associated structures and of a height at least equal to the item being screened.
- E. Review Criteria: All projects shall be reviewed by using the following criteria:
1. Public Benefit.
 - The proposed development must be superior in design to that which could otherwise be built under the Land Use Code, and must constitute a benefit to the public. This consideration shall be given first priority in the review process.

2. Building to Site Relationship.

- The site must be planned to provide a desirable transition with the surrounding streetscape, land uses and development patterns.
- Building placement should consider spacing, protection of privacy, location of balconies and patios for noise reduction, orientation to views and vistas, orientation to sunlight and prevailing winds, orientation for transit, automobile and pedestrian needs and orientation for internal needs.
- Site design should consider incorporating energy conserving or renewable energy features.

3. Relationship of Building and Site to Surrounding Area.

- Compatibility of the proposed site design, use, and structures with surrounding uses, development patterns and structures and with the community is to be reviewed by taking into account bulk, scale, orientation, placement, style and design.
- Rooftop equipment, garbage dumpsters, outdoor storage and service areas shall be screened to reduce visual impact; such facilities shall be discouraged from being placed along or facing street frontages.
- The transition to adjoining uses and streets should be provided by landscaping, fencing or other buffering techniques where appropriate.
- The proposed development should be properly linked to street, utility, walkway and trail systems in the surrounding area.
- The need for easements and dedications is to be reviewed.
- The proposed development should be coordinated with on-going site planning and development in adjoining areas and with related long-range planning.

4. Landscaping and Site Treatment.

- Existing vegetation contributing to the attractiveness of the site shall be considered in the review.
- Additional landscaping should be provided for screening purposes, to compliment the visual impact of structures, to enhance views and vistas, and to reduce the impacts of erosion and storm drainage.
- Existing topography shall be considered when developing the site plan to reduce unnecessary cutting and filling.
- Grades of walks, driveways, parking areas, and streets should be inviting, provide slope stability and conform to the existing slope where possible and desirable.
- Storm drainage control measures are to be provided.
- Sensitive lands such as wetlands, steep slopes, streams, and flood plains are to be considered for retention.
- Proposed utility locations should be considered with emphasis placed on City maintenance and existing utility and right-of-way locations.
- Streets, bikeways, walkways and parking areas should be carefully planned and related to area and City facilities.
- Paved areas should be kept to a minimum; cluster parking should be encouraged; and high maintenance situations should be avoided or minimized.
- The needs of the handicapped shall be provided for.
- Where appropriate, transit facilities are to be considered.

5. Signs.

- Size, materials, color, lettering, location, number and arrangement of signs other than those for traffic control, should be harmonious with the building design and surrounding development.
- Signs displayed on the site shall exhibit a coordinated system of graphics, materials and color in order to present a uniform character throughout the site.
- The number of signs should be minimized and coordinated in order to avoid visual clutter.

6. Building Design.

- Review of building and structure design shall include bulk, scale, color, texture, style, materials, relief and other design factors.

F. Design Rules: The Planning Director and Public Works Director may promulgate additional design review criteria and guidelines where necessary to enhance the review process, to elaborate and refine the criteria in Paragraph 20.20.775.E, and to give additional guidelines to designers. Such criteria and guidelines and any amendments shall be reviewed by the Planning Commission and approved by resolution of the City Council, and shall be published and made available to the public.

G. Application Requirements: Applications for Site Plan Review shall be filed with the Permit Coordinator on forms provided by the City and shall include the specified number of each of the following as determined by the Planning Director and Public Works Director. Each application must encompass an entire legally created parcel.

1. Legal description and site location map of the property involved.
2. A description of the project, clearly demonstrating the public benefit of the project, and how the development is better than what could otherwise be achieved under the Land Use Code. The description should include, but not be limited to, building height, setbacks, lot coverage, landscaping and parking.

3. Four copies of the site plan and/or drawings showing from one (1) to five (5) foot topographic contours, location and principal dimensions of existing structures, proposed structures, parking areas, recreation areas, other open space, landscaping areas, significant trees, utility easements, rights-of-way, existing land use, and other elements of the project on the site and within 150 feet of the site. The site plan shall be drawn at a scale of 1" = 50', 1" = 100', 1" = 200' or other scale acceptable to the Planning Director and Public Works Director.
4. Elevation and perspective drawings of project structures and improvements.
5. A map or drawing depicting special features, and a text describing any special features which cannot be adequately displayed on maps or drawings.
6. Specification of uses or types of uses to be made of the development.
7. Agreements, covenants, or other provisions which govern the proposal.
8. A proposed plat of the property as required by RCW 58.17 if division of the property is intended for purposes of sale or lease and if approval of the site plan pursuant to this Section does not constitute a Binding Site Plan as permitted by RCW 58.17. If approval of the site plan is intended to constitute a Binding Site Plan, that site plan must show any property lines to be established within the parcel. See Paragraph J. if Binding Site Plan approval is requested.
9. Estimated development schedule of phasing, if any.
10. (a) The following preliminary plans and diagrams if determined by the Planning Director or Public Works Director to be necessary or appropriate for the level or specificity of review with this process:
 - A circulation and parking plan indicating the proposed movement of vehicles and pedestrians within the site plan, and to and from existing and planned thoroughfares, including traffic

regulating devices needed to facilitate or insure safety. Loading facilities must also be included.

- Clearing and site-grading plan in conformance with Bellevue City Code Chapter 23.76 if a Clearing and Grading Permit application has been filed.
- Landscaping and tree retention plan. See Section 20.20.520 for the contents of the plan.
- Drainage plan in conformance with Bellevue City Code Chapter 23.76 and the Public Works Development Standards including a plan for continuous maintenance.
- Lighting plan subject to Paragraph 20.20.290.C.

(b) Final plan and diagrams (four sets) containing the information in Paragraph 10(a) of this Section, all to be drawn in conformance with approvals, and in their revised status, with any inconsistencies corrected.

11. Reduction of above required plans and graphics to view foils measuring 8-1/2" x 11" or 8-1/2" x 14".
12. Provisions identifying responsibility for continued ownership and maintenance and improvement of any open space.
13. Any other information reasonably required at the discretion of the Planning Director or Public Works Director, or necessary to conduct permit reviews for other permits that may be processed with the Site Plan Review.
14. Names and addresses of owners of record of the subject property and all properties within three hundred (300) feet of the subject property.
15. The proper application fee.
16. A checklist, environmental impact statement, or other documents as required by the State Environmental Policy Act (RCW 43.21C) and the Bellevue Environmental Procedures Code (B.C.C. 22.02).

17. Signatures of owners of record of the subject property.

No development plan shall be deemed acceptable for filing unless all of the above information is submitted in accurate and complete form sufficient for review by the Planning Director and Public Works Director.

- H. Review Procedure: Site Plan Review shall be conducted under the following procedure:

1. Notice. Upon filing of an application for Site Plan Review, notice shall be provided as follows: (1) posting at City Hall, all Bellevue Libraries, all Bellevue Post Offices, and at three reasonably conspicuous places on or near the subject property, (2) publication in a newspaper of general circulation, once a week for two consecutive weeks, and (3) mailing to owners of the subject property and owners of property within 300 feet of the subject property.
2. Decision Making. Final action to approve, deny or approve with conditions shall be made jointly by the Planning Director and the Public Works Director. The Planning Director and Public Works Director shall take no final action for 30 days after the second newspaper public notice in order to receive comments from the public and City Departments.

The Planning Director and Public Works Director shall take no final action until the application has been circulated for review to the Fire Marshal, Permit Coordinator, Environmental Coordinator, Parks Department and Building Official. Responses from these agencies shall be returned to the Planning Director and Public Works Director within the 30-day comment period. When making a decision on the application, the Planning Director and Public Works Director shall make findings, and draw conclusions. The analysis shall indicate that each of the criteria contained in Paragraph 20.20.775.E has been considered.

The Planning Director and Public Works Director jointly have the authority to approve, approve with conditions and modifications, or deny the application. A copy of the decision shall be mailed to the applicant and those persons requesting to be placed on a mailing list for decisions and actions relating to a specific project. The Planning Director and the Public Works Director

shall make a good faith effort to expeditiously issue the decision after the comment period.

3. Procedural Merger. Any administrative permit required by the Bellevue City Code including Clearing and Grading Permit (Chapter 23.76), Optional Landscaping (Paragraph 20.20.520.J), and any other site-related permit, may be applied for and processed as a part of and in conjunction with the Site Plan Review. In addition, any residential use in O, OLB, GC, or CB Districts and nonresidential uses in any Land Use District denoted by a "P," "C," "A," or "PD" in Section 20.10.440 may utilize the procedures of Section 20.20.775 in place of those required in Sections 20.10.400 and .440. Further, design reviews of OLB Districts, Sections 20.30.480 - .486; of PO Districts, Section 20.10.240; Transition Area Optional Design Reviews, Section 20.25B.040; and Administrative Design Reviews, Section 20.30.475 may likewise use the procedures of Section 20.20.775 in place of their respective procedures. Site Plan Review may be processed concurrently with reclassification, Section 20.30.800 and with Subdivision, B.C.C. 22C.10 and 22C.11. All decisional criteria required by a merged permit or design review must be met, and will be reviewed through the Site Plan Review process.
- I. Performance Assurance: As a condition of approval of a site plan, the City shall require that one or a combination of the performance assurance devices described in this Paragraph be utilized to ensure compliance with the requirements for improvements under Paragraph 20.20.775.D.1 and any conditions of approval.
 1. The applicant shall provide a certified check, escrow account, assigned savings account, non-revocable letter of credit, performance bond, first lien, second lien other suitable collateral or performance assurance or any combination of the above to be determined by the Planning Director and Public Works Director in an amount equal to or greater than 100% of the value of all improvements required under Paragraph 20.20.775.D.1 of this Section, to guarantee that such improvements are made. As improvements are completed and conditions are met, a corresponding partial release of the collateral or performance assurance may be authorized. In the event an improvement is not made or a condition is not met, the City is authorized to take, collect, or

foreclose the collateral or performance assurance and complete said improvement or carry out said condition.

2. The applicant may be required to agree not to oppose the formation of a future Local Improvement District for specified public improvements related to the proposed site plan.
3. The applicant may install any improvements upon specific approval of, and under the supervision of the appropriate City department prior to the issuance of building permits or certificate of occupancy for the proposed project.
4. The applicant shall provide a bond or other performance assurance approved by the Planning Director and Public Works Director in an amount sufficient to cover the cost of replacement and maintenance of any landscaping and improvement required pursuant to Paragraph 20.20.775.D.1 for one year after installation.

J. Scope of Approval:

1. The approved site plan resulting from the application of the provisions of this Section shall supersede and be an exception to the requirements of the Land Use Code to the extent that the site plan modifies the underlying Land Use District requirements as permitted by this Section. The site plan shall constitute a limitation in the use and design of the site and shall be binding and run with the land.
2. Any site plan approved by the application of this Section shall constitute compliance with the Binding Site Plan provisions of RCW 58.17 if so requested in the application, and shall authorize the sale or lease of parcels in conformance with that site plan. The Binding Site Plan approved pursuant to this Section must also include a recorded survey depicting all lot lines on forms provided by the Public Works Department and consistent with the Survey Recording Act, RCW 58.09. All lot lines created in the future must also be depicted on a recorded survey as described in this Paragraph.

K. Recording With King County Department of Records and Elections: Upon final approval, both the approved plans and any conditions, shall be recorded by the applicant with the

King County Department of Records and Elections and shall be placed on file with the Bellevue City Clerk. No Site Plan Review shall be recorded without the signature of the owners of the subject property.

- L. Limitation on Permits: No permit or approval for development on the subject property may be issued prior to the applicant recording the Site Plan approved pursuant to this Section with the King County Department of Records and Elections and the Bellevue City Clerk.

- M. Modifications: The Planning Director and Public Works Director shall review and take action on any proposed modification or deviation from the approved site plan and any conditions, making a determination as to whether the proposed modification is major or minor. The burden of proof to demonstrate why a modification is needed shall be placed on the applicant. Major modifications are those modifications which will significantly affect or change the overall concept and design originally approved, or will have a significant impact on the visual nature, environment, or intensity of the development; action on a major modification shall be taken by following the procedures of this Section. Minor modifications are those modifications which are not major modifications and specifically include the creation of new lot lines following approval and recording of a Binding Site Plan. Action on minor modifications can be taken at any time at the discretion of the Planning Director and Public Works Director. However, if a series of minor modifications has the effect of a major modification, then the series shall be treated as a major modification. Notification of minor modifications shall be made to those persons requesting to be placed on a mailing list for decisions and actions relating to a specific project.

- N. Appeals: Appeals from the written decision of the Planning Director and Public Works Director made pursuant to this Section shall be filed in writing with the Hearing Examiner within 20 calendar days of said written decision. The Hearing Examiner shall either concur with the decision of the Planning Director and Public Works Director, direct that approval be granted subject to named conditions, or require reconsideration by the Planning Director and Public Works Director.

Decisions of the Hearing Examiner are final unless appealed to the City Council within 20 calendar days of the date of the Examiner's decision. The City Council may at a public meeting or hearing take one of the following actions:

1. Grant the application with or without modifications and/or conditions.
2. Remand for further consideration by the Planning Director and Public Works Director, or the Hearing Examiner.
3. Deny the application.

The decision of the City Council may be appealed to Superior Court within 20 calendar days of the date of the decision. At the expiration of the 20 day period, if no appeal has been filed, the decision of the City Council is final and any appeal is thereafter barred.

Copies of decisions from each level of appeal shall be sent to those persons requesting to be placed on a mailing list for decisions and actions relating to a specific project.

0. Fees: The fees for Site Plan Review and appeals shall be the same as those established for the preliminary Planned Residential Unit Development. These fees are intended to cover the cost of the plan review only, and are in addition to any fee required to obtain a Clearing and Grading Permit and any utility or public improvement fee or assessment required for the project.

Section 2. The Planning Commission shall review the operation and effectiveness of this ordinance one year after the effective date, or as

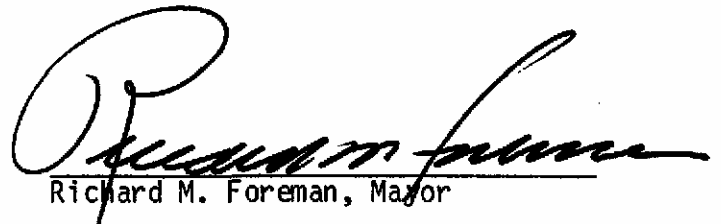
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soon thereafter as possible. The Commission shall report to the City Council, and shall recommend retention, elimination or modification of the Site Plan Review procedure.

Section 3. This ordinance shall be published by posting it in the three official posting places of the City, and shall take effect and be in force five days after the date of posting.

PASSED by the City Council this 7 day of December 1981, and signed in authentication of its passage this 7 day of December, 1981.

(SEAL)



Richard M. Foreman, Mayor

Approved as to form:

Linda M. Youngs, City Attorney



Richard Gidley, Assistant City Attorney

Attest:



Patricia K. Weber, City Clerk

Published Dec. 8, 1981