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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3653

AN ORDINANCE relating to the CBD Amenity Incentive System; amending Section 20.25A.010, Chart 20.25A.020.A.2 - Notes 12 and 13, Paragraph 20.25A.020.C, Chart 20.25A.030.C-Paragraphs 3, 11 and 14 and Paragraph 20.25A.030.E of the Bellevue City Code (Land Use Code), adding new Paragraphs 17-22 to Chart 20.25A.030.C of the Bellevue City Code, and adding a new definition to Section 20.50.044 of the Bellevue City Code.

WHEREAS, it is desirable to provide FAR incentives for defined public amenities in a manner which encourages the provision of the amenities and does not result in an excessive amount of bonus floor area; and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act and with the Bellevue 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) 20.25A.010 is amended to read as follows:

- A. Part 20.25A, Central Business District, contains information which applies to development and activity within a CBD Land Use District. Specific Sections apply to limited areas within the CBD Land Use Districts as follows:
1. Old Bellevue, Section 20.25A.070,
 2. CBD--Office Limited Business, Section 20.25A.080,
 3. Perimeter Design District, Section 20.25A.090,
 4. Core Design District, Section 20.25A.100.
- B. Procedural Merger:

Within the CBD Land Use District, any administrative decision required by this Part (20.25A) or by the Land Use Code, including but not limited to the following, may be applied for and processed through a single Design Review (Part 20.30F):

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1. Administrative Conditional Use Permit (Part 20.30E).
 2. Design Review (Part 20.30F)
- C. Design Review Required:

All new development and substantial remodeling within a CBD Land Use District must be reviewed by the Director of Design and Development through Design Review (Part 20.30F).

Section 2. Bellevue City Code (Land Use Code) Chart 20.25A.020.A.2
-- Notes 12 and 13 are amended to read as follows:

- (12) Except within the Perimeter Design District, the maximum Floor Area Ratio may be exceeded if the Major Pedestrian Corridor is constructed as required by Paragraph 20.25A.100.E.1. The maximum Floor Area Ratio may only be exceeded by the amount provided for under the Major Pedestrian Corridor amenity bonus, Paragraph 20.25A.030.C.16.
- (13) Except within the Perimeter Design District, the maximum building height may be exceeded if the Major Pedestrian Corridor is constructed as required by Paragraph 20.25A.100.E.1, and only to the extent required to accommodate the additional Floor Area Ratio provided for under Paragraph 20.25A.030.C.16.

Section 3. Bellevue City Code (Land Use Code) Paragraph 20.25A.020.C is amended to read as follows:

- C. Basic Floor Area Ratio Requirements:
1. General: All new development and all substantial remodeling of existing development in any CBD District must at a minimum provide amenities, the bonus floor area of which is equal to 20% of the project limits permitted basic floor area ratio (as defined in Chart 20.25A.020.A.2) through the provision of one or more of the following amenities and consistent with the requirements of Paragraph 20.25A.030.C:
 - a. Pedestrian Oriented Frontage,
 - b. Art or Landscape Feature,

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- c. Arcade,
- d. Marquee,
- e. Awning,
- f. Sculpture, or
- g. Water Feature.

For purposes of this Paragraph, project limit, as defined in Section 20.50.040, shall be the land area used in the computation of the basic floor area ratio requirement, and the Basic Floor Area Ratio calculation is made regardless of any transferred floor area. In addition, the Basic Floor Area Ratio requirement is to be applied separately to each structure within a project limit.

- 2. Required Review: The Director of Design and Development may approve the amenity proposed by the applicant through Design Review (Part 20.30F), and only if --
 - a. The design criteria established in Section 20.25A.030.C for the amenity have been met, and
 - b. The City finds that a public benefit will be derived from the development of the proposed amenity in the proposed location.
- 3. Amenity Incentive System Credit:

Amenities provided as required by Paragraph C.1 of this Section may also be credited toward the provision of floor area ratio above the basic floor area ratio through the Amenity Incentive System (20.25A.030).

Section 4. Bellevue City Code (Land Use Code) Paragraph 20.25A.030.C, FAR AMENITY STANDARDS Chart is amended by the revision of Paragraphs 3, 11 and 14 and by the addition of new Paragraphs 17-22 to read as set forth in Exhibit A, attached hereto and by this reference incorporated herein.

Section 5. Bellevue City Code (Land Use Code) Paragraph 20.25A.030.E is amended to read as follows:

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E. Transfer of Bonus Floor Area:

1. Where Floor Area May be Transferred:

- a. Bonus floor area earned through the amenity incentive system for a specific parcel of land may be transferred to an abutting parcel of land in the same Ownership.
- b. Bonus floor area earned for actual construction of the Major Pedestrian Corridor may be transferred to any other property within the Core Design District, or to any property in the same ownership which abuts or is across an abutting public right of way from property which includes the Major Pedestrian Corridor.

2. Amount of Floor Area Transfer:

No more than 25% of the gross floor area of a proposed project may be transferred floor area. This limitation does not include floor area generated by construction of the Major Pedestrian Corridor or Major Public Open Spaces.

3. Recording Required:

The Property owner must record each transfer of floor area with the King County Division of Records and Elections and with the Bellevue City Clerk.

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

Section 7. Bellevue City Code (Land Use Code) Section 20.50.044 Additional Definitions is amended by the addition of a new definition, to read as follows:


REMODELING, SUBSTANTIAL. Construction which increases the floor area of an existing building or structure by at least 20%.

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Section 8. This ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 19th day of May, 1986,
and signed in authentication of its passage this 19th day
of May, 1986.

(SEAL)


Cary E. Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard L. Kirkby, Assistant City Attorney

Attest:


Marie K. O'Connell, City Clerk

Published May 24, 1986

SECTION 20.25A.030.C

FAR AMENITY STANDARDS

Exhibit A
ORIGINAL

ENITY* LAND USE DISTRICT	CBD-O-1	CBD-O-2	CBD-MU	CBD-R	CBD-OB	CBD-OLB	DESIGN CRITERIA
1. PEDESTRIAN ORIENTED FRONTAGE** Building frontage devoted to uses which stimulate pedestrian activity. Uses are typically sidewalk oriented and physically or visually accessible by pedestrians from the sidewalk. Uses which compose pedestrian oriented frontage include, but are not limited to, specialty retail stores, groceries, drug stores, shoe repair shops, cleaning establishments, floral shops, beauty shops, barber shops, department stores, hardware stores, apparel shops, travel agencies and other services, restaurants and theaters. Banks and financial institutions are not pedestrian oriented uses.	200:1	150:1	100:1	N/A	200:1	N/A	1. Pedestrian oriented frontage must abut a sidewalk, plaza or arcade. 2. A pedestrian oriented use must be physically accessible to the pedestrian at suitable intervals. 3. Pedestrian oriented uses must be visually accessible to the pedestrian at the sidewalk, plaza or arcade level.

* Measured as square feet of permitted development for each qualifying developed square foot of amenity unless otherwise noted.

** Measured as square feet of permitted development for each qualifying linear foot of frontage.

ORIGINAL

FAR AMENITY STANDARDS (continued)

AMENITY*	LAND USE DISTRICT	CBD-O-1	CBD-O-2	CBD-MU	CBD-R	CBD-OB	CBD-OLB	DESIGN CRITERIA
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.		8:1	8:1	6:1	4:1	6:1	6:1	<ol style="list-style-type: none"> 1. Must abut and be within 3' in elevation of a pedestrian connection so as to be visually and physically accessible. 2. Must provide protection from adverse wind, wherever practical. 3. At least 10% of the plaza surface area must be landscaped. 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 structure or by landscaping which creates a wall effect. 6. Minimum size is 500 sq. ft. in CBD-OB; 1,000 sq. ft. in other Land Use Districts. 7. Maximum size of bonusable plaza square footage is 1,500 sq. ft. in CBD-OB; 5,000 sq. ft. in other Land Use Districts. 8. Minimum horizontal dimension is 20 ft. 9. Must provide opportunities for penetration of sunlight. 10. May not be used for parking, loading or vehicular access.
3. (ART OR) LANDSCAPE FEATURE								
A continuous open space located at or near grade whose principal feature is an (art or) unusual and pleasing landscape form. The purpose is to serve as a focal point and a visual landmark, rather than as a specific location for pedestrian activity.		8:1 But see Design Criterion #1	8:1 But see Design Criterion #1	8:1 But see Design Criterion #1	N/A	8:1 But see Design Criterion #1	8:1 But see Design Criterion #1	<ol style="list-style-type: none"> 1. Must abut the intersection of two public rights-of-way or perimeter walkways or sidewalks in order to receive the full bonus available. One-half of the available bonus will be awarded if the (art or) landscape feature abuts a right-of-way or pedestrian connection but is not located at an intersection. 2. Maximum area is 1,000 sq. ft. in CBD-O-1, CBD-O-2, CBD-MU and CBD-OLB and 500 sq. ft. in CBD-OB. No bonus is awarded if the (art or) landscape feature exceeds the maximum size. 3. Must be visually accessible from abutting rights of way or walkways or sidewalks.

* Measured as square feet of permitted development for each qualifying developed square foot of amenity unless otherwise noted.

SECTION 20.25A.030.C

ORIGINAL

FAR AMENITY STANDARDS (continued)

AMENITY*	LAND USE DISTRICT	CBD-O-1	CBD-O-2	CBD-MU	CBD-R	CBD-OB	CBD-OLB	DESIGN CRITERIA
4. ENCLOSED PLAZA A publicly accessible, continuous open space located within a building and covered to provide overhead weather protection while admitting substantial amounts of natural daylight (atrium or galleria).		10:1	10:1	4:1	N/A	8:1	2:1	<ol style="list-style-type: none"> 1. Must be accessible to the public at least during normal business hours. 2. Must be readily accessible from a pedestrian connection. 3. Must be signed to identify the enclosed plaza as available for public use. 4. At least 5% of the area must be landscaped. 5. Must provide at least one sitting space for each 100 sq. ft. of area. 6. Must be coordinated with Pedestrian Oriented Frontage to the maximum extent possible. 7. Minimum horizontal dimension is 20'. 8. Minimum area is 750 sq. ft.
5. ARCADE A continuously covered area which functions as a weather protected extension of the publicly accessible space which it abuts.		8:1	6:1	4:1	6:1	8:1	N/A	<ol style="list-style-type: none"> 1. At least 50% of the linear frontage must be developed as Pedestrian Oriented Frontage which complies with the design criteria of this section. This Pedestrian Oriented Frontage may be counted separately to gain floor area ratio exceeding the basic FAR through the Amenity Incentive System. 2. Pavement below must be constructed to provide for drainage. 3. When adjacent to a public walkway or sidewalk, design must provide opportunity for connection to adjacent development across property lines. 4. Must have a horizontal rather than sloping orientation across the building facade. 5. Must present a coordinated design along its entire route. 6. Must be accessible to pedestrians at all times. 7. Minimum height is 8' above finished grade. 8. Maximum height is 20' above finished grade. No bonus is awarded if the maximum height is exceeded.

* Measured as square feet of permitted development for each qualifying developed square foot of amenity unless otherwise noted.

ORIGINAL

FAR AMENITY STANDARDS (continued)

AMENITY* LAND USE DISTRICT	CBD-O-1	CBD-O-2	CBD-MU	CBD-R	CBD-OB	CBD-OLB	DESIGN CRITERIA
<p>6. MARQUEE**</p> <p>A permanent overhead canopy projecting from the elevation of a building, and designed to provide continuous overhead weather protection to the area underneath.</p>	4:1	3:1	2:1	1:1	2:1	1:1	<ol style="list-style-type: none"> 1. Must be developed over a walkway or sidewalk. 2. Pavement below must be constructed to provide for drainage. 3. Must have a horizontal rather than sloping orientation along the building elevation. 4. Design must be coordinated with building design. 5. Minimum height is 8' above finished grade, except as otherwise required in the Uniform Building Code (BCC 23.10). 6. Maximum height is 12' above finished grade. No bonus is awarded if the marquee exceeds the maximum height. 7. To insure daylight penetration the ratio of the marquee's projection from the building to its height above finished grade may not exceed 3:4.
<p>7. AWNING**</p> <p>A rooflike structure of fabric stretched over a rigid frame projecting from the elevation of a building designed to provide continuous overhead weather protection.</p>	1:1	0.75:1	0.5:1	0.25:1	0.5:1	0.25:1	<ol style="list-style-type: none"> 1. Must be developed over a walkway or sidewalk. 2. Pavement below must be constructed to provide for drainage. 3. Must have a horizontal rather than sloping orientation along the building elevation. 4. Design must be coordinated with building design. 5. Minimum height is 8' above finished grade. 6. Maximum height is 12' above finished grade. No bonus is awarded if the awning exceeds the maximum height. 7. To insure daylight penetration, the ratio of the awnings projection from the building to its height above finished grade may not exceed 3:4.

* Measured as square feet of permitted development for each qualifying developed square foot of amenity unless otherwise noted.
 ** See Section 20.25A.020.B for setback exception.

ORIGINAL

SECTION 20.25A.030.C

AMENITY STANDARDS (continued)

AMENITY*	LAND USE DISTRICT	CBD-O-1	CBD-O-2	CBD-MU	CBD-R	CBD-OB	CBD-OLB	DESIGN CRITERIA
8. LANDSCAPE AREA An outdoor landscaped area providing visually or physically accessible space for tenants of the development of which it is a part.		2:1	2:1	1:1	1:1	1:1	1:1	<ol style="list-style-type: none"> 1. This area must be in addition to any landscape development required by the Land Use Code. 2. May not be used for parking or storage. 3. May be located at grade or on top of a structure. 4. At least 30% of the area must be planted with evergreen plant materials.
9. ACTIVE RECREATION AREA An area which provides active recreational facilities for tenants of the development of which it is a part.		3:1	3:1	1:1	1:1	1:1	1:1	<ol style="list-style-type: none"> 1. May not be used for parking or storage. 2. May be located out of doors, on top of, or within a structure. 3. Recreational facilities include but are not limited to, racquet ball or handball courts or health clubs.
10. RESIDENTIAL USES**		4:1	4:1	2:1	N/A	2:1	N/A	<ol style="list-style-type: none"> 1. Area devoted to service cores and community facilities may be used to obtain bonus floor area. No area devoted to parking or circulation may be used for this purpose.
11. UNDERGROUND PARKING		((4:1)) <u>.5:1</u>	((3:1)) <u>.5:1</u>	((2:1)) <u>1:1</u>	((4:1)) <u>3:1</u>	((4:1)) <u>2:1</u>	((1:1)) <u>1:1</u>	<ol style="list-style-type: none"> 1. The amenity bonus applies only to that structure or portion of a structure located below the average finished grade around a building. Must be covered by a structure or developed open space.

* Measured as square feet of permitted development for each qualifying developed square foot of amenity unless otherwise noted.

** Excludes Hotels and Motels.

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FAR AMENITY STANDARDS (continued)

AMENITY* LAND USE DISTRICT	CBD-O-1	CBD-O-2	CBD-MU	CBD-R	CBD-OB	CBD-OLB	DESIGN CRITERIA
12. ABOVE GRADE PARKING LOCATED UNDER PRINCIPAL USE RESIDENTIAL STRUCTURE**	1:1	1:1	1:1	4:1	3:1	N/A	<ol style="list-style-type: none"> 1. Parking must be enclosed. 2. Exterior surface must be the same material as used on the principal use building.
13. PUBLIC MEETING ROOMS	2:1	2:1	2:1	N/A	N/A	2:1	<ol style="list-style-type: none"> 1. May include fixed seat auditorium or multipurpose meeting rooms. 2. Must be available for public use, but may operate under a reservation or nominal fee system. 3. Must provide seating for a least 50 persons.
14. SCULPTURE*** Any form of sculpture or other artwork located outside of the building.	5:1	5:1	5:1	5:1	5:1	5:1	<ol style="list-style-type: none"> 1. Must be displayed near the main pedestrian entrance to a building.
15. WATER FEATURE***** A fountain, cascade, stream water sculpture or reflection pond. The purpose is to serve as a focal point for pedestrian activity.	8:1	8:1	8:1	8:1	8:1	8:1	<ol style="list-style-type: none"> 1. Must be located outside of the building, and be publicly visible and accessible at the main pedestrian entrance to a building, or along a pedestrian connection. 2. Water must be maintained in a clean and noncontaminated condition. 3. Water must be in motion during daylight hours.
16. MAJOR PEDESTRIAN CORRIDOR The major pedestrian corridor located on or in the immediate vicinity of N.E. 6th Street between 102nd Avenue and 110th Avenue N.E.	16:1*****	N/A	16:1*****	N/A	N/A	N/A	<ol style="list-style-type: none"> 1. Must comply with the requirements of Section 20.25A.100.E.1.

* Measured as square feet of permitted development for each qualifying developed square foot of amenity unless otherwise noted.

** Parking qualifying for this bonus must serve a residential use. It must be located under a structure which contains a residential use, and all bonus floor area must be devoted to residential use.

*** Measured in units of \$100 of appraised value.

**** 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 Section 20.25A.100.E.1.

***** Measured in units of \$100 of appraised value, or actual construction cost, whichever is greater.

FAR AMENITY STANDARDS

AMENITY* LAND USE DISTRICT	CBD-O-1	CBD-O-2	CBD-MU	CBD-R	CBD-OB	CBD-OLB	DESIGN CRITERIA
17. CHILD CARE SERVICES** A use providing regular care and training for children, generally for less than 24 hours outside of the immediate family or Kindergarten thru 12th grade education system. See 20.50.014	8:1	8:1	8:1	8:1	8:1	N/A	1. Must comply with the requirements of 20.20.170 2. Floor area for this amenity may also be counted as Pedestrian Oriented frontage if the criteria of 20.25A. 030.C.1 are met.
18. RETAIL FOOD** A self-service retail enterprise which sells food, beverages and household goods for consumption off the premises.	N/A	N/A	2:1	2:1	N/A	N/A	1. Minimum gross floor area shall be 15,000 sq. ft. 2. Maximum bonusable area is 30,000 sq. ft. 3. Floor area for this amenity may also be counted as Pedestrian Oriented frontage if the criteria of 20.25A. 030.C.1 are met.
19. PUBLIC RESTROOMS** A room or rooms containing toilets and lavatories for the use of the general public, with only limited control for purposes of personal safety.	8:1	8:1	8:1	N/A	8:1	4:1	1. Shall be located on the ground floor of the building. 2. Shall be open for use by the public during normal business hours, although access may be monitored by person located at the restroom facility. 3. Shall be handicapped accessible. 4. Shall be signed to identify its location.
20. PERFORMING ARTS SPACE** Space containing fixed seating for public assembly for the purpose of entertainment or cultural events (live performances only).	10:1	10:1	10:1	N/A	10:1	N/A	1. This bonus shall apply only to performing arts spaces that are less than 10,000 sq. ft.

* Measured as square feet of permitted development for each qualifying developed square foot of amenity unless otherwise noted.

** Floor area may be excluded from calculation of maximum floor area ratio.

FAR AMENITY STANDARDS (continued)

AMENITY*	LAND USE DISTRICT	CBD-O-1	CBD-O-2	CBD-MU	CBD-R	CBD-OB	CBD-OLB	DESIGN CRITERIA
21.	<p><u>SPACE FOR NON-PROFIT SOCIAL SERVICES**</u></p> <p>Space which is made available, rent free, to charitable and social service organizations which provide emergency assistance, health services, referral services, or other specialized social services directly to the public.</p>	4:1	4:1	4:1	N/A	4:1	N/A	<ol style="list-style-type: none"> Such space shall principally provide outreach functions, rather than administrative functions. Maximum bonusable area is 5,000 sq. ft. Bonus floor area for this amenity may also be counted as Pedestrian Oriented Frontage if the criteria of 20.25A.030.C.1 are met.
22.	<p><u>DONATION OF PARK PROPERTY</u></p> <p>Property which is donated to the city, with no restriction, for park purposes.</p>	8:1	6:1	3:1	5:1	5:1	3:1	<ol style="list-style-type: none"> The need for such property, in the location proposed must be consistent with City-adopted policies and plans. The minimum size of a donated park parcel is 10,000 sf. Donated park parcels need not be contiguous with the site for which development is proposed.

* Measured as square feet of permitted development for each qualifying developed square foot of amenity unless otherwise noted.
 ** Floor area may be excluded from calculation of maximum floor area ratio.

1531c
April 24, 1986

Provided this conditional use permit is conditioned on full compliance by the owner(s) of the property described herein, their heirs, assigns, grantees and successors in interest, with the terms and conditions of that certain Concomitant Agreement executed by The Little School, which has been given Clerk's Receiving No. 11223 and which by this reference is fully incorporated herein.

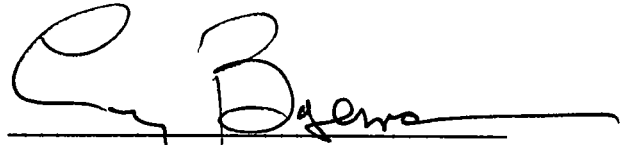
Provided further that this approval of said conditional use permit is conditioned on full compliance by the owner(s), developer and developers, and their heirs, assigns, grantees, and successors in interest with the plans and attachments, conditions, commitments, reports and other documents relating to this application, given Clerk's Receiving No. 11224 which are hereby by this reference fully incorporated herein.

Section 3. The conditional use permit granted herein is subject to all federal, state and local laws, rules and regulations.

Section 4. This ordinance shall take effect and be in force five days after its passage and legal publication.

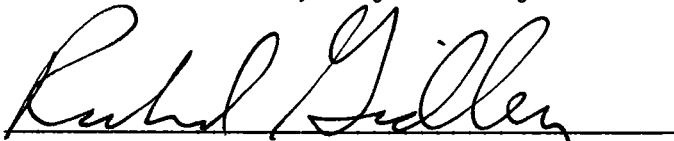
PASSED by the City Council this 12th day of May, 1986, and signed in authentication of its passage this 12th day of May, 1986.

(SEAL)

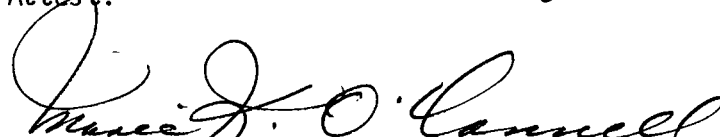

Cary E. Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard L. Andrews, City Attorney

Attest:


Marie K. O'Connell, City Clerk

Published May 16, 1986