

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4268

AN ORDINANCE relating to Central Business District Subarea land use regulations; amending Bellevue City Code (Land Use Code) Sections 20.25A.020.A.2, 20.25A.030.E, 20.25A.090.A, 20.25A.090.E.3, 20.25A.100.E.6.d.vi, 20.25A.100.E.9, 20.25A.110.B.4 and 20.301.155.

WHEREAS, the City Council adopted the Central Business District Subarea Plan of the Comprehensive Plan in 1979; and

WHEREAS, the City Council appointed a Conflict Resolution Committee consisting of neighborhood and business interests in November, 1990 to resolve major points of disagreement with the existing plan; and

WHEREAS, the Conflict Resolution Committee was unable to reach final agreement but did establish a set of "Proposed Objectives"; and

WHEREAS, several proposals emerged from these common objectives including the proposal selected by the City Council to proceed to public hearing; and

WHEREAS, in accordance with applicable law, a public hearing on the proposal was held by the City Council on June 3, 1991, pursuant to due and proper notice given as provided by law; and

WHEREAS, as a result of the June 3, 1991 public hearing, the following amendments to the Central Business District land use regulations were prepared; and

WHEREAS, these regulations are consistent with the applicable policies in the Bellevue Comprehensive Plan; and

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

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

Section 1. Bellevue City Code (Land Use Code) Section 20.25A.020.A.2 (Dimensional Chart and Notes) amended as follows:

Chart 20.25A.020.A.2

DIMENSIONAL REQUIREMENTS IN CBD DISTRICTS

LAND USE DISTRICT	BUILDING TYPE(7)(14)	MINIMUM SETBACK (3) (9)			MINIMUM LOT AREA	MINIMUM LOT DIMENSION	MAXIMUM BUILDING FLR AREA PER FLR ABOVE 40' (5)(11)(18)	MAXIMUM LOT COVERAGE	BUILDING HEIGHT (6) (17)		FLOOR AREA RATIO (16)	
		FRONT(1) (15)	REAR	SIDE					BASIC	MAX.	BASIC (10)	MAX. (8)
CBD-O-1	NON-RESIDENTIAL	0 (2)	0	0	None	None	20,000 gsf	100%	200'	300'(13)	5.0	8.0(12)
	RESIDENTIAL	0 (2)	0	0	None	None	20,000 gsf	100%	200'	450'	5.0	None
	PARKING	0 (2)	0	0	None	None	20,000 gsf	100%	100'	100'	N/A	N/A
CBD-O-2	NON-RESIDENTIAL	0 (2)	0	0	None	None	20,000 gsf	100%	150'	250(13)	4.0	6.0(12)
	RESIDENTIAL	0 (2)	0	0	None	None	20,000 gsf	100%	150'	250'	4.0(13)	6.0(12)
	PARKING	0 (2)	0	0	None	None	20,000 gsf	100%	100'	100'	N/A	N/A
CBD-MU	NON-RESIDENTIAL	0	0	0	None	None	20,000 gsf	75%	60'	100'	0.5	3.0
	RESIDENTIAL	0	0	0	None	None	20,000 gsf	100%	150'	200'	2.0	5.0
	PARKING	0	0	0	None	None	20,000 gsf	75%	60'	60'	N/A	N/A
CBD-R	NON-RESIDENTIAL	0	0		20' Lot	None	12,000 gsf	75%	60'	60'	0.5	0.5
	RESIDENTIAL	0	0	0	3,000 sf	None Frontage 75' Lot Depth	20,000 gsf	100%	150'	200'	2.0	5.0
	PARKING	0	10'	5'	N/A	N/A	N/A	N/A	40'	40'	N/A	N/A
CBD-OB	NON-RESIDENTIAL	0 (4)	0	0	None	None	12,000 gsf	100%	60'	100'	0.5	1.0
	RESIDENTIAL	0 (4)	0	0	None	None	20,000 gsf	100%	150'	200'	2.0	5.0
	PARKING	0	10'	5'	None	None	N/A	75%	40'	40'	N/A	N/A
CBD-OLB	NON-RESIDENTIAL	50'	50'	50'	2 Acres	200'	20,000 gsf	35%	45'	75'	0.5	3.0
	RESIDENTIAL N/A											
	PARKING	50'	50'	30'	2 Acres		20,000 gsf	75%	45'	45'	N/A	N/A

gsf = GROSS SQUARE FEET

These dimensions are different for property located in the Perimeter Design District. If your property is within 1,200' of the north, south or west boundary of the CBD, you may be in this District. See Sec. 20.25A.090.

CHART 20.25A.020.A.2

NOTES: DIMENSIONAL REQUIREMENTS IN CBD DISTRICTS

- (1) Measured from inside edge of the required perimeter sidewalk. If existing utilities which cannot reasonably be relocated require the planting of street trees on the property side of a sidewalk as provided for in Section 20.25A.060, 4' is added to the required setback. (Ord. 3747, 1-20-87, Section 6)
- (2) No parking or vehicle access lane is permitted between the required perimeter sidewalk and the main pedestrian entrance to the building.
- (3) Minimum setbacks are subject to required landscape development. See Section 20.25A.040.
- (4) The maximum setback from Main Street in the CBD-OB District is 0'.
- (5) Applicable only to building floors above 40' in height measured from the average finished grade around the building. Building floor area for floors above 40' may be averaged. The maximum building floor area may be increased by not more than 10% through Design Review (Part 20.30F) if the applicant demonstrates that the increase is necessary for reasonable development of the building, and will not have a significant adverse effect on other properties. Each square foot of floor area above the maximum requires a proportionate square footage of amenity in conformance with Section 20.25A.030.C; however, the amenity area provided under this requirement may not be used to exceed the basic floor area ratio. For the purposes of this Note, hotels and motels shall be considered as nonresidential structures. (Ord. 3530, 8-12-85, Section 37)
- (6) The maximum building height may only be achieved by participation in the FAR Amenity Incentive System (Section 20.25A.030). The maximum height identified in this chart may be increased by no more than 10% or 15 feet, whichever is greater, through Design Review (Part 20.30F) if the applicant demonstrates that the increase is necessary for reasonable development of the structure and will be used to provide interesting roof forms such as pitched or sloped elements, pyramidal, spire or dome shapes, cupolas, or other such decorative architectural features. (Ord 3530, 8-12-85, Section 38)
- (7) A structure is considered residential if more than 50% of the gross square footage is devoted to residential uses.
- (8) The maximum permitted FAR may only be achieved by participation in the FAR Amenity Incentive System (Section 20.25A.030). Where residential and non-residential uses occur in the same building, the FAR is limited to the maximum FAR for the building type as determined in accordance with Note (7). See Section 20.25A.070.D for FAR requirements in Old Bellevue. (Ord. 3813, 7-20-87, Section 4)
- (9) See Section 20.25A.020.B for exceptions to the minimum setback requirements.
- (10) See Section 20.25A.020.C for amenity requirements regarding the provision of basic floor area.
- (11) In a mixed use building, this requirement will be applied on an individual building floor basis. If uses are mixed on one floor, the maximum floor size will reflect the ratio of those uses.
- (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. (Ord. 3653, 5-19-86, Section 2)
- (13) Except within the Perimeter Design District, the maximum 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 under Paragraph 20.25A.030.C.16. Heights may be exceeded under this provision only to the extent depicted on the map entitled "Height Limits in the Core Design District" in Paragraph 20.25A.030.E. (Ord. 3653, 5-19-86, Section 2) (Ord. 3901B, 5-16-88, Section 1)
- (14) Notwithstanding the provisions of Note (5), hotels and motels shall be considered as residential structures.
- (15) If the subject property abuts a street classified pursuant to Paragraph 20.25A.115, the maximum setback is 0' unless otherwise approved by the Director of Design and Development. (Ord. 3498, 5-27-85, Section 44)
- (16) Floor area devoted to retail uses in fulfillment of the requirements of Section 20.25A.115 will not be counted for the purpose of calculating FAR.
(Ord. 3553, 10-7-85, Section 3)
- (17) Except within the Perimeter Design District, the maximum building height can be exceeded if right-of-way is dedicated as provided by Paragraph 20.25A.020.D but only to the extent of the floor area earned as a result of the dedication. This provision does not preclude the applicability of footnote 20.25A.020.A.2(6) but in no event may the combined effect of applying that footnote and this footnote be to increase the building height over the maximum building height by more than 10% or 15 ft., whichever is greater. (Ord. 3766, 3-23-87, Section 1)
- (18) The maximum building floor area per floor above 80' in residential structures is 12,000 gross square feet.

Section 2. Bellevue City Code (Land Use Code) Section 20.25A.030.C is amended as follows:

SECTION 20.25A.030.C

FAR AMENITY STANDARDS (continued)

AMENITY* LAND USE DISTRICT	CBD-0-1	CBD-0-2	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	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	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	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	.5:1	.5:1	.5:1	3:1	2:1	1:1	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.
- *** See Section 20.25A.090.E.7 for special bonus provisions for Perimeter Design District Subdistrict C.

(Ord. 3653, 5-19-86, Section 4)

SECTION 20.25A.030.C

FAR AMENITY STANDARDS (continued)

AMENITY* LAND USE DISTRICT	CBD-0-1	CBD-0-2	CBD-MU	CBD-R	CBD-OB	CBD-OLB	DESIGN CRITERIA
<p>17. CHILD CARE SERVICES**</p> <p>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.</p>	8:1	8:1	8:1 ***	8:1	8:1	N/A	<ol style="list-style-type: none"> 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.
<p>18. RETAIL FOOD**</p> <p>A self-service retail enterprise which sells food, beverages and household goods for consumption off the premises.</p>	N/A	N/A	2:1	2:1	N/A	N/A	<ol style="list-style-type: none"> 1. Maximum bonusable area is 30,000 sq. ft., <u>except in Perimeter Design District Subdistrict C where no limit applies.</u> 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.
<p>19. PUBLIC RESTROOMS**</p> <p>A room or rooms containing toilets and lavatories for the use of the general public, with only limited control for purposes of personal safety.</p>	8:1	8:1	8:1	4:1	4:1	4:1	<ol style="list-style-type: none"> 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 a person located at the restroom facility. 3. Shall be handicapped accessible. 4. Shall be signed to identify its location.
<p>20. PERFORMING ARTS SPACE**</p> <p>Space containing fixed seating for public assembly for the purpose of entertainment or cultural events (live performances only).</p>	10:1	10:1	10:1	N/A	N/A	N/A	<ol style="list-style-type: none"> 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.

*** See Section 20.25A.090.E.7 for special bonus provisions for Perimeter Design District Subdistrict C.

Section 3. Bellevue City Code (Land Use Code) Section 20.25A.030.E is amended as follows:

E. Transfer of Bonus Floor Area:

1. When 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 CBD-01 zoning district and that portion of the CBD-02 zoning district that is east of 110th Avenue N.E. Provided, however, that properties may utilize transferred floor area only to the extent that the building height does not exceed limits depicted on the map entitled "Height Limits in the Core Design District."

(Ord. 3901B, 5-16-88, Section 2)

2. Amount of Floor Area Transfer:

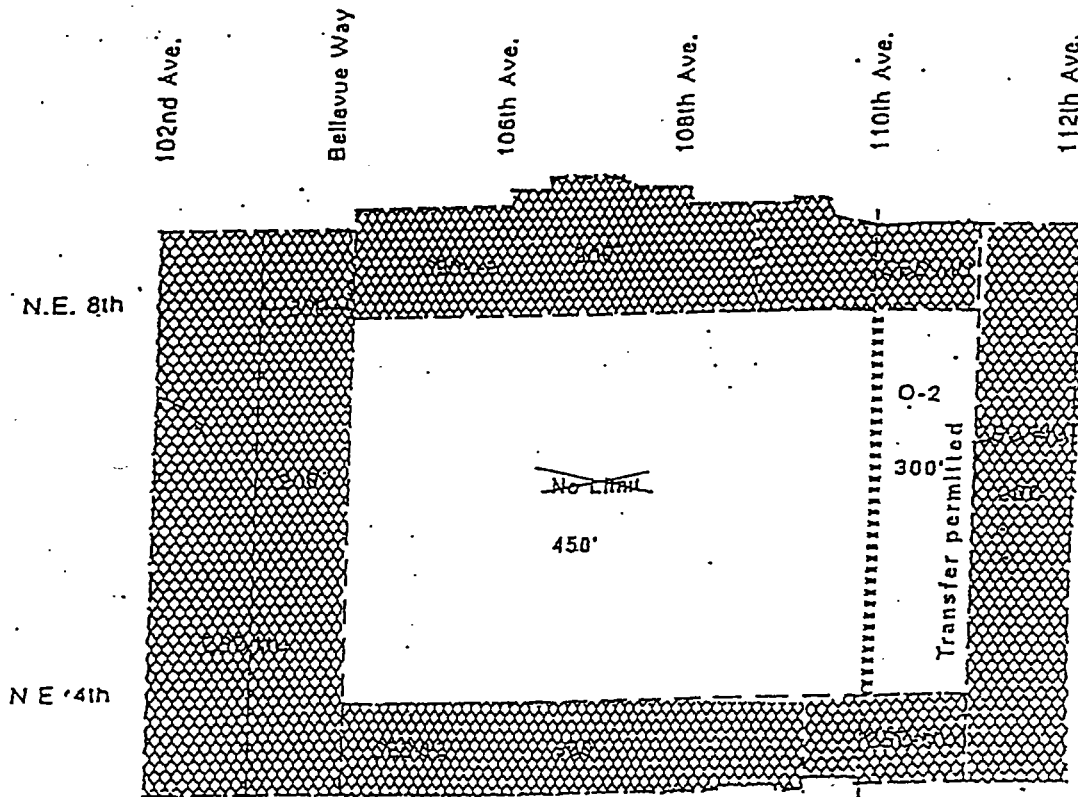
No more than 25% of the gross floor area of a proposed project may be transferred floor area. This limitation does not include floor area generated by construction of the major Pedestrian Corridor or Major Public Open Spaces or for the floor area generated by the neighborhood service or residential use special bonus provisions in Perimeter Design District Subdistrict C.

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.

(Ord. 3653, 5-17-86, Section 5)



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 height limits may not be exceeded by using any other code provision.

Section 4. Bellevue City Code (Land Use Code) Section 20.25A.090.A is amended as follows:

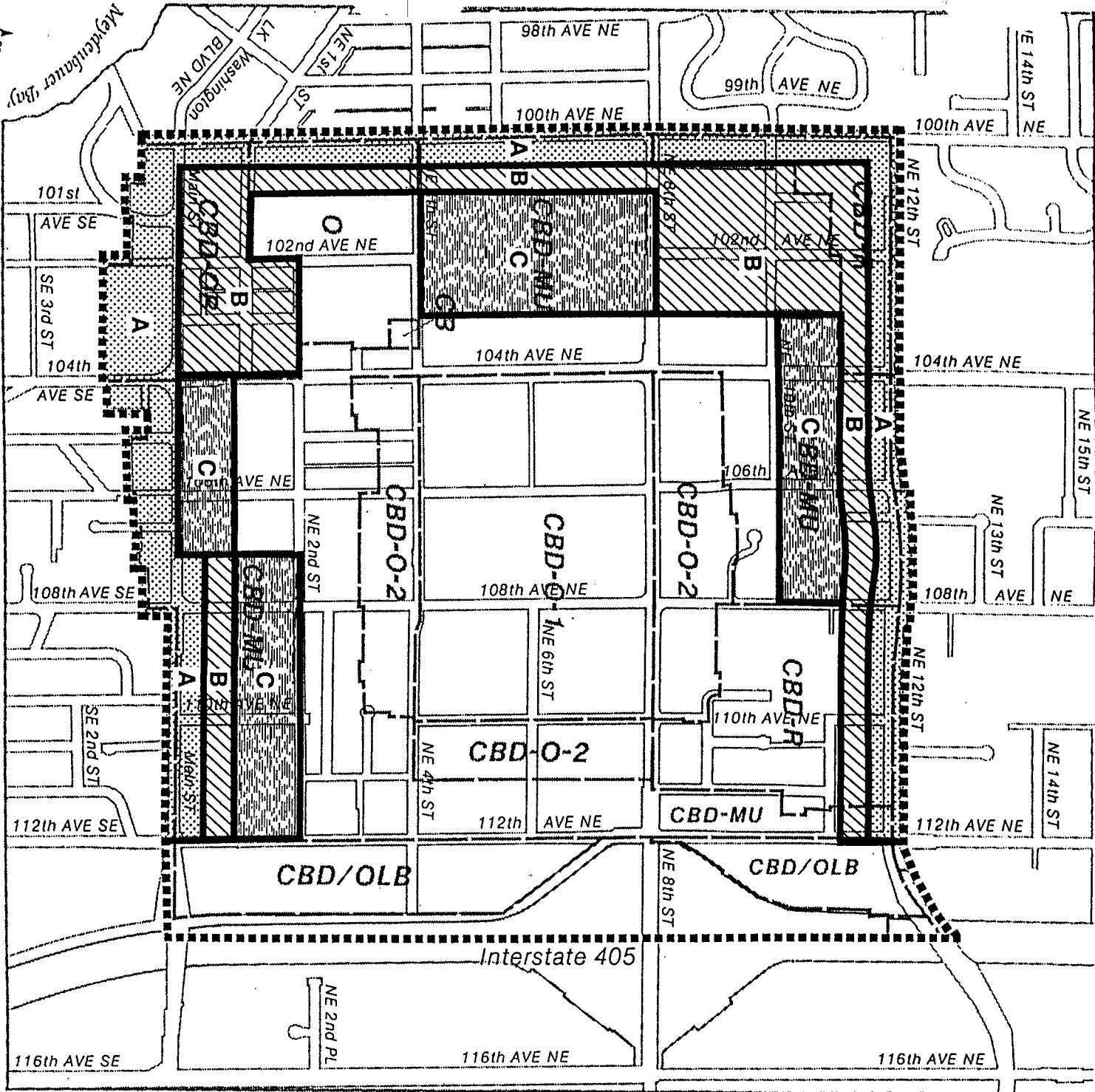
20.25A.090 Perimeter Design District

- A. Definition of District: The Perimeter Design District is an area composed of three Subdistricts (A-C) as depicted on the following map. The Perimeter Design District includes area within the boundary of the CBD as shown, whether or not said areas are within a CBD Land Use District.

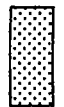

The Perimeter Design District shall include the following property west of the centerline of 112th Avenue N.E. within the Central Business District as defined in LUC 20.50.014:


- Subdistrict A:
1. All property south of the Main Street right-of-way, and
 2. All property in the Main Street, 100th Avenue N.E. and N.E. 12th Street rights-of-way, and
 3. All property measured 150' into the CBD from the internal edge of the Main Street, 100th Avenue N.E. and N.E. 12th Street rights-of-way, respectively, except that property south of N.E. 1st Street and lying between a line parallel to and 150' east of the east edge of the 100th Avenue N.E. right-of-way and the centerline of 107th Avenue N.E.
- Subdistrict B:
1. All property measured 150' into the CBD from the internal edge of Subdistrict A, except that property south of N.E. 1st Street, if extended, lying between the centerline of 104th Avenue N.E. and the centerline of 107th Avenue N.E., and
 2. All property north of the north edge of the Main Street right-of-way that is within the area that is east of the internal edge of Subdistrict A, south of the centerline of N.E. 2nd St. and west of the centerline of 104th Avenue N.E. except that property north of the centerline of N.E. 1st Street, west of the centerline of 102nd Avenue N.E., south of the centerline of N.E. 2nd Street, if extended, and east of a line parallel to and 300' east of the east edge of the 100th Avenue N.E. right-of-way; and
 3. All property within the area bounded by the northerly edge of the N.E. 8th Street right-of-way on the south, the southerly boundary of Subdistrict A on the north, the easterly boundary of Subdistrict A on the west, and a line parallel to and 300 feet west of the westerly edge of the 104th Avenue N.E. right-of-way on the east.

- Subdistrict C:
1. All property within the area bounded by a line parallel to and 300' north of the northerly edge of the Main Street right-of-way on the north, the northerly edge of the Main Street right-of-way on the south, and the centerlines of 104th Ave. N.E. on the west and 107th Avenue N.E. on the east, and
 2. All property within the area bounded by the northerly boundary of Subdistrict B on the south, the southerly edge of the N.E. 2nd St. right-of-way on the north, and the centerlines of 107th Avenue N.E. on the west and 112th Avenue N.E. on the east, and
 3. All property within the area bounded by the easterly boundary of Subdistrict B on the west, the centerlines of N.E. 4th St. on the south and N.E. 8th St. on the north, and a line parallel to and 300 feet west of the westerly edge of the 104th Ave. N.E. right-of-way on the east, and
 4. All property within the area bounded by the southerly boundary of Subdistrict B on the north, the northerly edge of the N.E. 10th Street right-of-way, if extended, on the south, and the centerlines of 103rd Ave. on the west and 108th Avenue N.E on the east.



City of Bellevue
Planning Department

-  Subdistrict A
-  Subdistrict B

-  Subdistrict C

Perimeter Design Districts

SCALE IN FEET




June 1991

Section 5. Bellevue City Code (Land Use Code) Section 20.25A.090.E.3 is amended as follows:

E. Development Standards:

3. Perimeter Design District Dimensional Requirements:

Perimeter Subdistrict	Building Type (5)	Minimum Setback from the CBD Boundary (1)(4)	Maximum Lot Coverage	Building Height		Floor Area Ratio	
				Basic	Maximum (2)	Basic	Maximum (3)
Subdistrict A	Nonresidential	20'	75%(6)	30'	40'	.5	1.0 in CBD/MU 1.0 in CBD-OB .5 in CBD-R
	Residential Parking	20' 20'	75%(6) 75%	30' 30'	55' 40'	2.0 N/A	3.5 N/A
Subdistrict B	Nonresidential	N/A	75%(6)	30'	65'	.5	1.5 in CBD-MU 1.0 in CBD-OB .5 in CBD-R
	Residential Parking	N/A N/A	75%(6) 75%	45' 40'	90' 40'	2.0 N/A	5.0 N/A
Subdistrict C	Nonresidential	N/A	75%	30'	100' (7)	.5	3.0 (7)
	Residential	N/A	100%	150'	200'	2.0	5.0(7)
	Mixed use (8)	N/A	75%	30'	100' (7)	.5	3.0(7)
	Parking	N/A	75%	40'	40'	N/A	N/A

Notes: Perimeter Design District Dimensional Requirements

- (1) Measured from inside edge of required perimeter sidewalk, if applicable. If existing utilities which cannot reasonably be relocated result in the planting of street trees on the property side of a sidewalk as provided for in Section 20.25A.060, 4' is added to the required setback. (Ord. 3747, 1-20-87, Section 12)
- (2) The maximum building height may only be achieved by participation in the FAR Amenity Incentive System (Section 20.25A.030). Except in Subdistrict A, the maximum height may be exceeded by no more than 10% or 10 feet, whichever is less, and only if the additional height is used to provide interesting roof forms such as pitched or sloped elements, pyramidal, spire or dome shapes, cupolas, or other decorative architectural features. In Subdistrict C, the maximum building height may be increased by no more than 15% if an interesting roof form is provided and if the applicant demonstrates that added height is necessary for provision of the neighborhood services listed in Section 20.25A.090.E.4.
- (3) The maximum permitted FAR may only be achieved by participation in the FAR Amenity Incentive System (Section 20.25A.030). Where residential and non-residential uses occur in the same building, the FAR is limited to the maximum FAR for the building type as determined in accordance with Note (8) and Section 20.25A.020.A.2, Note (7). See Section 20.25A.070D for FAR requirements in Old Bellevue.
- (4) See Section 20.25A.020.B for exceptions to minimum setback requirements.
- (5) Notwithstanding any other provisions of this Code, in Subdistrict A and B, hotels and motels shall be considered as non-residential structures, and in Subdistrict C they shall be considered as residential structures.
- (6) The maximum lot coverage in CBD-OB is 100%.
- (7) In Subdistrict C, the FAR amenity system in Section 20.25A.030 may be used to achieve building height not to exceed 65' and FAR not to exceed 1.5. The maximum non-residential FAR of 3.0 and maximum non-residential 100' height may only be achieved through participation in the special bonus provisions in Section 20.25A.090.E.7.
- (8) Mixed use building type is applicable only in Perimeter District Subdistrict C. See Section 20.25.A.090.E.7.d for special provisions of the mixed use building type.

Section 6. Bellevue City Code (Land Use Code) Section 20.25A.090.E.4 is amended as follows:

4. FAR Exemption: In Subdistricts A and B, the following uses are excluded from the gross building area for the purpose of calculating floor area ratio (FAR):
 - a. Hardware (Retail)
 - b. Food (Retail)
 - c. Drugstores
 - d. Personal Services
 - e. Education
 - f. Universities and Colleges
 - g. Charitable and Social Service Organizations
 - h. Religious Activities
 - i. Library/Museum
 - j. Art Gallery
 - k. Child Care Services
 - l. Gasoline Service Stations
 - m. Garden Supplies

Nothing in this paragraph amends the uses permitted in a Land Use District as displayed in Chart 20.10.440—Uses in Land Use Districts.

Section 7. Bellevue City Code (Land Use Code) Section 20.25A.090.E is amended with the addition of a new paragraph 7 as follows:

7. Special bonus provisions for Subdistrict C:
 - a. The non-residential 1.5 FAR may be exceeded in Subdistrict C only through the provision of neighborhood services and residential uses as provided in this paragraph.
 - b. The non-residential 1.5 FAR may be exceeded in Subdistrict C only if at least 25% of the bonus FAR square footage is comprised of neighborhood services, provided that the Design and Development Director may reduce the requirement to no less than 15% when at least 20% of all development on the site will consist of housing. Neighborhood services include the following uses:
 - i. Hardware (retail)
 - ii. Food (retail)
 - iii. Drugstores
 - iv. Personal Services (as identified in Section 20.10.440 Services Chart)
 - v. Child Care Services
 - vi. Gasoline Service Stations
 - vii. Garden Supplies (retail)
 - c. In Subdistrict C, the FAR amenity standards in Section 20.25A.030.C apply except that the amenity bonuses which may be earned to exceed the non-residential FAR of 1.5 are as follows:
 - i. Neighborhood services, as defined in Paragraph F.1 are bonused at a ratio of 2:1*, and
 - ii. Residential uses, as described in Section 20.25A.030.C.10 are bonused at a ratio of 1:1*.

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

d. Mixed Use:

In a mixed use building type, the maximum FAR of 3.0 is the limit of all non-residential uses in the building. Additional floor area may be permitted only as necessary to provide the special bonus residential uses required by this section in order to achieve the non-residential floor area above an FAR of 1.5. In no case may the total FAR exceed 5.0. For the purposes of these provisions, the residential uses may be located in a separate building or buildings within the same project limit as the non-residential uses; however, the mixed use building height of the Perimeter Design District Dimension Chart shall apply.

Section 8. Bellevue City Code (Land Use Code) Section 20.25A.100.E.6.d.vi is amended as follows:

vi. Floor Area Ratio:

- (1) Basic: Area to be devoted to a Major Public Open Space may at any time be used to calculate the basic floor area ratio of development for any project limit which incorporates that Major Public Open Space, or of development on property in the same ownership which abuts property which incorporates the Major Public Open Space. For purposes of this provision, abutting property includes all property in the same ownership separated from the Major Public Open Space by only a single public right-of-way. Any transfer of basic floor area to an abutting property must be recorded with the King County Division of Records and Elections and Bellevue City Clerk.
- (2) Bonus:
 - (a) Bonus floor area at the ratio of 16 square feet of floor area to 1 square foot of Major Public Open Space will be awarded to owners of property to be devoted to the Major Public Open Space who provide a recorded legal agreement pursuant to Paragraph d.iii upon approval of an application to construct that Major Public Open Space.
 - (b) Bonus floor area earned for construction of a Major Public Open Space may be –
 - (i) Transferred to any other property within the CBD-01 zoning district and that portion of the CBD-02 zoning district that is east of 110th Avenue N.E. provided, however, that properties may utilize transferred floor area only to the extent that the building height does not exceed limits depicted on the map entitled "Height Limits in the Core Design District" in Paragraph 20.25A.030.E. Each transfer must be recorded with the King County Division of Records and Elections and Bellevue City Clerk; and
 - (ii) Utilized to exceed the maximum building height of structures on the project limit incorporating the Major Public Open Space, or of structures to which the bonus floor area is transferred, subject to the limitations in paragraph (i).

(Ord. 3901B, 5-16-88, Section 3)

Section 9. Bellevue City Code (Land Use Code) Section 20.25A.100 is amended by the addition of a new paragraph E.9 as follows:

20.25A.100.E.9 Upper Level Setback

Each building facade within the Core Design District facing N.E. 4th, N.E. 6th (Major Pedestrian Corridor), N.E. 8th and 104th Avenue N.E. must incorporate a minimum 20-foot deep setback at a height between 25-40' above average finished grade, unless the applicant

demonstrates through Design Review (Part 20.30F) that such setback is not feasible due to site constraints, such as a small or irregularly shaped lot.

Section 10. Bellevue City Code (Land Use Code) Section 20.25A.110.B.4 is amended as follows:

4. Building Height and Bulk:
 - a. Building near public open spaces should permit visual access and, where feasible, physical access to the public open space.
 - b. Wherever practicable, buildings should be oriented to minimize the shadows they cast on Publicly Accessible Open Spaces.
 - c. Encourage slender towers, particularly at upper levels.
 - d. Discourage buildings of extreme rectangular shape which tend to be out of proportion for their floor area.
 - e. Encourage spacing between towers to retain the feeling of an open, airy CBD.
 - f. For buildings outside the Core Design District, encourage building massing which minimizes visual impacts to surrounding residential neighborhoods.

Section 11. Bellevue City Code (Land Use Code) Section 20.30I.155 is amended as follows:

20.30I.155 Comprehensive Plan Review:

A. General Goals and Policies:

The Planning Commission shall review and consider amendments to the general goals and policies of the Comprehensive Plan (Chapters 21.A-21.U) regularly at five year intervals beginning in 1985.

B. Subarea Plans:

1. The Planning Commission shall establish a rotating schedule to consider and review amendments to the Subarea Plan portion of the Comprehensive Plan. Subarea Plans shall be reviewed in chronological order from the date of adoption. Two Subarea Plans will be reviewed each year. A Subarea Plan may be reviewed outside of the established schedule only upon direction by a vote of not less than a majority of the total members of the City Council. The Central Business District Subarea Plan will not be reviewed for at least six years from July 15, 1991, or until at least 4,000,000 square feet of development has been added to the CBD after July 15, 1991, whichever comes later; but in any event the CBD subarea will be reviewed no later than ten years from July 15, 1991.
2. Prior to review of a Subarea Plan by the Planning Commission or by the City Council, the Council shall appoint a Citizens Advisory Committee to be named by the Mayor with the concurrence of a majority of the City Council. This Committee shall solicit public comment and make a recommendation on the Subarea Plan to the Planning Commission and City Council.

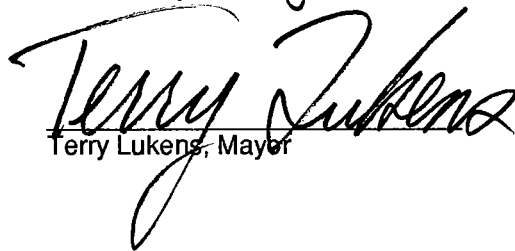
(Ord. 3651, 5-5-86, Section 1)

Section 12. Development proposals for which a complete administrative design review application has been submitted by July 15, 1991 are not subject to these provisions, provided however that the time limitation imposed by Section 20.30F.150 is applicable.

Section 13. This ordinance is effective five days after adoption and publication.

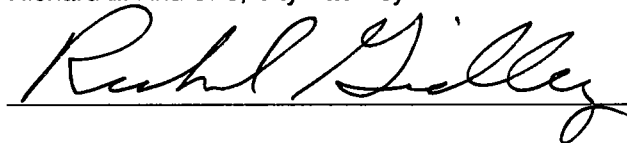
PASSED by the City Council this 1st day of July, 1991, and signed in authentication of its passage this 8th day of July, 1991.

(SEAL)

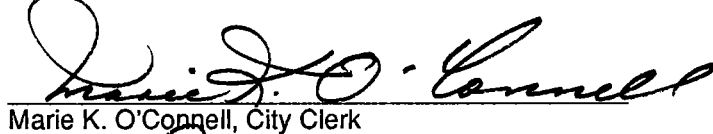

Terry Lukens, Mayor

Approved as to form:

Richard L. Andrews, City Attorney



Attest:


Marie K. O'Connell, City Clerk

Published July 12, 1991