

# ORIGINAL

## CITY OF BELLEVUE, WASHINGTON

### ORDINANCE NO. 5582

AN ORDINANCE amending the Bellevue Land Use Code to implement new and revised policies in the Downtown Subarea Plan of the Comprehensive Plan, expand the Major Public Open Space and make minor modifications for clarity; amending Sections 20.25A.020, 20.25A.030, 20.25A.040, 20.25A.060, 20.25A.065, 20.25A.070, 20.25A.090, 20.25A.100, 20.25A.110, the Design Guidelines–Building/Sidewalk Relationships, and the Pedestrian Corridor and Major Public Open Space Design Guidelines of the Bellevue Land Use Code; and establishing an effective date.

WHEREAS, the City has amended the Downtown Subarea portion of the Comprehensive Plan; and

WHEREAS, amendments to the Land Use Code are required to retain consistency with the Comprehensive Plan; and

WHEREAS, in light of the relocation of City Hall to Downtown and other changes envisioned for Downtown through the Downtown Implementation Plan process refinements of existing requirements are desirable; and

WHEREAS, the Planning Commission held a public hearing on December 15, 2004 with regard to such proposed Land Use Code amendment; and

WHEREAS, the Planning Commission finds that the Land Use Code amendment satisfies the criteria of LUC 20.30J.135 and therefore recommends that the City Council approve such proposed amendment; and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and the City's Environmental Procedures Code, BCC 22.02; now, therefore,

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

Section 1. Section 20.25A.020.A.2 of the Bellevue Land Use Code is hereby amended as follows:

Chart 20.25A.020.A.2 Dimensional Requirements in Downtown Districts

Downtown Land Use District	Building Type (7)(14)	Minimum Setback (3) (9)			Maximum Building Floor Area per Floor Above 40' (5)(9)(18)(24)	Maximum Building Floor Area per Floor Above 80' (5)(18)(24)	Maximum Lot Coverage	Building Height (6)		Floor Area Ratio	
		Front (1)(15)	Rear (25)	Side (25)				Basic	Max	Basic (10)	Max. (8)
DNTN-O-1	Nonresidential -Diminishing	0 (2)	0/20'	0/20'	24,000 gsf/f 30,000 gsf/f	24,000 gsf/f 24,000 gsf/f	100%	200'	300'	5.0	8.0
	Residential	0 (2)	0/20'	0/20'	20,000 gsf/f	12,000 gsf/f	100%	200'	450'	5.0	Un-limited
	Parking	0 (2)	0/20'	0/20'	20,000 gsf/f	20,000 gsf/f	100%	100'	100'	N/A	N/A
DNTN-O-2	Nonresidential -Diminishing	0 (2)	0/20'	0/20'	24,000 gsf/f 30,000 gsf/f	24,000 gsf/f 24,000 gsf/f	100%	150'	250'	4.0	6.0
	Residential	0 (2)	0/20'	0/20'	20,000 gsf/f	12,000 gsf/f	100%	150'	250'	4.0	6.0
	Parking	0 (2)	0/20'	0/20'	20,000 gsf/f	20,000 gsf/f	100%	100'	100'	N/A	N/A
DNTN-MU (20)	Nonresidential -Diminishing	0	0/20'	0/20'	22,000 gsf/f 30,000 gsf/f (23)	20,000 gsf/f 22,000 gsf/f	100%	60'	100'	0.5	3.0
	Residential	0	0/20'	0/20'	20,000 gsf/f	12,000 gsf/f (21)	100%	150'	200'	2.0	5.0
	Parking	0	0	0	20,000 gsf/f	N/A	75%	60'	60'	N/A	N/A
DNTN-R (20)	Nonresidential	0	0	0	20,000 gsf/f	12,000 gsf/f	75%	60'	65'	0.5	0.5
	Residential	0	0/20'	0/20'	20,000 gsf/f	12,000 gsf/f	100%	150'	200'	2.0	5.0
	Parking	0	0	0	N/A	N/A	N/A	40'	40'	N/A	N/A
DNTN-OB (20)	Nonresidential	0 (4)	0/20'	0/20'	20,000 gsf/f	12,000 gsf/f	100%	60'	100'	0.5	1.0
	Residential	0 (4)	0/20'	0/20'	20,000 gsf/f	12,000 gsf/f	100%	150'	200'	2.0	5.0
	Parking	0	0	0	N/A	N/A	75%	40'	40'	N/A	N/A
DNTN-OLB	Nonresidential -Diminishing	20' (19)	20' (19)	0/20'	22,000 gsf/f 30,000 gsf/f (23)	N/A N/A	60%	75'	75'	0.5	3.0
	Residential	20' (19)	20' (19)	0/20'	20,000 gsf/f	12,000 gsf/f	75%	75'	90'	2.0	3.0
	Parking	20' (19)	20' (19)	0	20,000 gsf/f	N/A	75%	45'	45'	N/A	N/A

gsf/f = Gross Square Feet Per Floor (24)

Notes: Dimensional requirements in Downtown 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 LUC 20.25A.060, four feet is added to the required setback.
- (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 LUC 20.25A.040.
- (4) The maximum setback from Main Street in the Downtown-OB District is 0 feet.
- (5) For floors above 40 feet, gross square feet per floor may be averaged unless an applicant takes advantage of the diminishing floor plates alternative described in Subsection B.
- (6) The maximum building height may only be achieved by participation in the FAR Amenity Incentive System, LUC 20.25A.030.
- (7) A single building is considered residential if more than 50 percent of the gross floor area is devoted to residential uses. See LUC 20.50.020 for the definition of "gross floor area."
- (8) The maximum permitted FAR may only be achieved by participation in the FAR Amenity Incentive System, LUC 20.25A.030. Where residential and nonresidential 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).
- (9) See subsection B of this section for exceptions to the minimum setback and maximum building floor area per floor above 40 feet requirements.
- (10) All new development and all substantial remodels must participate in the FAR Amenity Incentive System. See subsection C of this section for amenity requirements regarding the provision of basic floor area.
- (11) Intentionally deleted.
- (12) Intentionally deleted.
- (13) Intentionally deleted.
- (14) Except as set forth in Note (18), hotels and motels shall be considered as residential structures.
- (15) If the subject property abuts a street classified pursuant to LUC 20.25A.115, Design Guidelines—Building/Sidewalk Relationships, the maximum setback is 0 feet unless otherwise approved by the Director.
- (16) Intentionally deleted.
- (17) Intentionally deleted.

(18) For the purposes of determining Maximum Building Floor Area per Floor, including the averaging and diminishing floor plate methods described in Note (5) and Subsection B below, hotels and motels shall be considered as nonresidential structures.

(19) No parking or vehicle access lane is permitted between the sidewalk on 112th Avenue NE and the main pedestrian entrance to the building, except that a drop-off lane may be permitted for a hotel or motel entrance. The maximum setback from 112th Avenue NE is 30 feet, unless a greater setback is approved by the Director of the Department of Planning and Community Development to permit a drop-off lane. See paragraph B.3 of this section for exceptions to setback requirements.

(20) Some dimensions are different for properties located in the Perimeter Design District. For property within 1,200 feet of the north, south or west boundary of the Downtown, see LUC 20.25A.090 for the Perimeter Design District requirements.

(21) Applicable only to building floors above 100 feet in height.

(22) See LUC 20.25A.020.B.1.d for diminishing floor plate provisions.

(23) Not applicable to Perimeter Design Subdistricts A and B.

(24) Gross Square Feet Per Floor (gsf/f) refers to the floor area in square feet within the surrounding exterior walls measured from the interior wall surface and including openings in the floor plate such as vent shafts, stairwells, and interior atriums.

(25) Where building height exceeds 75 feet, there shall be a minimum side setback of 20 feet and a minimum rear setback of 20 feet from any interior property line applicable to all floors above 40 feet. See subsection B for exceptions to this minimum setback requirement.

Section 2. Section 20.25A.020.B of the Bellevue Land Use Code is hereby amended as follows:

**B. Exceptions to Dimensional Requirements.**

1. Floor Plate Exceptions.

a. For residential buildings, the Maximum Floor Area Per Floor above 40 feet may be increased by not more than 10 percent through Design Review, Part 20.30F LUC, 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 LUC 20.25A.030.C; however, the amenity area provided under this requirement may not be used to exceed the basic floor area ratio.

b. For buildings on streets designated "A" or "B" in Design Guidelines—Building/Sidewalk Relationships, the limitation of 'Maximum Building Floor Area Per Floor Above 40 Feet' may be modified through Design Review to apply to floor area above 45 feet. In this case, the applicant must demonstrate that the modification is necessary for creating higher, more prominent and distinctive ground-level pedestrian-oriented frontage; and the minimum retail floor height shall be 16 feet.

c. For structures that do not exceed 65 feet in height (as defined by the International Building Code, as adopted and amended by the City of Bellevue) the Director may allow the connection of floor plates above 40 feet such that those floor plates exceed the "Maximum Building Floor Area per Floor Above 40 Feet," provided, that:

i. The connection is to allow for safe and efficient building exiting patterns. The connecting floor area shall include required exiting corridor area and may include the floor area of units or other building uses;

ii. The connection occurs on no more than three floor levels above 40 feet; and

iii. The alternative design results in a building mass that features separate and distinct building elements.

d. Diminishing floor plate: A nonresidential building in the Downtown O-1, Downtown O-2, Downtown MU, and Downtown OLB land use districts can exceed the "Maximum Building Floor Area Per Floor Above 40 Feet," to a maximum of 30,000 square feet, if the building incorporates two floor plates which are each at least 20 percent smaller than the floor plate of the floor below it. If only one floor of a nonresidential building exceeds the "Maximum Building Floor Area Per Floor Above 40 Feet," the building must incorporate one floor plate which is at least 20 percent smaller than the floor plate of the floor below it. Exposed roof area at the level of the diminished floor must have some amount of landscaping and be physically accessible for use; or if not a flat surface, must provide a visually interesting roof form.

## 2. Setback/Stepback Exceptions.

a. Marquees or awnings which comply with the requirements of LUC 20.25A.030.C are permitted to extend over the public right-of-way upon approval of the Director of the Transportation Department and the Director of the Department of Planning and Community Development notwithstanding the provisions of the Sign Code, Chapter 22B.10 BCC, or any other City Code.

b. The Director of the Department of Planning and Community Development may approve an intrusion into the 20-foot front yard setback from the east side of 112th Avenue NE in the Downtown-OLB District to permit the location of pedestrian-oriented frontage retail uses within a portion of the required setback area. The intrusion shall be limited to a maximum of 30 percent of the required front yard setback area. All building areas within the setback areas shall be devoted to pedestrian-oriented uses and meet the design criteria of LUC 20.25A.030 for pedestrian-oriented frontage. Amenity floor area earned may be used to exceed the permitted basic floor area ratio.

c. The Director may allow modifications to the minimum side and rear setback required above 40 feet for buildings with a building height in excess of 75 feet if:

i. The applicant can demonstrate that the resulting design will be more consistent with the Design Review criteria of LUC 20.25A.110, and

ii. The building design, with the modification, will create sufficient spacing between towers to encourage a feeling of an open and airy Downtown.

d. Minor building elements may intrude into any required setback of this LUC Section 20.25A.020, subject to all the terms and conditions of LUC Section 20.20.025.C.

### 3. Floor Area Ratio Exceptions.

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

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

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

### 4. Height Exceptions.

a. The maximum height identified in LUC 20.25A.020.A may be increased by no more than 10 percent or 15 feet, whichever is greater, if the applicant can demonstrate that the additional height accommodates architecturally integrated mechanical equipment, interesting roof forms, significant floor plate modulation, significant façade modulation, or other such unique architectural features, and that the resulting design exceeds the quality and design requirements of 20.25A.110.

b. In the area of the Downtown bounded on the west by Bellevue Way, on the east by 112<sup>th</sup> Avenue NE, on the south by NE 4<sup>th</sup> Street and on the north by NE 8<sup>th</sup> Street, the maximum height identified in LUC 20.25A.020.A may be exceeded if the major pedestrian corridor is constructed as required by LUC 20.25A.100.E.1, or if the major public open space is constructed as required by LUC 20.25A.100.E.4. The maximum height may only be exceeded by the amount required to accommodate the additional Floor Area Ratio provided under LUC 20.25A.030.C.16 or to accommodate the additional Floor Area Ratio provided under LUC 20.25A.100.E.4.d, or a combination thereof. Heights may be exceeded under this provision only to the extent depicted on the map entitled "Heights in Core Design District" in LUC 20.25A.030.E.

c. Except within the Perimeter Design District, the maximum building height can be exceeded if right-of-way is dedicated as provided by LUC 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 LUC 20.25A.020.B.4.a but in no event may the combined effect of

applying that subsection and this subsection be to increase the building height over the maximum building height set forth in LUC 20.25A.020.A.2 by more than 10 percent or 15 feet, whichever is greater.

5. Lot Coverage Exceptions.

a. Underground buildings as defined in LUC 20.50.050 are not structures for the purpose of calculating lot coverage.

b. Buildings constructed partially below grade and not higher than 30 inches above average finished grade are not structures for the purpose of calculating lot coverage; provided, that the rooftop of the building shall be landscaped consistent with the planting requirements for the specific use that is proposed for the building roof area and for the land use district in which the use is located, or shall be developed with pedestrian improvements, such as plazas and walkways, as approved by the Director. All landscaping shall comply with standards set forth in LUC 20.20.520. The provisions of LUC 20.20.520.J (Alternative Landscaping Option) are applicable.

Section 3. Section 20.25A.030.E of the Land Use Code is hereby amended as follows:

**E. Transfer of Bonus Floor Area.**

1. When Floor Area May be Transferred.

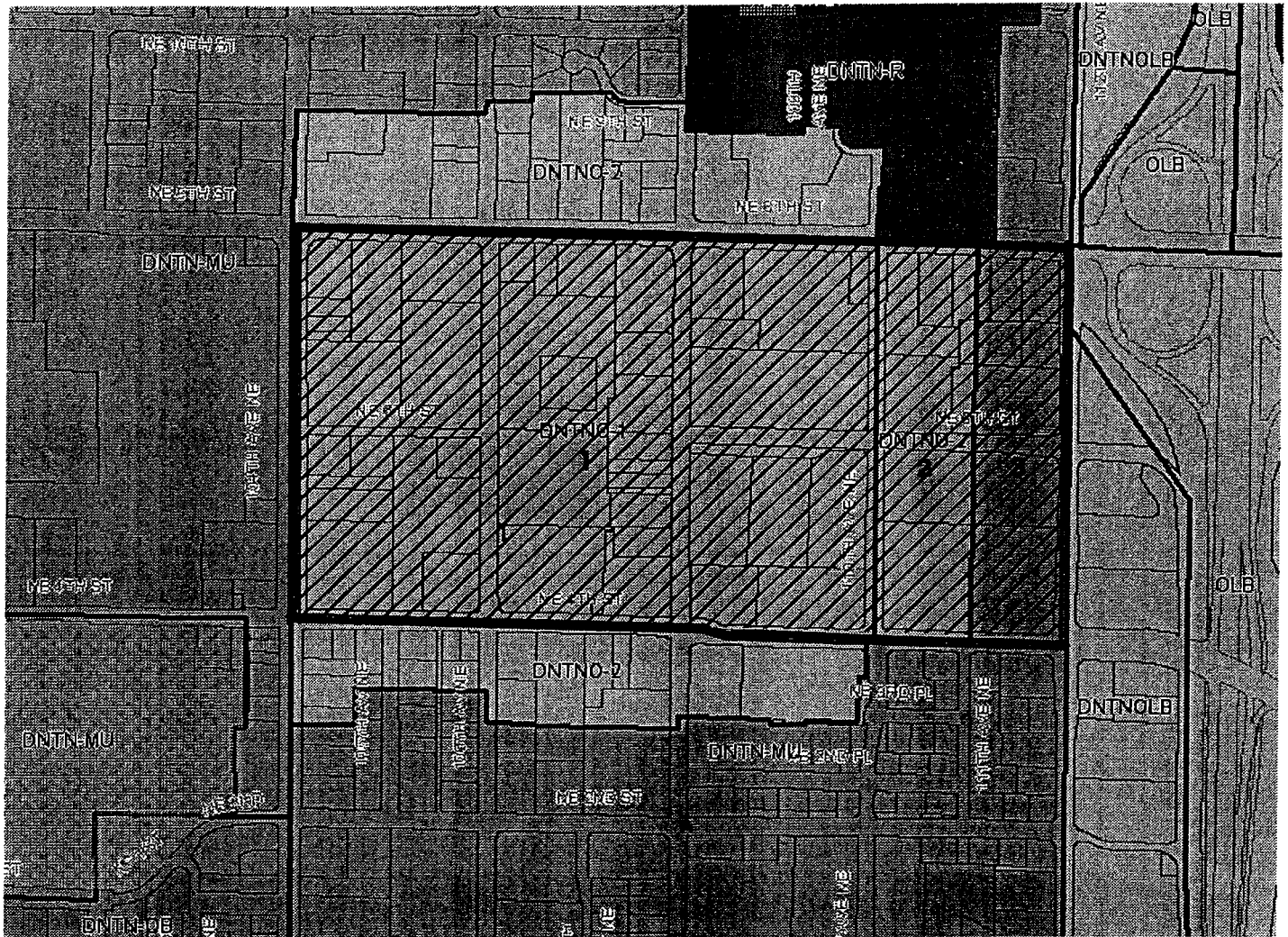
a. Bonus floor area earned through the amenity incentive system for a specific parcel of land may be transferred to an abutting parcel of land in the same ownership.

b. Bonus floor area earned for actual construction of the major pedestrian corridor may be transferred to any other property within the area of the Downtown bounded on the west by Bellevue Way, on the east by 112<sup>th</sup> Avenue NE, on the south by NE 4<sup>th</sup> Street and on the north by NE 8<sup>th</sup> Street. Properties may utilize this transferred floor area only to the extent that the building height does not exceed limits depicted on the map entitled "Heights in Core Design District."

2. Amount of Floor Area Transfer. No more than 25 percent 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.



## Heights in Core Design District \* Corridor Open Space Bonuses Used on –site and/or transferred

<sup>1</sup>Downtown O-1  
Residential & Nonresidential 450'  
Parking 100'

<sup>2</sup>Downtown O-2  
Residential & Nonresidential 350'  
Parking 100'

<sup>3</sup>Downtown MU  
Residential 250'  
Nonresidential 200'  
Parking 60'

\* 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 non-habitable structural elements.



Section 4. Section 20.25A.040 of the Land Use Code is hereby amended to read as follows:

**20.25A.040 Landscape Development and Fences.**

A. The provisions of LUC 20.20.520, except as they conflict with this section, apply to development in the Downtown Land Use Districts.

B. Site perimeter and parking structure landscaping shall be provided in Downtown Land Use Districts according to the following chart, Landscape Development Requirements. In addition, street trees may be required by LUC 20.25A.060.C.

**Landscape Development Requirements**

Land Use District	Location On-Site		
	Street Frontage	Rear Yard	Side Yard
Downtown-O-1 Downtown-O-2 Downtown OB (2)	If buffering a surface vehicular access or parking area -- 8' Type III (1)	None Required	None Required
Downtown-MU Downtown-R Downtown OLB (2)  See LUC 20.25A.090 for Perimeter Design District Standards	If buffering a surface vehicular access or parking area -- 8' Type III (1)	If buffering a surface vehicular access or parking area -- 5' Type III	If buffering a surface vehicular access or parking area -- 5' Type III

(1) An alternative design may be approved through Alternative Landscape Option, LUC 20.20.520.J. (2) On the east frontage of 112th Avenue NE, a landscape buffer (minimum width 20 feet) meeting the requirements of the Perimeter Design District landscape buffer, LUC 20.25A.090.D.4.b.ii, shall be provided, except where a plaza or pedestrian-oriented frontage meeting the requirements of LUC 20.25A.030 abuts the sidewalk.

C. Fences.

1. No fence may violate the sight obstruction restrictions at street intersections. (See BCC 14.60.240.)

2. Any fence which exceeds eight feet in height requires a Building Permit and shall conform to the International Building Code, as adopted and amended by the City of Bellevue.

3. Height shall be measured from finished grade at the exterior side of the fence. No person may construct a berm upon which to build a fence unless the total height of the berm plus the fence does not exceed the maximum height allowable for the fence if the berm was not present.

4. Prohibited fences. Barbed wire may not be used in fencing in any Downtown land use district. Electric fences are not permitted in any Downtown land use district. Chain link fences are not permitted in any Downtown land use district, except: i) to secure a

construction site or area during the period of construction, site alteration or other modification, and ii) in connection with any approved temporary or special event use.

Section 5. Section 20.25A.060 of the Land Use Code is hereby amended to read as follows:

**20.25A.060 Walkways and sidewalks.**

**A. Minimum Width -- perimeter.**

1. The minimum width of perimeter walkway or sidewalk is 12 feet plus four feet in which street trees are to be planted plus six inches curb along:

- a. NE 6th between 110th Avenue NE and 112th Avenue NE; and
- b. 106th Avenue NE between NE 4th and NE 8th; and
- c. 108th Avenue NE between NE 4th and NE 8th; and
- d. 110th Avenue NE between NE 4th and NE 8<sup>th</sup>.

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

- a. Bellevue Way between Main and NE 12<sup>th</sup>; and
- b. NE 4<sup>th</sup> between 100th Avenue NE and 112<sup>th</sup> Avenue NE; and
- c. NE 8<sup>th</sup> between 100<sup>th</sup> Avenue NE and 112<sup>th</sup> Avenue NE.

3. 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.

**B. Street Trees Required -- perimeter.**

1. 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 Plate B, and this section, or as approved by the Director, unless upon the request of the applicant, 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. Street trees, at least three inches in caliper or as approved by the Director, must be planted at least three feet from the street curb, and a maximum of 25 feet on center, unless upon request of the applicant 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.

4. 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. These required 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 4 feet wide, unless a smaller width is approved by the Director. Vegetation included in the planter strip shall be 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.

C. Walkways—mid-block.

1. Purpose. A 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, pedestrian connections are required in each superblock. These 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 connection.

a. Pedestrian connections must be developed as an internal walkway or sidewalk, an arcade, a pedestrian skybridge, and may meander.

b. Pedestrian connections must comply with the applicable definitions in Chapter 20.50 LUC.

c. Pedestrian connections must be designed to form logical routes from origins to destinations.

d. Pedestrian connections must offer diversity in terms of activity and pedestrian amenity along pedestrian routes.

e. Pedestrian connections must meet construction code handicapped requirements.

f. Pedestrian connections should use trees and landscaping to provide definition and enclosure.

g. 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.

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 mid-block 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.

Section 6. Section 20.25A.065.C of the Land Use Code is hereby amended to read as follows:

**C. Development Standards.**

All provisions of this Part 20.25A LUC shall apply to this district, with the following exceptions:

1. Within the Civic Center Design District, maximum lot coverage may be up to 100 percent for buildings in which more than 50 percent of the gross floor area, excluding parking, is comprised of one or more of the following uses: city government facilities, cultural facilities, conference facilities and exhibition facilities.

2. Within the Civic Center Design District, the building floor area per floor above 40 feet high may be unlimited for buildings and floors in which more than 50 percent of the gross floor area, excluding parking, is comprised of one or more of the following uses: city government facilities, cultural facilities, conference facilities and exhibition facilities.

3. Building types listed in paragraphs C.1 and C.2 of this section should incorporate special design features as described below:

a. Building facades should be divided into increments through the use of offsets, facets, recesses or other architectural features which serve to break down the scale. Roof forms should incorporate terraces, planting areas, decorative features, or other elements to soften the rectilinear profile.

b. Special attention should be given to the provision of elements at or near the ground level such as awnings, recessed entries, water features, address signs, seasonal flower beds, seating, pedestrian-oriented uses and display kiosks.

4. Nothing in these provisions shall affect the maximum floor area ratios permitted for the underlying land use districts.

5. Within the Civic Center Design District, the minimum side and rear setback required above 40 feet for all buildings with a building height in excess of 75 feet may be eliminated for buildings and floors in which more than 50 percent of the gross floor area, excluding parking, is comprised of one or more of the following uses: city government facilities, cultural facilities, conference facilities and exhibition facilities.

Section 7. Section 20.25A.070.B.2 of the Land Use Code is hereby amended to read as follows:

2. Mid-Block Connections. See Section 20.25A.060

Section 8. Section 20.25A.090.D.2 of the Land Use Code is hereby amended to read as follows:

2. Perimeter Design District Dimensional Requirements. Dimensional requirements for properties within the Perimeter Design District shall be regulated by the chart set forth in this Section; provided, that dimensional requirements from the "Dimensional Requirements in Downtown Districts" chart set forth in LUC 20.25A.020.A.2 shall apply for dimensions not regulated in the following chart:

Perimeter Subdistrict	Building Type <sup>5</sup>	Minimum Setback from the DNTN Boundary <sup>1,4,10</sup>	Max. Lot Coverage	Building Height <sup>2</sup>		Floor Area Ratio <sup>3</sup>	
				Basic	Max.	Basic	Max.
Subdistrict A	Nonresidential	20'	75% <sup>6</sup>	30'	40'	.5	1.0 in. DNTN-MU 1.0 in. DNTN-OB .5 in. DNTN-R
	Residential	20'	75% <sup>6</sup>	30'	55'	2.0	3.5
	Parking	20'	75%	30'	40' <sup>9</sup>	N/A	N/A
Subdistrict B	Nonresidential	N/A	75% <sup>6</sup>	30'	65'	.5	1.5 in. DNTN-MU 1.0 in. DNTN-OB .5 in. DNTN-R
	Residential	N/A	75% <sup>6</sup>	45'	90'	2.0	5.0
	Parking	N/A	75%	40'	40'	N/A	N/A
Subdistrict C	Nonresidential	N/A	75%	30'	100' <sup>7</sup>	.5	3.0' <sup>7</sup>
	Residential	N/A	100%	150'	200'	2.0	5.0
	Mixed Use <sup>8</sup>	N/A	75%	30'	100' <sup>7</sup>	.5	3.0' <sup>7</sup>
	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 LUC 20.25A.060, four feet is added to the required setback.
- (2) The maximum building height may only be achieved by participation in the FAR Amenity Incentive System, LUC 20.25A.030. Except in Subdistrict A, the maximum height may be exceeded by no more than 10 percent 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 percent 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 paragraph D.3 of this section.
- (3) The maximum permitted FAR may only be achieved by participation in the FAR Amenity Incentive System, LUC 20.25A.030. Where residential and nonresidential 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 LUC 20.25A.020.A.2, Note (7). See LUC 20.25A.070.D for FAR requirements in Old Bellevue.
- (4) See LUC 20.25A.020.B for exceptions to minimum setback requirements.
- (5) Notwithstanding any other provisions of this Code, in Downtown-OB and all Downtown districts within Perimeter Design Subdistrict C hotels and motels shall be considered as residential structures. In all other Downtown districts within Perimeter Design Subdistricts A and B hotels and motels shall be considered as nonresidential structures.
- (6) The maximum lot coverage in Downtown-OB is 100 percent.
- (7) In Subdistrict C, the FAR amenity system in LUC 20.25A.030 may be used to achieve building height not to exceed 65 feet and FAR not to exceed 1.5. The maximum nonresidential FAR of 3.0 and maximum nonresidential 100-foot height may only be achieved through participation in the special bonus provisions in paragraph D.6 of this section.
- (8) Mixed use building type is applicable only in Perimeter District Subdistrict C. See paragraph D.6.d of this section for special provisions of the mixed use building type.
- (9) A parking structure may achieve the maximum permitted height if the development of the project limit area which contains the parking structure provides a bonusable amenity through participation in the FAR Amenity Incentive System, LUC 20.25A.030.
- (10) On lots that are bisected by the Downtown boundary, the Director may allow the minimum setback from the Downtown boundary to be measured from the perimeter property lines abutting other lots located outside the Downtown boundary. The modification must be consistent with the Perimeter District purpose statement contained in subsection B of this section. This provision may be used to modify only the setback location and not the minimum setback size.

Section 9. Section 20.25A.090.D.5 of the Land Use Code is hereby amended to read as follows:

5. Special Design Standards. The following design standards apply to all development within the Perimeter Design District:

a. Upper Level Stepback. A building facade facing any of the following streets must incorporate a 15-foot deep stepback in that facade at a height no more than 40 feet above average finished grade:

- i. The south side of NE 12th Street between 102nd Avenue NE and 112th Avenue NE; and
- ii. Both sides of Main Street between 100th Avenue NE and Bellevue Way NE; and
- iii. The north side of Main Street between 108th Avenue NE and 112th Avenue NE; and
- iv. The east side of 100th Avenue NE between the southwest corner and northwest corner of the Downtown boundary; and
- v. Both sides of 102nd Avenue NE between Main Street and NE 1st Street.

Encroachments into this stepback are permitted for minor building elements subject to all the terms and conditions of LUC 20.20.025.C.

b. Lighting. Lighting fixtures shall incorporate cutoff shields to minimize off-site impacts.

c. Signs. All signs shall be an integral part of the architectural design and shall be consistent with the scale and architecture of the building.

Section 10. Section 20.25A.100.E.3 of the Land Use Code is hereby amended as follows:

3. Pedestrian Connections. See Section 20.25A.060.

Section 11. Section 20.25A.100.E.4 of the Land Use Code is hereby amended to read as follows:

4. Major Public Open Spaces.

a. Purpose. Major public open spaces serve as focal points for pedestrian activity within the Downtown Core Design District, and are design elements fully integrated with the major pedestrian corridor.

b. Location. The major public open spaces are to be located at or near the junction of the major pedestrian corridor and:

- i. Bellevue Way;

ii. 106th Avenue NE;

iii. 110th Avenue NE.

c. Design. Each development abutting a location of the major open public spaces as defined in paragraph E.4.b of this section must comply with the provisions of this paragraph and the Bellevue Pedestrian Corridor Guidelines and Major Public Open Space Guidelines as adopted by the City Council, or as the same may hereafter be amended. The Bellevue Pedestrian Corridor and Major Open Space Design Guidelines consist of general design guidelines consistent with provisions of this paragraph.

i. The major public open spaces must be designed with numerous pedestrian amenities such that these areas serve as focal points. Pedestrian amenities include elements such as seating, lighting, special paving, planting, food and flower vendors, artwork and special recreational features. Design must be coordinated with that of the major pedestrian corridors.

ii. The major public open spaces at or near 106th Avenue NE and 110<sup>th</sup> Avenue NE shall be a minimum of 30,000 square feet in size. A maximum of 37,000 square feet is allowed for the purpose of obtaining bonus floor area. The major public open space at or near Bellevue Way shall be a minimum of 10,000 square feet in size. A maximum of 15,000 square feet is allowed for the purpose of obtaining bonus floor area.

iii. Area devoted to a major public open space must be in addition to any area devoted to the major pedestrian corridor.

iv. Pedestrian-oriented frontage is required on at least two sides of a major public open space unless the major public space is linear in design, in which case pedestrian-oriented frontage is required on at least one side.

d. Specific Development Mechanism.

i. General. The provisions of paragraph E.4.d of this section establish alternative development mechanisms and specific requirements for each of the major public open spaces. Each affected property owner must comply with the major public open space design and construction requirements. Only those property owners who establish public access through a recorded legal agreement may utilize the FAR bonus for these open spaces.

ii. Ownership. The owners of property to be devoted to a major public open space will retain fee ownership of that property.

iii. Public Access—Legal Agreement.

(1) Each owner of property to be devoted to a major public open space who chooses to participate in the FAR bonus system for a major public 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.

(2) The agreement shall further provide that the public right of pedestrian use established thereunder shall be enforceable by the City of Bellevue, and



the City shall have full rights of pedestrian access to and use of the major public open space for purposes of enforcing the rights of the public under the agreement.

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

(4) The obligations under the agreement shall run with the land devoted to a major public open space. The agreement shall be reviewed at the end of 50 years from the date the agreement is signed and shall continue or change in accordance with the then existing public need for pedestrian use and access of a major public open space for subsequent 50-year terms.

(5) The owner of property to be devoted to a major public open space will maintain that portion of the major public open space and keep the same in good repair.

(6) The owners of property to be devoted to a major public open space may adopt reasonable rules and regulations for the use of that space; provided, that the rules and regulations are not in conflict with the right of pedestrian use and access and the intention of paragraph E.4.d.iii of this section.

iv. Arrangement of Space. The general apportionment, location, and major design features of at least the minimum area of a major public open space shall be established as part of the The Bellevue Pedestrian Corridor and Major Public Open Space Design Guidelines.. The specific apportionment and specific design of a major public open space on each affected parcel shall be established through the Design Development Plan described in paragraph E.4.d.x of this section.

v. Development Rights. Space above and beneath the area to be devoted to a major public open space may be developed by the property owner so long as that development is not in conflict with any established pedestrian use of and access to the major public open space, the intentions of paragraph E.4.d.iii of this section, if applicable, and The Bellevue Pedestrian Corridor and Major Public Open Space Design Guidelines.

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 one 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 E.4.d.iii of this section 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 area of the Downtown bounded on the west by Bellevue Way, on the east by 112<sup>th</sup> Avenue NE, on the south by NE 4<sup>th</sup> Street and on the north by NE 8<sup>th</sup> Street. 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 LUC 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 E.4.d.vi(2)(b)(i) of this section.

vii. Construction Required. Subject to paragraph E.4.d.viii of this section, construction by the property owner of all or part of a major public open space on property in that ownership at the location identified in The Bellevue Pedestrian Corridor and Major Public Open Space Design Guidelines is required in conjunction with any development on property in that ownership within:

(1) 175 feet of the intersection of the eastern edge of the 106th Avenue NE right-of-way and the centerline of the major pedestrian corridor, but including only that area east of the 106th Avenue NE right-of-way; or

(2) 175 feet of the intersection of the centerline of the 110th Avenue NE right-of-way and the centerline of the major pedestrian corridor, or the extension thereof; or

(3) 175 feet of the intersection of the centerline of the Bellevue Way right-of-way and the centerline of the major pedestrian corridor.

viii. Exempt Activity/Use. Notwithstanding the provisions of paragraph E.4.d.vii of this section, the following activities and uses may occur on property described therein without concurrent construction of the major public open space:

(1) Surface parking, subject to the landscape development provisions of this Code, for a period of not more than five years;

(2) Temporary major pedestrian corridor improvements in conformance with the Interim Corridor Design Plan;

(3) Landscape development;

(4) Street improvements including the Transit Center as provided for in paragraph E.2 of this section;

(5) Any interior remodel;

(6) Any exterior remodel which enlarges exterior dimensions such that new floor area not exceeding a total of 20 percent of the gross floor

area of the existing building is added, and all new floor area is devoted to pedestrian-oriented uses.

ix. Major Public Open Space Design.

(1) Prior to issuance of a Building Permit for any structure which requires construction of all or part of a major public open space, or prior to actual construction of all or part of a major public open space, whichever comes first, The Bellevue Pedestrian Corridor and Major Public Open Space Design Guidelines shall contain an illustrative design generally apportioning the minimum required amount of major public open space for that entire open space. Each major public open space may have a separate illustrative design.

(2) The property owners shall record the approved illustrative design with the King County Division of Records and Elections and Bellevue City Clerk.

x. Design Development Plan.

(1) Prior to issuance of a Building Permit for any structure which requires construction of all or part of a major public open space, or prior to actual construction of all or part of a major public open space, whichever comes first, a Design Development Plan for that portion to be constructed must be submitted to and approved by the Director of Planning and Community Development.

(2) The Director of Planning and Community Development shall review the plan, or amend any approved plan through Design Review, Part 20.30F LUC. Alternatively, the City Council may review and adopt the plan as part of an action on any project subject to the City Council Design Review process, LUC 20.30.116. A plan approved by the Council through the City Council Design Review process may be amended by the Director through Part 20.30F LUC.

(3) The proposed plan must specify the following elements:

- (a) Landscaping;
- (b) Lighting;
- (c) Street furniture;
- (d) Color and materials;
- (e) Relationship to building frontage;
- (f) Specific location of the major public open space;
- (g) All design features required pursuant to paragraph E.4.c of this section;
- (h) Relationship to and coordination with other portions of the major public open space, and with the major pedestrian corridor;

(i) Any other physical element which the Director of Planning and Community Development determines is necessary for and consistent with the Major Public Open Space Design Plan.

Section 12. Section 20.25A.100.E.7 of the Land Use Code is hereby amended to read as follows:

7. Upper Level Stepback. Each building facade within the Core Design District facing NE 4th, NE 8th or Bellevue Way must incorporate a minimum 20-foot-deep stepback at a height between 25 feet and the level of the first floorplate above 40 feet. This required stepback may only be modified or eliminated if the applicant demonstrates through Design Review (Part 20.30F LUC) that: (a) such stepback is not feasible due to site constraints, such as a small or irregularly shaped lot, or (b) the modification is necessary to achieve design elements or features encouraged in this Section 20.25A.100 or the provisions of LUC 20.25A.110 and the modification does not interfere with preserving view corridors. Where a modification has been granted under LUC 20.25A.020.B.4, the upper level stepback may be incorporated between 25 feet and the level of the first floorplate above 45 feet.

Section 13. Section 20.25A.110.A.1 of the Land Use Code is hereby amended to read as follows:

**A. Site Design Criteria.**

1. Vehicular Circulation and Parking.
  - a. Provide efficient vehicular access to parking and service areas which is coordinated on a superblock basis.
  - b. Coordinate the location of vehicular and pedestrian midblock connections, considering opportunities for midblock crossings.
  - c. Provide for safe and pleasant movement within the Downtown for the pedestrian and bicyclist.
  - d. Maximize the separation of vehicular traffic from pedestrian areas by means of level changes, space and distance, or landscaping.
  - e. Incorporate retail shopping space at ground level into parking structures whenever practical and appropriate.
  - f. Minimize the location of parking adjacent to pedestrian connections.
  - g. Limit the number of driveway openings and the number of access lanes in each opening.
  - h. Where appropriate, fit garages into the topography and make use of garage roofs for public open space, recreation or landscaped areas.
  - i. Maximize the use of underground parking.

Section 14. Section 20.25A.110.A.2 of the Land Use Code is hereby amended as follows:

2. Pedestrian Circulation and Amenities. See Section 20.25A.060.

Section 15. Section 20.25A.110.B.4 of the Land Use Code is hereby amended as follows:

4. Building Height and Bulk.

a. Buildings 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 Downtown.

f. For buildings outside the Core Design District, encourage building massing which minimizes visual impacts to surrounding residential neighborhoods.

g. Stepbacks required for diminished floorplate buildings, LUC 20.25A.020.A.2(22), should be oriented to the public street or streets adjacent to the building site to maximize the availability of light and air at the street level and to preserve view corridors. Where the site abuts more than one public street, preference for the orientation of the stepback should be given to the street intended to have the highest orientation to pedestrians as provided by LUC 20.25A.115, Design Guidelines: Building/Sidewalk Relationships.

h. Encourage rooftop features, appropriate to the overall height and scale of the building, to modify an otherwise unmodulated profile.

Section 16. Section 20.25A.110.B.7 of the Land Use Code is hereby amended as follows:

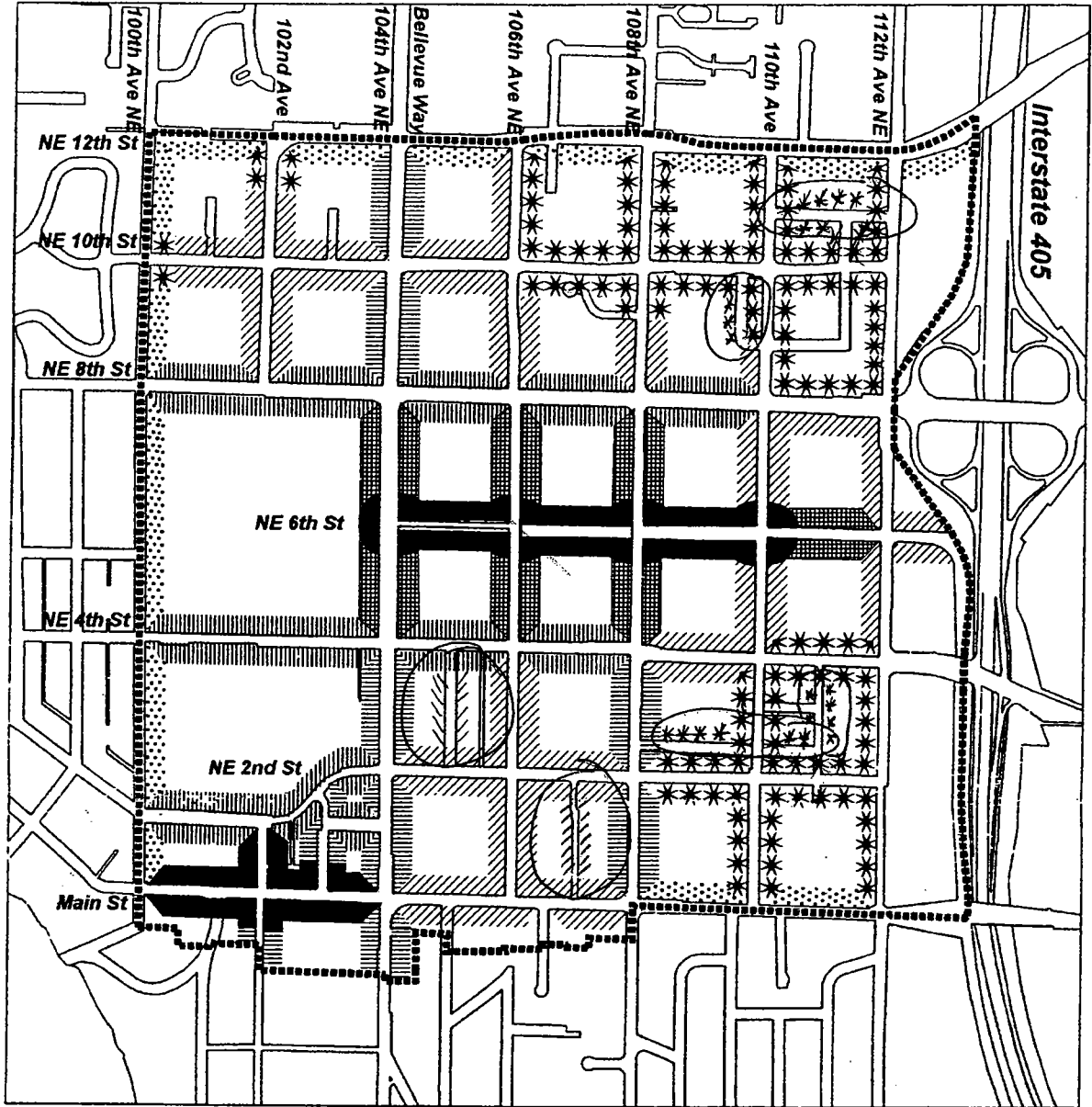
7. Signage.

a. Ensure that signage is an integral part of the architectural design.

b. Encourage signage which is scaled to the pedestrian and enhances the pedestrian environment.

c. Signage must comply with the applicable requirements of Chapter 22B.10 of the Bellevue City Code, now or as hereafter amended.

Section 17. The map entitled "Right-of-Way Designations" in Section IV of the Design Guidelines -- Building/Sidewalk Relationships is hereby amended as follows:




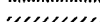
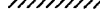



— 500 Feet

----- Downtown Boundary



### 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.

*Note: Additional designations circled*

0766-ORD  
2/1/2005

Section 18. Figure III-4: 110<sup>th</sup> Avenue NE MPOS Illustrated Plan in the Pedestrian Corridor and Major Public Open Space Design Guidelines is hereby amended as follows:

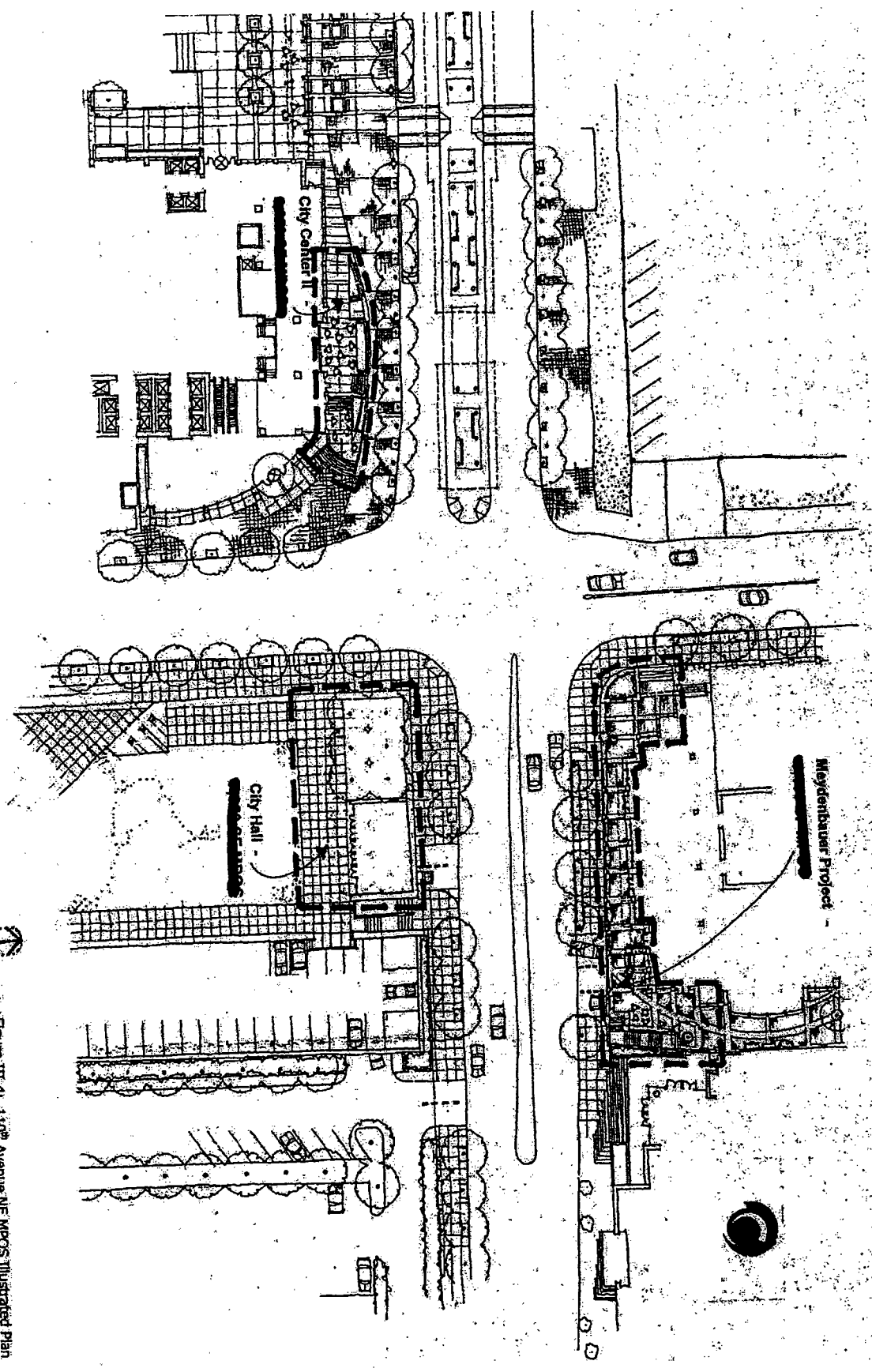


Figure III-4: 110<sup>th</sup> Avenue NE MPOCS Illustrated Plan



0766-ORD  
2/1/2005

Section 19. This ordinance shall take effect and be in force five (5) days after adoption and legal publication.

Passed by the City Council this 7<sup>th</sup> day of February, 2005, and signed in authentication of its passage this 7<sup>th</sup> day of February, 2005.

(SEAL)

Connie B. Marshall  
Connie B. Marshall, Mayor

Approved as to form:

Lori M. Riordan  
Lori M. Riordan, City Attorney

Attest:

Myrna L. Basich  
Myrna L. Basich, City Clerk

Published February 11, 2005