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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3272

AN ORDINANCE providing for the Bellevue Transit Center and coordinated development of the Major Pedestrian Corridor; amending Bellevue City Code (Land Use Code) 20.25A.100.E.1.b, 20.25A.100.E.1.c, 20.25A.100.E.1.e.i, 20.25A.100.E.1.e.ii, 20.25A.100.E.1.e.iii, 20.25A.100.E.1.h and 20.25A.100.E.2; and adopting new Sections 20.25A.100.E.1.i and 20.25A.100.E.1.j.

WHEREAS, on January 17, 1983, the Bellevue City Council adopted Resolution No. 4123 endorsing the Bellevue Transit Center on Site 7 (N.E. 6th Street right-of-way and adjacent properties between 108th Avenue N.E. and 110th Avenue N.E.) and the design concept shown as Alternative 7A in the Final Technical Report of the Bellevue Transit Center Preliminary Design Study; and

WHEREAS, the Bellevue City Council determined that certain amendments to the Land Use Code are necessary in order to implement the Bellevue Transit Center as endorsed in Resolution No. 4123; and

WHEREAS, the Metro Council did on February 17, 1983, endorse the Bellevue Transit Center proposal as described by Resolution No. 4123; and

WHEREAS, it is in the best interest of Metro and the City of Bellevue to locate the Bellevue Transit Center at Site 7 which will require adjustments in the Bellevue Pedestrian Corridor as located by Land Use Code Section 20.25A.100E.1.b; and

WHEREAS, it is reasonable to phase construction of the Major Pedestrian Corridor along a property frontage; and

WHEREAS, any intermediate level of Corridor development should provide for pedestrian/vehicle separation, pedestrian movement and pedestrian attracting activity or recreation space; and

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

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

Section 1. Bellevue City Code (Land Use Code) 20.25A.100.E.1.b. is amended to read as follows:

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- b. Location: The alignment of the Major Pedestrian Corridor is defined as the area within 30' of the extension of the North line of Lots 3 and 4, Block 2 of Cheriton Fruit Gardens Plat No. 1 recorded in the King County Department of Records and Elections in Volume 7 of Plats at Page 47, extending from eastern edge of the enclosed portion of Bellevue Square to 108th Avenue N.E. and the area within 30' north of the north curb and 30' south of the south curb of the Bellevue Transit Center traffic lanes as hereafter approved by the City, extending across the 108th Avenue N.E. right-of-way and to 110th Avenue N.E. This alignment may be modified by the Bellevue Pedestrian Corridor Guidelines or by a Corridor Development Design Plan for a specific property.

Section 2. Bellevue City Code (Land Use Code) 20.25A.100.E.1.c. is amended to read as follows:

- c. Bellevue Pedestrian Corridor Guidelines: The City Council shall adopt Bellevue Pedestrian Corridor Guidelines, and may amend adopted Guidelines, after conducting a Public Hearing or Hearings. The procedures of 20.30.825, 20.30.845, 20.30.850 and 20.30.867 shall apply. The Bellevue Pedestrian Corridor Guidelines shall consist of general design guidelines consistent with provisions of this paragraph and determine appropriate alignment(s) and elevation(s) of the Major Pedestrian Corridor.
- i. The Corridor must present a coordinated design. The City will consider coordinated design features such as uniform treatment of signing, landscaping and lighting over the entire length of the corridor. Variety in design will be allowed and in some cases encouraged in order to provide visual interest and harmony with adjacent development. The Corridor must incorporate numerous pedestrian amenities such as seating areas, landscaping, art features, weather protection and pedestrian scale lighting.
- ii. Predominantly continuous Pedestrian Oriented Frontage, Plazas, Pedestrian Ways, Street Arcades, Art or Landscape Features, or Enclosed Plazas shall be located along or on the Major Pedestrian Corridor.
- iii. The Corridor may be bridged or covered but is intended for pedestrian movement through the Corridor 24 hours a day over the entire length of the Corridor, excluding temporary closures of the Corridor for maintenance purposes. This requirement shall be reviewed as part of the Bellevue Pedestrian Corridor Guidelines.
- iv. Pedestrian movement across 104th Avenue N.E., 106th Avenue N.E. or 108th Avenue N.E. may occur at grade or be grade separated.

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- v. The Major Pedestrian Corridor width may be established as part of the Bellevue Pedestrian Corridor Guidelines. The Major Pedestrian Corridor width shall average 60' and in no case be less than 40' over each superblock west of 108th Avenue N.E., and shall average 30' and in no case be less than 20' on each side over the superblock extending from the western edge of the 108th Avenue N.E. right of way to 110th Avenue N.E.

All subdivisions or short subdivisions hereafter approved or permits for any structure or permanent parking or circulation area shall be reviewed for compatibility with the alignment of the Major Pedestrian Corridor as specified in Paragraph E.1.b. of this Section or in the Bellevue Pedestrian Corridor Guidelines if any lot line, structure or permanent parking or circulation area is within --

- (1) 330 feet of the centerline of the Major Pedestrian Corridor if west of 108th Avenue N.E., or
- (2) The area between the exterior edge of the curblines of the Transit Center and the eastward extension of the trigger lines as defined in Paragraph v.(1) to 110th Avenue N.E.

Section 3. Bellevue City Code (Land Use Code) 20.25A.100.E.1.e.i is amended to read as follows:

e. Provision of the Corridor:

- i. If the property owner wishes to at any time obtain bonus FAR for construction of the Major Pedestrian Corridor, the City may approve the subdivision or short subdivision of property resulting in any interior lot line which is within the distances specified in Paragraph 20.25A.100.E.1.c.v only if:

- (1) The owner of the property to be subdivided or short subdivided executes a legal agreement providing that all property that he/she owns within the superblock in which any of property to be subdivided or short subdivided is located and which is within the alignment of the Major Pedestrian Corridor established under Paragraph E.1.b., E.1.c. or E.1.e.iii. (hereafter the "Corridor Property") shall be subject to a nonexclusive right of pedestrian use and access by the public. The agreement shall legally describe and shall apply to only that property of the owner located within the distances specified in Paragraph 20.25A.100.E.1.c.v.

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Such an agreement shall further provide that:

- (a) 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 Corridor Property for purposes of enforcing the rights of the public under this agreement.
- (b) The obligations under the agreement shall run with the Corridor Property. 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 the Corridor for subsequent 50 year terms.
- (c) The owner will design and construct the Corridor within such Corridor Property in accordance with the requirements of Section E.1.
- (d) The agreement shall be recorded with the King County Department of Records and Elections.
- (e) The owner will maintain the portion of the Corridor located on the Corridor Property and keep the same in good repair.
- (f) The City will provide adequate police protection.
- (g) No modifications may be made to the Corridor without approval of the City in accordance with Section E.1.e.ii.
- (h) The alignment of any such portion of the Pedestrian Corridor established by a legal agreement may be modified or terminated by the property owner and the City if the alignment of any section of the Major Pedestrian Corridor changes pursuant to Paragraph E.1.e.ii of this Section.
- (i) The owner may adopt reasonable rules and regulations for use of his/her portion of the Corridor provided that the same may not be inconsistent with the requirements or intentions of this Section.
- (j) Any other terms and conditions that the owner(s) and the City agree to.

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Section 4. Bellevue City Code (Land Use Code) 20.25A.100.E.1.e.ii is amended to read as follows:

- ii. Corridor Design Development Plan: Prior to the issuance of a building permit for the construction of any structure other than surface parking; and other than any interior remodel or exterior remodel which enlarges exterior dimensions such that new floor area not exceeding a total of 20% of the gross floor area of the existing building is added, and provided that all new floor area is devoted to pedestrian oriented uses; on the property, any portion of which abuts the Major Pedestrian Corridor and is within the distances specified in Paragraph 20.25A.100.E.1.c.v, a Design Development Plan for the section of the Corridor required to be constructed under E.1.e.iii. must be submitted to and approved by the Planning Director.

The Planning Director may approve, modify and approve, or deny the plan, or amend any approved plan through the Administrative Design Review Process, Section 20.30.475.A, B, C. Prior to taking action on any application hereunder, notice shall be given as provided in 20.30.610.D. Appeals from an Administrative Design Review decision involving property within a CBD land use district will be heard and decided upon by the City Council following procedures of Section 20.30.825, 20.30.845, 20.30.850 and 20.30.867.

If the owner constructs a Temporary Pedestrian Linkage under paragraph E.1.e.iii., preparation of the Corridor Design Development Plan will not be required until the property to be developed is located within --

- (1) 130 feet of the centerline of the Major Pedestrian Corridor, west of 108th Avenue N.E., or
- (2) The area between the exterior edge of the curblines of the Transit Center and the eastward extension of the trigger lines as defined in Paragraph e.ii(1) to 110th Avenue N.E.

The proposed plan must specify the following elements:

- (1) Landscaping,
- (2) Lighting,
- (3) Street Furniture,
- (4) Color and materials,
- (5) Relationship to building frontage,
- (6) Specific alignment for property on which the Corridor will have to be constructed by the applicant proposing development,
- (7) Any other physical elements which the Planning Director and the City Council in their review, determines necessary

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for and consistent with the Design Development Plan for a specific section of the Major Pedestrian Corridor, not including specific requirements to construct structures containing retail uses abutting the Corridor.

Section 5. Bellevue City Code (Land Use Code) 20.25A.100.E.1.e.iii is amended to read as follows:

iii. The City may issue a permit for the construction of a structure other than surface parking and other than any interior remodel or exterior remodel which enlarges exterior dimensions such that new floor area not exceeding a total of 20% of the gross floor area of the existing building is added, and provided that all new floor area is devoted to pedestrian oriented uses; on property any part of which abuts the Major Pedestrian Corridor and is within the distances specified in Paragraph 20.25A.100.E.1.c.v at the time of the adoption of Ordinance No. 2945 only if:

- (1) The owner complies with Section E.1.e.i.(a) - (j) above if that owner wishes to earn bonus FAR for construction of the Major Pedestrian Corridor; and
- (2) The owner files a building permit application to construct his/her section of the Corridor on (a) land he/she owns within the Corridor and within the superbloc of the subject construction permit for a structure, and (b) on one half the width of any abutting city-owned land in the Corridor (except for intersections listed below). The City shall initiate or abutting property owners may initiate a street vacation for right-of-way the City owns between 104th Avenue N.E. and 106th Avenue N.E. at N.E. 6th Street in conjunction with or prior to an owner application to construct the Major Pedestrian Corridor. Actual construction of the Corridor must begin prior to the issuance of a certificate of occupancy or temporary certificate of occupancy for the structure other than surface parking. The City shall construct the Corridor at the street intersections of the Corridor and 104th Avenue N.E., 106th Avenue N.E., and 108th Avenue N.E.

The width of the Corridor that would have to be constructed under the requirements of this paragraph may be modified when the final alignment of the Corridor is established as part of Corridor Design Development Plan (E.1.e.ii.).

Notwithstanding this potential change in the width of the Corridor that would have to be constructed under paragraph E.1.e.iii., property owners shall at a minimum be required to construct the section of the Corridor as specified in E.1.e.iii(2)(a).

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Building permits for surface parking areas to be located on property any part of which abuts the Major Pedestrian Corridor and is within the distances specified in Paragraph 20.25A.100.E.1.c.v at the time of the adoption of this ordinance may be issued subject to the conditions specified in paragraph E.1.d.ii. of this section.

Notwithstanding any other requirement of this section, if a Temporary Pedestrian Linkage is constructed as specified in paragraph E.1.f., construction of the Corridor will not be required unless the property to be developed is located within the distances specified in Paragraph 20.25A.100.E.1.e.ii.

Section 6. Bellevue City Code (Land Use Code) 20.25A.100.E.1.h is amended to read as follows:

- h. Bonus Floor Area for Major Pedestrian Corridor Construction: Bonus floor area associated with the Major Pedestrian Corridor (Section 20.25A.030) shall be awarded to owners of property within within the distances specified in Paragraph 20.25A.100.E.1.c.v through the Administrative Design Review procedures under Paragraph E.1.e.iii.(2), in conjunction with an application for a permit to construct a structure, permanent parking or circulation area and the Major Pedestrian Corridor and the provision of a legal agreement establishing the public right of pedestrian use pursuant to Paragraph 20.25A.100.E.1.e.(i)(a-j).

Section 7. Bellevue City Code (Land Use Code) 20.25A.100.E.1 is amended by the addition of a new Paragraph which reads as follows:

20.25A.100.E.1.i Exempt Activity/Use:

Notwithstanding the provisions of Paragraph 20.25A.100.E.1, the following activities and uses may occur on property within the distances specified in Paragraph 20.25A.100.E.1.c.v without concurrent construction of the Major Pedestrian Corridor, the Temporary Pedestrian Linkage or the Intermediate Pedestrian Corridor:

- (1) Surface parking approved pursuant to Paragraph 20.25A.100.E.1.d.ii,
- (2) Landscape Development,
- (3) Street, access and sidewalk improvements, including the Transit Center as provided for in Paragraph E.2 of this Section,
- (4) Any interior remodel,
- (5) Any exterior remodel provided that if exterior dimensions are enlarged new floor area may not exceed a total of 20% of the gross floor area of the structure as it existed on the effective date of this provision, and provided that all new pedestrian level floor area is devoted to Pedestrian Oriented Uses.

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- (6) Development of the Temporary Pedestrian Linkage or the Intermediate Pedestrian Corridor.

Section 8. Bellevue City Code (Land Use Code) 20.25A.100.E.1 is amended by the addition of a new paragraph which reads as follows:

20.25A.100.E.1.j Intermediate Pedestrian Corridor:

- j. Notwithstanding any provision of this Code which requires construction of the Major Pedestrian Corridor, a property owner may phase construction of that section of the Major Pedestrian Corridor otherwise required to be built by delaying any portion not directly abutting or adjacent to the project limit which triggered the construction requirement if the owner provides an Intermediate Pedestrian Corridor for that delayed portion of the Corridor Property which --
- (1) Is at least 16 feet in width from the centerline of the Major Pedestrian Corridor west of 108th Avenue N.E., or extending outward from the exterior edge of the north or south curblines of the Bellevue Transit Center traffic lanes. This space shall be designed to include a minimum 4' edge separating and defining the space, a minimum 8' pedestrian movement area and a minimum 4' recreation/activity area.
 - (2) Incorporates lighting, planting, seating, and scored or decorative paving.
 - (3) Provides a sense of enclosure along the exterior edge of the space by the use of a design element which both physically and visually separates the Intermediate Corridor from abutting property. Nonexclusive examples of such an element include a sculptural wall, dense planting or berm.
 - (4) Is consistent with the applicable provisions of the Bellevue Pedestrian Corridor Guidelines, as determined by the Planning Director.
- ii. Design for any Intermediate Pedestrian Corridor must be approved through the Administrative Design Review Process in conjunction with the Design Development Plan for the Major Pedestrian Corridor required to be constructed. Design plans must be equivalent in detail to those submitted for the Design Development Plan.
- iii. An Intermediate Pedestrian Corridor satisfies any requirement of this Code to construct the Temporary Pedestrian Linkage.

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- iv. Space developed as an Intermediate Pedestrian Corridor must be replaced by the Major Pedestrian Corridor at the time of development on any project limit abutting or adjacent to the Major Pedestrian Corridor. Construction of the Major Pedestrian Corridor must be in conformance with all requirements of Paragraph 20.25A.100.E.1e.

Section 9. Bellevue City Code (Land Use Code) 20.25A.100.E.2 is amended to read as follows:

2. Transit Center:

- a. Purpose: The Transit Center is to provide the opportunity for intra-Eastside and regional bus routes to be timed and coordinated in a manner to maximize bus service for Bellevue CBD employees, shoppers, and Bellevue residents.
- b. Location: The Transit Center is to be located within the Core Design District on N.E. 6th Street between 108th Avenue N.E. and 110th Avenue N.E. The location of the Transit Center must --
 - i. Be coordinated with feasible transit routes,
 - ii. Be coordinated with efficient traffic operation,
 - iii. Be compatible with private development in the immediate vicinity,
 - iv. Permit the opportunity for phased construction, and
 - v. Be compatible with areas of pedestrian focus.
- c. Design:
 - i. The design of the Transit Center must maximize accessibility for passengers and buses while providing a high level of adjacent pedestrian oriented activity and employment density. The Center must include bus access lanes, bus stalls, and passenger shelters. It may be integrated into another privately or publicly developed facility.
 - ii. If the Transit Center is constructed prior to construction of the abutting Major Pedestrian Corridor, a sidewalk at least 8' wide, a street tree planting area at least 4' wide and lighting shall be developed on each side of the transit center traffic lanes. Any individual street tree planting area must be at least 4'x4'. The design of this interim pedestrian improvement shall be compatible with the design of the Transit Center improvements.

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iii. Provision of a sidewalk, street trees and lighting satisfies the construction requirements of the Temporary Pedestrian Linkage (20.25A.100.E.1.f.)

Section 10. This ordinance shall be published by posting it in the three official posting places of the City, and shall take effect and be in force five days after the date of posting.

PASSED by the City Council this 21st day of December, 1983, and signed in authentication of its passage this 21st day of December, 1983.

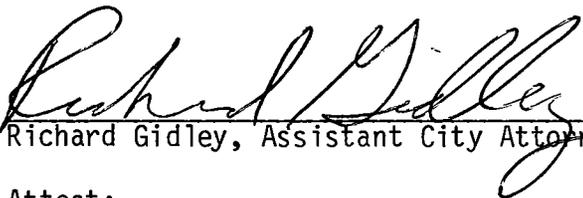
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Roy A. Ferguson, Mayor

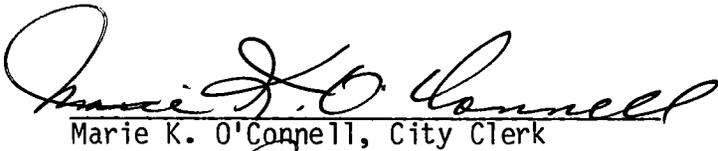
Approved as to form:

Linda M. Youngs, City Attorney



Richard Gidley, Assistant City Attorney

Attest:



Marie K. O'Connell, City Clerk

Published December 26, 1983