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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3498

AN ORDINANCE relating to the authority of the Department of Design and Development and the Director thereof; amending Bellevue City Code (Land Use Code) 20.10.420, 20.20.010, 20.20.025, 20.20.030, 20.20.170, 20.20.200, 20.20.255, 20.20.400, 20.20.430, 20.20.520, 20.20.525, 20.20.560, 20.20.590, 20.20.600, 20.20.740, 20.20.775, 20.20.880, 20.20.900, 20.20.940, 20.25A.020, 20.25A.030, 20.25A.050, 20.25A.060, 20.25A.070, 20.25A.080, 20.25A.100, 20.25A.110, 20.25B.040, 20.25B.050, 20.25C.010, 20.25C.040, 20.25C.050, 20.25C.060, 20.25C.070, 20.25D.010, 20.25D.020, 20.25F.040, 20.30 (Chapter Contents), 20.30.075, 20.30.085, 20.30.090, 20.30.115, 20.30.120, 20.30.160, 20.30.165, 20.30.180, 20.30.334, 20.30.336, 20.30.342, 20.30.346, 20.30.348, 20.30.352, 20.30.354, 20.30.358, 20.30.364, 20.30.368, 20.30.370, 20.30.372, 20.30.374, 20.30.376, 20.30.380, 20.30.382, 20.30.384, 20.30.386, 20.30.405, 20.30.410, 20.30.450, *20.30.475 (except within the jurisdiction of the East Bellevue Community Council), **20.30.475 (within the jurisdiction of the East Bellevue Community Council), 20.30.610, 20.30.620, 20.30.660, 20.30.665, 20.30.675, 20.30.790, 20.30.810, 20.30.815, 20.30.820, 20.30.825, 20.30.877, 20.30.880, 20.30.885, 20.40.300, 20.40.420, 20.40.425, 20.40.430, 20.40.440, 20.40.470, 20.40.478, 20.40.540, 20.40.555, 20.50.014, 20.50.016, 20.50.034, 20.50.040, 20.50.046 and 20.50.048.

WHEREAS, the City Council did on December 17, 1984 adopt Ordinance No. 3447 creating a Department of Design and Development and providing for the responsibilities of that Department; and

WHEREAS, it is desirable that the Department of Design and Development administer the design review, development review, permitting, code administration and revisions, inspections and enforcement functions under the Land Use Code; and

WHEREAS, this action is exempt from the State Environmental Policy and the City's Environmental Procedures Ordinance; now, therefore,

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

Section 1. Bellevue City Code (Land Use Code) 20.10.420 is amended to read as follows:

20.10.420 INTERPRETATION OF CHART BY DIRECTOR OF DEPARTMENT OF DESIGN AND DEVELOPMENT; APPEAL

In the case of a question as to the inclusion or exclusion of a particular proposed use in a particular use category, the Director of Design and Development shall have the authority to make the final determination. The Director of Design and Development shall make the determination according to the characteristics of the operation of the proposed use and based upon the Director's interpretation of the Standard Land Use Coding Manual and the Standard Industrial Classification Manual.

Examples: A large sales office, where business is conducted by telephone or not on the premises, where no goods other than samples pass into or out of the site, is an office rather than a retail or wholesale use; a shop selling handcrafted items made on the premises where the manufacturing processes are undetectable outside the premises and require no heavy trucking, is a retail use, not a manufacturing use.

Appeal. Any person owning property in the City, agent of such person or resident of the City may appeal the determination of the Director of Design and Development to the Planning Commission, following procedures and requirements specified in Sections 20.30.075 and those following.

In the case of a conflict between the general description and the Use Chart, the chart shall prevail.

Section 2. Bellevue City Code (Land Use Code) 20.20.010 (Notes: Uses in Land Use Districts - Dimensional Requirements) is amended to read as follows:

CHART 20.20.010

NOTES: Uses in Land Use Districts - Dimensional Requirements

- (1) These setbacks control except where street classification in Section 20.20.020 indicates a greater setback.

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- (2) Side yard setback in R-30 districts increases to 20 ft. on any side yard where structure exceeds 30 ft. above finished grade.
- (3) All rear and side yards shall contain landscaping as required by Sections 20.20.520.
- (4) See Section 20.20.012.
- (5) See Section 20.20.015.
- (6) The maximum allowable building height in R-20 districts is 40 feet if the ground floor of such building is devoted to parking.
- (7) The maximum allowable building height is 75 feet on any property designated OLB which lies within 475 feet of the right-of-way of I-405, between I-90 and SR-520, subject to Conditional Use Procedures and Standards.
- (8) Dimensional requirements for CBD Land Use Districts are listed in Section 20.25A.020.
- (9) Any office building or any office portion of a building shall comply with the definition of "low intensity" contained in the Comprehensive Plan.
- (10) The maximum building height may be exceeded upon approval of the Director of Design and Development. Requests for such approval shall be processed in accordance with the administrative conditional use procedure of Section 20.30.610. Before granting any such approval, the Director of Design and Development must find that:
 - a) The height increase is only to accommodate equipment, structures or buildings that contain special equipment primarily related to light manufacturing, wholesale, trade and distribution use, and is not for office or bulk retail use; and
 - b) There is functional need for a height increase; and
 - c) The overall site development will minimize adverse impacts caused by the height increase.

Notwithstanding the provisions of this Note, no height increase is permitted within a Transition Area as defined in Part 20.25B.

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- (11) Except in transition areas, the allowable building height of any office building located in a PO, O, OLB, GC, NB, CB or OU district may be increased by one story, but not to exceed 15 feet, if the ground floor of that building is devoted to parking for that building.
- (12) At least 80% of the net area of the site must be devoted to natural vegetation, landscape development, ponds, watercourses, or outdoor recreation areas except as otherwise provided in Note 14.
- (13) For each square foot of lot area devoted to open space in excess of 30% of the total lot area, one square foot is added to the lot area for the purpose of calculating density.
- (14) In a Planned Unit Development pursuant to 20.30.390, west of I-405 and south of I-90, maximum lot coverage by structures is 35% if the proposal contains marine related activities.
- (15) Maximum lot coverage by structures is determined after public right-of-way and private roads are subtracted from the gross land area.
- (16) If there is a conflict between the minimum lot area and the permitted number of dwelling units per acre, the minimum lot area controls.
- (17) Dwelling units per acre is determined pursuant to Section 20.30.330.
- (18) If the setback abuts a street right-of-way, access easement or private road, the minimum dimension is 10 feet unless a greater dimension is specified.

Section 3. Bellevue City Code (Land Use Code) 20.20.025.B. is amended to read as follows:

20.20.025 Intrusions into Required Setbacks

. . . .

B. Garages on Slopes:

1. If the topography of a lot is such that the front building line is 8' or more above the street grade, and there is no reasonable way to construct a driveway up to the dwelling level, a garage may be built into the bank and set at least 5' back from the front property line.

2. If the topography of a lot is such that the land drops down steeply from the street level and there is no reasonable way to construct a driveway with a slope less than 15% down to the dwelling level, a garage may be built in the front yard setback subject to approval by the Director of Design and Development. The garage must be set at least 5' back from the front lot line, and may not exceed 15' above street level measured to the peak of a pitched roof or 9' above street level measured to the top of a flat roof. The garage must be oriented so that its shortest dimension is essentially parallel to the street in order to mitigate view obstruction from upland properties.
3. All structures must comply with the street intersection site obstruction requirements of Section 20.20.830.

Section 4. Bellevue City Code (Land Use Code) 20.20.030.C. is amended to read as follows:

20.20.030 Designation and Measurement of Required Setbacks

. . . .

- C. The Director of Design and Development is authorized to designate front, rear and side setbacks in accordance with the definitions of Section 20.50.046. If these definitions do not establish a front and rear setback, the Director of Design and Development shall establish these setbacks based upon orientation of the lot to surrounding lots and to any existing development pattern. All other setbacks will be defined in relation to the established front and rear setback.

Section 5. Bellevue City Code (Land Use Code) 20.20.170.C.2. is amended to read as follows:

*20.20.170 Child Care Service Use

. . . .

- C. Child Care Service Use for 1 to 6 Children:

. . . .

2. Registration Required

Each operator of a child care service use for 1 to 6 children must register with the Bellevue Department of Design and Development by filing a signed and notarized Child Care Registration Form as provided by the Department prior to initiation of the use. The operator must certify compliance with all applicable

use requirements of Paragraph C as listed on the Registration Form.

Section 6. Bellevue City Code (Land Use Code) 20.20.170.D.2.b. is amended to read as follows:

*20.20.170 Child Care Service Use

. . . .

D. Child Care Service Use for 7 to 12 Children:

. . . .

2. Review or Registration Required:

. . . .

- b. If located in a Land Use District in which the use is a permitted use, each operator of a child care service use for 7 to 12 children must register with the Bellevue Department of Design and Development by filing a signed and notarized Child Care Registration Form as provided by the Department prior to the initiation of the use. The operator must certify compliance with all applicable use requirements and conditions of Paragraph D as listed on the Registration Form.

Section 7. Bellevue City Code (Land Use Code) 20.20.170.D.4. is amended to read as follows:

*20.20.170 Child Care Service Use

. . . .

D. Child Care Service Use for 7 to 12 Children:

. . . .

4. Conditions:

- a. The Director of Design and Development may impose conditions to mitigate any potential adverse impact on surrounding uses.
- b. The Director of Design and Development shall specifically consider the need to limit the hours of operation of the use.
- c. The Director of Design and Development shall establish the maximum number of children permitted in the child care service use at any one time.

Section 8. Bellevue City Code (Land Use Code) 20.20.170.E.2.b. is amended to read as follows:

*20.20.170 Child Care Service Use

. . . .

E. Child Care Service Use for 13 or more Children:

. . . .

2. Review or Registration Required:

. . . .

- b. If located in a Land Use District in which the use is a permitted use, each operator of a child care service use for 13 or more children must register with the Bellevue Department of Design and Development by filing a signed and notarized Child Care Registration Form as provided by the Department prior to the initiation of the use. The operator must certify compliance with all applicable use requirements and conditions of Paragraph E as listed on the Registration Form.

Section 9. Bellevue City Code (Land Use Code) 20.20.170.F.2.a. is amended to read as follows:

*20.20.170 Child Care Service Use

. . . .

F. Child Care Service Use Located in a Community Facility.

. . . .

2. Review or Registration Required:

- a. Except as provided in Paragraph 2.b., each operator of a child care service use housed in a community facility must register with the Bellevue Department of Design and Development by filing a signed and notarized Child Care Registration Form as provided by the Department prior to initiation of the use. The operator must certify compliance with all applicable use requirements and conditions of Paragraph F as listed on the Registration Form.

* Not effective within the jurisdiction of the East Bellevue and Sammamish Community Councils.

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Section 10. Bellevue City Code (Land Use Code) 20.20.200.B. is amended to read as follows:

20.20.200 Commuter Parking Facility

. . . .

- B. The Director of Design and Development may approve a Commuter Parking Facility described in Paragraph A of this Section only if he/she finds that:
 - 1. The Commuter Parking Facility is proposed as part of a transportation program.
 - 2. The number of parking spaces proposed for the Commuter Parking Facility is in excess of the actual parking demand for the primary use during overlapping hours of operation.
 - 3. The subject property abuts and gains access from a major, secondary or collector arterial as defined by the Public Works Department.
 - 4. Signage proposed in conjunction with the Commuter Parking Facility is adequate to identify the facility and in keeping with the general character of the immediate vicinity.
 - 5. The location of the Commuter Parking Facility on the subject property will have no significant adverse impact on uses in the immediate vicinity.

Section 11. Bellevue City Code (Land Use Code) 20.20.200.C. is amended to read as follows:

20.20.200 Commuter Parking Facility

. . . .

- C. The Director of Design and Development may impose a time limit upon the validity of the administrative conditional use permit granted pursuant to this Section in order to insure periodic review of the Commuter Parking Facility.

Section 12. Bellevue City Code (Land Use Code) 20.20.255.E. is amended to read as follows:

20.20.255 Curb Cuts, Driveways and Street Openings

. . . .

- E. The requirements of this Section may be modified by the

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Director of Design and Development and the Public Works
Director within thirty calendar days from the date of
application if --

1. The modification is reasonable and necessary for development of the subject property; and
2. The modification will result in more efficient access to and circulation within the subject property; and
3. The modification will not create a hazardous condition for motorists or pedestrians.

Section 13. Bellevue City Code (Land Use Code) 20.20.400.A.2. is amended to read as follows:

20.20.400 Fences

. . . .

A. General:

. . . .

2. No fence may exceed 4'6" in height within a required front setback except as required by other sections of this Code, or as permitted by the Director of Design and Development within thirty calendar days from the date of application through the Administrative Design Review Process, Section 20.30.475, and then only if --
 - a. The proposed fence will not cause or contribute to a hazardous traffic situation, and
 - b. The proposed fence is necessary to afford reasonable privacy or security to the subject property, and
 - c. The proposed fence is not out of character with development in the immediate vicinity of the subject property.

Section 14. Bellevue City Code (Land Use Code) 20.20.400.D. is amended to read as follows:

20.20.400 Fences

. . . .

- D. Chain Link Security Fences: May be permitted within the front setback in CB, GC, or LI districts, or in commercial

parking lots and storage areas, providing plans are approved by the Department of Design and Development upon finding that the fence will not violate sight obstruction standards (20.20.830), nor stand in, or in front of, any required landscaping.

Section 15. Bellevue City Code (Land Use Code) 20.20.430 is amended to read as follows:

20.20.430 Home Occupations

The establishment of a Home Occupation requires a permit granted by the Director of Design and Development. The applicant shall prepare an application which states that the applicant will comply with the following conditions:

A. Administrative Permit Required

1. The occupation or profession shall be carried on wholly within the principal building or other structure accessory thereto, and it shall utilize no more than 25% of the gross floor area of the building.
2. Not more than one person who is not a member of the applicant's immediate family and who is not a resident in the applicant's home may be employed.
3. There shall be no exterior display, no exterior alteration of the property including expansion of parking, no exterior sign, no exterior storage of materials and no other exterior indication of a home occupation or variation from the residential character of the premises.
4. No use shall require structural alterations to the interior or exterior of the building which changes the residential character thereof.
5. The use of electrical or mechanical equipment that would change the fire rating of the structure or create visible or audible interference in radio or television receivers or cause fluctuations in line voltage outside the dwelling unit is prohibited.
6. There shall be no noise, vibration, smoke, dust, odors, heat or glare produced as a result of the home occupation which would exceed that normally produced by a single residence.
7. There shall be no demand for parking beyond that which

is normal to the neighborhood and no visual or excessive traffic to and from the premises. In no case shall the home occupation cause more than two additional vehicles to be parked on or near the premises.

8. The home occupation shall not involve the use of commercial vehicles, other than those owned by the applicant for delivery of products or materials to and from the premises.

The Director of Design and Development may grant a home occupation permit if he finds that the applicant will comply with the above-stated conditions. The applicant shall provide all relevant information concerning the above-stated conditions to the Department of Design and Development.

*B. Permits for State-Licensed Day Care Centers

A permit for the performance of services in the applicant's private home in connection with day care of children or infants may be granted upon a showing that the home and the applicant are duly licensed by the State Department of Social and Health Services, or its successor, for operation as a licensed family day-care home in accordance with standards promulgated by said department.

- * Effective only within the jurisdiction of the East Bellevue and Sammamish Community Councils.

B. Notices

Upon receipt of an application for a home occupation permit, the Department of Design and Development shall post notice of the application in the neighborhood of the applicant. The notice shall state that an application for a home occupation has been filed and shall describe the nature of the home occupation being sought.

C. Appeal for Administrative Decision

Any person aggrieved, as defined in Section 20.30.075 and those following, by an administrative decision granting, denying or revoking a home occupation permit may appeal such decision to the Board of Adjustment on the grounds that the Director's order, requirement, decision or determination is clearly erroneous. The appellant shall file the appeal with the Department of Design and Development within 20 days of the administrative decision and shall comply with

Section 20.30.075. An appeal shall stay the action of the Director of Design and Development. (Ord. 3095, 5-24-82, Section 5)

D. Permit Revocable by Director of Design and Development Following Notice

Upon a determination that there has been a violation of any condition imposed by Subsection A or B above, the Director of Design and Development shall give written notice to the permit holder describing the alleged violation. Within 17 calendar days of the mailing of notice of violation, the permit holder shall show cause why the permit should not be revoked. At the end of the 17 day period, the Director of Design and Development shall sustain or revoke the permit. When a home occupation permit is revoked, the Director of Design and Development shall notify the permit holder by certified mail of the revocation, the findings upon which revocation is based and the procedures of appeal before the Board of Adjustment.

Section 16. Bellevue City Code (Land Use Code) 20.20.520.E.5. is amended to read as follows:

20.20.520 Tree Preservation and Landscape Development

. . . .

E. Preservation of Significant Trees:

. . . .

5. Reduced Parking Bonus: If the proposed landscape plan incorporates the retention of significant trees above that required by this Section, the Director of Design and Development may approve a reduction of up to 10% of the required number of parking spaces if adequate parking will remain on the subject property, and if land area for the required number of spaces remains available for future development on the subject property.

Section 17. Bellevue City Code (Land Use Code) 20.20.520.J.2. is amended to read as follows:

20.20.520 Tree Preservation and Landscape Development

. . . .

J. Alternative Landscaping Options:

. . . .

2. The Director of Design and Development may approve a modification of the landscaping requirements of this Chapter only if -
 - a. The proposed landscaping represents a superior result than that which could be achieved by strictly following the requirements of this Section, and
 - b. The proposed landscaping complies with the stated Purpose of this Section (20.20.520.A), and with the Purpose and intent of Paragraphs F.1 and G. of this Section, and
 - c. If a modification of any Paragraph excluding Paragraph E is requested, the proposed landscaping either --
 - i. Incorporates the increased retention of significant trees and naturally occurring undergrowth, or
 - ii. Better accommodates or improves the existing physical conditions of the subject property, or
 - iii. Incorporates elements to provide for wind protection or to maintain solar access;
 - d. If a modification of Paragraph E is requested, the proposal either --
 - i. Incorporates the retention of significant trees equal in number to what would otherwise be required, or
 - ii. Incorporates the retention of other natural vegetation in consolidated locations which promotes the natural wooded character of the site.

Section 18. Bellevue City Code (Land Use Code) 20.20.520.J.3.a. is amended to read as follows:

20.20.520 Tree Preservation and Landscape Development

. . . .

J. Alternative Landscaping Option

. . . .

3. Public Notice:

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- a. Within 5 days following the decision of the Director of Design and Development, the City shall mail notice of the decision and a description of the appeal process to each property owner and each resident of property which abuts or is across a street or access easement from the subject property.

Section 19. Bellevue City Code (Land Use Code) 20.20.520.J.4.a. is amended to read as follows:

20.20.520 Tree Preservation and Landscape Development

. . . .

J. Alternative Landscaping Option

. . . .

4. Appeal:

- a. Any person to whom notice of the decision of the Director of Design and Development was mailed as specified in Paragraph 3 may appeal that decision within 20 days from the date it was mailed by following the provisions of Section 20.30.075-.095 of this Code, provided that an appeal under this Section shall be to the Hearing Examiner.

Section 20. Bellevue City Code (Land Use Code) 20.20.520.J.7. is amended to read as follows:

20.20.520 Tree Preservation and Landscape Development

. . . .

J. Alternative Landscaping Option:

. . . .

- 7. Effect of Approval: Following approval of alternative landscaping by the Director of Design and Development, the applicant may meet the landscaping requirements of this Code by complying with the approved alternative landscape development proposal. A copy of the approved landscape development proposal will be placed in the official file.

Section 21. Bellevue City Code (Land Use Code) 20.20.520.K.2. is amended to read as follows:

20.20.520 Tree Preservation and Landscape Development

. . . .

K. Maintenance of Plant Materials:

. . . .

2. The Director of Design and Development shall require a maintenance assurance device for a period of one year from the completion of planting in order to insure compliance with the requirements of this Section. The value of a maintenance assurance device must equal at least 20% of the replacement cost of the landscape materials, and shall be utilized by the City to perform any necessary maintenance, and to reimburse the City for documented administrative costs associated with action on the device.

Section 22. Bellevue City Code (Land Use Code) 20.20.520.L.1. is amended to read as follows:

20.20.520 Tree Preservation and Landscape Development

. . . .

L. Performance Assurance:

1. The required landscaping must be installed prior to issuance of the Certificate of Occupancy unless the Director of Design and Development determines that a performance assurance device, for a period of not more than one year, will adequately protect the interests of the City. In no case may the property owner delay performance for more than one year.

Section 23. Bellevue City Code (Land Use Code) 20.20.520.L.2. is amended to read as follows:

20.20.520 Tree Preservation and Landscape Development

. . . .

L. Performance Assurance:

. . . .

2. If a performance assurance device is permitted under paragraph L.1 of this Section, the Director of Design and Development shall determine the specific type of assurance device required in order to insure completion of the required landscaping in accordance with the

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approved landscaping plan. The value of this device must equal 110% of the estimated cost of the landscaping to be performed, and shall be utilized by the City to perform any necessary work, and to reimburse the City for documented administrative costs associated with action on the device. If costs incurred by the City exceed the amount provided by the assurance device, the property owner shall reimburse the City in full, or the City may file a lien against the subject property for the amount of any deficit.

Section 24. Bellevue City Code (Land Use Code) 20.20.525.B.1. and 20.20.525.B.2. are amended to read as follows:

20.20.525 Mechanical Equipment

. . . .

B. Implementation:

1. If the applicant demonstrates the need to use roof mounted mechanical equipment, that equipment shall be located, screened or painted as required by the Director of Design and Development to mitigate its visual impact on other property, with particular attention to views from public places. Duct work shall be located within the structure unless the applicant presents data sufficient to substantiate the necessity for an exposed location.
2. Mechanical equipment located at or below grade shall be located to minimize the impacts of noise or odor on adjacent property. If such equipment extends above grade, the Director of Design and Development may require visual screening.

Section 25. Bellevue City Code (Land Use Code) 20.20.560.D. is amended to read as follows:

20.20.560 Nonconforming Structures, Uses and Sites

. . . .

D. Expansion of a Nonconforming Building.

The Director of Design and Development may approve an enlargement or reconstruction of an existing non-conforming building if that enlargement or reconstruction conforms to the Land Use Code and the Uniform Building Code; except that the Director of Design and Development may approve any enlargement or reconstruction of any building in any district

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provided that the setbacks conform to the existing building setbacks. In all other cases the applicant may seek approval from the Hearing Body, employing the standards and procedures used in determining a Variance (Sections 20.30.100 through 20.30.185).

Section 26. Bellevue City Code (Land Use Code) 20.20.590.B. and 20.20.590.C. are amended to read as follows:

20.20.590 Parking Requirements

. . . .

B. Parking Plans Required: Approval

Before the granting of a building permit for any new building or structure, or for any enlargement thereof, or change of use in any building, the applicant for said building permit shall present evidence in writing that arrangements have been made to provide off-street parking and/or loading space in accordance with this Code or that the required amount of parking facilities has been provided by a satisfactory written contract or present evidence of participation in an association which is providing adequate public off-street parking so required. Parking area(s) plans shall be submitted to the City Public Works and Design and Development Departments for their determination that the plans meet the requirements of the Code and other City ordinances. Record of approval by the Public Works and Design and Development Department shall be written on the face of the plan and filed with the City. No use other than parking shall be permitted on the area(s) so designated during the continued use of the building.

C. Computation of Required Parking Spaces.

Parking areas shall contain at least the number of parking stalls or spaces as designated below for the following uses:

AIRFIELD PARKING. 1 for each private plane stored at the field.

APARTMENT HOUSES. 2 for each dwelling unit.

BANKS. 1 for each 200 square feet of gross floor area of the building. Banks with drive-up teller stations shall provide a minimum storage lane or lanes with a capacity of 10 spaces for one station or 20 spaces for 2 or more stations, located adjacent to the station service area and separate from access

lanes to required parking area; the minimum storage lane area shall be credited toward the total parking requirements at a rate of 3 spaces per station.

BOAT MOORAGE, PUBLIC OR SEMI PUBLIC PLEASURE. 1 for every two docking slips.

BOWLING ALLEYS. 5 for each alley. A minimum of 3 per alley may be approved provided such minimum is for daytime use only as a part of a cooperative parking arrangement in which peak parking of the cooperating uses do not occur at the same time.

BUSINESS AND PROFESSIONAL OFFICES. 1 for each 200 square feet of gross floor area of the building.

CHURCH, MORTUARIES, FUNERAL HOMES. 1 for each 5 seats in the chapel or nave.

CONDOMINIUM. See Apartment House.

DANCE HALLS, PLACES OF ASSEMBLY, EXHIBITION HALLS WITHOUT FIXED SEATS. 1 for each 75 square feet of gross floor area of the building.

DRIVE-IN RESTAURANTS, ICE CREAM OR SOFT DRINK REFRESHMENT ESTABLISHMENTS, OR SIMILAR DRIVE-IN USES WHICH SERVICE AUTOBORNE CUSTOMERS OUTSIDE OF THE BUILDING. 1 for each 15 square feet of gross floor area.

DWELLING, SINGLE-FAMILY. 1 for each dwelling.

FOOD STORES, MARKETS AND SHOPPING CENTER (having not more than 2,000 square feet of gross floor area, exclusive of basement). 1 for each 400 square feet of gross floor area of the building.

FOOD STORES, MARKETS AND SHOPPING CENTERS (having more than 2,000 square feet but not more than 5,000 square feet of gross floor area, exclusive of basement). 1 for each 300 square feet of gross floor area of the building.

FOOD STORES, MARKETS AND SHOPPING CENTERS (having more than 5,000 square feet of gross floor area, exclusive of basement). 1 for each 200 square feet of gross floor area of the building.

FRATERNITY, SORORITY OR COOPERATIVE HOUSES. 1 for each three occupants.

HOTEL. 1 for each room or suite and 1 for each 2 employees.

HOSPITALS, SANITARIUMS, CONVALESCENT HOMES, NURSING HOMES, AND REST HOMES. 1 for each five regular beds, plus one for each of the maximum number of employees on the premises at any one time.

MANUFACTURING USES (including research and testing laboratories, creameries, soft drink bottling establishments, bakeries, canneries, printing and engraving shops). 1 for each 2 employees, with a minimum of two spaces.

MEDICAL AND DENTAL CLINICS. 1 for each 200 square feet of gross floor area of the building.

MIXED USES NOT SPECIFICALLY DEFINED. 1 for each 200 square feet of the gross floor area of the building. Basements with daylight and indirect public access - 1 for each 400 square feet of gross floor area. Basements for storage only - no parking required.

OUTDOOR SPORTS AREAS OR PARKS WITHOUT FIXED SEATS. Subject to review by the Hearing Body.

OTHER RETAIL ESTABLISHMENTS (such as furniture, appliance, hardware stores, household equipment service shops, clothing or shoe repair or service shops). 1 for each 400 square feet of gross floor area of the building, providing that each much have at least 4 parking spaces.

RESTAURANTS, TAVERNS (and any establishment for the sale and consumption within a building of food, alcoholic beverages, or refreshments). 1 for each 75 square feet of gross floor area of the building.

RESTAURANTS, ICE CREAM OR SOFT DRINK REFRESHMENT ESTABLISHMENTS (similar uses which service auto-borne customers, both within the building and outside the building). 1 for each 60 feet of gross floor area.

RETIREMENT APARTMENTS. (see special provisions in paragraph F., below) 1 space per dwelling unit.

ROOMING AND LODGING HOUSES. 1 for each occupant.

SENIOR CITIZEN APARTMENTS. 1 space for every 3 dwelling units.

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SKATING RINKS AND OTHER COMMERCIAL RECREATION PLACES. 1 for each 100 square feet of gross floor area of the building.

STADIUMS, SPORTS ARENAS, AUDITORIUMS (and other places of assembly with fixed seats). 1 for each 4 seats.

THEATERS. 1 for each 5 fixed theater seats.

WHOLESALE HOUSES, WAREHOUSES, STORAGE BUILDINGS, BOAT SALES, MOTOR VEHICLE OR MACHINERY SALES. 1 for each 2 employees in the shop or warehouse areas and separate defined customer and employee parking at 1 for each 400 square feet of gross floor area in the office, sales or showroom portions of the building.

UNSPECIFIED USES. In the case of a use not specifically mentioned in this section, the requirements for off-street parking facilities shall be the same as the above-mentioned use, which in the opinion of the Department of Design and Development shall be deemed most similar.

Section 27. Bellevue City Code (Land Use Code) 20.20.590.D.2. and 20.20.590.D.3. are amended to read as follows:

20.20.590 Parking Requirements

. . . .

D. Parking Spaces to Serve One Use, Building or Complex:

. . . .

2. EXCEPTION for nonconflicting time as use:

The Director of Design and Development may approve overlapping cooperative use of parking facilities when the time during which the cooperating uses operate are not conflicting.

3. EXCEPTIONS granted under the above provisions shall be made after filing with the Department of Design and Development a record of the covenant or other contract between the cooperating property owners.

Section 28. Bellevue City Code (Land Use Code) 20.20.590.F.2. is amended to read as follows:

20.20.590 Parking Requirements

. . . .

F. EXCEPTIONS for Retirement Apartments.

. . . .

2. The requirement of 1 space per dwelling unit may be reduced to no less than 1 space for every 3 dwelling units as determined by the Director of Design and Development. The Director of Design and Development shall base its decision on the following:
 - a. Availability of private, convenient, regular transportation services to meet the needs of the Retirement Apartment occupant;
 - b. Accessibility to and frequency of public transportation;
 - c. Pedestrian access to health, medical and shopping facilities.

Section 29. Bellevue City Code (Land Use Code) 20.20.590.G. is amended to read as follows:

20.20.590 Parking Requirements

. . . .

G. Loading Space.

The Director of Design and Development may require a building permit applicant for a new business building or a remodeled business building to provide an off-street loading space having access to a public thoroughfare. Such loading space shall be of adequate size to accommodate the maximum number and size of vehicles which would be simultaneously loaded or unloaded, in connection with the business conducted in such building. No part of a truck or van using the loading space may project into the public thoroughfare.

Section 30. Bellevue City Code (Land Use Code) 20.20.590.L. is amended to read as follows:

20.20.590 Parking Requirements

. . . .

L. Minimum Dimensions.

Off-street parking area dimensions shall not be less than as

shown on the following plates, except as otherwise approved by the Director of Design and Development.

Section 31. Bellevue City Code (Land Use Code) 20.20.590.M. is amended to read as follows:

20.20.590 Parking Requirements

. . . .

M. Delay in Installation:

1. The Director of Design and Development may approve a delay in the installation of up to 50% of the minimum number of parking spaces otherwise required to be installed by this Section if --
 - a. The applicant provides data which substantiate the reduced need for parking, and
 - b. The applicant reserves on-site area or provides permanent cooperative parking agreements so that the minimum number of parking spaces can be provided. Any reserved space must be clearly designated on a site plan recorded with the City Clerk, and must be described on the Certificate of Occupancy for the Use.
2. No space reserved for parking may be utilized to fulfill the minimum landscape development or open space requirements of this Code. However, all reserved space must be landscaped or developed as open space.
3. The Director of Design and Development may review the parking situation at any time to evaluate the parking demand on the subject property. If the Director after such review reasonably determines that additional parking is needed, the Director shall require that reserved space be developed for parking, or that necessary parking be secured by some other means.
4. A delay in the installation of required parking may be approved only for a specific use and automatically lapses upon the cessation of that use.

Section 32. Bellevue City Code (Land Use Code) 20.20.600.B. is amended to read as follows:

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20.20.600 Performance Standards for Manufacturing uses

. . . .

B. Proof of Compliance.

Prior to the issuance of a certificate of occupancy, an applicant shall furnish the Department of Design and Development with information regarding the environmental effects of any proposed manufacturing activities as regulated by this section. The applicant may submit a report by expert consultants to supplement the required information. This information may be submitted with any environmental assessment required by this Code. A Certificate of Occupancy shall not be issued until such time as the Director of Design and Development has determined that the use as proposed will not violate any of the applicable performance standards.

Section 33. Bellevue City Code (Land Use Code) 20.20.740 is amended to read as follows:

20.20.740 Schools.

Public and private preschools, elementary and secondary schools are permitted as indicated by the Chart in Section 20.10.440, provided the following standards are met:

School buildings in residential districts shall cover not more than 35% of their site area. Side and rear yards of elementary and higher-grade schools shall be a minimum of 50' each. Wherever practical schools should be located convenient to public parks.

Elementary: 1 acre per 100 students
Junior High: 1-1/2 acres per 100 students
Senior High: 2 acres per 100 students

*Schools for pre-elementary school age students:
as required by the Hearing Body, where a Conditional Use Permit is sought.

*Effective only within the jurisdiction of the East Bellevue and Sammamish Community Councils

Playfields for junior and senior high schools may be on sites removed from the school site but must be reasonably near, and travel to and from the school site must not be hazardous.

Playfields developed to the limits of their property and which are

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adjacent to developed private property shall be fenced with an 8' high chain link or similar fence.

The Director of Design and Development may administratively consider, approve or disapprove the addition of temporary, portable classrooms to existing primary or secondary public schools subject to the criteria set forth in Section 20.30.610.

Section 34. Bellevue City Code (Land Use Code) 20.20.775.D.2. is amended to read as follows:

20.20.775 Site Plan Review

. . . .

D. Special Requirements: The following special requirements shall apply to all site plan review applications:

. . . .

2. Open Space. The provision of open space shall be considered as a condition of approval during the review of site plan applications. Each site shall have at least 15% of its area in open space. This figure may be increased by the Director of Design and Development and Public Works Director based on the character of the surrounding neighborhood, the type of use proposed, natural features to be retained, and views to be protected.

Section 35. Bellevue City Code (Land Use Code) 20.20.775.F. and 20.20.775.G. are amended to read as follows:

20.20.775 Site Plan Review

. . . .

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

G. Application Requirements: Applications for Site Plan Review shall be filed with the Permit Coordinator on forms provided

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by the City and shall include the specified number of each of the following as determined by the Director of Design and Development and Public Works Director. Each application must encompass an entire legally created parcel.

1. Legal description and site location map of the property involved.
2. A description of the project, clearly demonstrating the public benefit of the project, and how the development is better than what could otherwise be achieved under the Land Use Code. The description should include, but not be limited to, building height, setbacks, lot coverage, landscaping and parking.
3. Four copies of the site plan and/or drawings showing from one (1) to five (5) foot topographic contours, location and principal dimensions of existing structures, proposed structures, parking areas, recreation areas, other open space, landscaping areas, significant trees, utility easements, rights-of-way, existing land use, and other elements of the project on the site and within 150 feet of the site. The site plan shall be drawn at a scale of 1" = 50', 1" = 100', 1" = 200' or other scale acceptable to the Director of Design and Development and Public Works Director.
4. Elevation and perspective drawings of project structures and improvements.
5. A map or drawing depicting special features, and a text describing any special features which cannot be adequately displayed on maps or drawings.
6. Specification of uses or types of uses to be made of the development.
7. Agreements, covenants, or other provisions which govern the proposal.
8. A proposed plat of the property as required by RCW 58.17 if division of the property is intended for purposes of sale or lease and if approval of the site plan pursuant to this Section does not constitute a Binding Site Plan as permitted by RCW 58.17. If approval of the site plan is intended to constitute a Binding Site Plan, that site plan must show any

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property lines to be established within the parcel. See Paragraph J. if Binding Site Plan approval is requested.

9. Estimated development schedule of phasing, if any.
10. (a) The following preliminary plans and diagrams if determined by the Director of Design and Development or Public Works Director to be necessary or appropriate for the level or specificity of review with this process:
 - A circulation and parking plan indicating the proposed movement of vehicles and pedestrians within the site plan, and to and from existing and planned thoroughfares, including traffic regulating devices needed to facilitate or insure safety. Loading facilities must also be included.
 - Clearing and site-grading plan in conformance with Bellevue City Code Chapter 23.76 if a Clearing and Grading Permit application has been filed.
 - Landscaping and tree retention plan. See Section 20.20.520 for the contents of the plan.
 - Drainage plan in conformance with Bellevue City Code Chapter 23.76 and the Public Works Development Standards including a plan for continuous maintenance.
 - Lighting plan subject to Paragraph 20.25C.040.C.
- (b) Final plan and diagrams (four sets) containing the information in Paragraph 10(a) of this Section, all to be drawn in conformance with approvals, and in their revised status, with any inconsistencies corrected.
11. Reduction of above required plans and graphics to view foils measuring 8-1/2" x 11" or 8-1/2" x 14".
12. Provisions identifying responsibility for continued

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ownership and maintenance and improvement of any open space.

- 13. Any other information reasonably required at the discretion of the Director of Design and Development or Public Works Director, or necessary to conduct permit reviews for other permits that may be processed with the Site Plan Review.
- 14. Names and addresses of owners of record of the subject property and all properties within three hundred (300) feet of the subject property.
- 15. The proper application fee.
- 16. A checklist, environmental impact statement, or other documents as required by the State Environmental Policy Act (RCW 43.21C) and the Bellevue Environmental Procedures Code (B.C.C. 22.02).
- 17. Signatures of owners of record of the subject property.

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

Section 36. Bellevue City Code (Land Use Code) 20.20.775.H.2. is amended to read as follows:

20.20.775 Site Plan Review

. . . .

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

. . . .

- 2. Decision Making. Final action to approve, deny or approve with conditions shall be made jointly by the Director of Design and Development and the Public Works Director. The Director of Design and Development and Public Works Director shall take no final action for 30 days after the second newspaper public notice in order to receive comments from the public and City departments.

The Director of Design and Development and Public Works Director shall take no final action until the

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application has been circulated for review to the Fire Marshal, Permit Coordinator, Environmental Coordinator, Parks Department and Building Official. Responses from these agencies shall be returned to the Director of Design and Development and Public Works Director within the 30-day comment period. When making a decision on the application, the Director of Design and Development and Public Works Director shall make findings, and draw conclusions. The analysis shall indicate that each of the criteria contained in Paragraph 20.20.775.E has been considered.

The Director of Design and Development and Public Works Director jointly have the authority to approve, approve with conditions and modifications, or deny the application. A copy of the decision shall be mailed to the applicant and those persons requesting to be placed on a mailing list for decisions and actions relating to a specific project. The Director of Design and Development and the Public Works Director shall make a good faith effort to expeditiously issue the decision after the comment period.

Section 37. Bellevue City Code (Land Use Code) 20.20.775.I. is amended to read as follows:

20.20.775 Site Plan Review

. . . .

- I. Performance Assurance: As a condition of approval of a site plan, the City shall require that one or a combination of the performance assurance devices described in this Paragraph be utilized to ensure compliance with the requirements for improvements under Paragraph 20.20.775.D.1 and any conditions of approval.
1. The applicant shall provide a certified check, escrow account, assigned savings account, non-revocable letter of credit, performance bond, first lien, second lien other suitable collateral or performance assurance or any combination of the above to be determined by the Director of Design and Development and Public Works Director in an amount equal to or greater than 100% of the value of all improvements required under Paragraph 20.20.775.D.1 of this Section, to guarantee that such improvements are made. As improvements are completed and conditions are met, a corresponding partial release of the collateral or performance assurance may be

authorized. In the event an improvement is not made or a condition is not met, the City is authorized to take, collect, or foreclose the collateral or performance assurance and complete said improvement or carry out said condition.

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

Section 38. Bellevue City Code (Land Use Code) 20.20.775.M. and 20.20.775.N. are amended to read as follows:

20.20.775 Site Plan Review

. . . .

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

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Development and Public Works Director. However, if a series of minor modifications has the effect of a major modification, then the series shall be treated as a major modification. Notification of minor modifications shall be made to those persons requesting to be placed on a mailing list for decisions and actions relating to a specific project.

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

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

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

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

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

Section 39. Bellevue City Code (Land Use Code) 20.20.880.A. is amended to read as follows:

20.20.880 Temporary Property Uses

- A. The Director of Design and Development may issue a Temporary Property Use Permit in accordance with Section 20.30.405 for

the sales such items as the following: Christmas trees, fireworks, firewood, hot dogs, fresh seafood and fruit and vegetables not subject to Section 20.20.620. The Director of Design and Development may issue a Temporary Property Use Permit in accordance with Section 20.30.405 for temporary sales offices in subdivisions. Such sales offices shall not be subject to Section 20.20.890. All other temporary property uses, and buildings, including those identified in Section 20.20.160, are subject to review and approval by the Board of Adjustment in accordance with Sections 20.30.400 through 20.30.425.

Section 40. Bellevue City Code (Land Use Code) 20.20.900.C. is amended to read as follows:

*20.20.900 Transition Area Defined; Approval of Plans Required; Review Optional Design Review

. . . .

C. Design Review for Transition Areas.

An applicant shall submit development plans for any structures, parking areas, access drive and clearing or grading within a Transition Area to the Director of Design and Development for review. The Director of Design and Development may approve such development plans only if they meet specific standards for the particular Transition Area as set forth below. The Director of Design and Development may require that the applicant submit sufficient technical data or reports to substantiate compliance with these standards.

* Effective only within the jurisdiction of the East Bellevue Community Council.

Section 41. Bellevue City Code (Land Use Code) 20.20.940.E.2. is amended to read as follows:

20.20.940 Walkways and Sidewalks, Internal--When Required

. . . .

E. Design Standards

. . . .

2. Stairs. Where stairs are employed, the riser to tread proportion shall be designed to normal stair standards or be clearly monumental in proportion. Handrails shall be provided where the number of risers of adjoining grade difference requires the protection

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afforded by rails, as determined by the Department of Design and Development (See Section 3305 of the Uniform Building Code). Any flight of stairs within fifteen feet of any other flight of stairs, if it be on a pedestrian route, shall have the same riser and tread dimension.

Section 42. Bellevue City Code (Land Use Code) 20.20.940.E.4. is amended to read as follows:

20.20.940 Walkways and Sidewalks, Internal--When Required

. . . .

E. Design Standards

. . . .

- 4. Covering. Walks should be covered by marquees or other roof structures where possible and practical. Roofed and walled passageways between or through buildings shall be ample in width, as determined by the Director of Design and Development (width as proportioned to length) and night-lighted.

Section 43. Bellevue City Code (Land Use Code) 20.20.940.F. and 20.20.940.G. are amended to read as follows:

20.20.940 Walkways and Sidewalks, Internal--When Required

. . . .

- F. Plan submitted to Building Division of the Department of Design and Development - Permit required: A pedestrian walkway plan for each property being developed or materially remodeled shall be prepared and submitted to the City Building Division of the Department of Design and Development. Such plan shall show the general layout of walks and the connections to walks on adjoining properties and street sidewalks. Sufficient details shall be shown to clearly define the construction, materials, dimensions, color, pattern, etc. A building permit shall be required for the construction and/or installation of walks, but no additional building permit fee shall be charged for walks.

G. Review of Plans by Director of Design and Development.

Before a building permit is issued, plans for pedestrian walks shall be reviewed by the Director of Design and Development to determine that the provisions and objectives of this section are to be accomplished. Where adjoining

properties are undeveloped or are developed and used for transient or temporary purposes, the pedestrian walks connecting to such adjoining property may be indicated on the plans as tentative location of future walks. Such future walks shall have the ground space reserved so that they can be constructed when the nature of the permanent development of the adjoining property is known. Where conflicts occur in the location of the walks between adjoining properties, the City Director of Design and Development shall determine the location of the pedestrian walks and should give due consideration to the existing developed walks or previously planned future walks filed with the Building Division of the Department of Design and Development.

Section 44. Bellevue City Code (Land Use Code) 20.25A.020.A.2 - Note (16) is amended to read as follows:

Chart 20.25A.010.A.2

Notes: Dimensional Requirements in CBD Districts

. . . .

(16) 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.

Section 45. Bellevue City Code (Land Use Code) 20.25A.020.B. is amended to read as follows:

20.25A.020 Dimensional Requirements - General:

. . . .

B. Setbacks: Exceptions:

1. A structure may intrude into the classified street setback area required by Section 20.20.020 upon a determination by the Public Works Director and the Director of Design and Development that the setback required by Section 20.20.020 exceeds the necessary right-of-way width, but in no case may a structure intrude into the setback area required by Section 20.25A.020.A.2.
2. Marquees or awnings which comply with the requirements of Section 20.25A.030.C are permitted to extend over the public right-of-way upon approval of the Public Works Director and the Director of Design and Development notwithstanding the provisions of the Sign

Code (BCC 22B.10), or any other City code.

Section 46. Bellevue City Code (Land Use Code) 20.25A.020.C.2. is amended to read as follows:

20.25A.020 Dimensional Requirements - General:

. . . .

C. Basic Floor Area Ratio Requirements:

. . . .

2. Required Review: The Director of Design and Development may approve the amenity proposed by the applicant through the Administrative Design Review Process (20.30.475), and only if --
 - a. The design criteria established in Section 20.25A.030.C for the amenity have been met, and
 - b. The City finds that a public benefit will be derived from the development of the proposed amenity in the proposed location.

Section 47. Bellevue City Code (Land Use Code) 20.25A.030.B. is amended to read as follows:

20.25A.030 FAR Amenity Incentive System:

. . . .

- B. Required Review: The Director of Design and Development may approve an amenity which complies with Paragraph C of this Section through the Administrative Design Review Process (20.30.475), and only if --
 1. The design criteria established for the amenity have been met, and
 2. The Director of Design and Development finds that a public benefit will be derived from the development of the proposed amenity in the proposed location.

Section 48. Bellevue City Code (Land Use Code) 20.25A.050.A.2.b. is amended to read as follows:

20.25A.050 Parking Requirements:

- A. General: The provisions of Section 20.20.590, except as they

conflict with this section, apply to development in the CBD Land Use Districts.

. . . .

2. Phased Reduction of Required Parking; The parking requirements as specified in Section 20.25A.050.A.1. for the office uses may be reduced over time as provided for in this section to the following requirements:

. . . .

- b. Periodic Review: Prior to each scheduled reduction as specified in Paragraph A.2.a of this Section, the Director of Design and Development shall review the adequacy of parking for office uses and shall report to the Planning Commission. The Planning Commission may hold a public hearing on the matter and shall make a recommendation to the City Council. The scheduled reduction of the parking requirement will not become effective until affirmed by resolution of the City Council.

Section 49. Bellevue City Code (Land Use Code) 20.25A.050.C. is amended to read as follows:

20.25A.050 Parking Requirements:

. . . .

- C. Uses Not Listed: The requirement for any use not specifically listed shall be determined by the Director of Design and Development after consultation with the Director of Public Works on the basis of the requirement for similar uses, and on the basis of evidence of actual demand created for similar uses in Bellevue and elsewhere, and such other traffic engineering or planning data as may be available and appropriate for the establishment of minimum and maximum parking requirements.

Section 50. Bellevue City Code (Land Use Code) 20.25A.050.E. is amended to read as follows:

20.25A.050 Parking Requirements:

. . . .

- E. Modification of Parking Space Requirements: The minimum parking requirements specified in Paragraph B of this Section may be adjusted by the Director of Design and Development

after consultation with the Director of Public Works, under the following conditions; and when in the opinion of the Director of Design and Development an adjustment will be in accord with the purposes of this Code, and will not create an adverse impact on existing or potential uses adjoining the subject property, or in the general vicinity of the subject property. The Director of Design and Development shall require such covenants, guarantees, or agreements as necessary to ensure continued compliance with this Section.

1. Exception For Cooperative Use:

- a. Two or more uses may share a parking area or structure if --
 - i. The total number of parking spaces provided is at least equal to the sum of the minimum number of spaces required for each use, and no greater than the sum of the maximum number of spaces permitted for each use, or
 - ii. The uses are operating during different hours and the number of parking spaces is at least equal to the minimum number of spaces required for all uses operating at the same time, and no greater than the maximum number of spaces permitted for all uses operating at the same time.
- b. Where adjoining parking facilities of two or more ownerships are developed and designed as one parking facility, a reduction of 20% of the total combined required parking spaces shall be permitted.

2. Use of Transportation and Parking Alternatives:

- a. Upon demonstration to the Director of Design and Development that effective alternatives to automobile access are in effect, the Director may reduce, by not more than 50 percent, the parking requirements otherwise prescribed for any use, or combination of uses on the same or adjoining sites, to an extent commensurate with the permanence, effectiveness, and demonstrated reduction in off-street parking demand effectuated by such alternative programs.

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- b. Alternative programs which may be considered by the Director of Design and Development under this provision include, but are not limited to the following:
 - i. Private Vanpool Operation,
 - ii. Transit/Vanpool Fare Subsidy,
 - iii. Imposition of a Charge for Parking,
 - iv. Provision of Subscription Bus Services,
 - v. Flexible Work Hour Schedule,
 - vi. Capital Improvements for Transit Services,
 - vii. Preferential Parking for Carpools/Vanpools,
 - viii. Participation in the Ride Matching Program,
 - ix. Reduction of Parking Fees for Carpools and Vanpools,
 - x. Establishment of a Transportation Coordinator Position to implement carpool, vanpool and transit programs, or
 - xi. Bicycle Parking Facilities.

Section 51. Bellevue City Code (Land Use Code) 20.25A.050.F.2. is amended to read as follows:

20.25A.050 Parking Requirements

. . . .

F. Compact Parking Spaces:

. . . .

- 2. The Director of Design and Development may approve the design and designation of more than 50% of the spaces for use by compact cars if the applicant demonstrates that no adverse impact will result.

Section 52. Bellevue City Code (Land Use Code) 20.25A.050.G., 20.25A.050.H., 20.25A.050.I. and 20.25A.050.J. are amended to read as follows:

20.25A.050 Parking Requirements

. . . .

- G. Phased Construction: The applicant may install the required parking spaces in phases if a phasing schedule has been approved by the Director of Design and Development. This schedule must specifically indicate when the minimum parking requirements of this Section will be provided. The Director of Design and Development may permit the use of temporary parking areas with appropriate screening as part of a phasing

schedule. In addition, the Director of Design and Development may require a performance assurance device to insure conformance with the requirements and intent of this Section.

H. Off-Site Parking:

1. Except as provided in Paragraph H.2 of this Section, the Director of Design and Development may authorize all or a portion of the required parking for a use to be located on a site remote from the subject property when the location of the parking facility off the subject property will conform to the intent and purpose of this Chapter, and when safe vehicular and pedestrian connection between the parking facility and the principal use exists.

2. District Limitations:

a. Parking located in the CBD-OB or CBD-R Districts may only serve uses located in the same District as the parking unless otherwise permitted through the Administrative Design Review Process (20.30.475), and then only if such parking is physically contiguous to and functionally connected to the use which it serves in an adjacent Land Use District.

b. Parking located in the CBD-0-1 or CBD-0-2 Districts may only serve uses located in either of those Districts.

3. The Director of Design and Development shall require such covenants and guarantees as necessary to ensure use and maintenance of approved off-site parking facilities.

I. Minimum Dimensions: Off-street parking area dimensions must not be less than those shown on Tables 1-5 and Plate A, except as otherwise approved by the Director of Design and Development.

J. Performance Standards for Parking Structures: The Director of Design and Development will review and approve, approve with conditions, or deny a proposal for a parking structure through the Administrative Design Review Process (20.30.475). The Director of Design and Development may approve the parking structure only if --

1. Driveway openings are limited and the number of access lanes in each opening are minimized.

2. The structure exhibits a horizontal, rather than sloping

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building line.

3. The dimension of the parking structure abutting pedestrian areas is minimized, except where retail, service or commercial activities are provided.
4. The parking structure complies with the requirements of Section 20.25A.115.
5. A wall or other screening of sufficient height to screen parked vehicles and which exhibits a visually pleasing character is provided at all above ground levels of the structure, and
6. Safe pedestrian connection between the parking structure and the principal use exists.

Section 53. Bellevue City Code (Land Use Code) 20.25A.060.C. is amended to read as follows:

20.25A.060 Walkways and Sidewalks, Perimeter:

. . . .

C. Street Trees Required:

1. The applicant shall install street trees, in addition to any landscaping required by Section 20.25A.040, according to the requirements of Plate B, and this Section.
2. The area in which street trees are planted must be at least 4' wide, and located between the street improvement and the walkway or sidewalk. Alternatively, upon approval by the Director of Design and Development, the street trees may be located on the property side of an existing walkway or sidewalk. Any street tree planting area must be at least 4' x 4', and protected by a decorative metal grate. This metal grate may intrude into the sidewalk.
3. Street trees, at least 3" in caliper measured 6" above existing grade, must be planted at least 3' from the street curb, and 25' on center. A street tree planting area may also include decorative paving and other plant materials.

Section 54. Bellevue City Code (Land Use Code) 20.25A.060 - Plate B is amended to read as follows:

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<u>Ginkgo biloba</u> (Ginkgo tree)	<u>Acer platanoides 'col'</u> (Norway Maple 'Col')
<u>Ligustrum lucidum</u> (Privet)	<u>Liquidambar styraciflua</u> (Sweet gum)
<u>Zelkova serrata</u> (Zelkoua)	<u>Crataegus L.</u> (Hawthorne)
<u>Tilia cordata</u> (Linden)	<u>Quercus borealis</u> (Red Oak)
<u>Acer platanoides</u> (Norway maple)	<u>Tilia cordata</u> (Linden)
<u>Prunus serrulata</u> (Cherry)	<u>Cercidiphyllum japonicumj</u> (Katsura tree)
<u>Quercus palustris</u> (Pin Oak)	<u>Magnolia grandiflora</u> (saucer magnolia)
<u>Liriodendron tulipifera</u> (tulip tree)	<u>Magnolia kobus</u> (Kobus magnolia)
<u>Styrzx obassia</u> (Styrax)	<u>Prunus sargentii</u> (Cherry)
	<u>Prunus yedoensis akebono</u> (Cherry)

*Selection of specific tree specie from this list for individual street shall be approved by the Director of Design and Development.

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Section 55. Bellevue City Code (Land Use Code) 20.25A.070.A. and 20.25A.070.B. are amended to read as follows:

20.25A.070 CBD - Old Bellevue District

- A. Design Review Required: All development within the CBD - Old Bellevue Land Use District must be reviewed by the Director of Design and Development using the Administrative Design Review Process, 20.30.475.
- B. Review Criteria: The Director of Design and Development shall use the CBD Design Review Criteria, 20.25A.110, and the provisions of this Section in reviewing an application for development in the CBD - Old Bellevue Land Use District.

Section 56. Bellevue City Code (Land Use Code) 20.25A.080.B. is amended to read as follows:

20.25A.080 CBD - Office Limited Business District

. . . .

- B. Required Review: All development within the CBD-OLB Land Use District must be reviewed by the Director of Design and Development using the Administrative Design Review Process, 20.30.475.

Section 57. Bellevue City Code (Land Use Code) 20.25A.100.C. and 20.25A.100.D. are amended to read as follows:

20.25A.100 CBD Core Design District

. . . .

- C. All Development Subject to Design Review: All development within the CBD - Core Design District must be reviewed by the Director of Design and Development using the Administrative Design Review Process, 20.30.475.
- D. Review Criteria: The Director of Design and Development shall use the CBD Design Review Criteria, 20.25A.110, and the provisions of this Section in deciding upon an application for development in the CBD Core Design District.

Section 58. Bellevue City Code (Land Use Code) 20.25A.100.E.1.d.i.(2) is amended to read as follows:

20.25A.100 CBD Core Design District

. . . .

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E. CBD Core Design District Guidelines:

1. Major Pedestrian Corridor:

. . . .

d. Preservation of the Major Pedestrian Corridor:

i. Prior to the issuance of a building permit for 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; located within the Major Pedestrian corridor as defined in Paragraph E.1.b the following conditions must be met:

. . . .

(2) A design development plan for the section of the Corridor required to be constructed under E.1.c.iii. Corridor must be approved by the Director of Design and Development as required by Paragraph E.1.e.ii. of this Section. Construction must begin prior to the issuance of certificate of occupancy or a temporary certificate of occupancy for the structure other than surface parking as required by Paragraph E.1.e.iii.(2) of this Section.

Section 59. Bellevue City Code (Land Use Code) 20.25A.100.E.1.d.ii. is amended to read as follows:

20.25A.100 CBD Core Design District

. . . .

E. CBD Core Design District Guidelines:

1. Major Pedestrian Corridor:

. . . .

d. Preservation of the Major Pedestrian Corridor:

. . . .

ii. Building permits for surface parking areas to be located in this Corridor as defined in

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paragraph E.1.b. may be granted for up to a 5 year period, subject to the landscape requirement for surface parking areas in the CBD-MU Land Use District, as specified in Section 20.25A.040. Building permits for parking areas may be renewed only if the Director of Design and Development finds that an extension is necessary to meet the maximum code requirements for parking and the extension is necessary for the construction of a building requiring utilization of the surface parking area.

Section 60. Bellevue City Code (Land Use Code) 20.25A.100.E.1.e.ii. is amended to read as follows:

20.25A.100 CBD Core Design District

. . . .

E. CBD Core Design District Guidelines:

1. Major Pedestrian Corridor:

. . . .

e. Provision of the Corridor:

. . . .

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 Director of Design and Development.

The Director of Design and Development may approve, modify and approve, or deny the plan, or amend any approved plan through the

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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 element which the Director of Design and Development and the City Council in their review, determines is necessary 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 61. Bellevue City Code (Land Use Code) 20.25A.100.E.1.j.(4)

is amended to read as follows:

20.25A.100 CBD Core Design District

. . . .

E. CBD Core Design District Guidelines:

1. Major Pedestrian Corridor:

. . . .

j. Intermediate Pedestrian Corridor:

. . . .

- (4) Is consistent with the applicable provisions of the Bellevue Pedestrian Corridor Guidelines, as determined by the Director of Design and Development.

Section 62. Bellevue City Code (Land Use Code) 20.25A.100.E.6.d.x.
is amended to read as follows:

20.25A.100 CBD Core Design District

. . . .

E. CBD Core Design District Guidelines

. . . .

6. Major Public Open Spaces:

. . . .

d. Specific Development Mechanism:

. . . .

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 Design and Development.

- (2) The Director of Design and Development may approve, modify and approve, or deny the

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plan, or amend any approved plan through the Administrative Design Review Process (20.30.475).

- (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.6.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 Design and Development determines is necessary for and consistent with the Major Public Open Space Design Plan.

Section 63. Bellevue City Code (Land Use Code) 20.25A.110 is amended to read as follows:

20.25A.110 Design Review Criteria: The Director of Design and Development will consider the extent to which a proposal complies with the following criteria whenever a decision using the Administrative Design Review Process (20.30.475) is required by this Part 20.25A.

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 and which minimizes the interaction of vehicles with pedestrians.
- b. Clarify the hierarchy of vehicular circulation systems.
- c. Provide for safe and pleasant movement within the CBD for the 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.

2. Pedestrian Circulation and Amenities:

- a. Provide for pedestrian connections which permit movement through a block from a perimeter walkway or sidewalk to other publicly accessible spaces, adjoining development, and parking areas.
- b. Design pedestrian connections to form logical routes from origins to destinations.
- c. Offer diversity in terms of activity and pedestrian amenity along pedestrian routes.
- d. Construct pedestrian connections to meet construction code handicapped requirements.
- e. Use trees and landscaping to provide definition and enclosure for pedestrian connections.

- f. 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.

3. Wind and Sun:

- a. Ensure that the form and placement of buildings consider desirable year round conditions of sun and shade in surrounding open spaces and public areas.
- b. Design new buildings with wind conditions in mind so as to shelter pedestrians from undesirable winds, particularly on the ground, and in publicly accessible areas.
- c. Consider how new buildings might incorporate outdoor spaces of calm, especially for winter, and places of suitable breeziness in summer at levels of pedestrian activity.
- d. Consider wind and sun in design of landscaping: i.e. evergreen tree-planting as wind blocks, or deciduous trees on south and west sides of open spaces to maximize winter sun penetration.

4. Open Space:

- a. Design and locate open spaces, such as plazas, squares and large landscaped areas to work as part of a comprehensive system of spaces in the downtown.
- b. Design open spaces to provide for maximum use by a wide range of people.
- c. In designing open spaces, especially plazas, consider the following:
 - i. Orientation: Orient to sunlight and provide good physical and visual access to the sidewalk, so that the space is perceived as an extension of the sidewalk.
 - ii. Dimensions: Design as adequate for seating, planting, etc. but not so large as to appear barren and uninviting.
 - iii. Seating: Provide comfortable height and depth, and appropriate arrangement.

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- iv. Pavement: Use nonglare, nonslip, and safe surface materials.
- v. Trees and Planting: Consider provision for shade and sun. Use to create space and define human scale. Provide protection from wind.
- vi. Barrier Free: Provide accessible areas for handicapped.
- vii. Amenities: Use pedestrian scaled lighting, fountains, litter receptacles, bicycle racks, sheltered waiting areas.
- viii. Provision of Space for Attractions: Design to permit vendors, outdoor cafes, rotating art displays, or abutting retail activity,
- ix. Physical access: Insure ready physical as well as visual access with special attention to elevational difference, and
- x. Enclosure: Use landscaping or structure to provide a sense of enclosure.

5. Light and Glare:

- a. Consider and mitigate light and glare impacts upon major public facilities, streets and Major Public Open Spaces.
- b. Mitigating measures may include use of low reflecting building materials, landscaping, tilting of reflective panels, reorientation of the building or the addition of screening devices such as louvered screens and marquees.

B. Downtown Patterns and Context:

1. Natural Setting and Topography:

- a. Make creative use of any existing topographic variations in site design and location of buildings, circulation patterns, parking area design and public spaces to enhance the setting and provide variety.
- b. Make maximum use of views to mountains, Lake Washington and the Seattle skyline.

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- c. Seek high quality of design for all buildings constructed at prominent locations. These locations may include areas on ridge crests and hilltops, fronting and public open spaces, those closing a vista and those affording a silhouette against the sky.
2. Landscape Design:
 - a. Make effective use of significant landscape features to complement and contrast with building forms. This includes massing of plant materials to constitute a recognizable visual unit which contrasts effectively with built forms.
 - b. Encourage retention of significant existing vegetation, where it can be incorporated into efficient site design and maintained in a safe and healthful condition (Ord. 3262 - 6/6/83 - Section 2).
 3. Views:
 - a. Consider the negative impact of a building on views, both from existing buildings and future developable or redevelopable sites.
 - b. Consider the availability of public views from public spaces such as streets, street intersections, parks, plazas and areas of pedestrian concentration.
 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.

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5. Transitions: In transitions between Districts in the CBD and between properties, the lower portions of buildings should be designed to promote easy circulation, good relationships among open spaces, visual connection in scale, and maximum penetration of sunlight to the ground level.
6. Patterns of Activity:
 - a. Maximize opportunities for vital, pedestrian level activity in all areas of the CBD.
 - b. Provide space for a variety of appropriate activities accessible to the public at large in the CBD, especially at ground level and at main pedestrian levels.
 - c. Uses and activities that are nonpublic or nonpedestrian in nature should not be located adjacent to pedestrian areas.

Section 64. Bellevue City Code (Land Use Code) 20.25B.040.B. is amended to read as follows:

20.25B.040 Modifications

. . . .

- B. Criteria: The Director of Design and Development may approve a modification of the requirements of Section 20.25B.030 only if --
 1. The proposal will accomplish the same or better protection of an abutting Single Family or Multifamily District from adverse impacts of noise, traffic, air quality, water quality, light and unnecessary obstruction or diminution of views.
 2. The proposal does not modify any height or setback limits of the underlying Land Use District.
 3. The provisions of Section 20.25B.030 which are proposed to be modified are not necessary to serve the community's interest in the declared purpose of said Section; and
 4. The proposal is compatible with surrounding properties. Compatibility includes, but is not limited to, size, scale, mass and architectural design.

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Section 65. Bellevue City Code (Land Use Code) 20.25B.050 is amended to read as follows:

20.25B.050 Application Information: The Director of Design and Development may require the applicant to submit sufficient technical data or reports in order to substantiate compliance with the requirements of this Section.

Section 66. Bellevue City Code (Land Use Code) 20.25C.010 is amended to read as follows:

20.25C.010 All Uses and Structures Subject to Design Review: Building permits shall not be issued for new construction in the OLB district, nor shall occupancy permits for new businesses be issued, except when the Director of Design and Development, using the Administrative Design Review Process (20.30.475) has certified that complete plans of the structure and/or any changes in the exterior of the structure have been submitted and reviewed, and are in the Director's judgment in conformance with the following:

- A. All plans shall conform to 20.25C.040.
- B. All applicants shall follow the procedures set forth in 20.25C.050-.070.

Section 67. Bellevue City Code (Land Use Code) 20.25C.040.C.1. is amended to read as follows:

20.25C.040 Design Standards in OLB Districts

. . . .

- C. Special lighting standards
 - 1. A lighting plan shall be submitted of the building exterior and or the entire site including parking area. Luminares shall be shielded from the view of persons in the streets and abutting properties. Lighting standards shall be less than 20 feet in height. Building wall and roof surfaces may be flood-lit, if, in the judgment of the Director of Design and Development, the effect is discreet and restrained.

Section 68. Bellevue City Code (Land Use Code) 20.25C.050 is amended to read as follows:

20.25C.050 Application.

- A. An applicant for a building permit for any structure to be

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constructed in OLB districts shall apply to the Director of Design and Development on a form provided by the Department of Design and Development, for a review of the site plan, landscaping, and building design of the proposal. Review and approval by the Director of Design and Development of the proposed site plan, landscaping and building design shall be a prerequisite to the issuance of a building permit.

- B. In addition to the application form, the application shall include:
 - 1. A legal description of the property;
 - 2. A site plan of all structures on the subject property and on adjoining properties to show the relationship of proposed uses and structures to existing developments;
 - 3. A landscaping plan to indicate all areas to be landscaped and fenced and materials to be used;
 - 4. Design of ingress and egress;
 - 5. Off-street parking and loading facilities;
 - 6. Drawing or sketches of the exterior elevations, and/or perspective drawings of the structures under consideration;
 - 7. Additional materials as the Director of Design and Development may require to fully delineate the physical and environmental aspects of the proposal.

Section 69. Bellevue City Code (Land Use Code) 20.25C.060 is amended to read as follows:

20.25C.060 Director of Design and Development Approval: The Director of Design and Development shall review and may approve, approve with modifications or disapprove site development plans including landscaping, lighting and design of the proposal based upon the requirements and standards of this Code.

Section 70. Bellevue City Code (Land Use Code) 20.25C.070 is amended to read as follows:

20.25C.070 Appeal of Director of Design and Development Decision.

- A. Any person whose property rights would be significantly

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affected by the Director of Design and Development 's determination may appeal the decision of the Director of Design and Development, or the Director's designee, to the Planning Commission within twenty (20) calendar days of written notification of the decision. Such appeal shall be in writing, filed with the Department of Design and Development and shall identify those portions of the administrative decision which are being appealed. The Planning Commission may review only those portions of the administrative decision being appealed. If the Planning Commission determines that the administrative decision was in accord with the requirements and standards of this Code, it shall so find and affirm the Director of Design and Development's decision. If the Planning Commission determines that the administrative decision was not in accord with the requirements and standards of this Code, it shall:

1. Make specific findings stating which requirements and standards of this Code are not met; and
 2. Remand to the Director of Design and Development for a decision in accordance with these findings.
- B. The decision of the Planning Commission may be appealed to Superior Court within twenty (20) days of the date of the Commission's decision. At the expiration of said twenty (20) day period, if no appeal has been filed, the decision of the Commission shall become final and any appeal is thereafter barred.

Section 71. Bellevue City Code (Land Use Code) 20.25D.010 is amended to read as follows:

20.25D.010 All Structures Subject to Design Review: The City shall not issue building permits for new construction in the PO District unless the Director of Design and Development using the Administrative Design Review Process (20.30.475) has reviewed the building plans and has certified that in his judgment the plans for the structure's exterior, including finish material, color and landscaping, are visually harmonious and compatible with the surrounding land uses, vegetation and topography to promote quality design, reduce the adverse impact of uncoordinated development and protect and enhance surrounding neighborhoods.

Section 72. Bellevue City Code (Land Use Code) 20.25D.020 is amended to read as follows:

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20.25D.020 Appeal: Appeal from the determination of the Director of Design and Development shall be to the Hearing Body utilizing the forms and procedures and requiring the same fees as the Modification of Transition Area Requirements (20.25B.040). (Ord. 3145 - 9-27-82 - Section 55)

Section 73. Bellevue City Code (Land Use Code) 20.25F.040.C.8.b is amended to read as follows:

20.25F.040 Site and Design Requirements

. . . .

C. Design Requirements

. . . .

8. Signs

. . . .

b. Each sign must be architecturally integrated with the structures with which it is associated. The Director of Design and Development shall review each sign for compatibility of form, color and building materials.

Section 74. Bellevue City Code (Land Use Code) 20.30 - Chapter Contents - Planned Residential Unit Developments - 20.30.300 - .389 is amended to read as follows:

. . . .

.300	PLANNED RESIDENTIAL UNIT DEVELOPMENTS
.305	Planned Residential Unit Developments-Intent.
.310	Land Use Areas Included
.315	Permitted Uses.
.320	Application for Land Use Regulations.
.325	General Standards
.330	Specific Application of Standards
.334	Initiation of Project-Application
.336	Procedure for Approval.
.338	Hearings.
.340	Platting, Subdivision and Resale.
.342	Preliminary Development Plan.
.344	Preliminary Plat.
.346	Routing-Staff Recommendations
.348	Public Notice-Hearing on Preliminary Development Plan
.350	Hearings May Be Continued Without Public Notice
.352	Report by the Planning Department
.354	Conduct of Hearings-Rules and Regulations
.356	Recommendation to Council

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.358 Reconsideration

.360 City Council Consideration of Preliminary Development Plan

.362 Community Council Action.

.364 Final Development Plan.

.366 Open Space Recreation Space-Guarantees and Maintenance. .

.368 Time for Submittal of Final Development Plan.

.370 Public Notice

.372 Department of Design and Development Report to Council. .

.374 Council Consideration of Final Development Plan

.376 Council Final Action.

.378 Final Development Plan-Effect

.380 Bond Required

.382 Permits

.384 Adjustments

.386 Enforcement-Failure to Meet Approved Development Schedule-
Extension of Time

.388 Relief May Be Granted by City Council

.389 Applicability

Section 75. Bellevue City Code (Land Use Code) 20.30.075 is amended to read as follows:

20.30.075 Appeals Of Administrative Determinations

- A. Except where provisions of this Code specify otherwise, the Hearing Body shall have jurisdiction to review any administrative interpretation of the provisions of this Code made by the Director of Design and Development. Except where provisions of this Code specify otherwise, the Hearing Body shall also have jurisdiction to review any order, requirement, decision or determination relating thereto in the application of any specific provision of the Land Use Code.
- B. Except where provisions of this Code specify otherwise, the Hearing Body shall have jurisdiction to review a decision of the Building Official when it is alleged that such decision violated any provision of this Code.
- C. Except where provisions of this Code specify otherwise, any person owning property in the City, agent of such person or resident of the City may appeal to the Hearing Body for relief by filing a written appeal within twenty (20) days of the decision of the Director of Design and Development or Building Official.
- D. The Hearing Body shall examine the files and records of the Director of Design and Development or Building Official and may receive additional evidence or testimony for the purpose of

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determining the reasonableness of the Director's or the Official's investigation or determination.

- E. The Hearing Body shall enter its findings of facts involved in the determination, together with conclusions as to the right of the applicant or appellant for the relief sought. The Hearing Body shall also enter an order either affirming the interpretation of the Director of Design and Development or the Building Official or directing further consideration or action by the Director of Design and Development or the Building Official, if the Hearing Body finds his action to be insufficient or in error.

Section 76. Bellevue City Code (Land Use Code) 20.30.085 is amended to read as follows:

20.30.085 Procedure For Hearings

The time within which appeals from an administrative determination shall be made to the Hearing Body shall be prescribed by rules of the Hearing Body. Petitions or applications for hearings by the Hearing Body shall be filed with the Department of Design and Development. The Department of Design and Development shall be the custodian of all records of the meetings, findings, conclusions and orders of the Hearing Body. All such records shall be open to the public. Copies of the appellant's or applicant's petition shall be filed with the appropriate official whose decision or action is appealed. Upon the filing of an application in proper form which requests an action within the jurisdiction of the Hearing Body, such Body shall set a date for a public hearing to be held upon such application, which date shall be not more than sixty days after the date of the filing of the application.

Section 77. Bellevue City Code (Land Use Code) 20.30.090 is amended to read as follows:

20.30.090 Initiation Of Action On Hearing Body's Motion

The Hearing Body may initiate a review of an administrative official's interpretation of the provisions of the Land Use Code on its own motion. Such review shall occur at a hearing held for such purpose pursuant to notice duly given to the Department of Design and Development and to any owner of property which may be affected by such hearing. The Hearing Body shall review such administrative interpretation and make and enter the findings of fact, conclusion or order in relation thereto.

Section 78. Bellevue City Code (Land Use Code) 20.30.115 if amended

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to read as follows:

20.30.115 Application To Be Filed

Any person seeking a variance shall file with the Department of Design and Development an application on forms supplied by the Department, together with such information as may reasonably be required to enable a full evaluation of the proposed development. Upon the filing of an application for a variance, the Director of Design and Development shall forthwith transmit to the Board of Adjustment the application, data and report of the Department of Design and Development relating to such property.

Section 79. Bellevue City Code (Land Use Code) 20.30.120 is amended to read as follows:

20.30.120 Public Hearing

The Board of Adjustment shall conduct a public hearing on applications for variances in conformance with Sections 20.40.500 through .565 of this Code.

A report of the Director of Design and Development may be required for the purpose of obtaining information as to the effect of the proposed variance upon the use, enjoyment and value of other land and buildings within the use district, and such report may contain other pertinent information regarding the many existing or pre-existing conditions relating to topography, geology, traffic, utilities, existing or proposed land utilization and other factors relating to the Comprehensive Plan of the City.

Section 80. Bellevue City Code (Land Use Code) 20.30.160 is amended to read as follows:

20.30.160 Application To Be Filed

Any person seeking a Shoreline Variance shall file with the Department of Design and Development an application for a Shoreline Variance pursuant to Section 20.30.115 and, in addition, an application for a Substantial Development Permit pursuant to Section 20.25E.040.

Section 81. Bellevue City Code (Land Use Code) 20.30.165 is amended as follows:

20.30.165 Notice Of Filing Of Application; Departmental Review

The Department of Design and Development shall post and the

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applicant shall publish public notice of the filing of an application for a Shoreline Variance and an application for a Substantial Development Permit in accordance with Section 173-14-070 of the Washington Administrative Code. Department of Design and Development review shall commence upon filing of the applications; however, no formal action shall be taken until 30 days have elapsed from the date of final publication of the notice of filing of applications.

Section 82. Bellevue City Code (Land Use Code) 20.30.180 is amended to read as follows:

20.30.180 Notice Of Decision Sent To Department Of Ecology;
Final Approval

Following action on a Shoreline Variance by the Board of Adjustment, the Department of Design and Development shall take action on the Substantial Development Permit application. Within eight (8) days of such Planning Department action, the Department of Design and Development shall forward notice of both actions to the Department of Ecology and the Attorney General's office for final approval or disapproval.

Section 83. Bellevue City Code (Land Use Code) 20.30.334 is amended to read as follows:

20.30.334 Initiation Of Project Application

An application for approval of a proposed Planned Residential Unit Development shall be made to the Department of Design and Development upon forms furnished by the City, and all such applications, together with all required attachments, shall be submitted in duplicate. Application shall be made by the owner or owners of the parcel or parcels intended to be developed as a unit, or by his or their duly authorized agent or agents. The owner(s) of all parcels to be included must join in or be represented in the application.

Section 84. Bellevue City Code (Land Use Code) 20.30.336 is amended to read as follows:

20.30.336 Procedure For Application Approval

The procedure to be followed for approval of a Planned Residential Unit Development shall be composed of five steps.

- A. Public Hearing of the preliminary development plan by the Hearing Body and recommendation to the City Council;

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- B. Approval of the preliminary development plan by the City Council at a public meeting.
- C. Review of the preliminary development plan by a Community Council, if applicable.
- D. Review of the final development plan by the Department of Design and Development for compliance with the approved preliminary development plan.
- E. Approval of the final development plan by the City Council.

Section 85. Bellevue City Code (Land Use Code) 20.30.342 is amended to read as follows:

20.30.342 Preliminary Development Plan

An applicant shall submit to the Department of Design and Development as part of an application for a Planned Residential Unit Development four copies of a preliminary development plan which shall include the following:

- A. A legal description and site location map of the property.
- B. A proposed site plan and/or drawings showing the principal topographic contours, designated placement, location and principal dimensions of building, streets, parking areas, recreation areas, other open space, landscaping areas and general arrangement.
- C. Preliminary elevation and perspective drawings of project structures and improvements.
- D. Special features.
- E. A text describing conditions or features which cannot be adequately displayed on maps or drawings.
- F. A description of plans for covenants, uses and continuous maintenance provisions for the project.
- G. The following plans and diagrams:
 - 1. A survey of the property, showing existing features, including contours, buildings, structures, trees over four inches in trunk diameter measured at four feet above the ground, streets, utility easements, rights-of-way, and existing land use.

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2. An off-street parking plan.
3. A circulation diagram indicating the proposed movement of vehicles and pedestrians within the Planned Residential Unit Development and to and from existing and programmed thoroughfares. Any special engineer features and traffic regulating devices needed to facilitate or insure the safety of this circulation pattern must be shown.
4. Preliminary landscaping plan.
5. A topographic map or model of the site and surrounding vicinity.
6. Preliminary drainage plan.
7. Additional information as required at the discretion of the Director of Design and Development.

Section 86. Bellevue City Code (Land Use Code) 20.30.346 is amended to read as follows:

20.30.346 Routing-Staff Recommendations

Upon acceptance by the Department of Design and Development of an application satisfying 20.30.342 for approval of a Planned Residential Unit Development the Department shall route the same to all appropriate City departments. Each such department shall submit to the Department of Design and Development recommendations and comments regarding the same. In addition, the Department of Design and Development shall notify the Community Council which has the power of review over the particular project, of the receipt of the Planned Residential Unit Development application.

Section 87. Bellevue City Code (Land Use Code) 20.30.348 is amended to read as follows:

20.30.348 Public Notice-Hearing On Preliminary Development Plan

When the Department of Design and Development finds that an application meets the filing requirements for preliminary development plans, the Department of Design and Development shall accept the plan and assign the plan for public hearing before the Hearing Body. Before rendering a recommendation on any such application, the Hearing Body shall hold at least one public hearing thereon. The Department of Design and Development shall advertise notice of such public hearing in a newspaper of general circulation throughout the city and by official postings within the Municipal

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Building of the City and at the site of the proposal at least 17 calendar days preceding the hearing.

Section 88. Bellevue City Code (Land Use Code) 20.30.352 is amended to read as follows:

20.30.352 Report By The Department of Design and Development

When an application has been set for public hearing, the Department of Design and Development shall coordinate and assemble the reviews of other departments and the governmental agencies having an interest in the subject of the application and shall prepare a report summarizing the factors involved and the Department findings and recommendation. At least seven days prior to the scheduled hearing the report shall be filed with the Hearing Body and copies thereof shall be mailed to the applicant and shall be made available for use by any interested party.

Section 89. Bellevue City Code (Land Use Code) 20.30.354 is amended to read as follows:

20.30.354 Conduct Of Hearings-Rules and Regulations

The Hearing Body shall have the power to prescribe rules and regulations for the conduct of hearings before it subject to confirmation by the Council; to administer oaths, and to preserve order. Modifications or changes in such rules may be made, but such changes or modifications shall not become effective until thirty days following the date such changes or modifications are determined. Copies of the rules shall be made available to the public at the Department of Design and Development Office.

Section 90. Bellevue City Code (Land Use Code) 20.30.358 is amended to read as follows:

20.30.358 Reconsideration

After action by the Hearing Body on the preliminary development plan, any person owning property, agent of such person or resident of the City who states that the recommendation of the Hearing Body is based on errors of procedure or fact may make a written request for review by such Hearing Body within seventeen (17) calendar days of the filing of the Hearing Body's report with the Department of Design and Development. This request shall set forth the alleged errors and the Hearing Body may, after a review of the record, take such further action as deemed proper and may render a revised recommendation.

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Section 91. Bellevue City Code (Land Use Code) 20.30.364 is amended to read as follows:

20.30.364 Final Development Plan

The applicant shall, within one year of the date of the preliminary development plan approval, submit at least four copies of a final development plan of the proposed development to the Department of Design and Development for its review and approval. The final development plan shall comply with conditions imposed on the preliminary development plan and any conditions imposed thereon. In addition to the information required under Section 20.30.342 for the preliminary development plan, the final development plan shall include the following:

1. Elevation and perspective drawings of project structures and improvements;
2. Agreements, covenants, or other provisions which will govern the use, maintenance, and assure continued protection of, the Planned Residential Unit Development.
3. A proposed plat (preliminary or final) of the area, if subdivision of the Planned Residential Unit Development is intended or required;
4. Development Schedule of construction;
5. Landscaping and tree planting plan, including site grading;
6. Drainage Plan, including a plan for continuous maintenance;
7. Lighting Plan;
8. Any other information necessary to demonstrate compliance with the approval of the preliminary development plan at the discretion of the Department of Design and Development.

No final development plan shall be deemed acceptable for filing unless all of the above information is submitted in accurate and complete form sufficient for the purposes of Department of Design and Development review. After receiving the final development plan, the Department of Design and Development shall route the same to all appropriate City Departments, and each department shall again submit to the Department of Design and Development comments and recommendations.

Section 92. Bellevue City Code (Land Use Code) 20.30.368 is amended

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to read as follows:

20.30.368 Time For Submittal Of Final Development Plan

If the final development plan is not submitted within one year of the date of the preliminary development plan approval, such Planned Residential Unit Development shall be deemed void, provided that, the Department of Design and Development may grant one six month extension upon application of the applicant.

Section 93. Bellevue City Code (Land Use Code) 20.30.370 is amended to read as follows:

20.30.370 Public Notice

The Department of Design and Development shall mail notices to adjacent property owners and all parties of record appearing at the preliminary development plan hearing at least 17 calendar days prior to review by the Department of Design and Development of the final development plan. Comments will be received in writing during this period by the Department of Design and Development.

Section 94. Bellevue City Code (Land Use Code) 20.30.372 is amended to read as follows:

20.30.372 Report To Council

The Department of Design and Development, after the expiration of the public review period prescribed in Section 20.30.370 shall prepare a written report to the City Council evaluating compliance with conditions imposed on the preliminary development plan and summarizing public input. This written report shall be mailed to all parties of record and to the City Council.

Section 95. Bellevue City Code (Land Use Code) 20.30.374 is amended to read as follows:

20.30.374 Council Consideration Of Final Development Plan

The Council shall consider the recommendation of Department of Design and Development at a public meeting and shall approve, disapprove or approve with modifications the final development plan and, if applicable, the preliminary or final plat.

Section 96. Bellevue City Code (Land Use Code) 20.30.376 is amended to read as follows:

20.30.376 Council Final Action

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The Department of Design and Development shall file the final development plan as approved by the Council with the City Clerk and transmit a second copy to the Division of Structural Safety.

Section 97. Bellevue City Code (Land Use Code) 20.30.380 is amended to read as follows:

20.30.380 Bond Required

The Department of Design and Development shall issue no construction permits unless a bond is approved by the City, pursuant to Section 20.30.790.

Section 98. Bellevue City Code (Land Use Code) 20.30.382 is amended to read as follows:

20.30.382 Permits

The Department of Design and Development shall issue building permits for buildings and structures which conform with the approved final development plans for the Planned Residential Unit Development and with all other applicable City ordinances and regulations. The Department of Design and Development shall issue a certificate of occupancy for completed buildings or structures which conform to the requirements of the approved final development plans and all other applicable City ordinances and regulations. The construction and development of all the open spaces and public recreation facilities of each project phase must be completed before any certificates of occupancy will be issued; except that bonds may be deposited pursuant to Section 20.30.790 assuring the completion of such facilities within six months.

Section 99. Bellevue City Code (Land Use Code) 20.30.384 is amended to read as follows:

20.30.384 Adjustments

No major change, such as rearrangement of lots, blocks, streets, building or other such changes may be made in the approved final development plans during the construction of the project except upon application to the Department of Design and Development, approval by the Hearing Body after a public hearing held thereon with notice given in the manner provided in Section 20.30.348 and approval by the Council; except that the Department of Design and Development, is authorized to allow minor adjustments in the development schedule, location, placement, height or dimension of buildings and structures or the adjustment of lot lines, not to exceed an alteration of ten per cent in height or ten feet in any other

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direction, if such minor changes and alterations are required by engineering and other circumstances not foreseen or reasonably foreseeable at the time of approval of the final development plans; except that such adjustments shall not increase the total floor space authorized in the approved final development plans, or the number of dwelling units or density, or decrease the amount of parking or loading facilities, or permit buildings to locate closer to the closest boundary line, or change any points of ingress or egress to the site, or extend the development schedule for not more than 12 months.

Section 100. Bellevue City Code (Land Use Code) 20.30.386 is amended to read as follows:

20.30.386 Enforcement-Failure To Meet Approved Development Schedule-Extension Of Time

The Department of Design and Development shall periodically compare the actual development accomplished in a Planned Residential Unit Development with the approved development plan and/or schedule. If the developer fails to comply with the approved development plan and/or schedule or the administrative extension of such schedule, the Department of Design and Development shall initiate proceedings to repeal the authorization granted for the Planned Residential Unit Development. After a public hearing, the Hearing Body may recommend to the Council repeal of the authorization granted for the Planned Residential Unit Development following procedures outlined in 20.30.348, 20.30.350, 20.30.352, 20.30.354, 20.30.356 and 20.30.358 herein; or the Hearing Body after a public hearing may, for good cause shown, grant an extension or adjustment of the time schedule for the development not to exceed a total extension of one year for any project. Delays attributable exclusively to strike and/or disaster shall excuse a failure to meet the approved development schedule and in such cases the Department of Design and Development shall not initiate proceedings for repeal of the authorization for the Planned Residential Unit Development. Failure to meet the extended time schedule shall automatically terminate such authorization and all permits and approvals issued pursuant to such authorization shall expire and be null and void.

Section 101. Bellevue City Code (Land Use Code) 20.30.405.B. is amended to read as follows:

20.30.405 Temporary Building or Use; Required Findings; Extension Prohibited

. . . .

B. Following a positive finding with respect to the criteria found

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in 20.30.405(A), the Director of Design and Development may administratively approve those temporary property uses identified in Section 20.20.880, for a period of time not to exceed thirty (30) calendar days.

Section 102. Bellevue City Code (Land Use Code) 20.30.410 is amended to read as follows:

20.30.410 Filing Of Applications

A party seeking a temporary property use permit shall file an application with the Department of Design and Development. Upon the filing of an application for a temporary property use, the Department of Design and Development shall forthwith transmit to the Board application, paper and data constituting the administrative official's records relating to such property. Temporary property uses identified by Section 20.30.405(B) are exempt from this provision.

Section 103. Bellevue City Code (Land Use Code) 20.30.450.B. is amended to read as follows:

20.30.450 Transition Area - Optional Design Review

. . . .

- B. Application Requirements - Application shall be made to the Department of Design and Development utilizing the forms and following the requirements for submittal of plans for a Conditional Use Permit, Section 20.30.600, and those following.

Section 104. Bellevue City Code (Land Use Code) 20.30.475, as it applies in the City except within the jurisdiction of the East Bellevue Community Council, is amended to read as follows:

*20.30.475 Administrative Design Review

- A. Purpose. It is the purpose of this section to insure that the designs of sites and structures conform to the requirements to this Code.
- B. Authority. The Design and Development Director shall review the designs and structures proposed for districts requiring design review. The Director's authority shall be limited to that necessary to accomplish the purposes of this section.
- C. The Director of Design and Development may:

Approve the submitted plans;

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Approve the submitted plans with additions, modifications or changes; or

Deny the submitted plans.

- D. Procedure. The Director of Design and Development shall post a public notice and mail notices to the applicant and adjacent property owners at least 17 calendar days prior to the Director of Design and Development reviewing and acting upon the application. Written public input will be received during this period, but no public hearing is required. Following the decision of the Director of Design and Development, the applicant and parties of record will be notified of the action taken, written findings and the appeal procedure.
- E. Appeal.
1. Time for Appeal: The decision of the Director of Design and Development is final unless appealed within 20 calendar days of the date the decision was mailed pursuant to Paragraph D.
 2. Who May Appeal: The applicant or any person who submitted written comment on the proposal prior to the decision of the Director of Design and Development may appeal the decision of the Director.
 3. Filing of Appeal: A written Letter of Appeal, stating the basis of the appeal, accompanied by the appeal fee must be filed with the Office of Permit Coordination.
 4. Appeal Hearing:
 - a. The Hearing Body shall conduct a public hearing on the appeal.
 - b. The Hearing Body shall mail notice of the appeal hearing to the applicant and the appellant, and shall notify the Director of Design and Development, at least 17 calendar days prior to the hearing.
 - c. The Hearing Body shall, following the hearing, establish findings of fact and conclusions and shall make a recommendation on the appeal to the City Council. In addition to all other findings, the Hearing Body shall find whether:
 - i. The proposal is in accord with the goals and policies of the Comprehensive Plan.

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- ii. The effect of the proposal on the immediate vicinity will be materially detrimental, and/or the effect of the proposed development on the community as a whole will be materially detrimental.
- iii. There is merit and value in the proposal for the community as a whole.
- iv. Conditions should be imposed in order to mitigate any significant adverse impacts from the proposal.

The Hearing Body shall use the clearly erroneous standard in making its recommendation.

- d. The Hearing Body may recommend that the appeal be --
 - i. Granted in whole or in part; or
 - ii. Granted in whole or in part with a remand to the Director of Design and Development for further consideration; or
 - iii. Denied in whole or in part.

5. City Council Decision:

- a. The City Council shall decide all appeals of Administrative Design Review decisions, except a otherwise specifically provided by this Code.
- b. The City Clerk shall mail notice of the City Council meeting on the appeal to the applicant and the appellant and shall notify the Director of Design and Development, at least 17 calendar days prior to the City Council meeting.
- c. The City Council shall consider the appeal hearing record before the Hearing Body in making its decision and shall hear argument by the applicant, the appellant and the Director of Design and Development on that record. The Council in reviewing the Director of Design and Development decision shall use the clearly erroneous standard in making its decision.
- d. The City Council shall --

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- i. Grant the appeal in whole or in part; or
 - ii. Grant the appeal in whole or in part with a remand to the Director of Design and Development; or
 - iii. Deny the appeal in whole or in part.
- e. The City Council shall enter written findings of fact and conclusions in support of its decision.

In addition to all other findings the Council shall find whether;

- i. The proposal is in accord with the goals and policies of the Comprehensive Plan.
 - ii. The effect of the proposal on the immediate vicinity will be materially detrimental, and/or the effect of the proposed development on the community as a whole will be materially detrimental.
 - iii. There is merit and value in the proposal for the community as a whole.
 - iv. Conditions should be imposed in order to mitigate any significant adverse impacts from the proposal.
6. The decision of the Council may be appealed to Superior Court within twenty (20) days of the date of the decision of the Council. At the end of said twenty (20) day period, if no appeal has been filed, the decision of the Council shall become final, and any appeal is thereafter barred.

* Not effective within the jurisdiction of the East Bellevue Community Council.

Section 105. Bellevue City Code (Land Use Code) 20.30.475, as it applies within the jurisdiction of the East Bellevue Community Council, is amended to read as follows:

****20.30.475 Administrative Design Review**

- A. Purpose. It is the purpose of this section to insure that the designs of sites and structures conform to the requirements to this Code.

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- B. Authority. The Director of Design and Development shall review the designs and structures proposed for districts requiring design review. The Director of Design and Development's authority shall be limited to that necessary to accomplish the purposes of this section.
- C. The Director of Design and Development may:
- Approve the submitted plans;
 - Approve the submitted plans with additions, modifications or changes; or
 - Deny the submitted plans.
- D. Procedure. The applicant for design review and the Director of Design and Development in reviewing the application, shall follow the same procedures as required for administrative conditional uses set forth in Section 20.30.600 D, E, F.
- E. Appeal. Any person whose property rights would be significantly affected by the Director of Design and Development determination may appeal said determination to the Hearing Body utilizing the same forms and procedures and requiring the same fees as the optional design review for transition areas (see Section 20.30.450).
- The decision of the Council may be appealed to Superior Court within twenty (20) days of the date of the decision of the Council. At the end of said twenty (20) day period, if no appeal has been filed, the decision of the Council shall become final, and any appeal is thereafter barred.
- F. CBD Design Review Appeal
1. Notwithstanding the provisions of this Section, an appeal 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 the procedures of Sections 20.30.825, 20.30.845, 20.30.850, and 20.30.867.
 2. The decision of the Director of Design and Development is final unless appealed to the City Council within 20 days of the date of that decision.
 3. Only those persons who submitted written comment to the Director of Design and Development in accordance with Section 20.30.610.D may appeal an Administrative Design

Review decision regarding property in a CBD Land Use District.

** Effective only within the jurisdiction of the East Bellevue Community Council.

Section 106. Bellevue City Code (Land Use Code) 20.30.610 is amended to read as follows:

20.30.610 Application and Procedural Requirement

- A. Application requirements for Conditional Use Permits or for additions, modifications or changes thereto shall be those required by Sections 20.30.800 through 20.30.899.
- B. Upon receipt of the completed application, the Director of Design and Development shall determine the necessity for Hearing Body review, following the criteria of 20.30.610(C).
- C. The Director of Design and Development may administratively consider, approve or disapprove one-time, non-accumulative additions, modifications or changes to approved conditional uses when such additions, modifications or changes meet the following criteria:
 - 1. The additions, modifications or changes to the building shall constitute less than twenty-five (25) percent of the total floor area originally approved.
 - 2. The additions, modifications or changes are determined by the Director of Design and Development not to have a significant impact beyond the site.
- D. If a hearing is unnecessary, the application shall be reviewed by the appropriate City departments and the Director of Design and Development. The Director of Design and Development may approve the application as submitted, approve the application with conditions, or disapprove the application based upon the criteria of 20.30.840, 20.30.845 and 20.30.610(C). The Director of Design and Development shall post a public notice and mail notices to the applicant and adjacent property owners at least 17 calendar days prior to the Director of Design and Development reviewing and acting upon application. Written and oral public input will be received during this period but no public hearing is required. Following the decision of the Director of Design and Development the applicant and parties of record will be notified of the action taken, written findings, and the appeal procedure.

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- E. Any additions, modifications, or changes which do meet the criteria of 20.30.610(C) shall require approval by the Hearing Body. If the Director of Design and Development determines that approval by the Hearing Body is required, the Director of Design and Development and the appropriate City Department shall review the application and forward a recommendation to the Hearing Body prior to the hearing.
- F. Procedures for public notice, hearing, expiration, extension and revocation of the permit shall be as specified in Sections 20.30.800 through 20.30.899.

Section 107. Bellevue City Code (Land Use Code) 20.30.620 is amended to read as follows:

20.30.620 Appeals

Except as provided in 20.30.610(B) decisions by the Director of Design and Development are final unless appealed to the Hearing Body within twenty (20) calendar days of the date of mailing of the decision as provided in Section 20.30.610(D). The Hearing Body shall either concur with the previous decision of the Director of Design and Development, direct that approval be granted subject to named conditions, or require reconsideration by the Director of Design and Development.

Decisions of the Hearing Body are final unless appealed to the City Council within twenty (20) calendar days of the date of decision by the Hearing Body. The City Council may at a public meeting or public hearing take one of the following actions:

- A. Grant the application with or without modifications and/or conditions;
- B. Remand for further consideration by the Director of Design and Development or the Hearing Body; or
- C. Deny the application.

Section 108. Bellevue City Code (Land Use Code) 20.30.660 is amended to read as follows:

20.30.660 Application to be Filed

Any person seeking a Shoreline Conditional Use shall file with the Department of Design and Development an application for a Shoreline Conditional Use pursuant to Section 20.30.810 and, in addition, an application for a Substantial Development Permit pursuant to Section 20.25E.040.

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Section 109. Bellevue City Code (Land Use Code) 20.30.665 is amended to read as follows:

20.30.665 Notice of Filing of Application; Department Review

The Department of Design and Development shall post and the applicant shall publish notice of the filing of an application for a Shoreline Conditional Use and an application for a Substantial Development Permit in accordance with Section 173-14-070 of the Washington Administrative Code. Department of Design and Development review shall commence upon filing of the application; however, no formal action shall be taken until thirty (30) days have elapsed from the date of final publication of the notice of filing of applications.

Section 110. Bellevue City Code (Land Use Code) 20.30.675 is amended to read as follows:

20.30.675 Notice of Decision Sent to Ecology; Final Approval

Within eight (8) days of the Hearing Body's action on a Shoreline Conditional Use and Substantial Development Permit, the Department of Design and Development shall forward notice of action to the Department of Ecology and the Attorney General's Office for that final approval or disapproval.

Section 111. Bellevue City Code (Land Use Code) 20.30.790 is amended to read as follows:

20.30.790 Bond

In lieu of the completion of the actual construction of any improvements required by this Code prior to the approval of the certificate of occupancy, the applicant shall deposit a surety bond or other secure financial method or cash deposit in amounts and form fixed by the Director of Design and Development, guaranteeing the construction and completion of all physical improvements, whether public or private, required by the City within one (1) year from date of final approval of the certificate of occupancy, and guaranteeing the payment of certain additional charges as hereinafter described:

1. Any and all services performed by City employees in field inspection of construction of the required improvements shall be invoiced to the developer at one hundred percent of direct salary cost, plus thirty-five percent of such cost for overhead and fringe benefits.

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- 2. Any outside consultants retained by the City to evaluate any phase of construction shall be invoiced at actual cost plus fifteen percent. Billings tendered to the applicant shall be payable within thirty days.

To insure payment of these additional charges, the applicant shall post a cash deposit with the Department of Design and Development, equal to a percentage of the bond and the uncompleted amount of the required improvements in accordance with the following schedule:

<u>Bond Amount</u>	<u>5% Cash Deposit</u>
up to \$20,000	5% (minimum \$500)
20,001 to 50,000	4%
50,001 to 100,000	3%
100,001 and up	2-1/2%

The bond will not be released until all billings for such additional charges are paid in full. The bond and any unused amount of the cash deposit may be released by the Director of Design and Development at such time as the required improvements are completed to the Director's satisfaction.

Section 112. Bellevue City Code (Land Use Code) 20.30.810 is amended to read as follows:

20.30.810 Application to be Filed; Fees

Any property owner seeking a Conditional Use or a Reclassification of property shall present to the Department of Design and Development an application, on forms provided by the City, signed by said owner or by his or her authorized agent, stating the proposal. Fees required by the Fee Schedule in force at the date of submittal must be paid before the application will be accepted.

Section 113. Bellevue City Code (Land Use Code) 20.30.815.F. is amended to read as follows:

20.30.815 Application Content; Required Attachments

. . . .

- F. The Planning Director or the Director of Design and Development, as the case may be, may require that sufficient additional materials be submitted to fully delineate the physical and environmental aspects of the proposal.

Section 114. Bellevue City Code (Land Use Code) 20.30.820 is amended to read as follows:

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20.30.820 Routing of Application; Staff Recommendations

Upon acceptance by the Planning Department or the Department of Design and Development as the case may be of a sufficient application, the Planning Department or the Department of Design and Development, as the case may be, shall route the same to all appropriate City departments. Each such department may submit to the Planning Department or the Department of Design and Development, as the case may be, recommendations and comments regarding said application. In addition, the Planning Department or the Department of Design and Development, as the case may be, shall notify any Community Council, which has the power of review over the particular project, of the receipt of the application.

The Planning Department or the Department of Design and Development, as the case may be, shall coordinate and assemble the reviews of other departments having an interest in the subject of the application and shall prepare a report which shall include:

- A. Identification of the relevant comprehensive plan policies;
- B. The environmental assessment and declaration of no significant impact or the environmental impact statement;
- C. Staff analysis and/or relevant information;
- D. Staff recommendation.

Prior to a scheduled hearing the report shall be filed with any Community Council having jurisdiction and the Hearing Body. Copies of the report shall be mailed to the petitioner and shall be made available for inspection and copying by any interested party.

Section 115. Bellevue City Code (Land Use Code) 20.30.825 is amended to read as follows:

20.30.825 Notice of Public Hearing

- A. Written notice of a public hearing by the Hearing Body shall be posted in three public places on or in the immediate vicinity of the land or structure in question and in the official City posting locations at least 17 calendar days prior to the date of hearing of such application.
- B. In addition, the Planning Department or the Department of Design and Development, as the case may be, shall give notice of the public hearing in at least one (1) publication in a newspaper of general circulation within the City at least 17

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calendar days prior to the date of hearing.

- C. When an application for a reclassification of land or a Conditional Use Permit is scheduled for public hearing before the Hearing Examiner, notice of public hearing also shall be mailed, at least 17 calendar days prior to the date of the hearing, to owners of record of property, as shown by the King County Comptroller, adjoining or directly across a street from the property in question. Failure of any property owner to receive said notice will not invalidate the proceedings.
- D. All notices shall state the nature of the pending application, the date, time and place of the hearing and shall describe the property involved, including a description by street address or other common description. Notice need not include a legal description.
- E. Substantial compliance with this section shall relieve the City of any liability for failure to comply with these notice requirements.

Section 116. Bellevue City Code (Land Use Code) 20.30.877.C. is amended to read as follows:

20.30.877 Compliance with Terms of Permit; Amending Permit

. . . .

- C. The Director of Design and Development may authorize minor adjustments in the development schedule, location, placement, height or dimension of buildings and structures or the adjustment of lot lines, not to exceed an alteration of ten percent, if such minor changes and alterations are required by engineering or other circumstances not foreseen or reasonably foreseeable at the time of granting of the permit, except that such adjustments shall not:
 - 1. Increase the total amount of floor space authorized;
 - 2. Increase the number of dwelling units or density;
 - 3. Decrease the amount of parking or loading facilities;
 - 4. Permit buildings to locate closer to the closest boundary line;
 - 5. Change any points of ingress or egress to the site; or
 - 6. Extend the development schedule for more than 18 months.

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Section 117. Bellevue City Code (Land Use Code) 20.30.880.B. is amended to read as follows:

20.30.880 Expiration and Renewal of Conditional Use Permits

. . . .

B. Extension:

1. The Director of Design and Development may grant an extension of a conditional use permit, not to exceed one year, only if he/she finds that:
 - a. Unforeseen circumstances or conditions have caused the delay in the commencement of the approved use;
 - b. Termination of the permit will result in unreasonable hardship to the applicant and the applicant is not responsible for the delay in commencement of the approved use; and
 - c. An extension of time will not cause substantial detriment to the neighboring property owners or to the community.
2. The Director of Design and Development may grant no more than two extensions. A second extension may be granted only if the Director of Design and Development finds that:
 - a. The criteria listed in Paragraph B.1 of this Section are met;
 - b. The applicant has demonstrated reasonable diligence in attempting to meet the time limits imposed; and
 - c. Conditions in the immediate vicinity of the subject property have not changed substantially since the original conditional use permit was granted.
3. Application to Prior Permits:
 - a. If an applicant at any time has received an extension of a conditional use permit and that extended conditional use permit was valid at any time within the 18 months preceding the effective date of this Section, that applicant may request a second extension under Paragraph B.2 of this Section.
 - b. The City will automatically renew a conditional use

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permit which has become void and for which a second extension has been requested under Paragraph B.3.a of this Section. This renewal will be valid only for the time needed to process the extension request and only for purposes of the extension request. Following the decision of the Director of Design and Development on the extension request, the time limits as established in the extension approval will control or the permit will be automatically void if the extension is not approved.

Section 118. Bellevue City Code (Land Use Code) 20.30.885 is amended to read as follows:

20.30.885 Revocation of Conditional Use Permit

The Hearing Body may, upon its own motion, or upon the recommendation of the Director of Design and Development, recommend revocation of any Conditional Use Permit to the City Council. Such recommendation for revocation shall be made at a public hearing and upon findings of any one or more of the following:

- A. That approval was obtained by fraud; or
- B. That the use for which such approval was granted was ceased, has been abandoned, or there has been addition, modification or change without approval; or
- C. That the permit granted is being exercised contrary to the terms or conditions of such approval; or
- D. That the use for which the approval was granted has been so exercised as to constitute a nuisance.

Section 119. Bellevue City Code (Land Use Code) 20.40.300 is amended to read as follows:

20.40.300 Community Councils

As required by this Code, the Planning Department or the Department of Design and Development, as the case may be, shall forward petitions, which meet the filing requirements, as determined by the Planning Director or Director of Design and Development, as the case may be, to the appropriate Community Council. With respect to such petitions, the Community Council shall have such authority as granted by RCW 35.14.

Section 120. Bellevue City Code (Land Use Code) 20.40.420 is

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amended to read as follows:

20.40.420 Interpretation of Code

The responsibility for the interpretation of the provisions of this Code shall rest with the Director of Design and Development in consultation with the City Attorney. The interpretive decisions by the Director shall be final unless appealed to the Hearing Body.

Section 121. Bellevue City Code (Land Use Code) 20.40.425 is amended to read as follows:

20.40.425 Building Permit and Certificate of Occupancy

Prior to the issuance of any building permit, temporary certificate of occupancy, or certificate of occupancy by the City of Bellevue, such permit or certificate shall be approved by the Director of Design and Development.

Section 122. Bellevue City Code (Land Use Code) 20.40.430 is amended to read as follows:

20.40.430 Enforcement by Administrative Official

The Director of Design and Development is charged with the enforcement of the provisions of this Code.

Section 123. Bellevue City Code (Land Use Code) 20.40.440 is amended to read as follows:

20.40.440 Inspections

Whenever it is necessary to make an inspection to enforce any of the provisions of the Land Use Code, or whenever the Director of Design and Development has reasonable cause to believe that there exists in any building, or upon any premises, any condition which makes such building or premises nonconforming the Director of Design and Development may enter such building or premises at any reasonable time to inspect the same or to perform any duty imposed upon the Director of Design and Development by this Code; provided, that if such building or premises be occupied, the Director of Design and Development shall first present proper credentials and demand entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Director of Design and Development shall have recourse to every remedy provided by law to secure entry.

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Section 124. Bellevue City Code (Land Use Code) 20.40.470 is amended to read as follows:

20.40.470 Notice in Writing, Order to Stop Work

- A. Whenever any building or premises is being constructed contrary to the provisions of this Code, the Director of Design and Development may order the work stopped by notice in writing served on the legal or equitable property owner or any person causing such work to be done and any such persons shall cause such work to be stopped until authorized by the Director of Design and Development to proceed with the work or make the structure, or portion thereof, comply with the requirements of this Code.

Section 125. Bellevue City Code (Land Use Code) 20.40.478 is amended to read as follows:

20.40.478 Effect of Concomitant Agreements

- A. All concomitant agreements entered into between the City of Bellevue and owners of property within the City prior to the effective date of this Code shall remain in effect following said date. Within three (3) years of the effective date of this Code the City shall undertake a study of the use of such agreements. Based upon the results of that study and within five (5) years of the effective date of this Code, the City Council may act to implement the recommendations of that study.
- B. Where design review of a project by the Department of Design and Development or the Planning Commission is required under a concomitant agreement, and such review has been approved prior to the effective date of this Code, then the project shall be governed by the ordinances of the City in effect at the time of the design review approval, provided that the building permit application for such project conforms to the approved design.

Section 126. Bellevue City Code (Land Use Code) 20.40.540 is amended to read as follows:

20.40.540 Rules and Regulations

The Board of Adjustment shall adopt rules and regulations, in addition to the limitations and standards set forth by the City Council and consistent therewith, for the making of applications for such reviews, for the conduct of its meetings and hearings, for the setting of times of hearings, and for the giving of notices thereof to officials whose decisions or functions will be affected thereby

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or to property owners whose property rights or privileges may be altered by such action. A copy of the adopted rules and regulations may be obtained from the Department of Design and Development.

Section 127. Bellevue City Code (Land Use Code) 20.40.555 is amended to read as follows:

20.40.555 Notice of Public Hearing

- A. Written notice of a public hearing by the Board of Adjustment shall be posted in three public places on or in the immediate vicinity of the land or structure in question and in the official City posting locations at least 17 calendar days prior to the date of hearing of such application.
- B. In addition, the Department of Design and Development shall give notice of the public hearing in at least one (1) publication in a newspaper of general circulation within the City at least 17 calendar days prior to the date of hearing.
- C. Notice of public hearing also shall be mailed, at least 17 calendar days prior to the date of hearing, to owners of record of property, as shown by the King County Comptroller, adjoining or directly across a street from the property in question. Failure of any property owner to receive said notice will not invalidate the proceedings.
- D. All notices shall state the nature of the pending application, the date, time and place and the hearing and shall describe the property involved, including a description by street address or other common description. Notices need not include a legal description.
- E. Substantial compliance with this section shall relieve the City of any liability for failure to comply with these notice requirements.

Section 128. Bellevue City Code (Land Use Code) 20.50.014 is amended to read as follows:

20.50.014 Additional Definitions

. . . .

CERTIFICATE OF OCCUPANCY. Permit to occupy, or change occupancy in, a structure; issued by the Department of Design and Development.

*COMMUNITY FACILITY. A facility which primarily serves the public, and generally is of a noncommercial nature. Specifically included

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are schools, religious institutions, public recreation facilities, and other public facilities determined by the Director of Design and Development to be of a similar character.

*Not effective within the jurisdiction of the East Bellevue and Sammamish Community Council.

Section 129. Bellevue City Code (Land Use Code) 20.50.016 is amended by the addition of a new definition which reads as follows:

20.50.016 Additional Definitions

. . . .

DIRECTOR OF DESIGN AND DEVELOPMENT. The Director of Design and Development for the City of Bellevue, the Director's authorized representative or any representative authorized by the City Manager.

Section 130. Bellevue City Code (Land Use Code) 20.50.034 - Multiple Use Building is amended to read as follows:

20.50.034 Additional Definitions

. . . .

MULTIPLE USE BUILDING. A building containing uses from more than one land use classification as listed in Section 20.10.440 or as determined by the Director of Design and Development pursuant to Section 20.10.420.

Section 131. Bellevue City Code (Land Use Code) 20.50.040 - Parking, Temporary is amended to read as follows:

20.50.040 Additional Definitions

. . . .

PARKING TEMPORARY. Parking spaces approved by the Director of Design and Development for interim use during construction and site development, but in no case for use longer than one year. Upon termination of this temporary use or the expiration of one year, whichever comes first, the area occupied by the temporary parking spaces must be restored to a vegetated condition.

Section 132. Bellevue City Code (Land Use Code) 20.50.046 - Significant Tree is amended to read as follows:

20.50.046 Additional Definitions

. . . .

SIGNIFICANT TREE. A healthy evergreen tree, 8" in diameter or

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greater, measured 4' above existing grade, and a healthy deciduous tree, 12" in diameter or greater, measured 4' above existing grade. The Director of Design and Development may authorize the exclusion of any tree which for reasons of health, age or site development is not desirable to retain. The Director of Design and Development may also approve the retention of a group of small trees as a substitute for one or more significant trees.

Section 133. Bellevue City Code (Land Use Code) 20.50.048 - Technical Committee is amended to read as follows:

20.50.048 Additional Definitions

. . . .

TECHNICAL COMMITTEE. A decision-making body composed of the Planning Director, the Director of Design and Development, the Public Works Director, and the Storm Drainage Utility Director.

Section 134. This ordinance shall take effect and be in force five days after passage and legal publication.

PASSED by the City Council this 28th day of May, 1985, and signed in authentication of its passage this 28th day of May, 1985.

(SEAL)



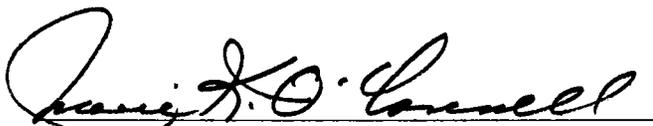
Cary E. Bozeman, Mayor

Approved as to form:



Richard L. Andrews, City Attorney

Attest:



Marie K. O'Connell, City Clerk

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