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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4117

AN ORDINANCE relating to floor area ratio requirements for the Central Business District - Residential Zone; amending Sections 20.10.440, 20.25A.020.C and 20.25A.030.C of the Bellevue City Code (Land Use Code).

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

WHEREAS, it is City policy to provide incentives for residential development in the Central Business District (21.V.3.025); and

WHEREAS, the CBD-R District is designated as a high density urban residential community (21.V.3.610); and

WHEREAS, existing provisions of Section 20.25A.020.C discourage residential development in certain CBD districts, including the CBD-R district, by requiring that residential development provide for basic amenities at four times the rate required for non-residential development; and

WHEREAS, bonuses are not available for the provision of certain basic amenities in the CBD-R district; and

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

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

Section 1. Bellevue City Code (Land Use Code) Section 20.10.440, Uses in Land Use Districts, Wholesale, and Retail, is amended as follows:

SF SECTION 20.25A.030.C

FRONTAGE AMENITY STANDARDS

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

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

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

FAR AMENITY STANDARDS (continued)

| AMENITY* | LAND USE DISTRICT | CBD-O-1 | CBD-O-2 | CBD-MU | CBD-R | CBD-OB | CBD-OLB | DESIGN CRITERIA |
|---|-------------------|------------------------------------|------------------------------------|------------------------------------|--|------------------------------------|------------------------------------|---|
| <p>2. PLAZA</p> <p>A continuous open space, which is readily accessible to the public at all times, predominantly open above, and designed specifically for use by people as opposed to serving as a setting for a building.</p> | | 8:1 | 8:1 | 6:1 | 4:1 | 6:1 | 6:1 | <ol style="list-style-type: none"> 1. Must abut and be within 3' in elevation of a pedestrian connection so as to be visually and physically accessible. 2. Must provide protection from adverse wind, wherever practical. 3. At least 10% of the plaza surface area must be landscaped. 4. Must provide at least one sitting space for each 100 sq. ft. of plaza. 5. Must be enclosed on at least two sides by a structure or by landscaping which creates a wall effect. 6. Minimum size is 500 sq. ft. in CBD-OB; 1,000 sq. ft. in other Land Use Districts. 7. Maximum size of bonusable plaza square footage is 1,500 sq. ft. in CBD-OB; 5,000 sq. ft. in other Land Use Districts. 8. Minimum horizontal dimension is 20 ft. 9. Must provide opportunities for penetration of sunlight. 10. May not be used for parking, loading or vehicular access. |
| <p>3. LANDSCAPE FEATURE</p> <p>A continuous open space located at or near grade whose principal feature is an unusual and pleasing landscape form. The purpose is to serve as a focal point and a visual landmark, rather than as a specific location for pedestrian activity.</p> | | 8:1 But see Design Criterion #1 | 8:1 But see Design Criterion #1 | 8:1 But see Design Criterion #1 | (N/A) 8:1 But See Design Criterion #1 | 8:1 But see Design Criterion #1 | 8:1 But see Design Criterion #1 | <ol style="list-style-type: none"> 1. Must abut the intersection of two public rights-of-way or perimeter walkways or sidewalks in order to receive the full bonus available. One-half of the available bonus will be awarded if the landscape feature abuts a right-of-way or pedestrian connection but is not located at an intersection. 2. Maximum area is 1,000 sq. ft. in CBD-O-1, CBD-O-2, CBD-MU and CBD-OLB and 500 sq. ft. in CBD-OB. No bonus is awarded if the landscape feature exceeds the maximum size. 3. Must be visually accessible from abutting rights of way or walkways or sidewalks. |

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

SECTION 20.25A.030.C

AMENITY STANDARDS (continued)

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

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

FAR AMENITY STANDARDS (continued)

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

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

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AMENITY STANDARDS (continued)

| AMENITY* LAND USE DISTRICT | CBD-O-1 | CBD-O-2 | CBD-MU | CBD-R | CBD-OB | CBD-OLB | DESIGN CRITERIA |
|--|---------|---------|--------|-------|--------|---------|---|
| 8. LANDSCAPE AREA An outdoor landscaped area providing visually or physically accessible space for tenants of the development of which it is a part. | 2:1 | 2:1 | 1:1 | 1:1 | 1:1 | 1:1 | 1. This area must be in addition to any landscape development required by the Land Use Code. 2. May not be used for parking or storage. 3. May be located at grade or on top of a structure. 4. At least 30% of the area must be planted with evergreen plant materials. |
| 9. ACTIVE RECREATION AREA An area which provides active recreational facilities for tenants of the development of which it is a part. | 3:1 | 3:1 | 1:1 | 1:1 | 1:1 | 1:1 | 1. May not be used for parking or storage. 2. May be located out of doors, on top of, or within a structure. 3. Recreational facilities include but are not limited to, racquet ball or handball courts or health clubs. |
| 10. RESIDENTIAL USES** | 4:1 | 4:1 | 2:1 | N/A | 2:1 | N/A | 1. Area devoted to service cores and community facilities may be used to obtain bonus floor area. No area devoted to parking or circulation may be used for this purpose. |
| 11. UNDERGROUND PARKING | .5:1 | .5:1 | .5:1 | 3:1 | 2:1 | 1:1 | 1. The amenity bonus applies only to that structure or portion of a structure located below the average finished grade around a building. Must be covered by a structure or developed open space. |

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

FAR AMENITY STANDARDS (continued)

| AMENITY* | LAND USE DISTRICT | CBD-O-1 | CBD-O-2 | CBD-MU | CBD-R | CBD-OB | CBD-OLB | DESIGN CRITERIA |
|--|-------------------|-----------|---------|-----------|---------------------------|--------|---------|---|
| 12. ABOVE GRADE PARKING LOCATED UNDER PRINCIPAL USE RESIDENTIAL STRUCTURE** | | 1:1 | 1:1 | 1:1 | 4:1 | 3:1 | N/A | 1. Parking must be enclosed. 2. Exterior surface must be the same material as used on the principal use building. |
| 13. PUBLIC MEETING ROOMS | | 2:1 | 2:1 | 2:1 | (N/A) 2:1 | N/A | 2:1 | 1. May include fixed seat auditorium or multipurpose meeting rooms. 2. Must be available for public use, but may operate under a reservation or nominal fee system. 3. Must provide seating for a least 50 persons. |
| 14. SCULPTURE*** Any form of sculpture or other artwork located outside of the building. | | 5:1 | 5:1 | 5:1 | 5:1 | 5:1 | 5:1 | 1. Must be displayed near the main pedestrian entrance to a building. |
| 15. WATER FEATURE***** A fountain, cascade, stream water sculpture or reflection pond. The purpose is to serve as a focal point for pedestrian activity. | | 8:1 | 8:1 | 8:1 | 8:1 | 8:1 | 8:1 | 1. Must be located outside of the building, and be publicly visible and accessible at the main pedestrian entrance to a building, or along a pedestrian connection. 2. Water must be maintained in a clean and noncontaminated condition. 3. Water must be in motion during daylight hours. |
| 16. MAJOR PEDESTRIAN CORRIDOR The major pedestrian corridor located on or in the immediate vicinity of N.E. 6th Street between 102nd Avenue and 110th Avenue N.E. | | 16:1***** | N/A | 16:1***** | N/A | N/A | N/A | 1. Must comply with the requirements of Section 20.25A.100.E.1. |

- * Measured as square feet of permitted development for each qualifying developed square foot of amenity unless otherwise noted.
- ** Parking qualifying for this bonus must serve a residential use. It must be located under a structure which contains a residential use, and all bonus floor area must be devoted to residential use.
- *** Measured in units of \$100 of appraised value.
- **** Bonus floor area may be achieved through the provision of this amenity only in conjunction with a permit to construct the Major Pedestrian Corridor in accordance with Section 20.25A.100.E.1.
- ***** Measured in units of \$100 of appraised value, or actual construction cost, whichever is greater.

SECTION 20.25A.030.C

AMENITY STANDARDS (continued)

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

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

FAR AMENITY STANDARDS (continued)

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

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

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NOTES: USES IN LAND USE DISTRICTS--WHOLESALE AND RETAIL

1. Wholesale Trade includes sales offices for these goods.
2. Motor Vehicles, Primary and Structural Metals, Bulk Petroleum includes sales offices for these goods and excludes tank farms.
3. Motor Vehicles, Primary and Structural Metals, Bulk Petroleum excludes the retail sale of autos in LI districts.
4. Bulk Retail includes sales offices for these goods.
5. Hardware (Retail) is permitted only as a subordinate use to a permitted or special use in LI districts.
6. Hardware (Retail) is limited to a maximum 10,000 square feet of gross floor area in NB districts.
7. Food (Retail) is limited to a maximum 18,000 square feet of gross floor area in NB districts.
8. Trucks, Motorcycles excludes motorcycles in LI districts.
9. Boats (Retail) are permitted subject to Planned Unit Development and only as a subordinate use in waterfront areas of the OU district.
10. Automotive and Marine Accessories (Retail) are permitted only as a subordinate use to a permitted or special use and only if it is marine-related in OU districts.
11. Automotive and Marine Accessories (Retail) are permitted only as a subordinate use to a permitted or special use in LI districts, except that tire sales is a permitted use in LI Districts.
12. Gasoline Service Stations are permitted only as a subordinate use to a permitted or special use and only if it is marine-related in OU districts.
13. Apparel and Accessories (Retail) are permitted only as a subordinate use to a permitted or special use in OLB districts.
14. Furniture and Home Furnishings are limited to uses related to self-hauling of furniture with on-site warehousing in LI districts.
15. Eating and Drinking establishments are permitted subject to a Planned Unit Development and only as subordinate uses in OU districts.
16. Eating and Drinking establishments are excluded in Transition Areas in O districts.

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17. Eating and Drinking establishments are permitted in OLB and CBD-OLB districts subject to the following criteria:
 - a. Such uses are integrated within a structure primarily used as a hotel or motel, office building, charitable, social, professional and labor organization, fraternal lodge, recreational facility or institution such as a hospital or public assembly (indoor).
 - b. Such uses do not exceed 20% of the gross floor area of the structure or structures.
 - c. The entire site complex has a unity of design in terms of wall and roof materials, roof slopes and window patterns.
18. Along those arterials designated by Section 20.20.020 as requiring a 70' setback from the centerline, Eating and Drinking establishments are permitted in LI districts only if located in a multiple use building.
19. Eating and Drinking establishments may include liquor sales only if operated under a Class A or C liquor license issued by the Washington State Liquor Control Board, and only if such sales are approved as a part of the conditional use. Existing approved conditional uses may not engage in such liquor sales without first obtaining an amendment to such conditional use through the conditional use process.
20. Other Retail Trade is limited to drugstores only in O districts.
21. Other Retail Trade and Adult Retail is permitted only as a subordinate use to a permitted or special use in OLB and CBD-OLB districts. (Ord. 3884, 2-16-88, Section 1)
22. Other Retail Trade is limited to drugstores only in NB districts and said drugstores may contain a maximum of 8,000 square feet of gross floor area.
23. Garden Supplies excludes items such as large trees, rock and bulk supplies which require special handling equipment in CB and CBD-MU districts.
24. Limited to a maximum of 1,500 gross square feet per establishment.
25. Limited to a maximum of 3,000 gross square feet per establishment, except for Food, Retail.
26. Nonresidential uses are permitted in CBD-R only when developed (~~(-in a building which contains residential uses)~~) within the same project limit and simultaneously with an equal or greater amount of floor area devoted to residential uses.

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27. Display and sales only; no onsite outdoor display or inventory storage.
28. Motorcycles only.
29. Permitted only as a subordinate use in CBD-0-1, CBD-0-2 and CBD-OLB districts.
30. No fast food restaurants permitted.
31. Drive-in windows are not permitted.
32. No more than one eating and drinking establishment is permitted in any building.
33. Limited to a maximum of 15,000 gross square feet per establishment or up to 25,000 gross square feet through a conditional use.
34. Adult Retail Establishments are subject to the regulations for Adult Entertainment Uses in Section 20.20.127.

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

- C. Basic Floor Area Ratio Requirements:
 1. General: All new development and all substantial remodeling of existing development, both residential and non-residential, in any CBD District must at a minimum provide amenities, the bonus floor area of which is equal to 20% of the project limits permitted non-residential basic floor area ratio as defined in Chart 20.25A.020.A2 ($0.2 \times \text{Project Limits (in S.F.)} \times \text{Basic Permitted Non-Residential FAR} = \text{Basic Floor Area Ratio Requirement}$) through the provision of one or more of the following amenities and consistent with the requirements of Paragraph 20.25A.030.C:
 - a. Pedestrian Oriented Frontage,
 - b. Art or Landscape Feature,
 - c. Arcade,
 - d. Marquee,
 - e. Awning,
 - f. Sculpture, or
 - g. Water Feature,
 - h. Active Recreation Area (CBD-R only)
 - i. Retail Food (CBD-R only)
 - j. Child Care Services (CBD-R only)

For purposes of this Paragraph, project limit, as defined in Section 20.40.050, shall be the land area used in the computation of the basic floor area ratio requirement, and the Basic Floor Area Ratio calculation is made regardless of any

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transferred floor area. In addition the Basic Floor Area Ratio requirement is to be applied separately to each structure within a project limit.

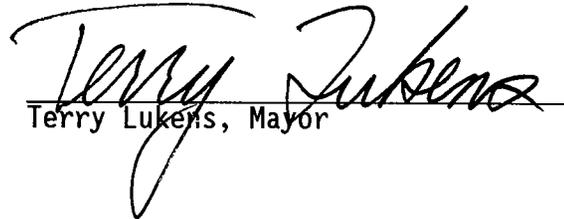
Section 3. Bellevue City Code (Land Use Code) Section 20.25A.030.C is amended as follows:

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

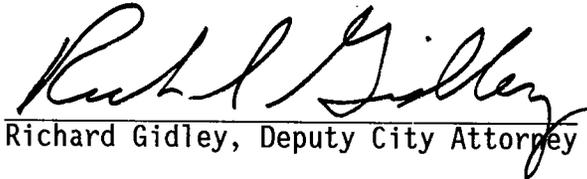
PASSED by the City Council this 16th day of January, 1990, and signed in authentication of its passage this 16th day of January, 1990.

(SEAL)

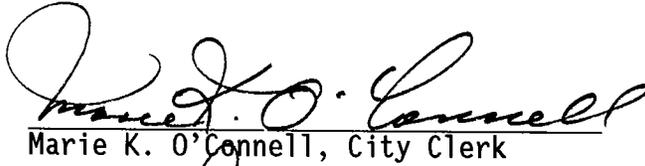

Terry Lukens, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard L. Andrews, City Attorney

Attest:


Marie K. O'Connell, City Clerk

Published January 23, 1990