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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5496

AN ORDINANCE amending portions of the Downtown provisions of the Land Use Code related to allowing pedestrian bridges over public rights-of-way; amending Sections 20.10.370.A, 20.30F.116 and 20.50.040 of the Bellevue Land Use Code; adopting a new Section 20.25A.130 of the Bellevue Land Use Code; and establishing an effective date.

WHEREAS, the City has adopted a Comprehensive Plan amendment allowing above-grade pedestrian crossings over certain public rights-of-way downtown; and

WHEREAS, the City's Land Use Code has not defined the regulations that govern such crossings; and

WHEREAS, the City recognizes that the need to facilitate vehicular movement along some streets in the Downtown results in inconvenient pedestrian crossings over those same streets; and

WHEREAS, the City has an interest in encouraging a lively, pedestrian friendly Downtown; and

WHEREAS, the City's interests may be served by allowing above-grade pedestrian crossings over certain public rights of way; and

WHEREAS, the Planning Commission held a public hearing on October 8, 2003 with regard to this proposed Land Use Code Amendment; and

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

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

Section 1. Section 20.10.370.A.2 of the Bellevue Land Use Code is hereby amended as follows:

20.10.370 Downtown (D).

A. Purpose.

2. Downtown-Office District 2 (Downtown-O-2). The purpose of the Downtown-O-2 Land Use District is to provide an area for intensive business, financial, retail, hotel, entertainment, institutional, and urban residential use to serve

as a transition between the more intensive Downtown-O-1 Land Use District and the lesser intensive Downtown-Multiple Use Land Use District.

Section 2. A new Section 20.25A.130 is hereby added to the Bellevue Land Use Code as follows:

20.25A.130 Downtown Pedestrian Bridges.

A. Where Permitted. Pedestrian bridges over the public right-of-way may be allowed at or near the mid-block in the following locations, provided that no more than one bridge may be allowed on any side of a 600-foot superblock:

1. On NE 4th Street between Bellevue Way and 110th Avenue NE;
2. On NE 8th Street between Bellevue Way and 110th Avenue NE; and
3. On Bellevue Way between NE 4th Street and NE 8th Street.

Above-grade pedestrian crossings over the public right-of-way in existence at the time of adoption of this ordinance shall not be considered non-conforming, and may be repaired or replaced in their current locations without compliance with this Section 20.25A.130.

B. Location and Design Plan. The City Council shall review any Downtown Pedestrian Bridge Location and Design Plan, and may amend any approved Downtown Pedestrian Bridge Location and Design Plan, using the City Council Design Review Process, LUC 20.30F.116 et. seq.

1. Prior to issuance of any permits for a proposed downtown pedestrian bridge, a Downtown Pedestrian Bridge Location and Design Plan must be submitted to and approved by the City Council.
2. A Downtown Pedestrian Bridge Location and Design Plan shall identify the location of the downtown pedestrian bridge, include a finding by Council that the proposal satisfies the public benefit test set forth in paragraph C of this section, be consistent with the development standards of paragraph D of this section, and be consistent with the Comprehensive Plan.
3. The Director shall ensure that the approved downtown pedestrian bridge is constructed consistent with the Design Plan. Modification to the location of the downtown pedestrian bridge, or to the articulated public benefits requires approval by the City Council pursuant to this section. Modifications to the design of the crossing that do not modify the location or public benefits, and that are consistent with the intent of the Design Plan may be approved by the Director through the process set forth in LUC Part 20.30F.
4. The property owners shall record the approved Design Plan with the King County Division of Records and Elections and Bellevue City Clerk.

C. Public Benefit Required. The Council may approve, or approve with modifications, a proposed downtown pedestrian bridge if it finds that the bridge provides a public benefit. For the purposes of this Section 20.25A.130.C, a downtown pedestrian bridge shall be determined to provide a public benefit when it meets all of the following criteria:

1. The bridge improves pedestrian mobility; and
2. The bridge does not detract from street level activity; and
3. The bridge functions as part of the public realm.

D. Development Standards. Each proposed downtown pedestrian bridge must be developed in compliance with the following standards:

1. The bridge must be open from at least 6:00 a.m. to midnight, or during the hours of operation of adjacent uses, whichever is greater. Signs shall be posted in clear view stating that the pedestrian bridge is open to the public during these hours;
2. The bridge connects upper-level publicly accessible space to upper-level publicly accessible space and provides a graceful and proximate connection between the sidewalk and bridge level that is visible and accessible from the sidewalk. The vertical connection should occur within 50 feet of the sidewalk;
3. Vertical circulation elements must be designed to indicate the bridge is a clear path for crossing the public right-of-way;
4. Directional signage shall identify circulation routes for all users;
5. Structures connected by the bridge shall draw pedestrians back to the sidewalk with retail activities, as defined by the Building/Sidewalk Design Guidelines, at the ground level immediately adjacent to both sides of the pedestrian bridge;
6. It is preferred that the bridge remain unenclosed on the sides, but allow enclosure or partial enclosure if the applicant demonstrates it is necessary for weather protection;
7. Visual access shall be provided from the sidewalk and street into the bridge;
8. Bridge may not diverge from a perpendicular angle to the right-of-way by more than 30 degrees;
9. The interior width of the bridge, measured from inside face to inside face shall be no less than 10 feet and no more than 14 feet;

10. Bridge shall be located at the second building level, with a minimum clearance of 16 feet above the grade of the public right-of-way;
11. Impacts on view corridors, as described in LUC Sections 20.25A.100 and 20.25A.110, shall be minimized;
12. Impacts on the function of City infrastructure, including but not limited to utilities, lighting, traffic signals, etc., shall be avoided or mitigated;
13. Lighting shall be consistent with public safety standards;
14. Signage on the exterior of the bridge, or on the interior of the bridge that is visible from a public sidewalk or street is not permitted;
15. Bridge must be architecturally distinct from the structures that it connects; and
16. Bridge must exhibit exemplary artistic or architectural qualities.

E. Public Access – Legal Agreement.

1. Owners of property that is used for pedestrian bridge circulation and access between the bridge and public sidewalk shall execute a legal agreement providing that such property is subject to a nonexclusive right of pedestrian use and access by the public during hours of bridge operation.
2. The agreement shall provide that the public right for pedestrian use shall be enforceable by the City of Bellevue, and the City shall have full rights of access for the pedestrian bridge and associated circulation routes for purposes of enforcing the rights of the public under this agreement.
3. Owners of property subject to this legal agreement will maintain the pedestrian access route and may adopt reasonable rules and regulations for the use of this space; provided, that the rules and regulations are not in conflict with the right of pedestrian use and access and consistent with LUC Section 20.25A.130.
4. The agreement shall be recorded with the King County Division of Records and Elections and Bellevue City Clerk.

Section 3. A new definition of "Downtown Pedestrian Bridge" is hereby added to Section 20.50.040 of the Bellevue Land Use Code:

Pedestrian Bridge, Downtown. A pedestrian connection above the public right-of-way within Downtown in conformance with LUC Section 20.25A.130.

Section 4. The definition of "Pedestrian Skybridge or Underground Passageway" in Section 20.50.040 of the Bellevue Land Use Code is hereby amended as follows:

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Pedestrian Skybridge or Underground Passageway. A continuous enclosed passageway connecting two or more publicly accessible spaces, but not crossing over or under a public right-of-way.

Section 5. Section 20.30F.116 of the Bellevue Land Use Code is hereby amended as follows:

City Council Design Review. Notwithstanding any provisions of the Code requiring that design review be conducted under this Part 20.30F, all projects for which a City Council approval is required and an opportunity for public comment has been provided shall be exempt from the design review process, but must comply with the applicable design review criteria and standards of this Code.

Section 6. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

Passed by the City Council this 17th day of November, 2003, and signed in authentication of its passage this 20th day of November, 2003.

(SEAL)

Connie B. Marshall
Connie B. Marshall, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Lori M. Riordan
Lori M. Riordan, Assistant City Attorney

Attest:

Myrna L. Basich
Myrna L. Basich, City Clerk

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