

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5497

AN ORDINANCE amending portions of the Downtown provisions of the Land Use Code related to exemptions for retail uses and bonuses for amenities; amending Sections 20.25A.020.A.2, 20.25A.020.B, 20.25A.020.C.1, 20.25A.030.C, 20.25A.100E.3, 20.25A.110, 20.25A.115, 20.50.034, 20.50.040 and the *Design Guidelines -- Building Sidewalk Relationships* of the Bellevue Land Use Code; and establishing an effective date.

WHEREAS, regulations in the Downtown provisions of the Land Use Code create incentives for property owners to provide pedestrian-oriented retail uses on the ground floor; and

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

WHEREAS, City Comprehensive Plan policies and regulations encourage development of pedestrian connections through the middle of blocks where there are currently no public rights of way; and

WHEREAS, the City's interests may be served by extending incentives for pedestrian-oriented retail uses on mid-block connections and on the upper levels where the design and use leads to the lively, pedestrian friendly environment the City's policies support; and

WHEREAS, the Planning Commission held public hearings on September 10, 2003 and 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 20.25A.020.A.2 of the Bellevue Land Use Code is hereby amended as follows:

20.25A.020 Dimensional requirements – General.

A. Dimensional Requirements in Downtown Districts.

Chart 20.25A.020.A.2

Dimensional Requirements in Downtown Districts

Downtown Land Use District	Building Type (7)(14)	Minimum Setback (3) (9)			Maximum Building Floor Area per Floor Above 40 (5)(9)(18)(24)	Maximum Building Floor Area per Floor Above 80 (5)(18)(24)	Maximum Lot Coverage (11)	Building Height (6)(17)		Floor Area Ratio	
		Front (1)(15)	Rear (25)	Side (25)				Basic	Max.	Basic (10)	Max. (8)
DNTN-O-1	Nonresidential –Diminishing (22)	0 (2)	0/20	0/20	24,000 gsff 30,000 gsff	24,000 gsff 24,000 gsff	100%	200	300(13)	5.0	8.0(12)
	Residential Parking	0 (2) 0 (2)	0/20 0/20	0/20 0/20	20,000 gsff 20,000 gsff	12,000 gsff 20,000 gsff	100% 100%	200 100	450 100	5.0 N/A	None N/A
DNTN-O-2	Nonresidential –Diminishing (22)	0 (2)	0/20	0/20	24,000 gsff 30,000 gsff	24,000 gsff 24,000 gsff	100%	150	250(13)	4.0	6.0(12)
	Residential Parking	0 (2) 0 (2)	0/20 0/20	0/20 0/20	20,000 gsff 20,000 gsff	12,000 gsff 20,000 gsff	100% 100%	150 100	250(13) 100	4.0 N/A	6.0(12) N/A
DNTN-MU	Nonresidential –Diminishing (22)	0	0/20	0/20	22,000 gsff 30,000 gsff (23)	20,000 gsff 22,000 gsff 12,000 gsff (21)	100%	60	100	0.5	3.0
	Residential Parking	0 0	0/20 0	0/20 0	20,000 gsff 20,000 gsff	N/A	100% 75%	150 60	200 60	2.0 N/A	5.0 N/A
DNTN-R (20)	Nonresidential	0	0	0	20,000 gsff	12,000 gsff	75%	60	65	0.5	0.5
	Residential	0	0/20	0/20	20,000 gsff	12,000 gsff	100%	150	200	2.0	5.0
	Parking	0	0	0	N/A	N/A	N/A	40	40	N/A	N/A
DNTN-OB (20)	Nonresidential	0 (4)	0/20	0/20	20,000 gsff	12,000 gsff	100%	60	100	0.5	1.0
	Residential	0 (4)	0/20	0/20	20,000 gsff	12,000 gsff	100%	150	200	2.0	5.0
	Parking	0	0	0	N/A	N/A	75%	40	40	N/A	N/A
DNTN-OLB (20)	Nonresidential –Diminishing (22)	20 (19)	20 (19)	0/20	22,000 gsff 30,000 gsff (23)	N/A N/A	60%	75	75	0.5	3.0
	Residential	20 (19)	20 (19)	0/20	20,000 gsff	12,000 gsff	75%	75	90	2.0	3.0
	Parking	20 (19)	20 (19)	0	20,000 gsff	N/A	75%	45	45	N/A	N/A

20.25A.020

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

Notes: Dimensional requirements in Downtown Districts

- (1) Measured from inside edge of the required perimeter sidewalk. If existing utilities which cannot reasonably be relocated require the planting of street trees on the property side of a sidewalk as provided for in LUC 20.25A.060, four feet is added to the required setback.
- (2) No parking or vehicle access lane is permitted between the required perimeter sidewalk and the main pedestrian entrance to the building.
- (3) Minimum setbacks are subject to required landscape development. See LUC 20.25A.040.
- (4) The maximum setback from Main Street in the Downtown-OB District is 0 feet.
- (5) For floors above 40 feet, gross square feet per floor may be averaged unless an applicant takes advantage of the diminishing floor plates alternative described in Note (22).
- (6) The maximum building height may only be achieved by participation in the FAR Amenity Incentive System, LUC 20.25A.030. The maximum height identified in this chart may be increased by no more than 10 percent or 15 feet, whichever is greater, if the applicant demonstrates that the increase is necessary for reasonable development of the structure and will be used to provide interesting roof forms such as pitched or sloped elements, pyramidal, spire or dome shapes, cupolas, or other such decorative architectural features.
- (7) A single building is considered residential if more than 50 percent of the gross floor area is devoted to residential uses. See LUC 20.50.020 for the definition of "gross floor area."
- (8) The maximum permitted FAR may only be achieved by participation in the FAR Amenity Incentive System, LUC 20.25A.030. Where residential and nonresidential uses occur in the same building, the FAR is limited to the maximum FAR for the building type as determined in accordance with Note (7).
- (9) See subsection B of this section for exceptions to the minimum setback and maximum building floor area per floor above 40 feet requirements.
- (10) All new development and all substantial remodels must participate in the FAR Amenity Incentive System. See subsection C of this section for amenity requirements regarding the provision of basic floor area.
- (11) Exceptions to Lot Coverage.

- (a) Underground buildings as defined in LUC 20.50.050 are not structures for the purpose of calculating lot coverage.
 - (b) Buildings constructed partially below grade and not higher than 30 inches above average finished grade are not structures for the purpose of calculating lot coverage; provided, that the rooftop of the building shall be landscaped consistent with the planting requirements for the specific use that is proposed for the building roof area and for the land use district in which the use is located, or shall be developed with pedestrian improvements, such as plazas and walkways, as approved by the Director. All landscaping shall comply with standards set forth in LUC 20.20.520. The provisions of LUC 20.20.520.J (Alternative Landscaping Option) are applicable.
- (12) Except within the Perimeter Design District, the maximum Floor Area Ratio may be exceeded if the major pedestrian corridor is constructed as required by LUC 20.25A.100.E.1. The maximum Floor Area Ratio may only be exceeded by the amount provided for under the major pedestrian corridor amenity bonus, LUC 20.25A.030.C.16.
- (13) Except within the Perimeter Design District, the maximum height may be exceeded if the major pedestrian corridor is constructed as required by LUC 20.25A.100.E.1, and only to the extent required to accommodate the additional Floor Area Ratio provided under LUC 20.25A.030.C.16. Heights may be exceeded under this provision only to the extent depicted on the map entitled "Heights in Core Design District" in LUC 20.25A.030.E.
- (14) Except as set forth in Note (18), hotels and motels shall be considered as residential structures.
- (15) If the subject property abuts a street classified pursuant to LUC 20.25A.115, Design Guidelines – Building/Sidewalk Relationships, the maximum setback is 0 feet unless otherwise approved by the Director.
- (16) Intentionally Deleted
- (17) Except within the Perimeter Design District, the maximum building height can be exceeded if right-of-way is dedicated as provided by subsection D of this section but only to the extent of the floor area earned as a result of the dedication. This provision does not preclude the applicability of Note (6) but in no event may the combined effect of applying that note and this note be to increase the building height over the maximum building height by more than 10 percent or 15 feet, whichever is greater.
- (18) For the purposes of determining Maximum Building Floor Area per Floor, including the averaging and diminishing floor plate methods described in Notes (5) and (22), hotels and motels shall be considered as nonresidential structures.

- (19) No parking or vehicle access lane is permitted between the sidewalk on 112th Avenue NE and the main pedestrian entrance to the building, except that a drop-off lane may be permitted for a hotel or motel entrance. The maximum setback from 112th Avenue NE is 30 feet, unless a greater setback is approved by the Director of the Department of Planning and Community Development to permit a drop-off lane. See paragraph B.3 of this section for exceptions to setback requirements.
- (20) Some dimensions are different for properties located in the Perimeter Design District. For property within 1,200 feet of the north, south or west boundary of the Downtown, see LUC 20.25A.090 for the Perimeter Design District requirements.
- (21) Applicable only to building floors above 100 feet in height.
- (22) Diminishing floor plate: A nonresidential building can exceed the Maximum Floor Area Per Floor applicable to floors located between 40 and 80 feet, to a maximum of 30,000 square feet, if the building incorporates two floor plates which are each at least 20 percent smaller than the floor plate of the floor below it. If only one floor of a nonresidential building exceeds the Maximum Floor Area Per Floor, the building must incorporate one floor plate which is at least 20 percent smaller than the floor plate of the floor below it. Exposed roof area at the level of the diminished floor must have some amount of landscaping and be physically accessible for use; or if not a flat surface, must provide a visually interesting roof form.
- (23) Not applicable to Perimeter Design Subdistricts A and B.
- (24) Gross Square Feet Per Floor (gsf/f) refers to the floor area in square feet within the surrounding exterior walls measured from the interior wall surface and including openings in the floor plate such as vent shafts, stairwells, and interior atriums.
- (25) Where building height exceeds 75 feet, there shall be a minimum side setback of 20 feet and a minimum rear setback of 20 feet from any interior property line applicable to all floors above 40 feet.

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

B. Exceptions to Dimensional Requirements.

1. For residential buildings, the Maximum Floor Area Per Floor above 40 feet may be increased by not more than 10 percent through Design Review, Part 20.30F LUC, if the applicant demonstrates that the increase is necessary for reasonable development of the building, and will not have a significant adverse effect on other properties. Each square foot of floor area above the maximum requires a proportionate square footage of

amenity in conformance with LUC 20.25A.030.C; however, the amenity area provided under this requirement may not be used to exceed the basic floor area ratio.

2. Marquees or awnings which comply with the requirements of LUC 20.25A.030.C are permitted to extend over the public right-of-way upon approval of the Director of the Transportation Department and the Director of the Department of Planning and Community Development notwithstanding the provisions of the Sign Code, Chapter 22B.10 BCC, or any other City Code.
3. The Director of the Department of Planning and Community Development may approve an intrusion into the 20-foot front yard setback from the east side of 112th Avenue NE in the Downtown-OLB District to permit the location of pedestrian-oriented frontage retail uses within a portion of the required setback area. The intrusion shall be limited to a maximum of 30 percent of the required front yard setback area. All building areas within the setback areas shall be devoted to pedestrian-oriented uses and meet the design criteria of LUC 20.25A.030 for pedestrian-oriented frontage. Amenity floor area earned may be used to exceed the permitted basic floor area ratio.
4. For buildings on streets designated "A" or "B" in "Design Guidelines – Building/Sidewalk Relationships," the applicable limitation of Maximum Floor Area Per Floor may be modified through design review to apply to floor area above 45 feet. In this case, the applicant must demonstrate that the modification is necessary for creating higher, more prominent and distinctive ground-level pedestrian-oriented frontage; and the minimum retail floor height shall be 16 feet.
5. The Director may allow modifications to the minimum side and rear setback required above 40 feet for buildings with a building height in excess of 75 feet if:
 - a. The applicant can demonstrate that the resulting design will be more consistent with the design review criteria of LUC 20.25A.110, and
 - b. The building design, with the modification, will create sufficient spacing between towers to encourage a feeling of an open and airy Downtown.
6. For structures that do not exceed 65 feet in height as defined by the Uniform Building Code, as adopted by the City of Bellevue pursuant to Chapter 23.10 BCC, now or as hereafter amended, the Director may allow the connection of floor plates above 40 feet such that the floor plates

above 40 feet exceed the Maximum Floor Area per Floor set forth in subsection A of this section; provided, that:

- a. The connection is to allow for safe and efficient building exiting patterns. The connecting floor area shall include required exiting corridor area and may include the floor area of units or other building uses;
 - b. The connection occurs on no more than three floor levels above 40 feet; and
 - c. The alternative design results in a building mass that features separate and distinct building elements.
7. Up to a maximum of 1.0 FAR of the floor area in a project limit that is devoted to retail activities will not be counted for the purpose of calculating FAR in the proportions set forth in LUC 20.25A.115, so long as the retail activities are designed and located in compliance with:
- a. LUC 20.25A.115;
 - b. Guidelines 2 and 3 for 'A' Rights of Way in Section IV.F of the *Design Guidelines -- Building/Sidewalk Relationships*; and
 - c. if applicable, Guidelines and Standards for Upper Level Retail in Section IV.F of the *Design Guidelines -- Building/Sidewalk Relationships*.

Section 3. Section 20.25A.020.C.1 of the Bellevue Land Use Code is hereby amended as follows:

C. Basic Floor Area Ratio Requirements.

1. General. Each new residential, nonresidential, and mixed use building and each remodel which expands the floor area of an existing residential, nonresidential, or mixed use building by more than 50 percent within any three-year period shall provide one or more amenities from the following list:
 - a. Pedestrian-oriented frontage;
 - b. Landscape feature;
 - c. Arcade;
 - d. Marquee;
 - e. Awning;

- f. Sculpture;
- g. Water feature;
- h. Active recreation area (Downtown-R only);
- i. Retail food (Downtown-R only);
- j. Child care services (Downtown-R only);
- k. Plaza (only applicable to: 1) nonresidential buildings on rights-of-way designated as "D/R" Streets in "*Design Guidelines: Building/Sidewalk Relationships*" adopted by LUC 20.25A.115; or 2) Downtown-OLB if located between the sidewalk on the east side of 112th Avenue NE and the building);
- l. Residential entry courtyard (only applicable to residential buildings on rights-of-way that are either not designated or are designated as "D/R" Streets in "*Design Guidelines: Building/Sidewalk Relationships*" adopted by reference in LUC 20.25A.115).

Except for active recreation and child care services, the above amenities shall be located on ground level and oriented to a public right of way.

In multi-building developments within a single project limit, amenities may be allocated among all buildings within the project limit; provided, that such allocation must be approved by the Director. If construction of the multi-building development is to be phased, no phase may depend on the future construction of amenities.

Section 4. Section 20.25A.030.C of the Bellevue Land Use Code is hereby amended as follows:

C. Specific Requirements.

For purposes of applying the FAR Amenity Incentive System, the "City Center District" shall mean that area of the Downtown bounded by 100th Avenue NE, 112th Avenue NE, NE 4th Street and NE 8th Street.

For purposes of applying the Amenity Incentive System, a level shall be considered the ground level so long as less than half of that ground level story height is located above or below the average finished grade of the adjacent public right of way or pedestrian connection. The two stories immediately above the ground level story and intended to activate the ground level pedestrian environment through demonstrated compliance with LUC 20.25A.115, Building Sidewalk Design Guidelines, shall be considered an upper level.

Participation in the FAR Amenity Incentive System must comply with the following chart:

FAR AMENITY STANDARDS	DOWNTOWN LAND USE DISTRICT						
AMENITY ¹	DNTN-O-1	DNTN-O-2	DNTN-MU	DNTN-R	DNTN-OB	DNTN-OLB	DESIGN CRITERIA
<p>1. PEDESTRIAN-ORIENTED FRONTAGE*</p> <p>Building frontage devoted to uses which stimulate pedestrian activity. Uses must abut a perimeter sidewalk, a plaza, an arcade, a mid-block retail connection, or be located on an upper level. 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, art galleries, travel agencies, restaurants and theaters. Banks and financial institutions are not pedestrian-oriented uses.</p>	When located on the ground level or at the upper level within the City Center District:						<p>1. Pedestrian-oriented frontage must comply with:</p> <p>a. LUC 20.25A.115;</p> <p>b. Guidelines 2 and 3 for 'A' Rights of Way in Section IV.F. of the <i>Design Guidelines – Building/ Sidewalk Relationships</i>; and</p> <p>c. if applicable, Guidelines and Standards for Upper Level Retail in Section IV.F of the <i>Design Guidelines – Building/ Sidewalk Relationships</i>.</p>
	200:1	150:1	100:1	100:1	200:1	100:1	
	When located at the upper level outside of the City Center District:						
	100:1	75:1	50:1	50:1	100:1	50:1	
<p>*Measured as square feet of permitted development for each qualifying linear foot of frontage.</p>							

<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>	When located on the ground level or at the upper level within the City Center District:						<ol style="list-style-type: none"> 1. Must abut and be within 3' in elevation of a perimeter sidewalk or 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 OB; 1,000 sq. ft. in other land use districts. 7. Maximum size of bonusable plaza square footage is 1,500 sq. ft. in 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.
	8:1	8:1	6:1	4:1	6:1	6:1	
	When located at the upper level outside of the City Center District:						
	4:1	4:1	3:1	2:1	3:1	3:1	

<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>	When located on the ground level or at the upper level within the City Center District:						<p>1. Must abut the intersection of and be visually accessible from two public rights-of-way or perimeter sidewalks in order to receive the full bonus available.</p> <p>2. One-half of the available bonus will be awarded if the landscape feature abuts and is visually accessible from a right-of-way, perimeter sidewalk or pedestrian connection but is not located at an intersection.</p> <p>3. Maximum area is 1,000 sq. ft. in DNTN-O-1, DNTN-O-2, DNTN-MU and DNTN-OLB and 500 sq. ft. in DNTN-OB. No bonus is awarded if the landscape feature exceeds the maximum size.</p>
	8:1 But see Design Criterion #1&2	8:1 But see Design Criterion #1&2	8:1 But see Design Criterion #1&2	8:1 But see Design Criterion #1&2	8:1 But see Design Criterion #1&2	8:1 But see Design Criterion #1&2	
	When located at the upper level outside of the City Center District:						
	4:1 But see Design Criterion #1&2	4:1 But see Design Criterion #1&2	4:1 But see Design Criterion #1&2	4:1 But see Design Criterion #1&2	4:1 But see Design Criterion #1&2	4:1 But see Design Criterion #1&2	
<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>	When located on the ground level or at the upper level within the City Center District:						<p>1. Must be accessible to the public at least during normal business hours.</p> <p>2. Must be readily accessible from a perimeter sidewalk or pedestrian connection.</p> <p>3. Must be signed to identify the enclosed plaza as available for public use.</p> <p>4. At least 5% of the area must be landscaped.</p> <p>5. Must provide at least one sitting space for each 100 sq. ft. of area.</p> <p>6. Must be coordinated with pedestrian-oriented frontage to the maximum extent</p>
	10:1	10:1	4:1	2:1	8:1	2:1	
	When located at the upper level outside of the City Center District:						
	5:1	5:1	2:1	1:1	4:1	1:1	

							<p>possible. 7. Minimum horizontal dimension is 20'. 8. Minimum area is 750 sq. ft.</p>
<p>5. ARCADE A continuously covered area which functions as a weather-protected extension of the publicly accessible space which it abuts.</p>	<p>When located on the ground level or at the upper level within the City Center District:</p>						<p>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 perimeter 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, or 8' above the upper level walk. No bonus is awarded if the maximum height is exceeded.</p>
	8:1	6:1	4:1	6:1	8:1	4:1	
	<p>When located at the upper level outside of the City Center District:</p>						
	4:1	3:1	2:1	3:1	4:1	2:1	

<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>	When located on the ground level or at the upper level within the City Center District;						<p>1. Must be developed over a perimeter sidewalk or pedestrian connection.</p> <p>2. Pavement below must be constructed to provide for drainage.</p> <p>3. Must have a horizontal rather than sloping orientation along the building elevation.</p> <p>4. Design must be coordinated with building design.</p> <p>5. Minimum height is 8' above finished grade, or 8' above the upper level walk except as otherwise required in the Uniform Building Code, Chapter 23.10 BCC.</p> <p>6. Maximum height is 12' above finished grade or 12' above the upper level walk. No bonus is awarded if the marquee exceeds the maximum height.</p> <p>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>
	4:1	3:1	2:1	2:1	2:1	2:1	
	When located at the upper level outside of the City Center District:						
	2:1	1.5:1	1:1	1:1	1:1	1:1	

*See LUC 20.25A.020.B for setback exception.

<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>	When located on the ground level or at the upper level within the City Center District:						<p>1. Must be developed over a perimeter sidewalk, or pedestrian connection.</p> <p>2. Pavement below must be constructed to provide for drainage.</p> <p>3. Must have a horizontal rather than</p>
	1:1	0.75:1	0.5:1	1:1	0.5:1	0.5:1	
	When located at the upper level outside of the City Center District:						
0.5:	0.375:1	0.25:1	0.5:1	0.25:1	0.25:1		

							<p>sloping orientation along the building elevation.</p> <p>4. Design must be coordinated with building design.</p> <p>5. Minimum height is 8' above finished grade or 8' above the upper level walk.</p> <p>6. Maximum height is 12' above finished grade or 12' above the upper level walk. No bonus is awarded if the awning exceeds the maximum height.</p> <p>7. To insure daylight penetration, the ratio of the awning's projection from the building to its height above finished grade may not exceed 3:4.</p>
*See LUC 20.25A.020.B for setback exception.							
<p>8. LANDSCAPE AREA</p> <p>An outdoor landscaped area providing visually or physically accessible space for tenants of the development of which it is a part.</p>	2:1	2:1	1:1	1:1	1:1	1:1	<p>1. This area must be in addition to any landscape development required by the Land Use Code.</p> <p>2. May not be used for parking or storage.</p> <p>3. May be located at grade or on top of a structure.</p> <p>4. At least 30% of the area must be planted with evergreen plant materials.</p>

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	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.
*Excludes Hotels and Motels. **See LUC 20.25A.090.E.7 for special bonus provisions for Perimeter Design District Subdistrict C.							
11. UNDERGROUND PARKING	0.5:1	0.5:1	0.5:1	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. 2. Must be covered by a structure or developed open space.
12. ABOVE GRADE PARKING LOCATED UNDER PRINCIPAL USE RESIDENTIAL STRUCTURE*	1:1	1:1	4:1	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.
*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.							

13. PUBLIC MEETING ROOMS	2:1	2:1	2:1	2:1	N/A	2:1	<p>1. May include fixed seat auditorium or multipurpose meeting rooms.</p> <p>2. Must be available for public use, but may operate under a reservation or nominal fee system.</p> <p>3. Must provide seating for at least 50 persons.</p>
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	Must be displayed near the main pedestrian entrance to a building.
*Measured in units of \$100.00 of appraised value.							
15. WATER FEATURE* A fountain, cascade, stream water, sculpture or reflection pond. The purpose is to serve as a focal point for pedestrian activity.	When located on the ground level or at the upper level within the City Center District:						<p>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 perimeter sidewalk or pedestrian connection.</p> <p>2. Water must be maintained in a clean and noncontaminated condition.</p> <p>3. Water must be in motion during daylight hours.</p>
	8:1	8:1	8:1	8:1	8:1	8:1	
	When located at the upper level outside of the City Center District:						
	4:1	4:1	4:1	4:1	4:1	4:1	
*Measured in units of \$100.00 of appraised value, or actual construction cost, whichever is greater.							
16. MAJOR PEDESTRIAN CORRIDOR The major pedestrian corridor located on or in the immediate vicinity of NE 6th Street between 102nd Avenue and 110th Avenue NE.	16:1*	N/A	16:1*	N/A	N/A	N/A	Must comply with the requirements of LUC 20.25A.100.E.1.

*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 LUC 20.25A.100.E.1.

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 through 12th grade education system.	8:1	8:1	8:1**	8:1	8:1	8:1	1. Must comply with the requirements of LUC 20.20.170. 2. Floor area for this amenity may also be counted as pedestrian-oriented frontage if the criteria of LUC 20.25A.030.C.1 are met.

*Floor area may be excluded from calculation of maximum floor area ratio.

**See LUC 20.25A.090.E.7 for special bonus provisions for Perimeter Design District Subdistrict C.

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. Maximum bonusable area is 30,000 sq. ft., except in Perimeter Design District Subdistrict C, when no limit applies. 2. Floor area for this amenity may also be counted as pedestrian-oriented frontage if the criteria of LUC 20.25A.030.C.1 are met.

*Floor area may be excluded from calculation of maximum floor area ratio.

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.	When located on the ground level or at the upper level within the City Center District:						1. Shall be located on the ground level of the building, or on the upper level if accessible from retail activities meeting the requirements of LUC 20.25A.030.C.1. 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.
	8:1	8:1	4:1	4:1	4:1	4:1	
	When located at the upper level outside of the City Center District:						
	4:1	4:1	2:1	2:1	2:1	2:1	

							4. Shall be signed to identify its location.
*Floor area may be excluded from calculation of maximum floor area ratio.							
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	N/A	N/A	This bonus shall apply only to performing arts spaces that are less than 10,000 sq. ft.
*Floor area may be excluded from calculation of maximum floor area ratio.							
21. SPACE FOR NON-PROFIT SOCIAL SERVICES* 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.	4:1	4:1	4:1	4:1	4:1	4:1	<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 LUC 20.25A.030.C.1 are met.
*Floor area may be excluded from calculation of maximum floor area ratio.							
22. DONATION OF PARK PROPERTY Property which is donated to the City, with no restriction, for park purposes.	8:1	6:1	4:1	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.

<p>23. RESIDENTIAL ENTRY COURTYARD</p> <p>A continuous open space enclosed on at least two sides, predominantly open above, for use by residents of a residential building and visually accessible to passersby on the adjoining right-of-way.</p>	N/A	N/A	4:1	4:1	N/A	N/A	<ol style="list-style-type: none"> 1. Must abut and be within 3' in elevation of a public street or perimeter sidewalk so as to be visually accessible. All bonusable surface area must be visible from the perimeter sidewalk along adjacent public streets. 2. Minimum size is 750 sq. ft., with a minimum horizontal dimension of 20' adjacent to the sidewalk along the public street frontage. 3. Must provide protection from adverse wind, wherever practical. 4. At least 20% of the bonusable surface area must be landscaped. 5. Must be enclosed on at least two sides by a structure or by landscaping which creates a wall effect. 6. Must provide opportunities for penetration of sunlight. 7. May not be used for parking, loading, or vehicular access. 8. The maximum bonusable area is 1,500 sq. ft. per courtyard.
<p>¹Measured as square feet of permitted development for each qualifying developed square foot of amenity unless otherwise noted.</p>							

Section 5. Section 20.25A.100.E.3 of the Bellevue Land Use Code is hereby amended as follows:

20.25A.100 Downtown Core Design District.

E. Downtown Core Design District Guidelines.

3. Pedestrian Connections.
 - a. Purpose. A pedestrian connection provides an opportunity for increased pedestrian movement through a large superblock in the core of Downtown.
 - b. Location. In each superblock a pedestrian connection must be provided to permit movement through the superblock from a perimeter walkway or sidewalk to publicly accessible spaces, adjoining structures, or parking areas.
 - c. Design.
 - i. A pedestrian connection must be developed as an internal walkway or sidewalk, an arcade, an interior arcade, a pedestrian skybridge or underground passageway, and may meander.
 - ii. A pedestrian connection must comply with the applicable definitions in Chapter 20.50 LUC.

Section 6. The first paragraph of section 20.25A.110 of the Bellevue Land Use Code is hereby amended as follows:

20.25A.110 Design Review criteria.

The Director of the Department of Planning and Community Development will consider the extent to which a proposal complies with the following criteria whenever a decision using Design Review, Part 20.30F LUC, is required by this Part 20.25A. Additional design criteria from other sections of this Part 20.25A may also apply to specific projects.

Section 7. Section 20.25A.115 of the Bellevue Land Use Code is hereby amended as follows:

20.25A.115 Design guidelines – Building/sidewalk relationships.

A. General.

1. Each development within a Downtown Land Use District must comply with the applicable provisions of that document entitled "*Design Guidelines: Building/Sidewalk Relationships*," now or as hereafter amended pursuant to the provisions of that document.
2. For purposes of applying the FAR Amenity Incentive System, the "City Center District" shall mean that area of the Downtown bounded by 100th Avenue NE, 112th Avenue NE, NE 4th Street and NE 8th Street.
3. For purposes of applying the Amenity Incentive System, a level shall be considered the ground level so long as less than half of that ground level story height is located above or below the average finished grade of the adjacent public right of way or pedestrian connection. The two stories immediately above the ground level story and intended to activate the ground level pedestrian environment through demonstrated compliance with LUC 20.25A.115, Building Sidewalk Design Guidelines, shall be considered an upper level.

B. Development Standards. Each development located on a street designated pursuant to Section IV.E. of the *Design Guidelines: Building/Sidewalk Relationships* shall comply with the following standards within the project limit:

Right of Way Designation	Required Street Wall Conditions¹
'A' Rights of Way	100% of street wall within project limit shall incorporate retail activities.
'B' Rights of Way	100% of street wall within project limit shall incorporate retail activities and service activities, at least 50% of which shall be retail activities.
'C' Rights of Way	Each street wall within the project limit shall incorporate some amount of service activities and commercial activities.
'D' Rights of Way	Each street wall within the project limit shall incorporate some amount of service activities and commercial activities.
'D/R' Rights of Way	At least 50% of the street wall within the project limit shall incorporate one or more of: service activities, commercial activities, landscape features, terraced planters, residential entry courtyards, or plazas.

OK

¹A project shall be considered to comply with the proportional requirements set forth above even though some portion of the street wall incorporates required access points supporting allowed uses in the project.

C. Retail Activities Exempt from FAR. Each square foot of floor area of retail activities that satisfies the requirements of LUC 20.25A.020.B.7 shall be eligible for an exemption from calculating FAR for the proposal in the following proportion:

Location of Retail Activity	Amount Exempt from FAR: Amount of Retail Activity Provided (sq. ft.)
Ground level	1:1
Mid-Block Retail Connection at Ground Level	1:1
Upper Level Within the City Center District	1:1
Upper Level Outside the City Center District	0.5:1

D. Mid-Block Retail Connection. The exemption allowed pursuant to LUC 20.25A.020.B.7. and this section may be earned for retail activities in compliance with subsection C above when located on a mid-block retail connection designed in accordance with the Guidelines and Standards for Mid-Block Retail Connections in Section IV.F of the *Design Guidelines -- Building/Sidewalk Relationships*.

The pedestrian connections required in other sections of this Part 20.25A are not required to be Mid-Block Retail Connections. However, any pedestrian connection meeting the criteria of this section shall be deemed to satisfy other applicable criteria for required pedestrian connections.

Section 8. A new definition of "Mid-block Retail Connection" is hereby added to Section 20.50.034 of the Bellevue Land Use Code:

Mid-Block Retail Connection. A type of pedestrian connection meeting the requirements of Section 20.25A.115.D.

Section 9. The definition of "Pedestrian Connection" in Section 20.50.040 of the Bellevue Land Use Code is hereby amended as follows:

Pedestrian Connection. A continuous readily accessible, usable area, open at either end and designed primarily to provide public access between two or more publicly accessible spaces, including perimeter sidewalks, by means of a direct route. The pedestrian connection is not a public right of way.

ORIGINAL

Section 10. The definition of "Pedestrian-Oriented Frontage" in Section 20.50.040 of the Bellevue Land Use Code is hereby amended as follows:

Pedestrian-Oriented Frontage. Building frontage devoted to uses which stimulate pedestrian activity at the ground and upper levels. 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, restaurants and theaters. Banks and financial institutions are not pedestrian-oriented uses.

Section 11. The "*Design Guidelines -- Building/Sidewalk Relationships*" document originally adopted by Ordinance Number 3309, as subsequently amended, is hereby amended as set forth in Attachment 1.

Section 12. This ordinance shall take effect and be in force five (5) days after adoption by the City Council and legal publication.

PASSED by the City Council this 17~~th~~ day of November, 2003, and signed in authentication of its passage this 19~~th~~ day of November, 2003.

(SEAL)

Connie 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

Published November 21, 2003

ATTACHMENT 1

DESIGN GUIDELINES

(For insertion in Part F of the Design Guidelines Building/Sidewalk Relationships following 'E' Rights-of-Way)

'MBRC' Mid-Block Retail Connections

Intent:

A mid-block retail connection (MBRC) faced with retail activity exempt from FAR calculation shall have a high orientation to pedestrians. This is achieved by emphasizing the relationship between the vertical street wall and the ground plane devoted to midblock access and the public Right-of-Way. This relationship should emphasize to the greatest extent possible, both physical and visual access into and from the structure at frequent intervals, as well as the amenities and features of the outside pedestrian space. In order to achieve the intended level of vitality, design diversity, and pedestrian activity on a mid-block retail connection, retail activities as defined herein shall be provided for in the design.

Guidelines:

1. Materials and design elements such as paving, lighting, landscaping, and signage should incorporate design elements of the adjacent Right-of-Way to identify it as part of the public realm.
2. The MBRC may be covered but may not be enclosed.
3. Access from the public Right-of-Way should be encouraged and enhanced by multiple clear points of entry that identify the MBRC as a public space. Access through the site should form a clear circulation logic with the street grid.
4. Wayfinding, signage, symbols and lighting should identify the MBRC as a public space.
5. Design of the ground level and upper level retail should relate to the MBRC and be distinct from the rest of the building. This can be achieved through the use of common architectural style, building materials, articulation, and color.
6. Variation shall be incorporated into the design by including dimensional and level changes at both the ground plain and building walls.
7. Pedestrian oriented lighting should be provided that is compatible with the landscape design, improves safety and minimizes glare. Design should be high quality, and materials should be durable and convey a sense of permanence.
8. Landscaping shall be used to animate and soften the space. The use of art and water is also encouraged.
9. MBRC design should not incorporate loading, refuse handling, parking, and other building and site service uses at the ground level façade, though such activities

may be conducted in a MBRC when reasonable alternatives are not available. Operational procedures should encourage the above-referenced activities after normal business hours.

10. Provide complete project design for all phases within a project limit to ensure coordinated design and construction across multiple phases.

Standards:

1. At least one entire side of the MBRC shall comply with Guidelines 2 and 3 for 'A' Rights-of-Way.
2. Minimum dimension for a MBRC double loaded with retail should be 25 feet wide exclusive of drive lane widths. A MBRC with single loaded retail should be a minimum of 12 feet wide exclusive of drive lane widths.
3. The MBRC should be open from 6:00 a.m. to midnight or during normal business hours, whichever is longer. Signs should be posted in clear view stating the MBRC is open to the public during these hours.
4. Each tenant space should have an exterior entrance.

"ULR" Upper Level Retail

Intent:

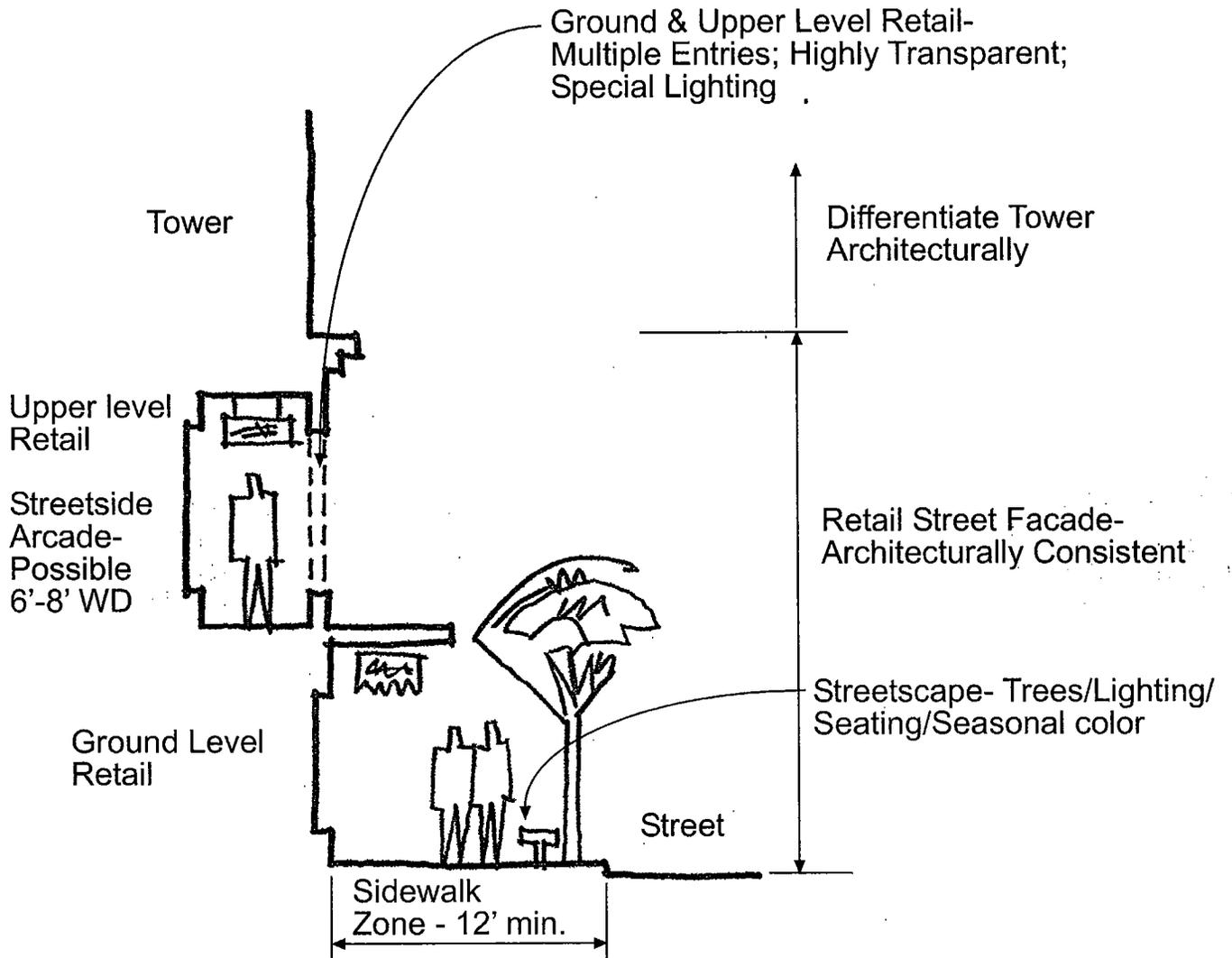
Upper level retail is intended to activate the ground level pedestrian environment. This is accomplished through extensive visual access to the upper level from the exterior, convenient and frequent access from the street or MBRC, clear line of sight from grade and visibility of on-going activity within the upper level retail. Upper level retail should be designed and managed so as to draw the attention and interest of the pedestrian to the upper level and to increase opportunities for interaction and movement between the ground and upper levels. In order to achieve the intended level of vitality, design diversity, and people activity at upper level retail the following characteristics should be provided in the design.

Guidelines:

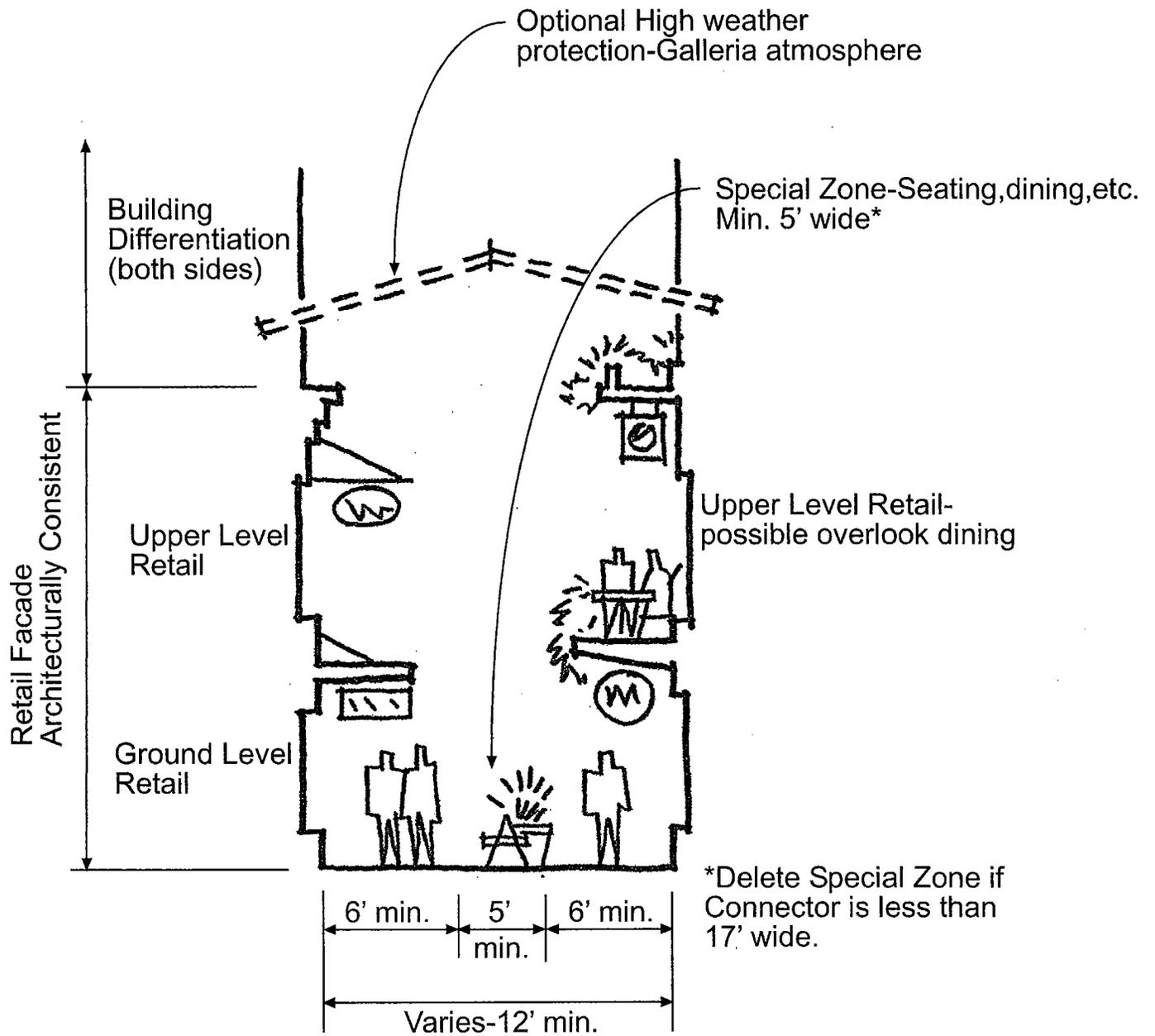
1. Architectural treatment of the upper level retail space should read as part of the ground level and be distinct from the architectural treatment of the building above.
2. Extensive visual access into the upper level retail space should be available from the sidewalk or the MBRC with frequent clear lines of sight from grade.
3. Lighting and signage should be used to enliven and draw attention to upper level retail.
4. Access to upper level retail is permitted via an upper level arcade or balcony, or directly through ground level retail for a multi-level single tenant.

Standards:

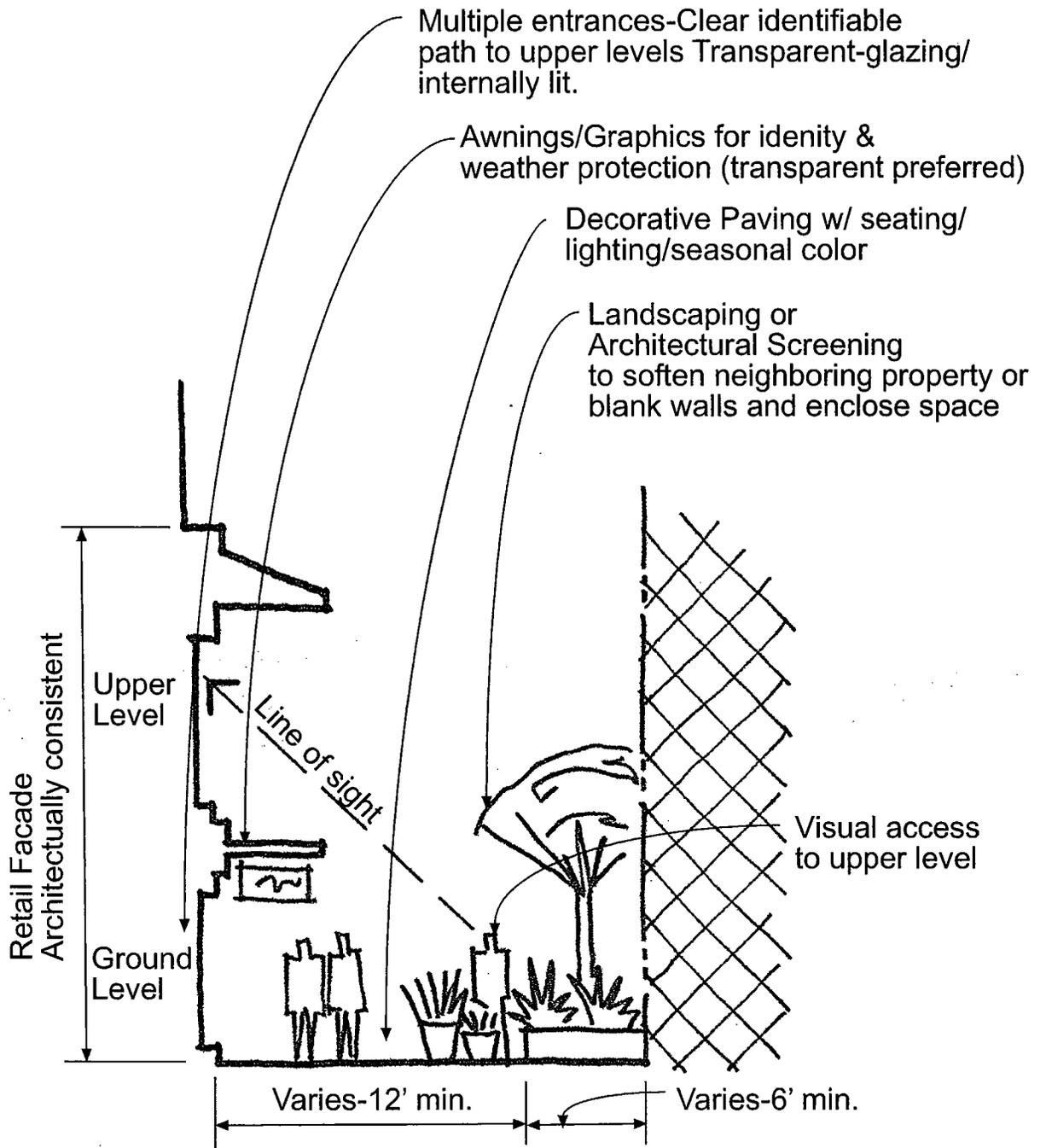
1. Points of physical vertical access between the ground level and upper levels should be located no more than 150 feet apart to facilitate frequent pedestrian access to upper level retail.
2. Each tenant space should have an exterior entrance.
3. Floor area and building facade directly below upper level retail must comply with guidelines for "A" Rights-of-Way.
4. Visual access should not be impaired by small, enclosed display windows, window coverings and tinted or reflective glazing .



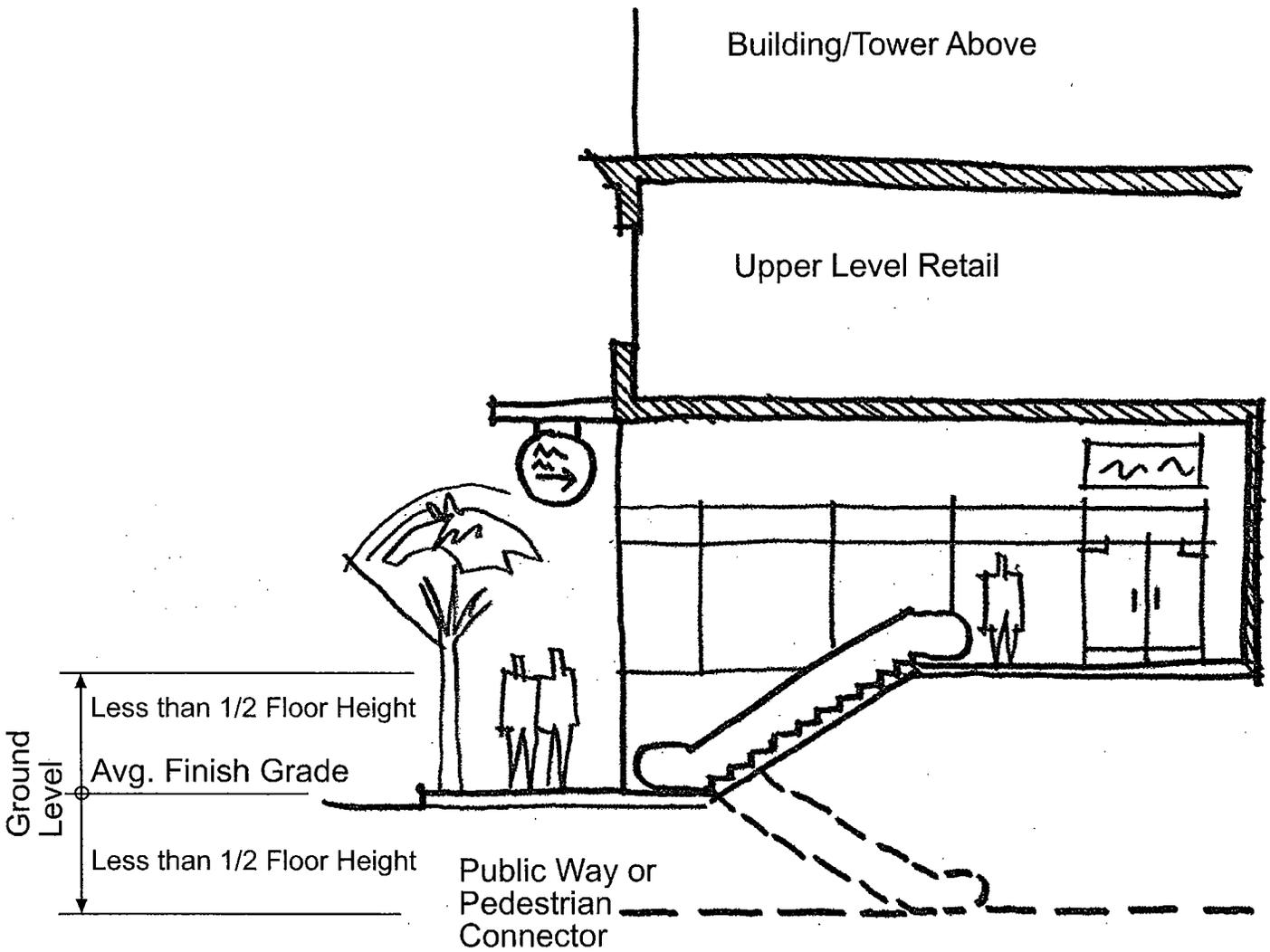
R.O.W. Condition



2 Sided Midblock
Retail Connection



**One-sided Mid-block
Retail Connection**



Ground Level Defined