0921-ORD
03/15/07

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5726

AN ORDINANCE amending development regulations applicable to Factoria Land Use Districts F1; the F1 Development Area Plan and Factoria TownSquare Design Guidelines adopted by Ordinance 5385; repealing the F1 Development Area Plan and Factoria TownSquare Design Guidelines; amending Section 20.20.010; creating a new Part 20.25F1 of the Bellevue Land Use Code; amending Section 20.25K of the Bellevue Land Use Code and establishing an effective date.

WHEREAS, Ordinance No. 5385 was adopted on July 15, to create zoning and development regulations adopted for Factoria Land Use Districts F1, F2 and F3 that would enable those Districts to redevelop in a manner consistent with the Bellevue Comprehensive Plan, the Growth Management Act, and land use goals of the City; and

WHEREAS, to ensure that redevelopment of the F1 District occurred in a unified and coordinated fashion, the ordinance required the development of the F1 district consistent with a site plan and design guidelines entitled F1 Development Area Plan and Factoria TownSquare Design Guidelines; and

WHEREAS, the property located within the FI Land Use District has experienced minimal redevelopment under the terms of the adopted site plan and design guidelines; and

WHEREAS, the 2005 Factoria Area Transportation Study Update provided the necessary determination of transportation system adequacy to accommodate full mixed use expansion of the F1 Land Use District that was contemplated by the development regulations; and

WHEREAS, it is the intent of the City to foster redevelopment consistent with the intensity of development contemplated for the area by providing necessary flexibility to respond to changing market conditions while achieving the vision for the F1 Land Use District; and

WHEREAS, the development regulations adopted in this ordinance are deemed necessary by the City to foster redevelopment and are further deemed to be in the best interests of the public health, safety, and general welfare of the City and its residents; and

WHEREAS, the Planning Commission held a public hearing on February 28, 2007 where proposed Land Use Code amendments were evaluated; and

WHEREAS, the Planning Commission recommends that the City Council approve such proposed amendments to the Land Use Code; and

WHEREAS, the City of Bellevue has complied with the requirements of the State Environmental Policy Act, RCW Chapter 43.21C, and the City Environmental Procedures Code, BCC Chapter 22.02 as to the zoning and development regulations applicable to Factoria 1 Land Use District; now therefore,

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

Section 1. The F1 Development Area Plan and Factoria TownSquare Design Guidelines are hereby repealed.

Section 2. Section 20.20.010 of the Land Use Code is amended as follows:

20.20.010 Uses in land use districts dimensional requirements.

Chart 20.20.010

Uses in land use districts **Dimensional Requirements**

STD LAND USE CODE REF		Residential										
	LAND USE CLASSIFICATION	R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30
	DIMENSIONS											
	Minimum Setbacks of Structures (feet) Front Yard (18) (20) (38) (39)	35	30	20	20	20	20	20	20	20	20	20
	Rear Yard (11) (17) (18) (20) (38) (39)	25	25	25	25	20	20	20	25	25	25	25
	Side Yard (11) (17) (18) (20) (38) (39)	5	5	5	5	5	5	5	5	5	5	5(1)
	2 Side Yards (17) (18) (20) (38) (39)	20	15	15	15	15	15	10	15	15	15	15
	Minimum Lot Area Acres (A) or Thousands of Sq. Ft. (3) (39)	35	20	13.5	10	8.5	7.2	4.7	8.5	8.5	8.5 (12)	8.5 (12)
	Dwelling Units per Acre (15) (21) (22)	1	1.8	2.5	3.5	4	5	7.5	10	15	20	30
	Minimum Dimensions (feet) Width of Street Frontage	30	30	30	30	30	30	30	30	30	30	30
	Width Required in Lot (4)	100	90	80	70	65	60	50	70	70	70	70
	Depth Required in Lot (4)	150	80	80	80	80	80	80	80	80	80	80
	Maximum in Building Height (feet) (10) (19) (26)	30	30	30	30	30	30	30	30	30	30 (5)	40
	Maximum Lot Coverage by Structures (percent) (13) (14) (16) (26) (27) (37) (39)	35	35	35	35	35	40	40	35	35	35	35
	Maximum Impervious Surface (percent) (35) (37) (39)	50 (36)	50 (36)	50 (36)	50 (36)	50 (36)	55 (36)	55 (36)	80	80	80	80

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

NOTE: Dimensional Requirements for Downtown are found in Part 20.25A LUC.

Dimensional Requirements for Evergreen Highlands Design District (EH-A, EH-B, EH-C, EH-D) are found in Part 20.25F LUC.

Dimensional Requirements for Office and Limited Business – Open Space (OLB-OS) are found in Part 20.25L LUC.

Dimensional Requirements for Medical Institution District (MI) are found in Part 20.25J LUC.

Chart 20.20.010

Uses in land use districts Dimensional Requirements

STD LAND USE CODE REF		Professional Office	Office	Office/Limited Business	Light Industry	General Commercial	Neighborhood Business	Community Business	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
	LAND USE CLASSIFICATION	**PO**	**O**	**OLB**	**LI**	**GC**	**NB**	**CB**	**F1**	**F2**	**F3**	**DNTN O-1**	**DNTN O-2**	**DNTN MU**	**DNTN R**	**DNTN OB**	**DNTN OLB**
	DIMENSIONS	(8, 21)	(8, 21)	(8, 21)	(8, 21)	(8, 21)	(8, 21)	(8, 21)	(28)	(21, 31)	(21, 32)	(7)	(7)	(7)	(7)	(7)	(7)
	Minimum Setbacks of Structures (feet) Front Yard (18) (20)	30	30	50	15	15				50	20						
	Rear Yard (17) (18) (20)	25	25	50	(2)	(2)	(2)	(2)		30	5						
	Side Yard (17) (18) (20)	20	20	30	(2)	(2)	(2)	(2)		30	5						
	2 Side Yards (17) (18) (20)	40	40	60	(2)	(2)	(2)	(2)		60	10						
	Minimum Lot Area Acres (A) or Thousands of Sq. Ft. (3)			2A						2A	2A						
	Dwelling Units per Acre (15) (22)	10 (23)	20 (23)	30 (23)			15 (23)	30 (23)		30 (23)	30 (23)						
	Minimum Dimensions (feet) Width of Street Frontage			200						200	200						
	Width Required in Lot (4)			200						200	200						
	Depth Required in Lot (4)																
	Maximum in Building Height (feet) (10) (19)	20	30	45 (6)	45 (9)	30	20 (25)	45		75	75/135 (33, 34)						
	Maximum Lot Coverage by Structures (percent) (13) (14) (16)	35 (24)	35 (24)	35 (24)	50		35 (24)			35 (24)	40 (24)						
	Maximum Impervious Surface (percent) (35) (37)	80	80	80	85	85	80	85		80	80						

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

NOTE: Dimensional Requirements for Downtown are found in Part 20.25A LUC.

Dimensional Requirements for Evergreen Highlands Design District (EH-A, EH-B, EH-C, EH-D) are found in Part 20.25F LUC.

Dimensional Requirements for Office and Limited Business – Open Space (OLB-OS) are found in Part 20.25L LUC.
Dimensional Requirements for Medical Institution District (MI) are found in Part 20.25J LUC.

Notes: Uses in land use districts – Dimensional requirements

(1) Side yard setback in R-30 Districts increases to 20 feet on any side yard where structure exceeds 30 feet above finished grade.
(2) All rear and side yards shall contain landscaping as required by LUC 20.20.520.
(3) See LUC 20.20.012.
(4) See LUC 20.20.015.
(5) Except in Transition Areas, the maximum allowable building height in R-20 Districts may be increased to 40 feet if ground floor or underground parking for that building is provided and occupies a minimum of 75 percent of the building footprint.
(6) 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.
(7) Dimensional requirements for Downtown Land Use Districts are listed in LUC 20.25A.020.
(8) Any office building or any office portion of a building in the PO, O, OLB, LI, GC, NB, CB or F1 Districts shall comply with the following limitations on Floor Area Ratio:
   (a) At 0.5 FAR, no office building or office portion of a building may exceed 50,000 square feet of gross floor area; and
   (b) For any office building or office portion of a building greater than 50,000 square feet in gross floor area the following sliding scale shall be observed as interpolated and extrapolated below:
      (i) At 0.3 FAR, no office building or office portion of a building may exceed 100,000 square feet of gross floor area; and
      (ii) At 0.1 FAR, no office building or office portion of a building may exceed 150,000 square feet of gross floor area.

   This footnote 8 shall not apply to sites in the critical areas overlay district. Density/intensity on sites in the critical areas overlay district is calculated pursuant to LUC 20.25H.045.

*(9) The maximum building height may be exceeded upon approval of the Director of Planning and Community Development. Requests for such approval shall be processed in accordance with the administrative conditional use procedure of Part 20.30E LUC. Before granting any such approval, the Director of Planning and Community 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 LUC.

**Not effective within the jurisdiction of the East Bellevue Community Council. The maximum building height in LI Districts shall remain 30 feet.*

*(10) Except in Transition Areas, the allowable building height of any building located in PO, O, OLB, GC, NB, or CB Districts may be increased by one story, but not to exceed 15 feet, if basement parking for that building occupies a minimum of 75 percent of the building footprint.

** Not effective within the jurisdiction of the East Bellevue Community Council. The maximum building height in the LI Districts shall remain 30 feet.*

(11) The LUC contains enhanced setback requirements for churches, clubs, and institutions (refer to LUC 20.20.190) and schools (refer to LUC 20.20.740) located in residential land use districts.

(12) For each square foot of lot area devoted to open space in excess of 30 percent of the total lot area, one square foot is added to the lot area for the purpose of calculating density.

(13) Lot coverage is calculated after subtracting all critical areas and stream critical area buffers, provided that coal mine hazards (20.25H.130) and habitat associated with species of local importance (20.25H.150) shall not be subtracted..

(14) Maximum lot coverage by structures is determined after public right-of-way and private roads are subtracted from the gross land area.

(15) Except for sites in the critical areas overlay district, if there is a conflict between the minimum lot area and the permitted number of dwelling units per acre, the minimum lot area controls. Density/intensity on sites in the critical areas overlay district is calculated pursuant to LUC 20.25H.045

(16) Exceptions to Lot Coverage. Although not considered structures for purposes of calculating lot coverage, the following may be considered impervious surfaces subject to the impervious surface limits. See LUC 20.20.460 and 20.50.026.

(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 existing or finished grade, whichever is lower, are not structures for the purpose of calculating lot coverage subject to the following conditions:

(i) The 30-inch height limit must be met at all points along the building excluding those areas necessary to provide reasonable ingress and egress to the underground portions of the building; and

(ii) The rooftop of the building shall be screened from abutting properties with 10 feet of Type II landscaping as described in LUC 20.20.520.G.2 except that the required trees shall be a minimum of 10 feet in height at planting; or, if a use is proposed for the rooftop, the rooftop may be landscaped consistent with the planting requirements for the specific use that is proposed and for the land use district in which the use is located. 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.

(17) 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.

(18) See LUC 20.20.030 for designation and measurement of setbacks.

*(19) Notwithstanding any other provision of this Code, except Part 20.25B LUC or LUC 20.20.900 through 20.20.910, as applicable, the allowable building height of an office building may be increased by one story, not to exceed 15 feet, if a minimum of 75 percent of the ground floor of that building is devoted to parking for that building.

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

(20) See LUC 20.25H.035 for additional critical area setbacks.

(21) See LUC 20.25H.045 for calculation of density/intensity on sites in the critical areas overlay district.

(22) Density for senior citizen dwelling, congregate care senior housing, and assisted living is calculated as follows: units less than 600 square feet count as 0.5 unit and units 600 square feet or greater count as one unit.

(23) This residential density may be in addition to FAR only for senior citizen dwellings, assisted living and congregate care senior housing.

(24) Lot coverage may be increased to 50 percent if congregate care senior housing, senior citizen dwellings, assisted living or nursing homes are constructed on-site; provided, however, that coverage for the nonresidential portions of the development cannot exceed the maximum limits indicated. Lot coverage within NB Districts may be increased to 50 percent for mixed use development which includes residential uses comprising at least one-half the square footage of the building footprint. Underground parking in excess of 50 percent of the site area shall not be included in lot coverage calculations.

(25) The maximum building height for structures is increased to 30 feet only if residential uses or administrative office uses are provided on the second floor and provided the structure does not exceed two stories. For purposes of this note, a story is defined pursuant to the International Building Code, Section 202, as adopted and amended by the City of Bellevue.

(26) See LUC 20.20.125 for specific requirements applicable to detached accessory structures.

(27) Lot coverage for schools located in residential land use districts is limited to 35 percent of the site area (refer to LUC 20.20.740).

(28) Dimensional requirements for the F1 Land Use District are listed in LUC 20.25F1.040.

(29) Repealed.

(30) Repealed

(31) Any office building or any office portion of a building in the F2 District may not exceed a Floor Area Ratio of 0.6 FAR.

(32) The maximum FAR for the combined properties in the F3 Land Use District, regardless of use, shall be 1.26 FAR; provided, that individual parcels or portions of property lying within the F3 Land Use District may have FAR for those individual parcels or portions which exceed an FAR of 1.26 provided that the FAR calculated for the entire aggregated property within the F3 Land Use District shall not exceed 1.26. The maximum FAR permitted herein is based on a maximum total development, including existing and new development of 950,000 square feet, calculated in the same manner as provided for in the calculation of FAR. In the event of an inconsistency between the FAR maximum of 1.26 and the maximum total development amount of 950,000 square feet, the latter shall control.

(33) In no event shall building height exceed 324 feet above sea level, based on North American Vertical Datum, 1988 (NAVD – 88).

(34) Maximum building height south of the F3 Land Use District Separation Line shall be 135 feet, with structural elements not intended for habitation above 135 feet, so long as structural elements do not exceed 275 feet above sea level based on NAVD – 88.

(35) See LUC 20.20.460 for exceptions and performance standards relating to impervious surface.

(36) Impervious surface limits for legally-established nonconforming non-residential uses and for new allowed non-residential uses in these residential land use districts shall be 80 percent.

(37) Maximum impervious surface and maximum lot coverage by structures are independent limitations on allowed development. All areas of lot coverage by structures are included in the calculation of total maximum impervious surface, unless such structures area excepted under LUC 20.20.460.

(38) Certain non-critical area setbacks on sites in the critical areas overlay district may be modified pursuant to LUC 20.25H.040.

(39) These dimensional standards may be modified through an approved conservation subdivision, LUC 20.45A.060 or conservation short subdivision, LUC 20.45B.055.

Section 3. A new Part 20.25F1 is added to the Land Use Code as follows:

Part 20.25F1 Factoria 1

20.25F1.010 General.

A. Applicability.

This Part 20.25F1, Factoria 1 (F1), contains standards, criteria and guidelines that apply to development and activity within the Factoria 1 Land Use District. Except to the extent expressly provided otherwise in this Part 20.25F1, the provisions of the Land Use Code, other City Development Codes, the City Development Standards, and other applicable codes and ordinances apply to development in the Factoria Land Use Districts. Where there is a conflict between the regulations of the Factoria Land Use Districts and the Land Use Code and other City ordinances, the Factoria Land Use District regulations govern. Where the requirements of the Factoria Land Use District exceed those of the Land Use Code and other City ordinances, the Factoria Land Use District regulations govern.

B. Land Use District and Description of Development Areas.

The purpose and intent of the Factoria 1 Land Use District is described in LUC 20.10.395. The location of the F1 Land Use District Area is legally described in LUC 20.50.020. The F1 Land Use District is divided into four Development Areas to facilitate its transformation into a vital, pedestrian oriented mixed use neighborhood. The purpose and intended uses for each Development Area is described below. The location of the Development Areas is depicted on the map entitled "F1 Land Use District Development Areas."

1. DEVELOPMENT AREA I: Retail Center Area

Development Area I (DA I) is located in the center of the Land Use District. The area is bound by 127th Ave SE to the east and 125th Ave SE to the west. A portion of DA I fronts on 124th Ave SE. Centralized retail is the primary focus of this area. New development and remodels should be designed to provide pedestrian and vehicular circulation through and around the retail center and to connect the retail center to external adjacent residential, retail and service uses.

2. DEVELOPMENT AREA II: Residential Neighborhood Area

Development Area II (DA II) is located along the south edge of the District. Housing is the focus of DA II. In addition, retail and service uses that are neighborhood serving are appropriate for this area. The housing is to be developed over and around structured parking. The neighborhood serving uses are intended to serve both residents of the F1 District as well as neighborhoods to the south and east.

3. DEVELOPMENT AREA III: Mixed Use Expansion Area

Development Area III (DA III) is located in the northwest corner of the site. A mix of uses such as stand alone retail, housing and accessory parking is appropriate. Development should be focused on the northern end of this area to encourage traffic to utilize SE 38th Street.

4. DEVELOPMENT AREA IV: Factoria Boulevard Frontage Area

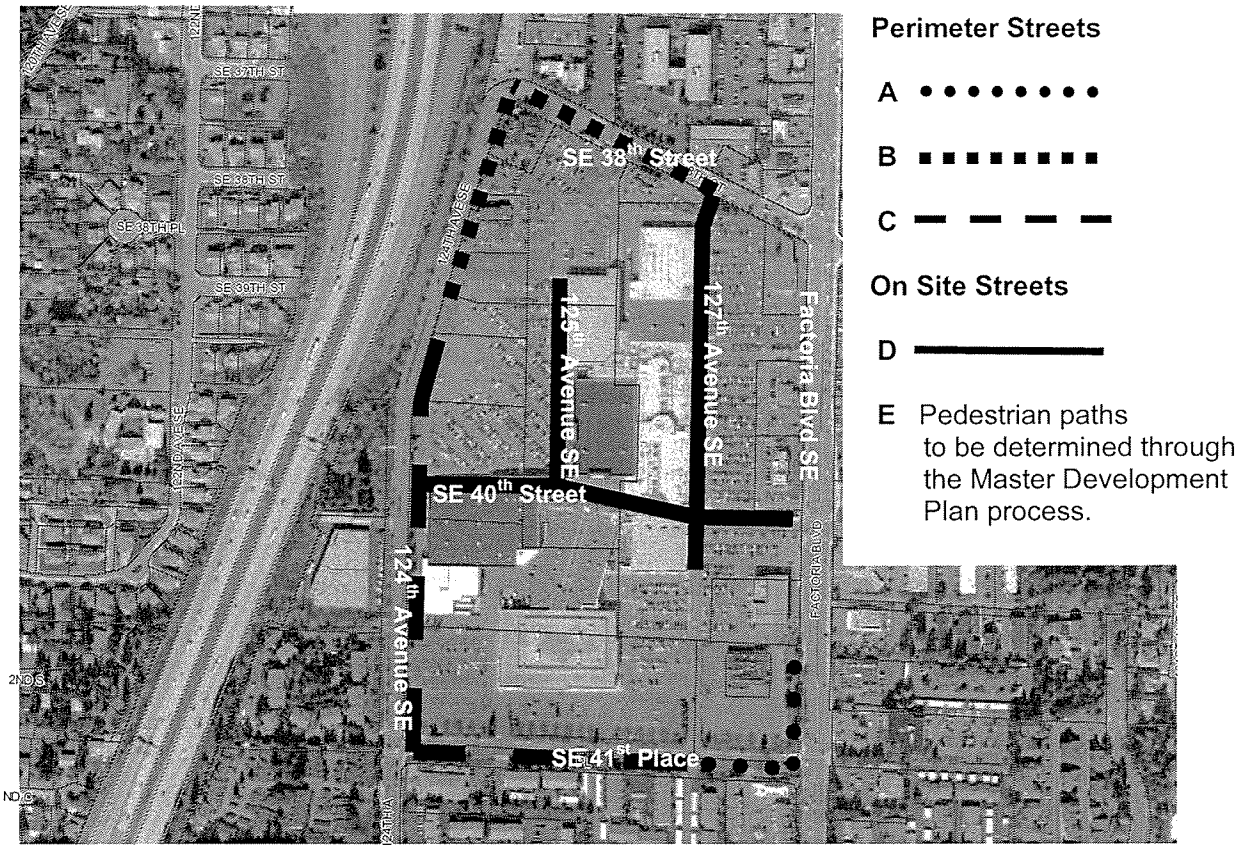
Development Area IV (DA IV) is located between Factoria Boulevard and the Retail Center Area. Minor remodels and expansions of existing buildings are appropriate. A parking structure to support retail uses located in other Development Areas would be appropriate.

F1 Land Use District Development Areas

20.25F1.015 Street Designations

This section establishes designations for right-of-way located at the perimeter of the F1 Land Use District, for on-site streets and for pedestrian paths. The designations are established for the purpose of applying the Design Guidelines contained in Section 20.25F1.115. The intent is to create a hierarchy of streets and rights-of-way within and around the F1 Land Use District. The hierarchy reflects different intensities of anticipated pedestrian flow and activity level. Street designations are depicted on the map entitled "F1 Land Use District Street Designations."

F1 Land Use District Street Designations



Area IV portions of Factoria Blvd are not designated. City pedestrian and transportation infrastructure improvements have been made. Only modest expansions and remodels are expected to occur. Frontage expectations will be developed at such time as a land use code amendment is processed to allow additional development potential in Area IV. Prior to that time new stand-alone development and additional frontage improvements are not anticipated.

20.25F1.020 Review Required

A. Applicable Criteria and Guidelines. The Director shall use this Part 20.25F1 in reviewing an application for Master Development Plan or Design Review approval for development in the F1 Land Use District. The Community Retail Design Guidelines of

Part 20.25I and Transition Area Design Guidelines of Part 20.25B shall not apply to applications for development in the F1 Land Use District.

B. Master Development Plan. All development within the F1 Land Use District shall be governed by a Master Development Plan reviewed by the Director of the Department of Planning and Community Development pursuant to 20.30V LUC.

C. Design Review.

1. Process Required. All development within the F1 Land Use District and approved as part of a Master Development Plan must be reviewed by the Director of the Department of Planning and Community Development through Design Review, Part 20.30F LUC.

2. Dimensional Deviations. The Director may, through the Design Review process, approve a proposal that varies from the specific dimensional requirements set forth in the applicable criteria and guidelines if the applicant demonstrates that the resulting design will be more consistent with the design review criteria and Design Guidelines. Minimum required setbacks identified in Section 20.25F1.040 are not permitted to be varied under the terms of this paragraph. Intrusions into required setbacks are governed by Section 20.20.025.

D. Procedural Merger. Within the F1 Land Use District, any administrative decision required by this Part 20.25F1 LUC or by the Land Use Code, including but not limited to the following, may be applied for and processed through a single application:

1. Master Development Plan, Part 20.30V LUC;

2. Design Review, Part 20.30F LUC;

3. Administrative Conditional Use Permit, Part 20.30E LUC.

20.25F1.030 Development Intensity and Phasing of Required Improvements.

A. District-Wide Intensity Limitation. The development limitations set forth in this section 20.25F1.030 establish the total amount of development that may occur in the F1 Land Use District.

1. Retail/Service Development. The total amount of retail and service development permitted in DA I-III shall not exceed 681,100 gross square feet. Square footage associated with minor expansions permitted to existing buildings located in DA IV will not be counted as retail or service development for the purposes of imposing this limitation. Uses classified as Recreation pursuant to Chart 20.10.440 will not be counted as retail or service development for the purposes of imposing this limitation.

2. Residential Dwelling Units. The total number of residential dwelling units permitted in DA I-III is limited to 685. No residential development is permitted in DA IV.

B. DA IV Specific Intensity Limitation. New development may be permitted in DA IV, but is limited to expansions of an existing structure by no more than 20 percent of existing

building floor area in that structure and to development of structured parking necessary to support retail or service related development permitted in DA I-III

C. Phasing Plan. A phasing plan for installation of site improvements, landscaping and amenities necessary to support each phase of development must be approved as part of the Master Development Plan as required by 20.30V.

20.25F1.040 Dimensional Requirements (1) (2)

F1 Land Use District	Minimum Setback (3)(4)(5)			Building Height (6)	Stepback		
DA	Type A Street	Type B Street	Type C Street		Type A Street	Type B Street	Type C Street
DA I	N/A	N/A	30'	60'	N/A	N/A	10'
DA II	10'	N/A	10'	40'/75' (7)	N/A	N/A	10' (8)
DA III	N/A	10'/0' (9)	10'	60'	N/A	0'/10' (10)	10'
DA IV	(11)	(11)	(11)	45'	N/A	N/A	N/A

Footnotes:

(1) Footnote (8) of the Dimensional Requirements contained in LUC 20.20.010 controls.

(2) Maximum Impervious Surface is limited to 85 percent. See LUC 20.20.460 for exceptions and performance standards relating to impervious surface.

(3) Minimum setbacks are subject to development of required landscaping pursuant to LUC 20.25F1.050.

(4) Measured from the property line.

(5) No parking or vehicle access lane is permitted between the required sidewalks on perimeter streets and pedestrian entrances and building frontages.

(6) Maximum building height shall be measured from average existing grade as measured to the highest point of the structure, including pitched roof areas and penthouse equipment screening.

(7) On Type C Streets located in DA II, no more than 50% of the street frontage may be developed with buildings whose height exceeds 4 stories or 40' above the sidewalk grade adjacent to the building front, whichever is less. For the purposes of this requirement, building height is measured to a depth of 20 feet.

(8) At a height no greater than 30' above the sidewalk grade adjacent to the building front. No stepback is required for portions of buildings limited to 40' in height pursuant to Footnote 7 above.

(9) Buildings or portions of buildings that provide a setback of less than 10 feet are required to meet the Type B Street Frontage Design Guidelines of the F1 Land Use District Design Guidelines.

(10) No stepback is required if Landscape setback is provided pursuant to 20.35F1.050.

(11) A 15 foot setback from the right-of-way line of Factoria Boulevard is required for development in DA IV.

20.25F1.050 Landscape Requirements

A. The provisions of LUC 20.20.520, except as they conflict with this section, apply to development within the F1 Land Use District. The tree retention provisions of LUC 20.20.900 shall not apply to applications for development in the F1 Land Use District. The following landscaping provisions are required:

Street (1) Designations	Landscaping Requirement and Review Process (3)
Type A	Gateway location and conceptual design approval required through the Master Development Plan review process. Gateway design detail approval required through the Design Review process.
Type B	10' Type II Landscaping. Street frontage landscaping will be reviewed through the Design Review process. (2)
Type C	Mature existing deciduous trees shall be maintain where feasible. Shrubs, a minimum of three and one-half feet in height and living ground cover must be planted in the required setback so that the ground will be covered in three years. Frontage design detail approval required through the Design Review process.

Footnotes:

(1) Street designations are established in LUC 20.25F1.015 and depicted on the map entitled " F1 Land Use District Street Designations."

(2) Landscaping is required only if a minimum 10-foot setback is provided in lieu of streetscape design requirements pursuant to LUC Section 20.25F1.115C.2.b.

(3) Landscaping for surface parking will include one tree per twelve parking spaces and canopy trees for 25% of paved area at plazas and terraces. Vertical landscaping (Planters with vines, climbing vine on mesh, espalier, etc.) will be provided on each level of visually accessible parking structure perimeter.

B. The Director of the Department of Planning and Community Development may approve alternative landscaping requirements in accordance with the criteria in LUC 20.20.520.J.

20.25F1.060 Parking and Circulation.

Requirements for parking in the Factoria Land Use Districts shall be as required in LUC 20.20.590, except as follows:

A. Minimum and Maximum Parking Requirements

The Director of Planning and Community Development shall establish the minimum number of parking spaces required and may establish the maximum number of parking spaces allowed as a component of the Master Development Plan approval that is required for all development in the F1 Land Use District. The Director of Planning and Community Development may consider but is not limited to the following in establishing parking requirements:

1. Documentation supplied by the applicant regarding actual parking demand for the proposed use; or

2. Evidence in available planning and technical studies relating to the proposed use; or

3. Required parking for the proposed use as determined by other comparable jurisdictions.

B. Director's Authority to Require Parking Exceeding Maximum.

In the Factoria Land Use Districts, the Director of Planning and Community Development may require the installation of more than the maximum number of parking stalls, for other than office uses, if the Director determines that:

1. Such additional parking is necessary to meet the parking demand for a specified use; and

2. Shared or off-site parking is not available or adequate to meet demand; and

3. Any required Transportation Management Program will remain effective.

C. Circulation

1. Develop at least one vehicle access points on 124th Ave SE along the alignment of SE 40th Street to operate as and visually signify the primary entry points to the Retail Center on the west side of the District.

2. Place stop signs at the intersections of on-site streets and/or pedestrian paths through surface parking areas and provide weather protection for pedestrians at these locations.

3. Provide at least one mid-block pedestrian connection from the F1 District across SE 41st Place and 124th Ave SE. Provide at least two mid-block pedestrian connections from the F1 District across SE 38th Street.

20.25F1.070 Sidewalks and Pedestrian Paths

A. Perimeter Sidewalks

1. Minimum Width. The minimum width of Perimeter Street sidewalks shall be 12 feet inclusive of the planter strip plus six inches for curb, except as necessary to retain mature trees pursuant to paragraph 2.e below.

2. Street trees and planting strip design.

a. Installation. The property owner shall install street trees and planter strips, in addition to any landscaping required by LUC 20.25F1.050, pursuant to the City of Bellevue Environmental Best Management Practices & Design Standards, now or as hereafter amended. Street tree and planter strips shall be irrigated. Appropriate tree species will be determined through the Master Development Plan process.

b. Location. The area in which planter strips are installed must be located between the street and the sidewalk unless precluded by existing utilities which

cannot reasonably be relocated or as necessary to retain mature trees pursuant to paragraph e below.

c. Design. Required street trees should be placed in predominantly continuous planter strips together with shrubbery, groundcover and other plantings approved by the Director. The area in which street trees are planted must be at least four feet wide by six feet wide. Vegetation approved for a planter strip must be compatible with the F1 Design Guidelines for the Development Area within which the planter strip is located. A street planting strip may also include decorative paving and other plant materials except turf.

d. Size and spacing. Large growing deciduous street trees, at least three inches in caliper or as approved by the Director, shall be planted at least three feet from the street curb, and a maximum of 30 feet on center, and shall conform to the sight distance requirements of BCC 14.60.240.

e. Mature tree retention. The existing mature street trees located on the Perimeter Street frontages shall be maintained to the extent feasible. Sidewalks and planter strips may be reduced and/or relocated to the back of sidewalk if necessary to accommodate retention of the mature trees.

B. On-Site Sidewalks

1. Minimum Width. The minimum width of On-Site Street sidewalks shall be 12 feet inclusive of the street tree planting wells.

2. Street trees and plantings

a. Installation. The property owner shall install street trees and plantings, in addition to any landscaping required by LUC 20.25F1.050, pursuant to the City of Bellevue Environmental Best Management Practices & Design Standards, now or as hereafter amended. Street tree and required landscaping shall be irrigated. Appropriate tree species will be determined through the Master Development Plan process.

b. Location. Street trees shall be planted in a continuous, rhythmic pattern. Street trees must be located between the street and the sidewalk.

c. Design. Required street trees shall be planted in tree pits with grates. The area in which street trees are planted must be at least four feet wide by six feet wide.

d. Size and spacing. Small growing pedestrian scale deciduous street trees, at least three inches in caliper or as approved by the Director, shall be planted at least three feet from the street curb, and a maximum of 25 feet on center, and shall conform to the sight distance requirements of BCC 14.60.240.

C. Pedestrian paths

1. Minimum Width. The minimum width of Pedestrian Paths shall be 12 feet inclusive of the planter strip. Parking spaces adjacent to pedestrian paths must be designed to ensure that the minimum sidewalk width is maintained free of vehicle encroachments.

2. Location. Pedestrian path locations and phasing shall be determined through the Master Development Plan process consistent with the site design guidelines.

3. Landscape Strips

a. Installation. The property owner shall install trees and plantings, in addition to any landscaping required by LUC 20.25F1.050, pursuant to the City of Bellevue Environmental Best Management Practices & Design Standards, now or as hereafter amended. Tree and planter strips shall be irrigated.

b. Design. Appropriate tree species and landscaping shall be determined through the Master Development Plan process. Street trees, shrubbery, groundcover and other plantings approved by the Director, shall be provided in continuous planter strips along the length of a pedestrian path. The area in which street trees are planted must be at least four feet wide by six feet wide. Vegetation approved for a planter strip must be compatible with the F1 Design Guidelines for the Development Area within which the planter strip is located.

20.25F1.080 Gateways

1. Purpose. The purpose of the gateways is to mark the transition into the F1 Land Use District and to reinforce the Factoria identity.

2. Number and Location. Three gateways are required along Factoria Blvd at SE 38th Street, SE 40th Street and SE 41st Place.

3. Approval. Gateway conceptual design and installation phasing will be approved through the Master Development Plan process. Gateway design details will be approved through the Design Review process.

20.25F1.090 Gathering Places

1. Purpose. The purpose of the gathering places is to provide outside opportunities for people to linger and for passive or active recreation, and to provide graceful transitions between Development Areas, between public and private spaces, and between indoor and outdoor spaces.

2. Number and location. At a minimum, two major gathering places are required for the Retail Center Area (DA I) in the vicinity of the intersection of 127th Ave SE and SE 40th Street and at the intersection of 125th Ave SE and SE 40th Street. Smaller gathering places shall be provided at retail center entrances, entrances to outward facing and stand-alone retail structures, intersections of on-site streets and or pedestrian paths and the transition points between public areas and private residential areas.

3. Approval. Gathering place locations, conceptual design and installation phasing will be approved through the Master Development Plan process. Design details for these features will be approved through the Design Review process.

20.25F.110 Design Review Criteria

A. General

Each structure and all proposed site development must comply with the approved Master Development Plan and associated Phasing Plan. If the application for Design Review contains elements inconsistent with the approved Master Development Plan, the Director may not approve the Design Review until the Master Development Plan is amended to include those elements.

B. Site Design

1. Connectivity and Site Circulation

a. Connect the F1 Land Use District to the larger community, by providing links to neighboring businesses, residences, schools, thoroughfares, transit, open spaces, and other uses. Emphasize the pedestrian with a complete system of sidewalks and pedestrian paths.

b. Provide pedestrian paths to connect all major tenant and mall entrances with the Perimeter Street system and to accommodate pedestrian connections through parking lots that separate uses.

c. Accommodate public transit with shelters and pedestrian paths to the Retail Center Area entries.

d. Access circulation may be relocated if the new alignment improves operation, reduces pedestrian-truck conflicts, or enhances the transportation grid through the F1 Land Use District.

e. Provide a second mid-block crossing to the adjacent offices and cinema north of the F1 Land Use District across SE 38th Street prior to occupancy of any new building developed in DA III, provided it is technically feasible.

f. Provide a mid-block crossing to the adjacent residential area south of the F1 Land Use District across SE 41st Place prior to occupancy of any new building developed in DA II, provided it is technically feasible.

g. Provide crosswalks across 127th Avenue prior to occupancy of any new structure in the F1 Land Use District.

h. Provide sidewalks on both sides of the entry drive to DA I from the intersection of Factoria Blvd with SE 40th Street prior to occupancy of any new structure in DA IV. If sidewalks are not constructed prior to occupancy of the first new structure in DAII, a temporary stair connection is required to be constructed between the transit shelter and the parking field at the southwest corner of the intersection of Factoria Blvd and SE 40th Street.

i. Provide crosswalks south across SE 41st Place and west across 124th Ave SE at the southwest corner of DA II.

2. Landscaping

a. Landscaping shall include a combination of hardscapes and planting, i.e. plaza, square, terraces, etc.

b. Provide trees and vertical landscaping to give scale to buildings, to soften expanses of surface parking and open parking decks and for privacy in the residential courtyards.

c. Extend paving materials for sidewalks and plazas across the streets and intersections at selected locations that are jointly used by vehicles and people.

d. Use a hierarchy of paving designs and/or treatments to differentiate site conditions, such as primary intersections, sidewalks, shared people-vehicle streets, plazas, and retail, office, and building entrances.

3. Lighting

a. Provide an exterior lighting hierarchy to reinforce the natural diversity that occurs in a complex neighborhood that has developed over many years.

b. Design lighting to be appropriate for many diverse uses and to create overall cohesion between DAs.

c. Provide light fixtures with adjustable shielding to avoid conflicts with residential uses.

C. Building Design

1. Integrate weather protection into retail store fronts through use of awnings, loggias, pergolas, and deep overhangs.

2. Locate service areas for trash dumpsters, recycling, loading docks and mechanical equipment away from public rights-of-way, on-site streets and pedestrian paths where possible. Screen views of those elements if they cannot be located away from public frontages.

3. Provide shop entrances and display openings oriented toward on-site streets, pedestrian paths and gathering places.

4. Express retail spaces as individual buildings. Height of shop front shall extend to top of parapet, or to top of second floor level in parking structures.

5. Provide integrated weather protection that is predominantly continuous for the retail and restaurant frontages the on east side of 125th Avenue SE and the west side of 127th Avenue SE.

6. Exposure to parking garage facades along residential building frontages on Perimeter Streets is not permitted, except for parking entrances.

7. Provide building modulation to break down the scale of the residential frontages above 30 feet as measured from the sidewalk grade.

8. Building tops shall be well expressed. All HVAC, flues, antennas, satellite dishes, etc. on roofs of new buildings shall be screened from view from Factoria Blvd SE and Perimeter Streets designated in LUC 20.25F1.015. Screen shall be a continuous integral part of the building architecture, not isolated around each HVAC unit.

9. Parking structures

a. Minimize garage openings on streets and design them to be complementary to the adjacent building. Finish walls and ceilings that are visible from the ROW.

b. Provide high quality lighting and wayfinding graphics for retail parking areas.

c. Provide integrated continuous weather protection for 100% of the retail and restaurant frontages that are not located adjacent to a required landscaped setback at the base of parking structures.

d. Limit visual exposure from Perimeter Streets to the interior of retail parking garages located in DA III and IV to 50% of the ground floor perimeter. Openings should be limited to a maximum width of 10 feet, unless screened with landscaping.

D. Gateways and Gathering Places

1. Gateway Guidelines

a. Provide spaces that create a welcoming experience for pedestrians and motorists and are oriented to the property corners.

b. Provide connections from the gateway to the neighborhoods to the south and east and commercial areas to the north and east by designing the gateway to serve as a focal point and visual landmark for the F1 Land Use District.

c. Provide visual and physical accessibility to gateway spaces from the abutting sidewalk on Factoria Blvd and locate the gateway at or near the sidewalk grade.

d. Provide visual and walking connections between the gateways and entrances to the Retail Center and outward facing retail located in DA I.

e. Northeast Corner: Provide crosswalks in both directions and weather protection from the corner to the Factoria Mall entry.

f. Southeast Corner: Provide crosswalks in both directions. Use the entrance plaza and adjoining building spaces to create a predominantly weather-protected path to the Factoria Mall entries.

g. Provide weather protected seating and landscaping with all-season interest.

h. Provide handicapped accessibility.

i. Provide weather protection at building entrances.

2. Public Gathering Spaces

a. Locate as part of a comprehensive system of spaces in the F1 Land Use District.

b. Each public space will include amenities such as a streetscape, sitting area, plaza, or square.

c. Provide spaces that are of adequate size to accommodate seating, planting, etc., but not so large as to appear barren and uninviting.

d. Provide seating at comfortable height and depth, and appropriate arrangement appropriate for both single and group users.

e. Use nonglare, nonslip, and safe surface materials.

f. Consider provision for shade and sun, and provide protection from wind.

g. Use building separation and human scale massing to create pedestrian space.

h. Use pedestrian-scaled lighting, fountains or other water features, litter receptacles and sheltered waiting areas.

i. Use landscaping or structure to provide a sense of enclosure, while ensuring visual access for safety.

j. Incorporate a gathering space at the corner of 124th Av SE and SE 41st Place.

E. Prohibited Materials. The following materials are not permitted:

1. Shiny or reflective materials.
2. Vinyl siding.
3. Natural smooth gray concrete block, painted or unpainted.
4. Wood roof materials.

20.25F1.115 Factoria TownSquare Building/Sidewalk Design Guidelines.

In addition to the decision criteria in LUC 20.30F.145 and 20.25F1.110, the following guidelines govern the streetscape area and the design relationship between buildings and the sidewalk.

A. Applicability.

The guidelines contained within this section apply to any development project that abuts a public right-of-way, on-site street or pedestrian path designated pursuant to LUC 20.25F1.015.

B. Intent.

The intent of these guidelines is to ensure that the streetscape is pedestrian-oriented; comfortable, spacious, and safe, with a strong relationship to the ground floor of each

building and the activities inside where appropriate. The intent from an auto perspective is to provide a rhythm set by the tree spacing. Nodes such as corners, intersections and pedestrian crossings are likely locations where the street tree pattern breaks and other design elements with more of an accent function are provided. The regular tree spacing provides a base from which other urban design elements such as planters, benches, lights, and accent elements can be relate.

C. Perimeter Street Guidelines

1. Type A Streets - Retail Street with High Pedestrian Orientation

a. Intent:

Rights-of-Way designated "Type A" have the highest orientation to pedestrians. This shall be achieved by emphasizing the design relationship between the first level of the structure and the horizontal space between the structure and the curb line. This relationship should emphasize to the greatest extent possible, both the physical and visual access into and from the structure as well as the amenities and features of the outside pedestrian space.

b. Guidelines

i. Street level edges shall incorporate retail or recreational activities.

ii. The following characteristics shall be incorporated into the design of the structure:

- Windows providing visual access
- Streetwalls
- Multiple Entrances, with emphasis on retail entrances to the gateway area
- Canopies, awnings or arcades

iii. The following characteristics should be incorporated into the design of the gateway:

- Special paving treatment
- Seating
- Trash and recycling receptacles
- Additional pedestrian furnishings such as raised planters, pots, public art, water fountains, bicycle racks and pedestrian lighting.

2. Type B - Retail Street with Moderate Pedestrian Orientation

a. Intent: Streets designated "Type B" shall have moderate orientation to pedestrians. This shall be achieved by designing some relationship between exterior and interior activities with respect to visual access, or by designing landscape setbacks to be comfortable and inviting for pedestrians. Design attention should be given to sidewalk related activities and amenities.

b. Guidelines:

i. Street frontage provided in lieu of landscaped setbacks required pursuant to LUC 20.25F1.050 shall incorporate the following characteristics:

- Provide a minimum 50% of ground level building elevations as tenant frontage spaces.
- In mixed use buildings, provide a 10 foot stepback at a height of 30' above the sidewalk grade or at the first floor that the mix of uses changes between parking or retail and residential above, which ever is less.
- Avoid blank facades. A blank façade consists of a windowless area that is larger than 1,000 square feet. In non-tenant space facades, mitigation for blank walls should be provided through addition of planting, modulation, materials variation, artwork or other features that would cover at least 50 percent of the blank façade area.

ii. Street frontages with landscaped setbacks provided pursuant to LUC 20.25F1.050 shall incorporate the following characteristics:

- Provide ground floor building elements that are accessible and comfortable to pedestrians through use of human-scale design elements, such as planters, benches, variations in paving materials and lighting features.
- Provide weather protection at gathering places through use of sheltered walkways or sidewalks.

iii. Design entries to be clearly identifiable from the Perimeter rights-of-way.

3. Type C - Neighborhood Streets

a. Intent: Neighborhood Streets shall complement residential uses. This shall be achieved by incorporating landscape features that soften building frontages by creating a relationship with the uses that occur inside. Housing should include front yard landscaped areas or private stoops and preserve existing mature trees. The appearance of large monolithic structures is avoided by use of a combination of setbacks, stepbacks and building modulation. Design attention should be given to amenities that complement the residential character and moderate the retail frontages located here.

b. Guidelines

i. Screen existing surface parking lots in DA II prior to the introduction of residential dwelling units, utilizing street walls, landscaping and artwork to define the site edge. The screening shall be installed prior to occupancy of the first residential unit.

ii. Provide landscaping in the setback for retail frontages pursuant to LUC 20.25F1.050.

iii. Provide ground floor residential dwelling units with primary pedestrian access directly to the street.

iv. Provide landscaping in the setback for residential frontages that includes green borders, low garden walls, landscaping and pedestrian amenities to define the building edge at the back of sidewalk.

A. On-Site Street Guidelines

1. Type D – On-site Streets

a. Intent: On-site streets are pedestrian-oriented; comfortable, spacious, and safe, with a strong relationship to the ground floor of each building and the activities inside where appropriate. The on-site streets are intended to accommodate shared use by pedestrians and vehicles. Adherence to these guidelines will facilitate the transformation of driveways to infrastructure that operates and feels like streets with pedestrian oriented frontage and amenities.

b. Guidelines

i. Provide linkages to existing City of Bellevue street grid at every opportunity. On-site streets should be named to correspond with Bellevue City street grid. See grid depicted on the map entitled F1 Land Use District Street Designation.

ii. Provide weather protection in the form of canopies and other devices that are predominantly continuous for each retail frontage.

iii. Design streets to reduce vehicle speeds and increase pedestrian comfort. Design techniques can include on-street parallel parking or reduced street widths between opposing building walls or between building walls and parking area landscaping.

B. Pedestrian Paths

1. Type E – Pedestrian Paths

a. Intent: The intent of these guidelines is to provide connections between the Retail Center, gateways, stand alone retail and perimeter sidewalks that are separated by surface parking areas and where there is not adjacent development.

b. Guidelines

i. Provide weather protection at gathering spaces located on pedestrian paths where feasible.

ii. Utilize paving materials and patterns to differentiate the street and walkways from adjacent parking.

Section 4. Part 20.25K of the Land Use Code is amended as follows:

20.25K.010 General.

This Part 20.25K LUC, Factoria, contains information which applies to development and activity within the Factoria 2 and 3 Land Use Districts. Except to the extent expressly provided otherwise in this Part 20.25K LUC, the provisions of the Land Use Code, other City Development Codes, the City's Development Standards, and other applicable codes and

ordinances apply to development in the Factoria 2 and 3 Land Use Districts. Where there is a conflict between the regulations of the Factoria 2 and 3 Land Use Districts and the Land Use Code and other City ordinances, the Factoria 2 and 3 Land Use District regulations govern. Where the requirements of the Factoria 2 and 3 Land Use District exceed those of the Land Use Code and other City ordinances, the Factoria 2 and 3 Land Use District regulations govern. Specific sections of this Part 20.25K LUC also apply to limited areas within the Factoria Land Use Districts as noted.

20.25K.020 Parking.

Requirements for parking in the Factoria 2 and 3 Land Use Districts shall be as required in LUC 20.20.590, except as follows:

A. F2 Land Use District.

LUC 20.20.590.F shall not apply to determine minimum or maximum parking requirements in the F2 Land Use District. Minimum parking requirements in the F2 Land Use District shall be determined using the Shared Parking manual published by the Urban Land Institute (1983) now or as hereafter amended pursuant to the provisions of that document, averaged across the entire F2 District using an 18-hour parking demand analysis and an 85 percent practical capacity factor. The maximum number of parking spaces shall not exceed 150 percent of the minimum number established pursuant to this section.

B. F3 Land Use District.

LUC 20.20.590.F shall not apply to determine minimum or maximum parking requirements in the F3 Land Use District. The minimum number of parking spaces, regardless of use, shall be four spaces for each 1,000 net square feet (see LUC 20.50.036). There shall be no maximum number of parking spaces.

C. Director's Authority to Require Parking Exceeding Maximum.

In the Factoria Land Use Districts, the Director of Planning and Community Development may require the installation of more than the maximum number of parking stalls, for other than office uses, if the Director determines that:

1. Such additional parking is necessary to meet the parking demand for a specified use; and

2. Shared or off-site parking is not available or adequate to meet demand; and

3. Any required Transportation Management Program will remain effective.

20.25K.040 F2 Land Use District.

The provisions of Chapter 20.25B LUC, Transition Area Design District; the provisions of Chapter 20.25C LUC, Office and Limited Business (OLB) District; and the provisions of this Part 20.25K LUC shall apply to applications for development in the F2 Land Use District.

20.25K.050 F3 Land Use District.

A. Critical Areas.

Steep slopes and landslide hazard areas, as designated in LUC 20.25H.025, located within the F3 Land Use District shall not be considered critical areas for purposes of the Land Use Code.

B. Application Review Criteria.

The provisions of Part 20.25B LUC, Transition Area Design District; the provisions of Part 20.25C LUC, Office and Limited Business (OLB) District; and the provisions of this Part 20.25K LUC shall apply to applications for development in the F3 Land Use District.

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

Passed by the City Council this 19th day of March, 2007 and signed in authentication of its passage this 19th day of March, 2007.

(SEAL)

Grant S. Degginger, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Mary Kate Berens, Deputy City Attorney

Attest:

Myrna L. Basich, City Clerk

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