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# ORIGINAL

## CITY OF BELLEVUE, WASHINGTON

### ORDINANCE NO. 5050

AN ORDINANCE amending Land Use Code sections 20.25A.020.A.2, 20.25A.020.B, 20.25A.020.C.1, 20.25A.030.C, 20.25A.040.B(1), 20.25A.100.E.7, 20.25A.110.B.4, 20.50.020 (part), and repealing Land Use Code sections 20.25A.050.D.2(b), 20.50.010 (part), 20.50.012 (part), 20.50.020 (part); and amending section IV.E and section IV.F of "Design Guidelines: Building/Sidewalk Relationships" adopted by Land Use Code Section 20.25A.115, to implement the recommendations of the Urban Land Institute in the Downtown.

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

Section 1. Chart 20.25A.020.A.2 Dimensional Requirements in Downtown Districts of the Land Use Code is amended to read as follows:

20.25A.020 Dimensional requirements - General.

A. Dimensional Requirements in Downtown Districts.

1. General. Paragraph A.2 of this section (Chart: Dimensional Requirements in Downtown Districts) sets forth the dimensional requirements for each land use district in the Downtown. Each structure, development, or activity in a Downtown Land Use District shall comply with these requirements except as otherwise provided in this section.

These dimensions are different for property located in the Perimeter Design District. If your property is within 1,200 feet of the north, south or west boundary of the CBD, you may be in this District. See LUC 20.25A.090.

*[See next 4 pages]*

Dimensional Requirements in Downtown Districts

Downtown Land Use District	Building Type (7)(14)	Minimum Setback (3)(9)			Maximum Floor Area per Floor Above 40' (5)(18) (24)	Maximum Floor Area per Floor Above 80' (18) (5)(24)	Maximum Lot Coverage	Building Height (6)(17)		Floor Area Ratio (16)	
		Front (1)(15)	Rear	Side				Basic	Max	Basic (10)	Max (8)
DTN-O-1	Non-residential	0 (2)	0	0	24,000 gsff	24,000 gsff	100%	200'	300'(13)	5.0	8.0(12)
	--Diminishing (22)				30,000 gsff	24,000 gsff					
	Residential	0 (2)	0	0	20,000 gsff	12,000 gsff	100%	200'	450'	5.0	None
	Parking	0 (2)	0	0	20,000 gsff	20,000 gsff	100%	100'	100'	N/A	N/A
DTN-O-2	Non-residential	0 (2)	0	0	24,000 gsff	24,000 gsff	100%	150'	250'(13)	4.0	6.0(12)
	--Diminishing (22)				30,000 gsff	24,000 gsff					
	Residential	0 (2)	0	0	20,000 gsff	12,000 gsff	100%	150'	250'(13)	4.0	6.0(12)
	Parking	0 (2)	0	0	20,000 gsff	20,000 gsff	100%	100'	100'	N/A	N/A
DTN-MU	Non-residential	0	0	0	22,000 gsff	22,000 gsff	100%	60'	100'	0.5	3.0
	--Diminishing (22)				30,000 gsff (23)	22,000 gsff					
	Residential	0	0	0	20,000 gsff	12,000 gsff (21)	100%	150'	200'	2.0	5.0
	Parking	0	0	0	20,000 gsff	N/A	75%	60'	60'	N/A	N/A
DTN-R (20)	Non-residential	0	0	0	13,000 gsff	N/A	75%	60'	60'	0.5	0.5
	Residential	0	0	0	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
DTN-OB (20)	Non-residential	0 (4)	0	0	13,000 gsff	12,000 gsff	100%	60'	100'	0.5	1.0
	Residential	0 (4)	0	0	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
DTN-OLB (20)	Non-residential	20'(19)	20' (19)	0	22,000 gsff	N/A	60%	75'	75'	0.5	3.0
	--Diminishing (22)				30,000 gsff (23)	N/A					
	Residential	20'(19)	20' (19)	0	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

gsff = Gross Square Feet Per Floor (24)

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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 structure is considered residential if more than 50 percent of the gross square footage is devoted to residential uses. See LUC 20.50.022 for the definition of "gross square feet".
- (8) The maximum permitted FAR may only be achieved by participation in the FAR Amenity Incentive System (LUC 20.25A.030). Where residential and non-residential 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 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) Deleted.

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(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 "Height Limits in the Core Design District" in LUC 20.25A.030.E.

(14) Notwithstanding the provisions of Notes (5) and (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 of Design and Development.

(16) Floor area devoted to retail uses in fulfillment of the requirements of LUC 20.25A.115, Design Guidelines-Building/Sidewalk Relationships will not be counted for the purpose of calculating FAR.

(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 this Note, hotels and motels shall be considered as non-residential 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 Community Development to permit a drop-off lane. See LUC 20.25A.020B.3 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 Subdistrict 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 any interior openings in the floor plate such as vent shafts, stairwells, and interior atriums.

Section 2. Section 20.25A.020.B Exceptions to Dimensional Requirements of the Land Use Code is amended to read as follows.

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 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 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 area 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 on Maximum Floor Area per Floor

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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.

Section 3. Section 20.25A.020.C.1 Basic Floor Area Ratio Requirements of the Land Use Code is amended to read as follows.

C. Basic Floor Area Ratio Requirements.

1. General. Each new building and each remodel which expands the floor area of an existing building, with the exception of a parking 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 reference 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 20.25A.115).

Section 4. Section 20.25A.030.C FAR amenity incentive system chart of the Land Use Code is amended to add a new Residential Entry Courtyard amenity as follows.

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DOWNTOWN LAND USE DISTRICT							
AMENITY	DTN-O-1	DTN-O-2	DTN-MU	DTN-R	DTN-OB	DTN-OLB	DESIGN CRITERIA
<p><b>23. RESIDENTIAL ENTRY COURTYARD</b> 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"> <li>1. Must abut and be within 3' in elevation of a public street sidewalk so as to be visually accessible. All bonusable surface area must be visible from the sidewalk along adjacent public streets.</li> <li>2. Minimum size is 750 sq. ft., with a minimum horizontal dimension of 20' adjacent to the sidewalk along the public street frontage.</li> <li>3. Must provide protection from adverse wind, wherever practical.</li> <li>4. At least 20% of the bonusable surface area must be landscaped.</li> <li>5. Must be enclosed on at least two sides by a structure or by landscaping which creates a wall effect.</li> <li>6. Must provide opportunities for penetration of sunlight.</li> <li>7. May not be used for parking, loading, or vehicular access.</li> <li>8. The maximum bonusable area is 1500 sq. ft. per courtyard.</li> </ol>

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Section 5. Section 20.25A.040.B(1) of the Land Use Code is amended to read as follows:

...

(1) On street frontages subject to LUC 20.25A.115 (Design Guidelines: Building/Sidewalk Relationships) this requirement only applies when: (a) it is consistent with those guidelines, and (b) when a street wall, canopy, awning, arcade, access point, landscape feature, terraced planter, residential entry courtyard or plaza is not present. On other streets, this requirement only applies when pedestrian-oriented frontage, a canopy, awning, arcade, marquee, access point, landscape feature, terraced planter, residential entry courtyard or plaza is not present. An alternative landscape design may be approved through Alternative Landscape Option, LUC 20.20.520.J.

(1) An alternative landscape design may be approved through Alternative Landscape Option, LUC 20.20.520.J.

...

Section 6. Section 20.25A.050.D.2(b) of the Land Use Code, Off-Site Parking Location, Downtown-O-1 and Downtown-O-2 Limitations, is repealed.

...

Section 7. Section 20.25A.100.E.7 of the Land Use Code is amended to read as follows:

E. Downtown Core Design District Guidelines

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7. Upper Level Stepback. Each building facade within the Core Design District facing NE 4th, NE 6th (major pedestrian corridor), NE 8th and 104th Avenue NE must incorporate a minimum 20-foot deep stepback at a height between 25 feet and the level of the first floorplate above 40 feet, unless the applicant demonstrates through Design Review (Part 20.30F LUC) that such stepback is not feasible due to site constraints, such as a small or irregularly shaped lot. Where a modification has been granted under LUC 20.25A.020.B.4, the upper level stepback may be incorporated between 25 feet and the level of the first floorplate above 45 feet.

Section 8. Section 20.25A.110.B.4 of the Land Use Code is amended to add a new design review criterion as follows.

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B. Downtown Patterns and Context  
4. Building Height and Bulk

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g. Stepbacks required for diminished floorplate buildings (LUC 20.25A.020.A.2(22)) should be oriented to the public street or streets adjacent to the building site to maximize the availability of light and air at the street level and to preserve view corridors. Where the site abuts more than one public street, preference for the orientation of the stepback should be given to the street intended to have the highest orientation to pedestrians as provided by LUC20.25A.115, Design Guidelines: Building/Sidewalk Relationships.

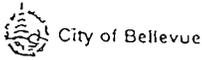
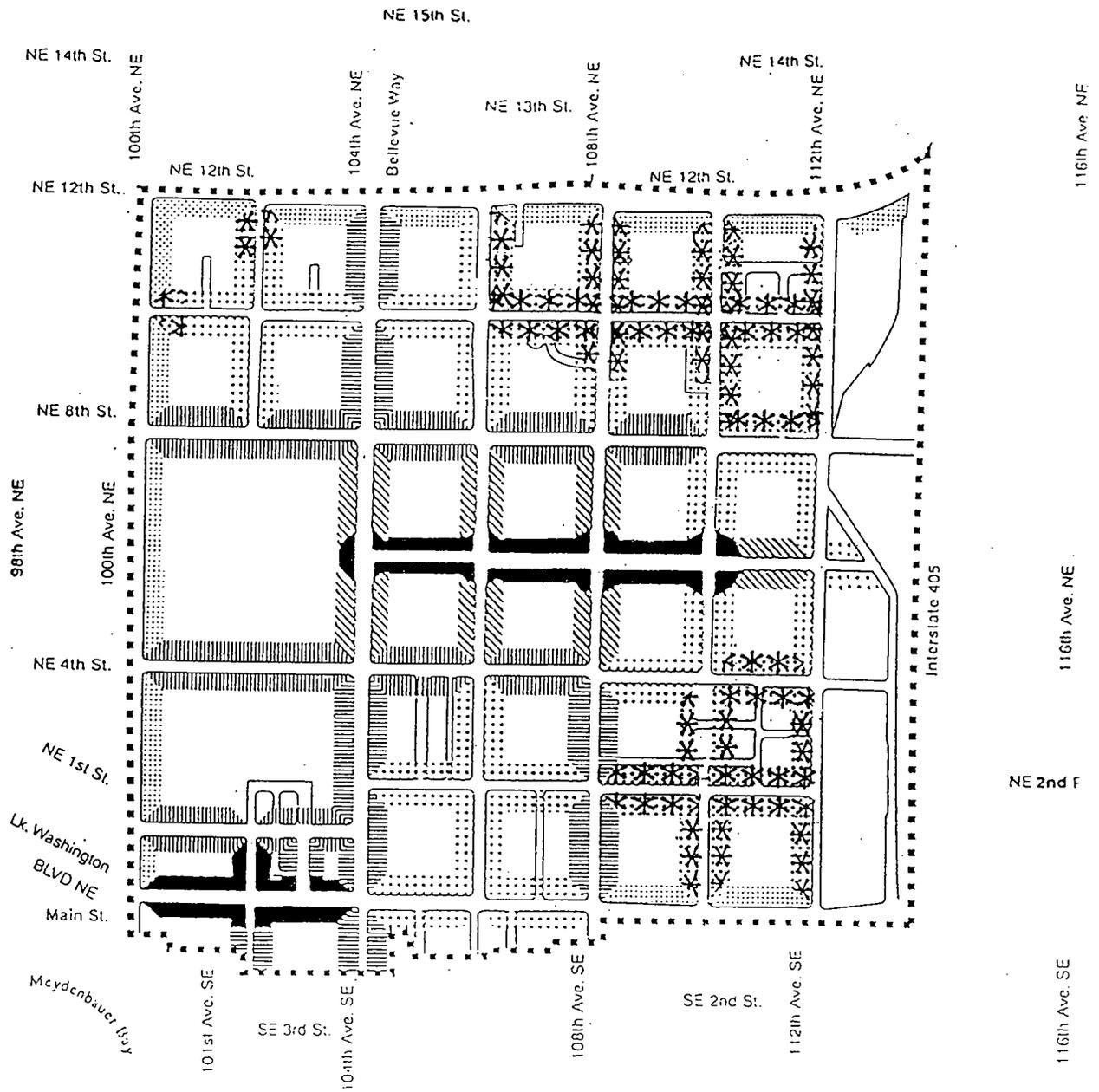
Section 9. Section IV.E of "Design Guidelines: Building/Sidewalk Relationships," Map of Right-of-Way Designations, adopted by Section 20.25A.115 of the Land Use Code, is amended as follows:

....

E. Designation of Rights-of-Way

This document establishes a system of designating rights-of-way for the purpose of applying varying design guidelines. The intent is to create a hierarchy of rights-of-way, with the greatest attention being given to those within and around the Core Design District. The hierarchy reflects different intensities of pedestrian activity in recognition of policies in the CBD Subarea Plan. The accompanying map denotes the designation of each right-of-way.

*[See revised map on next page ]*



### Right-of-Way Designations

- A
- B
- C
- D
- E
- D/R

NOTE: In the Downtown-Old Bellevue District, the "A" right-of-way designation extends south of Main Street on both sides of 102nd Ave. SE for a distance of 100 feet and extends north of Main Street on both sides of 103rd Avenue NE for a distance of 100 feet.

Section 10. Section IV.F of "Design Guidelines: Building/Sidewalk Relationships," adopted by Section 20.25A.115 of the Land Use Code, is amended to read as follows:

...

F. Edge Conditions for Each Right-of-Way

The following guidelines describe edge conditions to be provided along each type of right-of-way. In each case, the conditions listed must be provided, except where vehicular access points are located.

...

"D/R" Rights-of-Way

Intent:

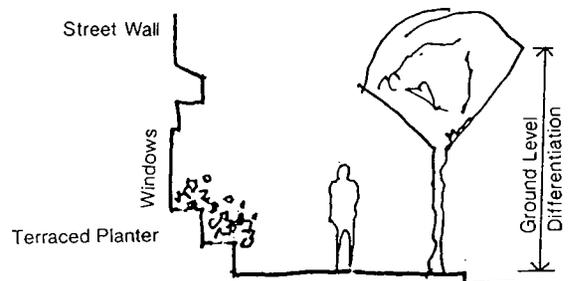
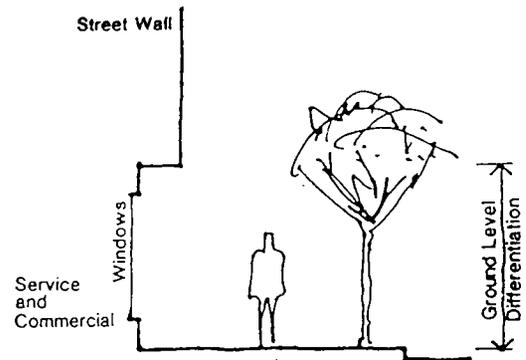
Rights-of-Way designated "D/R" shall have low to moderate orientation to pedestrians and shall complement residential uses. This shall be achieved by designing some relationship between exterior and interior activities with respect to visual access, and by incorporating landscape features that soften the urban edge. Design attention should be given to amenities that complement these areas' residential character and moderate the urban environment, while providing attractive visual access for pedestrians and other passersby.

Guidelines

1. At least 50% of the street level edges of the entire project limit shall incorporate service and commercial activities, landscape features, terraced planters, residential entry courtyards, plazas, or a combination of these features.
2. The following characteristics shall be incorporated into the design of the structure:

Windows at ground level  
Street walls  
Differentiation of ground level

Examples:



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Section 11. Section 20.50.010 (part) of the Land Use Code, "Area, Building," is repealed.

Section 12. Section 20.50.012 (part) of the Land Use Code, "Building Area," is repealed.

Section 13. Section 20.50.020 (part) of the Land Use Code, "Floor Area, Gross," is amended as follows:

...

**Floor Area, Gross.** The area included within the inside finished wall surface of the surrounding exterior walls of a building, excluding interior openings in floor plates (e.g., vent shafts, stair wells, and interior atriums), outdoor courts, and exterior balconies.

Section 14. Section 20.50.020 (part) of the Land Use Code, "Floor Area Ratio (FAR)," is amended as follows:

...

**Floor Area Ratio (FAR).** A measure of development intensity equal to the gross floor area, excluding parking and mechanical floors or areas, divided by net on-site land area (square feet). Net on-site land area includes the area of an easement but does not include public right-of-way except in the Downtown as provided for in LUC 20.25A.020.D.

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Section 15. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

PASSED by the City Council this 20<sup>th</sup> day of January, 1998, and signed in authentication of its passage this 20<sup>th</sup> day of January, 1998.

(SEAL)

  
\_\_\_\_\_  
Mike Creighton, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

  
\_\_\_\_\_  
Richard Gidley, Deputy City Attorney

Attest:

  
\_\_\_\_\_  
Myrna L. Basich, City Clerk

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