

CITY COUNCIL STUDY SESSION ITEM

SUBJECT

Final Council review of the Bel-Red Overlay Code package including proposed catalyst project enabling language and the legislative rezone ordinance; final review of necessary amendments to general sections of the Land Use Code (BCC Title 20), the Sign Code (BCC 22.B10), and the Noise Control Code (BCC 9.18) to achieve consistency with the Bel-Red Overlay Code package; and preliminary review of a draft development agreement with Wright Runstad, and direction on whether to initiate environmental review and required public notice for a hearing on that proposal.

STAFF CONTACT

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POLICY ISSUES

Should the Bel-Red Overlay Code Package including proposed catalyst project enabling language, legislative rezone, and necessary consistency amendments to the Land Use, Sign and Noise Control codes be finalized for Council adoption on May 18, 2009? Should a Wright Runstad development agreement application for The Spring District be accepted for catalyst project review, and should the required environmental review and public notice for a hearing on the proposal be initiated?

DIRECTION NEEDED FROM COUNCIL

- Action
- Discussion
- Information

Staff seeks Council direction on whether to finalize the Bel-Red Overlay Code package including catalyst project enabling language and the legislative rezone, and associated amendments necessary to achieve consistency with the Bel-Red Overlay Code package. Staff also seeks direction on whether to accept the Wright Runstad development agreement application for The Spring District catalyst project and whether to initiate environmental review and public noticing for the required hearing.

Unless otherwise directed, staff will place the Bel Red code package on the City Council agenda for final adoption on May 18, 2009. If the development agreement application is accepted and initiated, a public hearing could be scheduled for June 8, 2009. Code consistency amendments to transportation, Local Improvement District, and environmental procedures codes are necessary to fully implement the catalyst project incentives and will be presented for Council consideration on the same schedule as the Wright Runstad development agreement.

BACKGROUND

City staff have completed work on the comprehensive Bel-Red Overlay Code package. Council has reviewed and provided direction on the development regulations and zoning proposed for Bel-Red. In addition, Council has provided direction to include enabling language in the Land Use Code (LUC) that sets parameters for additional incentives that can be made available to catalyst projects through a development agreement. This study session will focus on the catalyst project enabling language, and final review of the comprehensive package of code amendments and zoning to implement the Bel-Red corridor policies. Council direction on these topics will allow staff to finalize work on the code package, so that the Council can adopt the Bel-Red implementing ordinances at a future meeting.

This session will also focus on preliminary review of the Wright Runstad development agreement application for The Spring District catalyst project. Council direction on this topic will allow staff to initiate the environmental review and public notice necessary to hold a public hearing on the merits of this development agreement.

SUMMARY OF CODE AMENDMENT PACKAGE

This section provides a summary of the component parts of the code amendment and rezone package that are currently before Council for final review and direction.

Bel-Red Overlay Code Package (Attachment A)

The Bel-Red Overlay Code Package contains the proposed new special district overlay part for the Bel-Red Corridor (LUC Part 20.25D) and the legislative rezone map necessary to implement the Bel-Red Corridor policies and land use map that were adopted by Council in February. This Bel-Red Overlay Code package includes all direction received from Council over the course of 15 study sessions that addressed issues including zoning, existing conditions, dimensional standards, amenity incentive system bonuses, design guidelines, and catalyst project incentives and requirements. During the May 4 Study Session, Council identified two topics requiring additional staff analysis and code language drafting. These topics are discussed below:

1. Catalyst Project Enabling Language

The terms of the catalyst project enabling language were discussed with Council on May 4, and proposed to include the following terms:

- Criteria establishing a catalyst project. These criteria would require the project to be located in a node; be larger than 4 acres in size; have an average FAR greater than 2.0; require significant infrastructure development; and apply for a Master Development Plan (MDP) approval within 18 months of a Sound Transit East Link Project record of decision
- Language authorizing a reduced in-lieu Tier 1 incentive zoning payment, in recognition of the significant developer-funded public infrastructure required to support the redevelopment project
- Language authorizing extended vesting of the MDP and associated land use and environmental approvals for a period not to exceed 15 years

- Language deleting the proportional requirement for construction of residential development on sites greater than 30 acres in the OR-1 and OR-2 land use districts. A residential requirement for the Spring District would be included in a proposed development agreement.

Redline and strike-draft provisions contained in LUC sections 20.25D.030, 20.25D.035 and 20.25D.080 of Attachment A identify amendments necessary to enable the catalyst project incentives and terms outlined above. The Council did express some concern regarding the timing requirements associated with submittal of a MDP application for a catalyst project. Staff analyzed the timing issue and concluded that the submittal deadline identified in the original terms should be retained. Additional timing flexibility cannot be accommodated given the structure of the enabling provisions of the code and the development agreement that are needed to support the 15 year extended vesting. It should be further noted that the timing requirement drives submittal of a complete application. Project review begins following submittal, and the timeline for city review can be negotiated to accommodate market forces so long as the applicant continues to move forward toward issuance of the required MDP approval.

2. Prohibited Materials

Redline and strike-draft provisions contained in LUC section 20.25D.130.E of Attachment A identify amendments to the prohibited materials section of the code. This section was modeled after the Factoria F1 Area Overlay previously adopted by the City Council. Based on feedback received from Council, staff recommends several amendments to LUC 20.25D.130.E. These amendments would clarify that the materials are not prohibited outright, but are approvable through the design review process that is applicable to the majority of development anticipated to occur in the Bel-Red Corridor. The amendments would make this section more consistent with the terminology used in the Bel-Red design guidelines that identify features and materials that are “not recommended.” Finally, these amendments would make the building materials list inapplicable to development in the Bel-Red General Commercial (BR-GC) land use district where design review is not required.

Code Consistency Package (Attachment B)

The code consistency package contained in Attachment B contains proposed amendments to three Bellevue City Codes that are necessary to achieve consistency with the Bel-Red Overlay Code package described above. The first ordinance includes amendments to the Land Use Code (Attachment B1). These amendments were recommended by the Planning Commission and last presented for Council review and consideration on March 2, 2009. Changes since that time have been minor. The design review recording requirement was moved from the Bel-Red Overlay package to the design review permit section of the LUC (Part 20.30F); references to development agreements were added to the Administration and Enforcement chapter of the LUC (Chapter 20.40), and a Bel-Red corridor definition was added (Chapter 20.50 – B Definitions).

The second ordinance includes amendments to the Sign Code necessary to incorporate new Bel-Red Land Use Districts, correct references for consistency, and update definitions to reflect departmental changes in code administration responsibility from the Department of Planning and Community Development to the Development Services Department (Attachment B2). The third ordinance includes amendments to the Noise Control Code necessary to incorporate new Bel-Red Land Use Districts (Attachment B3). These code amendments are not substantive, and do not receive Planning Commission review before Council final adoption. They have gone through the environmental review process and public notice, and no comments have been received. The

complete project files associated with the Sign and Noise Control Code amendments are available for review in the Council office.

PRELIMINARY DEVELOPMENT AGREEMENT AND REMAINING CODE AMENDMENTS

This section summarizes the development agreement being presented for Council preliminary review and the remaining code amendments necessary for consistency with the Bel-Red Overlay package and the catalyst project provisions.

Preliminary Development Agreement for The Spring District (Attachment C)

Wright Runstad, owner of a significant parcel within the OR-1 and OR-2 districts in the west node of the Bel-Red area, anticipates development of a large mixed-use project referred to as "The Spring District." The Spring District could qualify as a catalyst project, and early development of The Spring District would represent the kind of market-driving development considered necessary to trigger larger redevelopment of Bel-Red in the manner envisioned in the City's Comprehensive Plan. Wright Runstad and City staff developed key terms to be included in a development agreement that would describe the tailored catalyst project incentives for the Spring District in compliance with the enabling parameters contained in the Land Use Code. The terms of the development agreement were reviewed with Council during the May 4 study session. The previously reviewed terms have been translated into a development agreement that is provided in Attachment C for preliminary Council consideration.

Remaining Code Amendments

Several remaining code amendments are necessary to achieve consistency with the terms of the catalyst project incentives that Council directed staff to pursue. The City's Transportation Standards Code would be amended to allow extended vesting (of up to 5 years) under the City's concurrency ordinance, but would include a cap of 1 million square feet on the amount of development that could be vested at any point in time.

The City's local improvement district (LID) code would be amended to provide for acceptance of a single-payer LID for public improvements required to support redevelopment, but would continue to retain the City Council's discretion to form the LID based on a City Council finding of financial and economic feasibility.

The City's Environmental Procedures Code would be amended to provide for extended vesting of the State Environmental Policy Act (SEPA) determinations associated with catalyst project related land use decisions.

These ordinances will enable the City to tailor incentives for catalyst projects through a development agreement, and will be presented to Council on the same review schedule as the Wright Runstad development agreement if staff receives direction to proceed.

SCHEDULE FOR REMAINING COUNCIL ACTIONS ON BEL-RED

May 18, 2009	Council action adopting the Bel-Red Overlay Code package, general LUC, Sign, and Noise Control code amendments to achieve consistency with the Bel-Red code, and a legislative rezone ordinance.
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- June 8, 2009 Council public hearing on the Wright Runstad Development Agreement. Council action on the Development Agreement and related ordinance amendments (TSC, LID, Environmental Procedures Code) could occur any time following the public hearing and expiration of the SEPA notice and appeal period.
- June 22, 2009 Council action to approve an interlocal agreement with King County providing for a transfer of development rights for 75 residential units and payment of \$750,000 to the City of Bellevue.

RECOMMENDATION

Direct staff to finalize the Bel-Red Overlay Code Package including proposed catalyst project enabling language, legislative rezone, and necessary consistency amendments to the Land Use, Sign and Noise Control codes for Council adoption. Direct staff to accept the Wright Runstad development agreement application for The Spring District and initiate required environmental review and public notice for a hearing on that draft proposal.

ATTACHMENTS

- A. Bel-Red Overlay Code Package
- B. Code Consistency Amendment Package
 - 1. Land Use Code
 - 2. Draft Sign Code Ordinance
 - 3. Draft Noise Control Code Ordinance
- C. Preliminary Development Agreement for The Spring District

AVAILABLE IN COUNCIL OFFICE

Sign Code amendment file
Noise Control Code amendment file

Part 20.25D Bel-Red

20.25D.010 General.

A. Applicability.

1. This Part 20.25D, Bel-Red (BR) contains requirements, standards, and guidelines that apply to development and activity within the Bel-Red Land Use Districts. Except to the extent expressly provided in this Part 20.25D and as referenced in paragraph 2 below, the provisions of the Land Use Code, other development codes, the city development standards, and all other applicable codes and ordinances shall apply to development and activities in the Bel-Red Land Use Districts. Except within the Critical Areas Overlay District (Part 20.25H LUC), where there is a conflict between the Bel-Red Land Use District regulations and the Land Use Code and other city ordinances, the Bel-Red Land Use District regulations shall govern. Where there is a conflict between the Bel-Red Land Use District regulations and the Critical Areas Overlay District, the Critical Areas Overlay District shall govern. Where the requirements of the Bel-Red Land Use District exceed those of the Land Use Code and other city ordinances, the Bel-Red Land Use District regulations shall govern.

2. The following general development requirements of Chapter 20.20 LUC do not apply in the Bel-Red Land Use Districts:
 - a. LUC 20.25.005;
 - b. LUC 20.20.010;
 - c. LUC 20.20.012;
 - d. LUC 20.20.015;
 - e. LUC 20.20.017;
 - f. LUC 20.20.018;
 - g. LUC 20.20.030 (provided, this section applies in the ORT Land Use District);
 - h. LUC 20.20.060;
 - i. LUC 20.20.070;
 - j. LUC 20.20.125 (provided, this section applies in the ORT Land Use District);
 - k. LUC 20.20.128;

- l. LUC 20.20.135;
- m. LUC 20.20.190;
- n. LUC 20.20.250;
- o. LUC 20.20.400;
- p. LUC 20.20.520;
- q. LUC 20.20.560;
- r. LUC 20.20.720;
- s. LUC 20.20.760;
- t. LUC 20.20.800;
- u. LUC 20.20.890; and
- v. LUC 20.30V.170.

B. Land Use Districts.

Bel-Red is divided into twelve (12) land use districts to facilitate its transformation into a vibrant and sustainable, pedestrian-oriented mixed use neighborhood with vital businesses. The transformation will include multimodal transit systems that connect to the greater city and region. The geographic location of Bel-Red is legally described in LUC 20.50.012.

The purpose and intent of the Bel-Red Land Use Districts is described in LUC 20.10.375 and application of requirements, standards, and guidelines to a specific property may differ depending upon which of the following districts a property is located.

1. Bel-Red-Medical Office (BR-MO).
2. Bel-Red-Medical Office Node 1 (BR-MO-1).
3. Bel-Red-Office/Residential (BR-OR).
4. Bel-Red-Office/Residential Node 1 (BR-OR-1).
5. Bel-Red-Office/Residential Node 2 (BR-OR-2).
6. Bel-Red-Residential/Commercial Node 1 (BR-RC-1).
7. Bel-Red-Residential/Commercial Node 2 (BR-RC-2).

8. Bel-Red-Residential/Commercial Node 3 (BR-RC-3).
9. Bel-Red-Commercial/Residential (BR-CR).
10. Bel-Red-Residential (BR-R).
11. Bel-Red-General Commercial (BR-GC).
12. Bel-Red-Office/Residential Transition (BR-ORT).

20.25D.020 Definitions Specific to Bel-Red.

A. Bel-Red Definitions.

The following definitions are specific to the Bel-Red Land Use Districts and shall have the following meaning:

BROTS. An interlocal agreement between the cities of Bellevue and Redmond regarding land use planning and the funding and construction of transportation improvements in the Bel-Red/Overlake Transportation Study Area, as adopted by Resolution No. 6353 and subsequently amended.

Build-to Lines. A location along a designated block or right-of-way where a building must be constructed. The build-to line is the property line unless designated otherwise by an adopted street design.

Curb Extension. A section of sidewalk that projects into the street at an intersection or midblock crossing that reduces the crossing width of a street or right-of-way for pedestrians.

Average Finished Grade Along Façade. Proposed grade after development as measured along a building façade from perpendicular wall to perpendicular wall including offsets, bays, and other minor modulating treatments not more than five feet deep.

Façade Length. The length of a building from perpendicular wall to perpendicular wall including offsets, bays, and other minor modulating treatments not more than five feet deep.

Gross SF/Floor. 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.

Natural Drainage Practices. Techniques such as rain gardens, pervious pavement, vegetated roofs, and amended soils that manage stormwater runoff in a manner that improves the quality of runoff and more closely mimics natural drainage flows and rates than traditional stormwater techniques.

Node. An area or district where planned transportation facilities will support sufficient development intensity, amenities, recreation opportunities, and a mix of uses that foster a high level of pedestrian activity.

Project Limit. A lot, portion of a lot, or combination of lots or portions of lots treated as a single development parcel for purposes of the Land Use Code. A project limit may cross a right-of-way as long as the project limit results in a cohesive design and the Master Development Plan process is used.

Required Ground Floor Uses. Retail and commercial activities or a combination thereof as permitted by 20.25D.070 that are required to be located on the ground floor. Ground floor uses shall be located as indicated in LUC Figure 20.25D.130.A.

Tower. That portion of a building that is in excess of 40 feet above average finished grade for any building with a maximum allowable height of 70 feet or greater.

Tree Well. A tree planting area, generally within a paved surface area.

Work-Live Unit. A commercial building or tenant space that includes a functionally related and integrated residential unit. Employees and walk-in trade are permitted.

B. General Definitions not applicable to Bel-Red are noted in the text of the general definitions contained in Chapter 20.50 LUC.

20.25D.030 Review Required.

A. Applicable Review and Guidelines.

The Director shall use this Part 20.25D LUC and the Bel-Red Subarea Design Guidelines (LUC 20.25D.150 as currently adopted or subsequently amended or superseded) in reviewing an application for Master Development Plan or Design Review approval in the Bel-Red Use Districts. The Community Retail Design Guidelines of Part 20.25I LUC and Transition Area Design Guidelines of Part 20.25B LUC shall not apply to applications for development in the Bel-Red Land Use Districts.

B. Master Development Plans.

1. Scope of Approval. Master Development Plan review (Part 20.30V) is a mechanism by which the City shall ensure that the site development components of a multiple building or phased single building proposal are consistent with the Comprehensive Plan and meet all applicable site development standards and guidelines. Design, character, architecture and amenity standards and guidelines shall be met as a component of the Design Review (Part 20.30F). Master Development Plan approvals required pursuant to paragraph 2 below shall identify proposed building location(s) within the project limit and

demonstrate compliance with the following site development requirements, standards, and guidelines:

- a. Dimensional Requirements pursuant to LUC 20.25D.080 as listed below:
 - 1. Setbacks;
 - 2. Maximum Impervious/Lot Coverage;
 - 3. Building Height for each building identified in paragraph 1 above;
 - 4. Floor Area Ratio for each building identified in paragraph 1 above;
 - i. At a minimum, residential and non-residential components of a building shall be identified in order to calculate the amenities required pursuant to LUC 20.25D.090; and
 - ii. Uses may vest pursuant to the vesting provisions applicable to the underlying Master Development Plan if the specific uses are identified pursuant to 20.25D.070;
- b. Landscape Development pursuant to LUC 20.25D.110;
- c. Parking, Circulation, and Internal Walkway Requirements pursuant to LUC 20.25D.120;
- d. Bel-Red Street Development Standards pursuant to LUC 20.25D.140; and
- e. Site Development Guidelines pursuant to LUC 20.25D.150.B.

2. When Required.

- a. Projects located within a node. An applicant for a project with multiple buildings located within a single project limit shall submit a Master Development Plan for approval by the Director pursuant to Part 20.30V LUC. This requirement shall not apply to the placement of additional structures associated with existing conditions regulated pursuant to LUC 20.25D.060. An applicant for a single building project ~~may shall~~ submit a Master Development Plan for approval by the Director pursuant to Part 20.30V LUC when building construction is proposed to be phased. The Director ~~may, through the Master Development Plan process, approve a proposal that varies from the specific requirements as set forth in paragraph C.2 below.~~
- b. Projects located outside of a node. An applicant ~~may shall~~ submit a Master Development Plan for approval by the Director pursuant to Part 20.30V LUC when building construction is proposed to be phased. The Director ~~may, through the Master Development Plan process, approve a~~

~~proposal that varies from the specific requirements as set forth in paragraph C.2 below.~~

3. For the purposes of this section, the project limit may be drawn to encompass right-of-way that bisects a site, provided the Director finds that the following connectivity criteria can be met:
 - a. A system of corner and mid-block crossings shall be provided to functionally connect on-site pedestrian paths across the bisecting right-of-way within the proposed project limit;
 - b. Pedestrian paths shall be provided to connect all buildings and right-of-way crossings located within the proposed project limit;
 - c. Visual connections shall be provided between all buildings located within the project limit by minimizing topographic variation and through use of vegetation and outdoor spaces; and
 - d. Only right-of-way meeting the requirements of LUC 20.25D.080.D may be included in the land area located within the proposed project limit for the purpose of computing maximum FAR.

C. Design Review-Required.

1. Scope of Approval. Design Review is a mechanism by which the City shall ensure that the design, character, architecture and amenity components of a proposal are consistent with the Comprehensive Plan and any previously approved Master Development Plan, and meet all applicable standards and guidelines contained in City Codes. Design Review is a mechanism by which the City shall ensure that the site development components of a proposal are consistent with the Comprehensive Plan and meet all applicable standards and guidelines contained in City Codes when site development components were not approved as part of a Master Development Plan.
2. Process—When Required. With the exception of the Bel-Red General Commercial district (BR-GC) all development within the Bel-Red Land Use Districts shall be reviewed by the Director through Design Review (Part 20.30F LUC). An applicant may submit a Design Review for approval by the Director pursuant to Part 20.30F LUC for a development proposal located in the Bel-Red General Commercial that includes deviations permitted by paragraph 32 below.
32. Design Review Deviations. The Director may, through the Design Review process, approve a proposal that varies from the specific requirements set forth in LUC Section 20.25D.130 if the applicant demonstrates that the resulting design will be more consistent with the purpose and intent of the code. Deviation from the following dimensional requirements is not permitted, except pursuant to 20.25D.080.B or C, or unless a variance is obtained under Part 20.30G LUC:

- a. Floor plate maximums;
 - b. Minimum setbacks/stepbacks;
 - c. Impervious surface/lot coverage percentages; and
 - d. Maximum floor area ratio.
4. Compliance with an applicable Master Development Plan. In addition to the decision criteria in LUC 20.30F.145, each structure and all proposed site development shall comply with any approved Master Development Plan applicable to the project limit described in a design review application. If the application for Design Review contains elements inconsistent with an applicable Master Development Plan, the Director shall not approve the Design Review unless the Master Development Plan is amended to include those elements.

D. Procedural Merger.

Within a Bel-Red Land Use District, any administrative decision required by this Part 20.25D or by the Land Use Code, including but not limited to the following, may be applied for and reviewed as a single Process II Administrative Decision, pursuant to LUC 20.35.200-250:

- 1. Master Development Plan, Part 20.30V LUC;
- 2. Administrative Conditional Use Permit, Part 20.30E LUC;
- 3. Design Review, Part 20.30F LUC;
- 4. Variance, Part 20.30G LUC; and
- 5. Critical Areas Land Use Permit, Part 20.30P LUC.

20.25D.035 ~~Recording Required.~~ Catalyst Projects

~~Following approval of a Master Development Plan or Design Review and any subsequent modifications thereto, the applicant shall record the plans and conditions that constitute the approval with the King County Division of Records and Elections or its successor agency. Components of the approval required to be recorded include but are not limited to the applicable conditions of approval, total amount (square footage) of floor area earned through the FAR Amenity Incentive System, or floor area earned through the Special Dedication of right-of-way, parks or open space. A copy of the recorded document shall be provided to the city for inclusion in the project file.~~

A. Catalyst Project Definitions

The definitions contained in this paragraph apply only to the Catalyst Project provisions of this code, LUC 20.25D.035.

1. Catalyst Project. A development proposal that meets all of the following criteria:
 - a. Located in a Bel-Red Land Use District node;
 - b. The project limit is greater than 4 acres in size;
 - c. FAR within the project limit is proposed to exceed 2.0;
 - d. A complete Master Development Plan application is submitted within eighteen (18) months of Federal Transit Authority issuance of a Record of Decision on the Sound Transit East Link Project, or prior to December 31, 2011, whichever is later; and
 - e. The Construction Value associated with Developer Funded Infrastructure exceeds \$300,000 per acre of land included within the project limit .

2. Complete Master Development Plan. A Master Development Plan application that meets the requirements governing application completeness under the terms of the Local Project Review Act (RCW 36.70B.070(2) as currently adopted or subsequently amended or superseded), and describes the entire project limit and associated project components that are proposed to receive the benefit of Catalyst Project Incentives described in paragraph B below. Expansions to the project limit associated with the complete Master Development Plan that are submitted after the deadline contained in paragraph 1.d above shall not be eligible for the Catalyst Project Incentives.

3. Developer Funded Infrastructure. An improvement or dedication that meets all of the following criteria:
 - a. The improvement is required as a condition of approving a catalyst project Master Development Plan;
 - b. The improvement is identified as public right-of-way or located within the public right-of-way;
 - c. The improvement is limited to public infrastructure such as sidewalks, local streets, and related utilities, and does not include private infrastructure that serves only catalyst project users such as side sewer and water connections;
 - d. The land associated with the improvement is not used to earn floor area pursuant to the special dedication and transfer provision of LUC 20.25D.080.D;
 - e. The cost of the improvement is not reimbursed or credited under the terms of City Code (e.g., impact fees under the Transportation Improvement Program Chapter 22.16 BCC or Assessment Reimbursement Contracts Chapter 14.62 BCC) or included in a Local Improvement District (Chapter 15.04) which includes City financial participation;
 - f. The improvement is not used to earn amenity points meeting the standards of the Amenity Incentive System LUC 20.25D.090.

4. Construction Value. A measure of value of Developer Funded Infrastructure determined by adding the fair market value of any land dedicated as part of the infrastructure and the actual costs of design, engineering, and construction of such infrastructure. If construction of the infrastructure is not complete, construction value may be based on reasonable estimates of costs, as approved by the director in consultation with the directors of the transportation and utilities departments.
5. Development Agreement. An agreement adopted under the authority of and pursuant to the procedures set forth in RCW ch. 36.70B.

B. Catalyst Project Incentives and Requirements

1. The City may enter into a development agreement that allows modifications to the following provisions of the Land Use Code as applied to a catalyst project. Any modification approved in a development agreement shall be consistent with the limitations and requirements contained in this paragraph.
2. Available Land Use Code Modifications and Associated Limitations
 - a. Reduced Fee-In-Lieu Bonus Rate (LUC 20.25D.090.C.7). The fee-in-lieu bonus rate for Tier 1 amenities may be reduced to not less than \$3.75 per square foot of bonus area subject to the following limitations.
 - i. The reduced fee-in-lieu bonus rate may be used to satisfy only the Tier 1 FAR Amenity Standards;
 - ii. The reduced fee-in-lieu bonus rate does not create an obligation for the City to pay, credit, or reimburse the owner of a catalyst project beyond the terms of this section; and
 - iii. The reduced fee-in-lieu bonus rate shall be utilized to satisfy required FAR Amenity Standards consistent with the specific requirements of LUC 20.25D.090.C.
 - b. Extended Vesting. The vested status of a Master Development Plan and the associated land use decisions may be extended for up to a maximum of 15 years, and the provisions of LUC 20.30V.190 shall not apply. The process provisions of LUC 20.30V.160 governing modifications or additional to an approved Master Development Plan may be modified to be consistent with the development agreement terms governing extended vesting. Extended vesting approved through a development agreement may modify the provisions of LUC 20.40.500.A subject to the following limitations.
 - i. The vesting period shall not exceed 15 years from the date of the first Master Development Plan decision as determined pursuant to LUC 20.35.045;
 - ii. Subsequent revisions to the Master Development Plan, or associated administrative decisions, shall not extend the vesting period described above.

- iii. The 15 year extended vesting applies only to Process II land use decisions (LUC 20.35.015.C); and
 - iv. Upon expiration of the extended vesting period, the provisions of LUC 20.40.500.B shall apply.
 - c. Relief from Proportional Compliance Requirements for Existing Development. Proportional compliance required pursuant to LUC 20.25D.060.G may be deferred or eliminated pursuant to a development agreement.
 - d. Amenity Incentive System Bonus Points for Dedicated Parks. Parks not meeting the amenity standards of LUC Chart 20.25D.090.C.4 may be granted an amenity incentive bonus at a rate determined pursuant to a development agreement.
3. Residential Requirement in the OR-1 and OR-2 Land Use Districts. If the City enters into a development agreement for a catalyst project located in the OR-1 and OR-2 Land Use Districts allowing modifications to any of the provisions of the Land Use Code described in this paragraph, then a minimum residential use requirement shall be established in the development agreement and the location of the residential use shall be specified in the Master Development.

20.25D.040 BROTTS Interlocal Agreement Limitation.

Development in the Bel-Red Land Use Districts shall be subject to the provisions of BROTTS, as originally executed to cap commercial development at a total of 12.2 million square feet through 2012, or as thereafter amended or superseded.

20.25D.050 Permitted Uses.

A. Permitted Uses.

Specific categories of uses are listed in Chart 20.25D.070 LUC. LUC 20.25D.050.B explains Chart 20.25D.070 and describes the applicable review procedures. The use chart description and interpretation provisions of LUC 20.10.400 do not apply to the Bel-Red Land Use Districts.

B. Use Chart Described.

In Chart 20.25D.070, land use classifications and standard Land Use Code reference numbers are listed on the vertical axis. City of Bellevue land use districts are shown on the horizontal axis.

1. If no symbol appears in the box at the intersection of the column and the row, the use is not allowed in that district, except for short-term uses, which are regulated under Part 20.30M LUC (Temporary Use Permits), subordinate uses which are

regulated under LUC Section 20.20.840, and existing uses which are regulated under LUC Section 20.25D.060.

2. If the symbol “P” appears in the box at the intersection of the column and row, the use is permitted subject to applicable general requirements of Chapter 20.20 LUC for the use and the district specific requirements of this Part 20.25D LUC.
3. If the symbol “C” appears in the box at the intersection of the column and the row, the use is permitted subject to the Conditional Use provisions specified in Part 20.30B or 20.30C LUC in addition to any applicable general requirements for the use and land use district.
4. If the symbol “A” appears in the box at the intersection of the column and the row, the use is permitted subject to the Administrative Conditional Use provisions as specified in Part 20.30E LUC in addition to any applicable general requirements for the use and land use district.
5. If a number appears in the box at the intersection of the column and the row, the use is permitted through the applicable review process and subject to the special limitations indicated in the corresponding Notes.
6. If a “/” appears in the box at the intersection of the column and the row:
 - a. The process or note indicated in front of the slash (i.e., P/ or 1/ applies outside of the node described in the column; and
 - b. The process or note indicated behind the slash (i.e., /P or /1) applies inside the node described in the column.

20.25D.060 Existing Conditions.

A. Purpose.

Many existing uses and developments would not be allowed pursuant to the Bel-Red Land Use District Charts (refer to LUC Section 20.25D.070) and district specific standards and guidelines in Part 20.25D that are in effect to implement the policies of the Bel-Red Subarea Plan. The purpose of this section is to allow the continued operation of existing light industrial and service uses, and existing developments that were legally established when the Bel-Red Subarea Plan was adopted on [insert Code adoption date]. An additional purpose of this section is to allow limited expansion of existing uses and developments that are compatible with residential and higher intensity mixed use development that was introduced with the adoption of the Plan.

B. Types of Existing Conditions - Definitions.

A site may be considered an existing condition because it contains either an existing use or existing development as defined in this paragraph and based on documentation provided pursuant to paragraph D of this section.

1. Existing Use. The use of a structure or land which was permitted when established, in existence on [insert Code adoption date] and not discontinued or destroyed, but is not otherwise allowed under LUC 20.25D.070.
2. Existing Development. A structure or site development which was permitted when established, in existence on [insert Code adoption date] and not discontinued or destroyed, but does not otherwise comply with Part 20.25D LUC.

C. Applicability.

1. This Section 20.25D.060 LUC applies only to existing conditions occurring within a Bel-Red Land Use District.
2. The nonconforming provisions of LUC 20.20.070 and 20.20.560 do not apply within the Bel-Red Land Use Districts.
3. Expansions or modifications of an existing use or development shall comply with any applicable requirements of Part 20.25H LUC – Critical Areas Overlay District. In the event of a conflict between this Part 20.25D LUC and Part 20.25H LUC, the requirements of Part 20.25H LUC Critical Areas Overlay District shall control.
4. Modifications to signs associated with an existing use or development shall comply with any applicable requirements of the Sign Code, Chapter 22B.10 BCC.

D. Documentation.

The applicant shall submit documentation, which shows that the existing condition was permitted when established and has been maintained over time. The Director shall determine based on Paragraph 1 and 2 below whether the documentation is adequate to support a determination that the use and development constitute an existing condition under the terms of this section. The Director may waive the requirement for documentation when an existing condition has been clearly established.

1. Existing Condition Permitted when Established. Documentation that the condition was permitted when established includes, but is not limited to the following:
 - a. Building, land use or other development permits; or
 - b. Land Use Codes or Land Use District Maps.

2. Existing Condition Maintained Over Time. Documentation that the existing condition was maintained over time, and not discontinued or destroyed as described in this Section 20.25D.060 includes, but is not limited to the following:
 - a. Utility bills;
 - b. Income tax records;
 - c. Business licenses;
 - d. Listings in telephone or business directories;
 - e. Advertisements in dated publications;
 - f. Building, land use or other development permits;
 - g. Insurance policies;
 - h. Leases; and
 - i. Dated aerial photos.
3. Appeal of Director Determination. The Director determination of whether a use constitutes an existing condition may be appealed pursuant to LUC 20.35.250 Appeal of Process II decisions.

E. Regulations Applicable to all Existing Conditions.

1. Ownership. The status of an existing condition is not affected by changes in ownership.
2. Maintenance and Repair. Routine maintenance and repair associated with existing conditions is allowed. Routine maintenance includes those usual acts to prevent decline, lapse, or cessation from a lawfully established condition. Routine repair includes in-kind restoration to a state comparable to its original condition within a reasonable period after decay has occurred.

F. Regulations Applicable to Existing Uses.

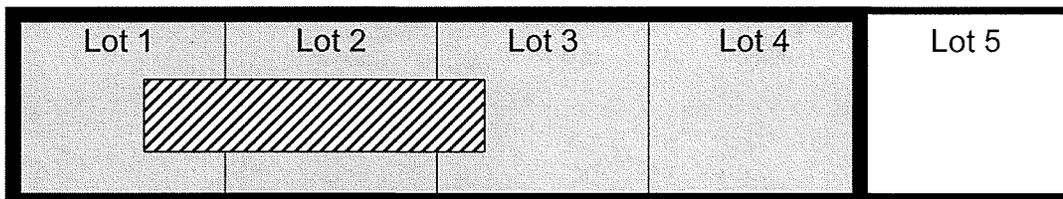
1. Operations.
 - a. Existing Uses May Continue to Operate. Operations associated with an existing use may continue, subject to the provisions of this Section F.
 - b. Existing Uses – Hours of Operation. The hours of operation associated with an existing use located in land use districts which permit residential uses may only extend into the period of 9:00 p.m. to 6:00 a.m. subject to Administrative Conditional Use approval. Existing uses which currently operate between

these hours may continue without ACU approval, as long as the hours of operation between 9:00 p.m. and 6:00 a.m. are not expanded.

2. Expansions. Existing uses may expand under certain circumstances as described in this paragraph:
 - a. Expansions of Floor Area. Floor area associated with existing uses may be expanded in conformance with this code.
 - b. Expansions of Exterior Improved Areas. Exterior improved areas associated with an existing use may be expanded by increasing the amount of land used. Exterior areas supporting the existing use may be expanded.
 - c. Limitations on Expansion.
 - i. No expansion of hazards. No expansion in operations shall be permitted that increases the use or on-site quantity of flammable or hazardous constituents (e.g, compressed gases, industrial liquids, etc.), or that increases the amount of waste generated or stored that is subject to the Washington Hazardous Waste Management Regulations 70.105.210 RCW as currently adopted or subsequently amended or superseded. The Director may in consultation with the Fire Marshal modify the requirements of this paragraph if the Director determines that the expansion will not increase the threat to human health and the environment over the pre-expansion condition.
 - ii. Expansions within Nodes (BR-MO-1, BR-OR-1 and 2, BR-RC-1, 2, and 3) and Residential Land Use Districts (BR-R). Refer to LUC 20.25D.060.F.2.c Figure 1 below. Floor area or exterior improvements associated with an existing use may be expanded when proposed within the limits of property held in a single ownership in existence on [insert Code adoption date] pursuant to an Administrative Conditional Use approval.

20.25D.060.F.2.c - Figure 1

Expansions within nodes and residential Land Use Districts



 Limits of property held in a single ownership as of (date)

 Area occupied by existing use as of (date)



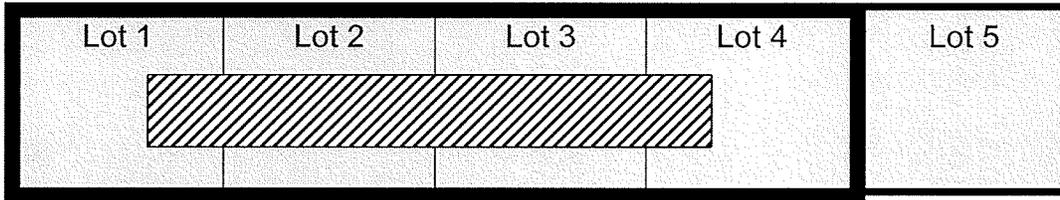
Area where existing use may expand in conformance with this code

iii. Expansions outside Nodes and in Non-Residential Land Use Districts (BR-MO, BR-OR, BR-GC, BR-CR, and BR-ORT). Refer to LUC 20.25D.060.F.2.c Figure 2 below. Floor area or exterior improvements associated with an existing use may be expanded beyond limits of property held within a single ownership in existence on [insert Code adoption date] pursuant to an Administrative Conditional Use approval and the following limitations:

- (1) The property proposed for expansion is abutting at least one of the property lines of the existing use as they existed on [insert Code adoption date].
- (2) The regulations applicable to the property proposed for expansion would have allowed the use as of [insert Code adoption date].

20.25D.060.F.2.c - Figure 2

Expansion outside nodes and in non-residential Land Use Districts



Limits of property held in a single ownership as of (date)



Area occupied by existing use as of (date)



Area where existing use may expand in conformance with this code

3. Loss of Existing Use Status.

- a. Discontinuance. If an existing use of a structure or exterior improved area is discontinued for a period of 12 months with the intention of abandoning that use, any subsequent use shall thereafter conform to the regulations of the district in which it is located. Discontinuance of an existing use of a structure or exterior improved area for a period of 12 months or greater constitutes prima facie evidence of an intention to abandon.
- b. Accidental Destruction. When a structure containing an existing use is damaged by fire or other causes beyond the control of the owner, the use may

be re-established. The structure may be repaired and/or reconstructed in accordance with applicable city codes.

- c. Relinquishment. An existing use is relinquished when the existing use is replaced with an allowed use pursuant to LUC 20.25D.070. Upon relinquishment, the existing use rights no longer apply and the existing use may not be re-established.

G. Regulations Applicable to Existing Development.

1. Existing Development May Remain. Existing development may remain unless specifically limited by the terms of this paragraph.
2. Permitted Alterations to Existing Development. Existing development may be altered, provided that the alteration conforms to city codes and the existing development conforms to proportional compliance requirements contained in paragraph 3 below.
 - a. Three Year Period. Alterations made within a three-year period will be viewed as a single change for the purposes of determining required improvements.
 - b. Value of Changes. The value of alterations is determined by the Director based on the entire project and not individual permits. The Director shall promulgate rules for determining the value of alterations in the context of LUC 20.25D.060.
3. Proportional Compliance. An existing development associated with an existing, permitted, or conditional use, may be altered consistent with the requirements set forth below:
 - a. Threshold Triggering Required Improvements. The standards of this paragraph shall be met when the value of the proposed changes to an existing development exceed \$150,000 as of [insert Code adoption date]. The threshold established here will be reviewed annually, and, effective January 1 of each year, may be administratively increased or decreased by an adjustment to reflect the current published annual change in the Seattle Consumer Price Index for Wager Earners and Clerical Workers as needed in order to maintain accurate construction costs for the region. Routine maintenance and repair does not constitute an alteration, and does not count toward the threshold. The following alterations and improvements are exempt from being counted toward the threshold:
 - i. Alterations required as a result of a fire prevention inspection;
 - ii. Alterations related to the removal of architectural barriers as required by the Americans with Disabilities Act, or the Washington State Building Code (RCW 19.27), now or as hereafter amended;

- iii. Alterations required for the seismic retrofit of existing structures;
 - iv. Improvements to on-site stormwater management facilities in conformance with Chapter 24.06 BCC, now or as hereafter amended;
 - v. Alterations that reduce offsite impacts (including but not limited to noise, odors, dust, and other particulate emissions); and
 - vi. Alterations that meet LEED, Energystar or other industry recognized standard that results in improved mechanical system, water savings, or operational efficiency.
- b. Required Improvements. When alterations meet the threshold in subsection a above existing development shall be brought toward compliance in the following areas:
- i. Landscape development requirements as set forth in LUC 20.25D.110 and LUC 20.20.520 and required landscape treatments as set forth in LUC 20.25D.130;
 - ii. Circulation and internal walkway requirements, as set forth in LUC 20.25D.120 and LUC 20.20.590;
 - iii. Surface parking lot landscaping as set forth in LUC 20.25D.110 and LUC 20.20.520 standards that apply to the site; and
 - iv. Required paving of surface parking, outdoor storage, and retail display areas.
- c. Timing and Cost of Required Improvements.
- i. Required improvements shall be made as part of the alteration that triggered the required improvements;
 - ii. The value of required improvements shall be limited to 20 percent of the value of the proposed alteration. The applicant shall submit evidence as required by the Director that shows the value of proposed improvements associated with any alteration; and
 - iii. Required improvements shall be made in order of priority listed in paragraph 3.b above unless a deviation in priority order is approved by the Director as necessary to accommodate a function that is an essential component of the existing development.
4. Loss of Existing Development Status.
- a. Discontinuance. If an existing development is discontinued or abandoned for a period of 12 months with the intention of abandoning that use, any

subsequent development shall thereafter conform to the regulation of the district in which it is located. Discontinuance of an existing development for a period of 12 months or greater constitutes prima facie evidence of an intention to abandon.

- b. Accidental Destruction. When an existing development is damaged by fire or other causes beyond the control of the owner, the existing development may be re-constructed. The existing development may be repaired and/or reconstructed in its original configuration. Changes to the footprint and exterior proposed as part of the repair and/or reconstruction must conform to this code.

20.25D.070 Land Use Charts.

The following charts apply to Bel-Red. The use charts contained in LUC 20.10.440 do not apply within the Bel-Red land use districts.

Chart 20.25D.070 Residential Uses in Bel-Red Land Use Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Residential – Bel-Red Districts						
		Bel-Red Medical Office /Node	Bel-Red Office Residential /Nodes	Bel-Red Residential Comm. Nodes	Bel-Red Residential	Bel-Red General Commercial	Bel-Red Commercial Residential	Bel-Red Office Residential Transition
		BR- MO/ MO-1	BR- OR/ OR-1 OR-2	BR- RC-1 RC-2 RC-3	BR- R	BR- GC	BR- CR	BR- ORT
1	Residential (1)							
	Single-Family Dwelling		P 2/		P 2	3	P 2, 3	P
	Two to Four Dwelling Units Per Structure		P/P	P	P	3	P 3	P
	Five or More Dwelling Units Per Structure (5)		P/P	P	P	3	P 3	P
12	Group Quarters: Dormitories, Fraternal Houses, Excluding Military and Correctional Institutions, and Excluding Secure Community Transition Facilities							
13 15	Hotels and Motels	P/P	P/P	P		P	P	
	Congregate Care Senior Housing (1)	P/P	P/P	P	P		P	
6516	Nursing Home (1)	P/P	P/P	P	P		P	
	Assisted Living (1)	P/P	P/P	P	P		P	
	Accessory Dwelling Unit (4)	P/	P/		P		P	P

Existing uses in the Bel-Red District are regulated pursuant to 20.25D.060.

Key

P – Permitted Use

C – Conditional Use (see Parts 20.30B and 20.30C)

A – Administrative Conditional Use (see Part 20.30E)

Notes: Uses in land use districts – Residential

- (1) An agreement shall be recorded with the King County Department of Records and Elections restricting senior citizen dwellings, congregate care senior housing, or assisted living to remain as senior housing for the life of the project.
- (2) A minimum density of 10 units per acre shall be achieved for new single family dwelling units. This requirement does not apply to work-live units.
- (3) Work-live units are the only housing permitted in BR-GC.
- (4) Accessory dwelling units may be established in existing or permitted (P) single family structures subject to the performance criteria of LUC 20.20.120.
- (5) Bicycle parking shall be provided pursuant to 20.25D.120.G.

Chart 20.25D.070 Manufacturing Uses in Bel-Red Land Use Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Manufacturing-Bel-Red Districts						
		Bel-Red Medical Office /Node	Bel-Red Office Residential /Nodes	Bel-Red Residential Comm. Nodes	Bel-Red Residential	Bel-Red General Commercial	Bel-Red Commercial Residential	Bel-Red Office Residential Transition
		BR- MO/ MO-1	BR- OR OR-1 OR-2	BR- RC-1 RC-2 RC-3	BR- R	BR- GC	BR- CR	BR- ORT
2 and 3	Manufacturing (1, 2, 5)							
21	Food and Beverage Products Mfg. (3)					P 4	P 4	
22	Textile Products Mfg.					P 4	P 4	
23	Apparel, Fabric, Accessories, and Leather Goods Mfg.					P 4	P 4	
24	Lumber and Wood Products Mfg.							
25	Furniture and Fixtures Mfg.					P 4	P 4	
26	Paper Products Mfg.					P4	P4	
27	Printing, Publishing, and Allied Industries					P		
28	Chemicals and Related Products Mfg.							
31	Rubber Products Mfg.							
314	Misc. Plastic Products Mfg.					P 4	P 4	
321	Light Stone, Clay, and Glass Products Mfg.; Glass, Pottery, and China Ceramic Products, Stone Cutting and Engraving (except Concrete Batch Plant)							
322								
324							P 4	P 4
325								
327								
	Concrete Batch Plant							
329	Handcrafted Products Mfg.					P 4	P 4	
3427	Computers, Office Machines, and Equipment Mfg.					P 4		

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Manufacturing-Bel-Red Districts						
		Bel-Red Medical Office /Node	Bel-Red Office Residential /Nodes	Bel-Red Residential Comm. Nodes	Bel-Red Residential	Bel-Red General Commercial	Bel-Red Commercial Residential	Bel-Red Office Residential Transition
		BR- MO/ MO-1	BR- OR OR-1 OR-2	BR- RC-1 RC-2 RC-3	BR- R	BR- GC	BR- CR	BR- ORT
3433	Electrical Equipment Mfg.; Appliances, Lighting, Radio, TV Communications, Equipment and Component Parts							
3434								
3435							P 4	
3436								
3437								
3491	Fabricated Metal Products Mfg.;							
3492								
3493								
3495							P 4	
3497								
35	Measuring, Analyzing and Controlling Instruments, Photographic, Medical and Optical Goods; Watches and Clocks Mfg.;	P					P 4	P 4
3997	Signs and Advertising Display Mfg.						P	
3999	Misc. Light Fabrication Assembly and Mfg. Not Elsewhere Classified						P	

Existing uses in the Bel-Red District are regulated pursuant to 20.25D.060.

Key P – Permitted Use

C – Conditional Use (see Parts 20.30B and 20.30C)

A – Administrative Conditional Use (see Part 20.30E)

Notes: Uses in land use districts – Manufacturing

- (1) Permitted manufacturing uses shall not include primary metal industries such as foundries, smelters, blast furnaces, rolling mills, and concrete batch plants. The Director may in consultation with the Fire Marshal modify the requirements of this note for a limited scale manufacturing use if the Director determines that the modification will not create an unreasonable threat to human health and the environment. A limited scale manufacturing use is one that is size restricted to 20,000 sf or less.
- (2) The manufacture of flammable, dangerous, or explosive materials is excluded.
- (3) Microbrewery manufacturing is permitted as a component of an eating and drinking establishment; provided, that the manufacturing use occupies not more than 50 percent of the total square footage of the combined establishment.
- (4) The manufacturing use located in this land use district shall not exceed 20,000 sf.
- (5) New outdoor storage associated with this permitted manufacturing use shall comply with applicable performance criteria for that use and the Landscape Development Requirements as set forth in LUC 20.25D.110.

Chart 20.25D.070 Transportation and Utilities Uses in Bel-Red Land Use Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Transportation and Utilities – Bel-Red Districts						
		Bel-Red Medical Office /Node	Bel-Red Office Residential /Nodes	Bel-Red Residential Comm. Nodes	Bel-Red Residential	Bel-Red General Commercial	Bel-Red Commercial Residential	Bel-Red Office Residential Transition
		BR- MO/ MO-1	BR- OR/ OR-1 OR-2	BR- RC-1 RC-2 RC-3	BR- R	BR- GC	BR- CR	BR- ORT
4	Transportation, Communications and Utilities							
41	Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops	C/C	C/C	C	C	C	C	C
42 4291	Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters					C		
4214 422	Motor Vehicle Transportation: Maintenance Garages and Motor Freight Services	C/	C/			C		
43	Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage and Maintenance	C 1	C 1					
	Accessory Parking (2,3)	P/P	P/P	P	P 4	P	P	P
46	Auto Parking Commercial Lots and Garages (5)	/P	/P	P				
	Park and Ride (6)		C/C	C				
475	Radio and Television Broadcasting Studios							
485	Solid Waste Disposal (7)							
	Highway and Street Right-of-Way (8)	P	P/P	P	P	P	P	P
	Utility Facility	C	C/C	C	C	C	C	C
	Local Utility System	P	P/P	P	P	P	P	P
	Regional Utility System	C	C/C	C	C	C	C	C
	On and Off-Site Hazardous Waste Treatment and Storage Facilities							

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Transportation and Utilities – Bel-Red Districts						
		Bel-Red Medical Office /Node	Bel-Red Office Residential /Nodes	Bel-Red Residential Comm. Nodes	Bel-Red Residential	Bel-Red General Commercial	Bel-Red Commercial Residential	Bel-Red Office Residential Transition
		BR- MO/ MO-1	BR- OR/ OR-1 OR-2	BR- RC-1 RC-2 RC-3	BR- R	BR- GC	BR- CR	BR- ORT
	Essential Public Facility (9)	C	C/C	C	C	C	C	C
	Wireless Communication Facility (WCF): (without WCF Support Structures)	10, 11, and 12	10, 11, and 12	10, 11, and 12	10, 11, and 12	10, 11, and 12	10, 11, and 12	10, 11, and 12
	Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding)	10, 11	10, 11	10, 11	10, 11	10, 11	10, 11	10, 11
	Satellite Dishes (13)	P	P/P	P	P	P	P	P
	Electrical Utility Facility (14)	A C/A C	A C/A C	A C	A C	A C	A C	A C

Existing uses in the Bel-Red District are regulated pursuant to 20.25D.060.

Key P – Permitted Use

C – Conditional Use (see Parts 20.30B and 20.30C)

A – Administrative Conditional Use (see Part 20.30E)

Notes: Uses in land use districts – Transportation and Utilities

- (1) Aircraft transportation is limited to only heliports and is regulated under the terms of LUC 20.20.450.
- (2) Accessory parking requires approval through the review process required for the primary land use which it serves pursuant to LUC Chart 20.25D.070.
- (3) The location of an off-site parking facility shall be approved by the Director. See LUC 20.25D.120.
- (4) Accessory parking is not permitted in the BR-R land use district as accessory to any use that is not permitted in BR-R.

- (5) Commercial lots and garages are only permitted to accommodate short-term parking (four hours or less). Parking structures are required to meet the performance standards contained in LUC 20.25D.120.D.
- (6) A park and pool lot or other carpool facility is regulated as a park and ride. A park and ride providing no more than 50 parking spaces, and utilizing the parking area of an established use shall be regulated as an accessory use under LUC 20.20.200. Any other park and ride requires a conditional use permit.
- (7) Solid waste disposal facilities may be continued as an existing use pursuant to LUC 20.25D.060, provided all requirements in LUC 20.20.820 are met.
- (8) Design is required to meet the standards contained in LUC 20.25D.140 and the 2008 Transportation Department Design Manual as currently adopted or subsequently amended or superseded.
- (9) Refer to LUC 20.20.350 for general requirements applicable to Essential Public Facilities (EPF).
- (10) Wireless communication facilities (WCFs) are not permitted on residential structures, sites developed with a residential use, or on undeveloped sites located in the BR-R land use district. This note does not prohibit locating a WCF on nonresidential structures (i.e., churches, schools, public facility structures, utility poles, etc.) or in public rights-of-way in any BR land use district.
- (11) Refer to LUC 20.20.195 for general requirements applicable to wireless communication facilities and other communication, broadcast, and relay facilities.
- (12) Antenna and associated equipment used to transmit or receive fixed wireless signals when located at a fixed customer location are permitted in all land use districts and are exempt from the requirements of LUC 20.20.010, 20.20.195 and 20.20.525 so long as the antenna and equipment comply with 47 C.F.R. 1.4000, now or as hereafter amended. A building permit may be required to ensure safe installation of the antenna and equipment.
- (13) Refer to LUC 20.20.730 for general requirements applicable to Large Satellite Dishes. In BR-OR, BR-OR-1, BR-OR-2, BR-RC-1, BR-RC-2, BR-RC-3, BR-CR, and BR-R, only the provisions of LUC 20.20.730.B and C shall apply.
- (14) For the definition of Electrical Utility Facility see LUC 20.50.018 and for reference to applicable development regulations relating to electrical utility facilities see LUC 20.20.255. For new or expanding electrical utility facilities proposed on sensitive sites as described by Figure UT.5a of the Utilities Element of the Comprehensive Plan, the applicant shall obtain Conditional Use Permit approval under Part 20.30B LUC, complete an alternative siting analysis as described in LUC 20.20.255.D and comply with decision criteria and design standards set forth in LUC 20.20.255. For expansions of electrical utility facilities not proposed on sensitive sites as described by Figure UT.5a, the applicant shall obtain Administrative Conditional

Use Permit approval under Part 20.30E LUC and comply with decision criteria and design standards set forth in LUC 20.20.255.

Chart 20.25D.070 Wholesale and Retail Uses in Bel-Red Land Use Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Wholesale and Retail -Bel-Red Districts						
		Bel-Red Medical Office /Node	Bel-Red Office Residential /Nodes	Bel-Red Residential Comm. Nodes	Bel-Red Residential	Bel-Red General Commercial	Bel-Red Commercial Residential	Bel-Red Office Residential Transition
		BR- MO/ MO-1	BR- OR/ OR-1 OR-2	BR- RC-1 RC-2 RC-3	BR- R	BR- GC	BR- CR	BR- ORT
5	Trade (Wholesale and Retail) (1, 7)							
51	Wholesale Trade: General Merchandise, Products, Supplies, Materials and Equipment except the following:					P 2		
5111 5156 5157 5191 5192	Wholesale Trade: Motor Vehicles, Primary and Structural Metals, Bulk Petroleum							
5193	Scrap Waste Materials, Livestock							
	Recycling Centers		P/			P	P	
521 522 523 524	Lumber and Other Bulky Building Materials Including Preassembled Products		P 3/			P	P 3	
5251	Hardware Paint, Tile and Wallpaper (Retail)		P 3/	P 3	P 4	P	P 3	
5252	Farm Equipment							
53	General Merchandise: Dry Goods, Variety and Dept. Stores (Retail)		P/P 2	P 2	P 4	P	P	
54	Food and Convenience Store (Retail) (5,6)	P/P	P/P	P	P 4	P	P	P4

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Wholesale and Retail -Bel-Red Districts						
		Bel-Red Medical Office /Node	Bel-Red Office Residential /Nodes	Bel-Red Residential Comm. Nodes	Bel-Red Residential	Bel-Red General Commercial	Bel-Red Commercial Residential	Bel-Red Office Residential Transition
		BR- MO/ MO-1	BR- OR/ OR-1 OR-2	BR- RC-1 RC-2 RC-3	BR- R	BR- GC	BR- CR	BR- ORT
5511	Autos, Motorcycles (Retail)					P	A 7	
	Trucks, Recreational Vehicles (Retail)					P 2		
	Boats (Retail)					P 2		
552	Automotive and Marine Accessories (Retail)					P 2		
553	Gasoline Service Stations (8)		P/			P	P	
56	Apparel and Accessories (Retail)	P/P 2	P/P	P	P 4, 13, 14	P 2	P	
57	Furniture, Home Furnishing (Retail)		P/P	P	P 4, 13, 14	P	P	
58	Eating and Drinking Establishments (3, 6)		P/ P 9	P 9	P 4, 13, 14	P	P	P
59	Misc. Retail Trade: Drugs, Liquor, Antiques, Books, Sporting Goods, Jewelry, Florist, Photo Supplies, Video Rentals and Computer Supplies		P/ P 3	P 3	P 4, 13, 14	P	P 2	P
	Adult Retail Establishments (10)		P/P			P	P	
5961	Farm Supplies, Hay, Grain, Feed and Fencing, etc. (Retail)					P 2		
596	Retail Fuel Yards							
5996	Garden Supplies, Small Trees, Shrubs, Flowers, Ground Cover, Horticultural Nurseries and Light Supplies and Tools (11)		P/ P 3	P 3	P 4, 13, 14	P	P	
5999	Pet Shop (Retail, Pet Day Care, and Grooming) (12)			P 3	P 4, 13, 14	P	P	

		Wholesale and Retail -Bel-Red Districts						
STD LAND USE CODE REF		Bel-Red Medical Office /Node	Bel-Red Office Residential /Nodes	Bel-Red Residential Comm. Nodes	Bel-Red Residential	Bel-Red General Commercial	Bel-Red Commercial Residential	Bel-Red Office Residential Transition
	LAND USE CLASSIFICATION	BR- MO/ MO-1	BR- OR/ OR-1 OR-2	BR- RC-1 RC-2 RC-3	BR- R	BR- GC	BR- CR	BR- ORT
	Computers and Electronics (Retail)		P/ P 3	P 3		P	P	

Existing uses in the Bel-Red District are regulated pursuant to 20.25D.060.

Key P – Permitted Use

C – Conditional Use (see Parts 20.30B and 20.30C)

A – Administrative Conditional Use (see Part 20.30E)

Notes: Uses in land use districts – Wholesale and Retail

- (1) Wholesale trade excludes tank farms.
- (2) This individual use is limited in size to no greater than 20,000 sf per establishment.
- (3) Any new business which combines three or more permitted retail sales uses shall be limited in size to 50,000 sf. This Note does not apply to uses that exceed the size limit, but are documented existing uses pursuant to LUC 20.25D.060.
- (4) All permitted retail, service, and recreation uses combined shall not exceed 10,000 sf, except as provided for in Notes (13) and (14) below.
- (5) Food and Convenience Stores (Retail) shall contain at least 75 percent square footage of retail food sales not for consumption on premises.
- (6) Drive-in windows are not allowed except as regulated by Section 20.25D.060, Existing Conditions.
- (7) See LUC 20.25D.100 Automobile Sales, Leasing, and Rental for applicable performance criteria.
- (8) Gasoline service stations may include convenience stores.

- (9) Microbrewery manufacturing is permitted as a component of an eating and drinking establishment; provided, that the manufacturing use occupies not more than 50 percent of the total square footage of the combined establishment.
- (10) Adult retail establishments are subject to the regulations for adult entertainment uses in LUC 20.20.127.
- (11) Garden Supplies excludes items such as large trees, rock, and bulk supplies which require special handling equipment.
- (12) See LUC 20.20.130 for general requirements applicable to this use.
- (13) In any existing development meeting the definition of LUC 20.25D.060, all permitted retail, service, and recreation uses combined may occupy any part of the existing development, provided that no individual use shall exceed 10,000 sf.
- (14) In any new residential building, all permitted retail, service, and recreation uses combined may occupy the ground floor without size limitation, provided that no individual use shall exceed 10,000 sf. A single building is considered residential for the purposes of this note if more than 50 percent of the gross floor area is devoted to residential uses.

Chart 20.25D.070 Services Uses in Bel-Red Land Use Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Services - Bel-Red Districts						
		Bel-Red Medical Office /Node	Bel-Red Office Residential /Nodes	Bel-Red Residential Comm. Nodes	Bel-Red Residential	Bel-Red General Commercial	Bel-Red Commercial Residential	Bel-Red Office Residential Transition
		BR- MO/ MO-1	BR- OR/ OR-1 OR-2	BR- RC-1 RC-2 RC-3	BR- R	BR- GC	BR- CR	BR- ORT
6	Services							
61	Finance, Insurance, Real Estate Services (10)	P 9/ P 9	P/P	P	P 1, 11, 12	P	P	P
62	Personal Services: Laundry, Dry Cleaning, Barber and Beauty, Photography Studio and Shoe Repair	P/P	P/P	P	P1, 11, 12	P	P	P
6241	Funeral and Crematory Services	C/C				C		

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Services - Bel-Red Districts						
		Bel-Red Medical Office /Node	Bel-Red Office Residential /Nodes	Bel-Red Residential Comm. Nodes	Bel-Red Residential	Bel-Red General Commercial	Bel-Red Commercial Residential	Bel-Red Office Residential Transition
		BR- MO/ MO-1	BR- OR/ OR-1 OR-2	BR- RC-1 RC-2 RC-3	BR- R	BR- GC	BR- CR	BR- ORT
6262	Cemeteries							
629	Child Care Services (2, 3)							
	Family Child Care Home in Single Family Residence	P/			P	P	P	P
	Child Day Care Center	P/P	P/P	P	A 1	P	P	
	Adult Day Care	P/P	P/P	P	A 1	P	P	
63	Business Services, Duplicating and Blue Printing, Steno, Advertising (Except Outdoor), Travel Agencies and Employment (10)	P/P	P/P	P		P	P	P
634	Building Maintenance and Pest Control Services					P	P	
637	Warehousing and Storage Services, Excluding Stockyards		P/			P		
639	Rental and Leasing Services: Cars, Trucks, Trailers, Furniture and Tools (4)					P		
641	Auto Repair and Washing Services		P/P 5	P 5		P	P	
649	Repair Services: Watch, TV, Electrical, Computer, Upholstery					P	P 6	
	Professional Services:	P/P	P/P	P 4		P	P 6	P

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Services - Bel-Red Districts						
		Bel-Red Medical Office /Node	Bel-Red Office Residential /Nodes	Bel-Red Residential Comm. Nodes	Bel-Red Residential	Bel-Red General Commercial	Bel-Red Commercial Residential	Bel-Red Office Residential Transition
		BR- MO/ MO-1	BR- OR/ OR-1 OR-2	BR- RC-1 RC-2 RC-3	BR- R	BR- GC	BR- CR	BR- ORT
	Medical Clinics and Other Health Care Related Services (10)							
	Professional Services: Other (10)		P/P			P	P 6	P
6513	Hospitals (10)	/C						
66	Contract Construction Services: Building Construction, Plumbing, Paving and Landscape					P		
671	Governmental Services: Executive, Legislative, Administrative and Judicial Functions (10)	A/A	A/A				A	A
672 673	Governmental Services: Protective Functions and Related Activities Excluding Maintenance Shops (10)	A/A	A/A	A	A	A	A	A
	Limited Governmental Services: Executive and Administrative, Legislative and Protective Functions (10)	P/P	P/P	P	P 7	P	P	P
674 675	Military and Correctional Institutions	/C				C		
	Secure Community Transition Facility							
681	Education: Primary and	/A	A/A	A	A	A	A	A

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Services - Bel-Red Districts						
		Bel-Red Medical Office /Node	Bel-Red Office Residential /Nodes	Bel-Red Residential Comm. Nodes	Bel-Red Residential	Bel-Red General Commercial	Bel-Red Commercial Residential	Bel-Red Office Residential Transition
		BR- MO/ MO-1	BR- OR/ OR-1 OR-2	BR- RC-1 RC-2 RC-3	BR- R	BR- GC	BR- CR	BR- ORT
	Secondary (8, 10)							
682	Universities and Colleges (10,)	A/P	A/P	P		A	A	
683	Special Schools: (10) Vocational, Trade, Art, Music, Driving, Barber and Beauty Schools	P/P	P/P	P	P 6	P	P	P 6
691	Religious Activities	P/P	P/P	P	A	P	A	A
692 (A)	Professional and Labor Organizations Fraternal Lodge	A/A	A/A	A		P	A	A
692 (B)	Social Service Providers	P/P	P/P	P	P	P	P 6	P
	Administrative Office – General (10)	P 9 / P 9	P/P	P 9		P	P 9	P
	Computer Programming, Data Processing and Other Computer Related Services			P 9		P 9	P	P
	Research, Development and Testing Services			P 9		P 9	P	P

Existing uses in the Bel-Red District are regulated pursuant to 20.25D.060.

Key P – Permitted Use

C – Conditional Use (see Parts 20.30B and 20.30C)

A – Administrative Conditional Use (see Part 20.30E)

Notes: Uses in land use districts – Services

- (1) All permitted retail, service, and recreation uses combined shall not exceed 10,000 sf, except as provided for in Notes (11) and (12) below.
- (2) Refer to Chapter 20.50 LUC for definitions of child care service, family child care home, and child day care center.
- (3) A child care service may be located in a community facility in any land use district pursuant to LUC 20.20.170.E.
- (4) See LUC 20.25D.100 Automobile Sales, Leasing, and Rental for applicable performance criteria.
- (5) Auto repair and washing services are permitted as a subordinate use pursuant to LUC 20.20.840 only if located in a structured parking area.
- (6) This use is limited in size to no greater than 20,000 sf.
- (7) Uses are limited to community police stations of 1,500 sf or less.
- (8) Refer to LUC 20.20.740 for general requirements applicable to public and private schools. Schools located in the BR-ORT land use district are considered to be in a Transition Area for the purposes of applying the above referenced section. All Bel-Red land use districts are considered to be non-residential for the purposes of applying LUC 20.20.740.
- (9) Limited to 0.5 floor area ratio (FAR).
- (10) Bicycle parking shall be provided pursuant to 20.25D.120.G.
- (11) In any existing development meeting the definition of Section 20.25D.060, all permitted retail, service, and recreation uses combined may occupy any part of the existing development; provided that no individual use shall exceed 10,000 sf.
- (12) In any new residential building, all permitted retail, service, and recreation uses combined may occupy the ground floor without size limitation, provided that no individual use shall exceed 10,000 sf. A single building is considered residential for the purposes of this note if more than 50 percent of the gross floor area is devoted to residential uses.

Chart 20.25D.070 Recreation Uses in Bel-Red Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Recreation – Bel-Red Districts						
		Bel-Red Medical Office /Node	Bel-Red Office Residential /Nodes	Bel-Red Residential Comm. Nodes	Bel-Red Residential	Bel-Red General Commercial	Bel-Red Commercial Residential	Bel-Red Office Residential Transition
		BR- MO/ MO-1	BR- OR/ OR-1 OR-2	BR- RC-1 RC-2 RC-3	BR- R	BR- GC	BR- CR	BR- ORT
7	Cultural Entertainment and Recreation							
711	Library, Museum	P	P	P	A 1	P	P	
7113	Art Gallery		P/P	P	P 2, 8, 9	P	P	
712	Nature Exhibitions: Aquariums, Botanical Gardens and Zoos (3)					C	C	
7212	Public Assembly (Indoor): Sports, Arenas, Auditoriums and Exhibition Halls but excluding School Facilities							
7214								
7222		A/A					A	A
7231								
7232								
7212	Motion Picture, Theaters, Night Clubs, Dance Halls and Teen Clubs							
7214			P/P	P		P	P	
7218								
7213	Drive-In Theaters							
	Adult Theaters (4)		P/P			P		

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Recreation – Bel-Red Districts						
		Bel-Red Medical Office /Node	Bel-Red Office Residential /Nodes	Bel-Red Residential Comm. Nodes	Bel-Red Residential	Bel-Red General Commercial	Bel-Red Commercial Residential	Bel-Red Office Residential Transition
		BR- MO/ MO-1	BR- OR/ OR-1 OR-2	BR- RC-1 RC-2 RC-3	BR- R	BR- GC	BR- CR	BR- ORT
7223 73	Public Assembly (Outdoor): Fairgrounds and Amusement Parks, Miniature Golf, Golf Driving Ranges, Go- Cart Tracks, BMX Tracks and Skateboard Tracks					A	A	
73	Commercial Amusements: Video Arcades, Electronic Games			A		A	A	
7411 7413 7422 7423 7424 7441 7449	Recreation Activities: Golf Courses, Tennis Courts, Community Clubs, Athletic Fields, Play Fields, Recreation Centers, Swimming Beaches and Pools (5)	A/	A/A	A		A	A	
744	Marinas, Yacht Clubs							
7414 7415 7417 7425 7413	Recreation Activities: Skating, Bowling, Gymnasiums, Athletic Clubs, Health Clubs		P/P	P		P	P	

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Recreation – Bel-Red Districts						
		Bel-Red Medical Office /Node	Bel-Red Office Residential /Nodes	Bel-Red Residential Comm. Nodes	Bel-Red Residential	Bel-Red General Commercial	Bel-Red Commercial Residential	Bel-Red Office Residential Transition
		BR- MO/ MO-1	BR- OR/ OR-1 OR-2	BR- RC-1 RC-2 RC-3	BR- R	BR- GC	BR- CR	BR- ORT
7491 7515	Camping Sites and Hunting Clubs							
76	Private Leisure and Open Space Areas Excluding Recreation Activities Above	P	P/P	P	C	P	P	P
	Private Park	A	A/A	A	A	A	A	
	Stables and Riding Academies						A	
	Boarding or Commercial Kennels					A 6	A 6	
	Public Park	P	P/P	P	P 7	A	A	P 7

Existing uses in the Bel-Red District are regulated pursuant to 20.25D.060.

Key P – Permitted Use

C – Conditional Use (see Parts 20.30B and 20.30C)

A – Administrative Conditional Use (see Part 20.30E)

Notes: Uses in land use districts – Recreation

- (1) This individual use is limited in size to no greater than 20,000 sf.
- (2) All permitted retail, service, and recreation uses combined shall not exceed 10,000 sf, except as provided for in Notes (1), (8), and (9) of this Recreation Use Chart.
- (3) Excludes zoos.
- (4) Adult Theaters are subject to the regulations for adult entertainment uses in LUC 20.20.127.
- (5) For carnivals, see LUC 20.20.160.

- (6) See LUC 20.20.130 for general requirements applicable to this use.
- (7) Public parks are generally permitted in all districts. However, the following types of uses or facilities in public parks require administrative conditional use approval when located in the BR-R or BR-ORT land use districts: lighted sports and play fields, sports and play fields with amplified sound, and community recreation centers. Nonrecreation uses in public parks located in the BR Land Use Districts require conditional use approval, except that the permit requirements for wireless communication facilities shall be as set forth in LUC 20.20.195. For purposes of this note, "nonrecreation use" means a commercial, social service or residential use located on park property but not functionally related to park programs and activities.
- (8) In any existing development meeting the definition of Section 20.25D.060, all permitted retail, service, and recreation uses combined may occupy any part of the existing development; provided that no individual use shall exceed 10,000 sf.
- (9) In any new residential building, all permitted retail, service, and recreation uses combined may occupy the ground floor without size limitation, provided that no individual use shall exceed 10,000 sf. A single building is considered residential for the purposes of this note if more than 50 percent of the gross floor area is devoted to residential uses.

Chart 20.25D.070 Resource Uses in the Bel-Red Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Resources - Bel Red Districts						
		Bel-Red Medical Office /Node	Bel-Red Office Residential /Nodes	Bel-Red Residential Comm. Nodes	Bel-Red Residential	Bel-Red General Commercial	Bel-Red Commercial Residential	Bel-Red Office Residential Transition
		BR- MO/ MO-1	BR- OR/ OR-1 OR-2	BR- RC-1 RC-2 RC-3	BR- R	BR- GC	BR- CR	BR- ORT
8	Resource Production (Minerals, Plants, Animals Including Pets and Related Services)							
81	Agriculture, Production of Food and Fiber Crops, Dairies, Livestock and Fowl, Excluding Hogs					P 1	P 1	
821	Agricultural Processing							
8221	Veterinary Clinic and Hospital (2)		P/P	P		P	P	P
8222	Poultry Hatcheries							
83	Forestry, Tree Farms and Timber Production							
8421	Fish Hatcheries							
85	Mining, Quarrying (Including Sand and Gravel), Oil and Gas Extraction							

Existing uses in the Bel-Red District are regulated pursuant to 20.25D.060.

Key P – Permitted Use

C – Conditional Use (see Parts 20.30B and 20.30C)

A – Administrative Conditional Use (see Part 20.30E)

Notes: Uses in land use districts – Resources

- (1) Agriculture production is limited to the production of food and fiber crops.
- (2) See LUC 20.20.130 for general requirements applicable to this use.

20.25D.080 Dimensional Requirements.

A. General.

Paragraph A of this section (Chart 20.25D.080.A Dimensional Requirements in Bel-Red Districts) sets forth the dimensional requirements for each land use district in the Bel-Red Subarea. The Dimensional Requirements of Chart 20.20.010 do not apply in the Bel-Red land use districts. Each structure, development, or activity in a Bel-Red Land Use District shall comply with these requirements except as otherwise provided in this section. If a number appears in a box at the intersection of a column and a row, the dimensional requirement is subject to the special limitation indicated in the corresponding Note.

Chart 20.25D.080.A Dimensional Requirement in Bel-Red Districts

Bel-Red Land Use District (19)	Tower Type (1) (17)	Minimum Setbacks/Stepbacks (3) (5) (7) (8) (10)			Gross SF/Floor Above 40 ft (gsf/f) (16) (20) (21)	Gross SF/Floor Above 80 Ft (gsf/f) (16) (20) (21)	Maximum Impervious Surface/Lot Coverage (6)	Building Height (4)(22)		Floor Area Ratio (4) (9)	
		Front	Rear	Side				Base	Max.	Base	Max.
MO-1 OR-1 RC-1	Nonresidential Residential	0 (2)	0 (14)	0 (14)	28,000 28,000/12,000	28,000 9,000	75%	45	150	1.0	4.0
OR-2 RC-2	Nonresidential Residential	0 (2)	0 (14)	0 (14)	28,000 28,000/12,000	28,000 9,000	75%	45	125	1.0	4.0
RC-3 (15)	Nonresidential Residential	0 (2)	0	0	28,000 28,000	NA	75%	45 (13)	70 (13)	1.0	4.0
CR(15)	Nonresidential Residential	0 (2)	0	0	28,000 28,000	NA	75%	45 (13)	70 (13)	1.0	2.0
R	Nonresidential Residential	0 (2)	0	0	NA	NA	75%	30	45	1.0	2.0
MO OR	Nonresidential Residential	0 (2)	0	0	28,000 28,000	NA	75%	70	70	1.0	1.0
GC	Nonresidential Residential	0 (2)	0	0	NA	NA	75%	45	45	1.0	1.0
ORT	Nonresidential Residential	20	30	20	NA	NA	75%	45(12)	45 (12)	0.75	0.75
All	Parking (12) (18)				NA	NA	75%	30	30	0.5	0.5

Notes: Chart 20.25D.080.A Dimensional Requirement in Bel-Red Districts

- (1) For the purposes of this chart, a tower is determined to be nonresidential or residential if more than 50 percent of the gross floor area of the tower is devoted to that use. This distinction does not apply to the requirement for providing FAR amenities per LUC 20.25D.
- (2) Where building height exceeds 45 feet, and the building is located within 15 feet of the front property line, the building shall incorporate a 15-foot deep stepback in that façade at a height no more than 40 feet above the average finished grade along that façade.
- (3) All rear and side yards shall contain landscaping as required by LUC 20.25D.110 and 20.20.520.
- (4) The maximum building height and FAR may be achieved only by participation in the FAR Amenity System LUC 20.25D.090.
- (5) A building façade on any street identified as a Required Sidewalk-Oriented Development pursuant to LUC 20.25D.130.C shall incorporate a 15-foot deep stepback in that façade at a height no more than 40 feet above the average finished grade along that façade.
- (6) Impervious Surface/Lot Coverage is calculated after subtracting all critical areas and critical area buffers; provided, that coal mine hazards (LUC 20.25H.130) and habitat associated with species of local importance (LUC 20.25H.150) shall not be subtracted. See LUC 20.20.460 for exceptions and performance standards relating to impervious surface.
- (7) See LUC 20.20.030 for designation and measurement of setbacks.
- (8) See LUC 20.25H.035 for additional critical area setbacks.
- (9) See LUC 20.25H.045 for calculation of density/intensity on sites in the Critical Areas Overlay District.
- (10) Certain non-critical area setbacks on sites in the Critical Areas Overlay District may be modified pursuant to LUC 20.25H.040.
- (11) Maximum building height in the BR-ORT land use district shall be measured from average existing grade. See LUC 20.25D.130.D.4.d for additional transition edge development requirements.
- (12) The ground floor of a parking structure shall include Required Ground Floor Uses pursuant to LUC 20.25D.130.A.
- (13) Maximum building height west of 156th Avenue NE. Maximum building height located within 50 feet of the back of sidewalk along 156th Ave NE shall not exceed

45 feet as measured from the sidewalk grade adjacent to the building front. Maximum building height located greater than 50 feet from the back of sidewalk along 156th Ave NE, shall not exceed 70 feet as measured from average existing grade.

- (14) Where building height exceeds 80 feet, all floors above 40 feet shall include a minimum side setback of 25 feet and a minimum rear setback of 25 feet as measured from the property line. Where building heights exceed 80 feet, a minimum separation of 50 feet for buildings on the same site shall be maintained for all floors above 40 feet. See paragraph B of this section for exceptions to this minimum setback/stepback dimensions.
- (15) Maximum façade lengths west of 156th Avenue NE. The façade of any single building fronting on 156th Ave NE shall not exceed a maximum length of 150 feet. All buildings or portions of buildings located above the sidewalk grade measured adjacent to 156th Ave NE shall include a minimum building separation of 40 feet. The required minimum separation shall provide in a continuous building separation corridor that extends from 156th Ave NE to Bel-Red Road.
- (16) Gross square feet per floor may be averaged for floor plates located above 40 feet.
- (17) For the purposes of determining tower type, hotels and motels shall be considered nonresidential.
- (18) For parking structure minimum setbacks refer to specific land use district.
- (19) In the OR-1 and OR-2 Land Use Districts, all new development located on any site greater than five acres and less than 30 acres in size on [insert Code Adoption date] in the OR-1 and OR-2 land use districts shall provide a minimum of 20 percent of total project gross square feet as residential use for development on any site of five acres or greater. A phased development shall provide the proportional minimum of residential use required per phase, except when approved as a component of a catalyst project Master Development Plan and the proportional development requirement is modified as provided pursuant to a development agreement as authorized by state law or Bellevue city code (see LUC 20.25D.035).
- (20) The 28,000 gsf/f above 40 feet applies only to towers that do not exceed 80 feet. For residential towers, the maximum gross square feet per floor above 40 feet and at or below 80 feet is 12,000 gsf/f. For residential towers the maximum gross square feet per floor above 80 feet is 9,000 gsf/f.
- (21) Denotes roof height above average finished grade.
- (22) Variance from building height pursuant to Part 20.30G is not permitted in any Bel-Red Land Use District.

B. Exceptions to Dimensional Requirements.

1. Floor Plate Exceptions.

- a. The Director may allow the connection of floor plates above 40 feet such that those floor plates exceed the gross square feet per floor above 40 feet consistent with the following limitations:
 - i. The connection shall be to allow for safe and efficient building exiting patterns. The connecting floor area shall include required exiting corridor area and may include the area associated with dwelling units or other building uses;
 - ii. The connection shall occur on no more than three floor levels above 40 feet; and
 - iii. The alternative design shall result in a building mass that gives the appearance of separate and distinct building elements.
- b. Gross square feet/floor above 80 feet may be increased to 10,000 gs/f if all required affordable housing is provided within the building and not through payment of a fee in lieu.

2. Setback/Stepback Exceptions.

- a. Marquees, awnings, or bay windows that comply with the requirements of the Bel-Red Subarea Design Guidelines adopted pursuant to LUC 20.25D.150 may be permitted to extend over the public right-of-way upon approval of the Director.
- b. The Director may allow modifications to the requirements of Note 14 of Chart 20.25D.080.A consistent with the following limitations:
 - i. The applicant can demonstrate that the resulting design will be more consistent with the Bel-Red Subarea Design Guidelines adopted pursuant to LUC 20.25D.150; and
 - ii. The building design, with the modification, shall maintain a minimum spacing between towers of not less than 50 feet.
- c. Minor building elements as defined pursuant to LUC 20.20.025.C may intrude into any setback or stepback required pursuant to LUC Chart 20.25D.080.A, provided that the applicant can demonstrate that the resulting design will be more consistent with the Bel-Red Subarea Design Guidelines adopted pursuant to LUC 20.25D.150.

3. Floor Area Ratio Exceptions.

- a. Per the FAR Amenity Incentive System LUC 20.25D.090, floor areas dedicated to affordable housing, public restrooms, and child care/nonprofit uses shall not be counted for the purpose of calculating FAR.
- b. Each square foot of ground floor retail and enclosed plaza meeting the criteria set forth below shall not be counted for the purpose of calculating FAR:
 - i. Ground Floor Retail Uses: Ground floor retail uses as defined in LUC 20.25D.130.A shall not be counted provided the following limitations are met:
 - (1) The ground floor retail shall only be eligible for exception if located within a multi-story, multi-use building;
 - (2) The ground floor retail shall meet the requirements set forth in LUC 20.25D.130.A Bel-Red Subarea Development Standards applicable to retail uses;
 - (3) Outside the nodes the maximum depth of tenant space eligible for exception is 60 feet; and
 - (4) Inside the nodes ground floor retail shall not be counted.
 - ii. Enclosed Plazas shall not be counted provided the following limitations are met:
 - (1) The enclosed plaza shall be clearly visible and accessible from the public right-of-way;
 - (2) The enclosed plaza shall coordinate with and complement ground floor retail uses to the maximum extent feasible;
 - (3) At least 10% of the surface area of the enclosed plaza shall be landscaped;
 - (4) The enclosed plaza shall contain at least one sitting space for each 100 sf of plaza;
 - (5) The enclosed plaza shall be a minimum size of 1,000 sf;
 - (6) Only 4,000 sf of the enclosed plaza shall be excepted for the purpose of calculating FAR;
 - (7) The enclosed plaza shall have a minimum horizontal dimension (width and depth) of no less than 20 feet;
 - (8) The enclosed plaza shall be signed as "Public Access" and open to the public from 7 a.m. to 9 p.m. daily or during business hours, whichever

is longer. The sign for the enclosed plaza shall be visible from the public right-of-way; and

- (9) Any use or feature for the exclusive use of the building users or tenants shall be counted for the purpose of calculating FAR.

C. Impervious Surface/Lot Coverage.

1. Underground buildings as defined in LUC 20.50.050 are not structures for the purpose of calculating floor area.
2. 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:
 - a. The 30-inch height limit shall 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
 - b. The rooftop of any underground 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. Alternatively, 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.
3. Buildings constructed partially below grade and not higher than 30 inches above average finished grade are not structures for the purpose of calculating impervious surface; provided, that the rooftop of the building shall be landscaped consistent with the City of Bellevue's Utilities Department Engineering Standards, chapter D9, now or as hereafter amended, for the building roof area as approved by the Director.

D. Floor Area Ratio Earned from Special Dedications and Transfers.

1. General. Land that is dedicated to the City of Bellevue for right-of-way, parks, or open space, without compensation to the owner may be used for the purpose of computing maximum FAR notwithstanding the definition of floor area ratio in LUC 20.50.020; provided that the requirements of Paragraph D.2 or D.3 are met. The Director shall calculate the amount of square footage earned for transfer. Any dedication for which a transfer is earned under this LUC 20.25D.080.D is not eligible to earn additional bonus under LUC Chart 20.25D.090.C.2.
2. Right-of-Way Special Dedications. The special dedication provisions of LUC paragraph 20.30V.170.B do not apply in the Bel-Red subarea.

- a. Eligible Right-of-Way Identified in an Adopted Plan or Document. A property owner may make a special dedication by conveying land identified for right-of-way acquisition in a Transportation Facilities Plan of the Comprehensive Plan, the Transportation Facilities Plan adopted by the City Council, the Capital Investment Program Plan or the street development standards of LUC 20.25D.140 by an instrument approved by the City Attorney.
 - b. Eligible Right-of-Way Not Otherwise Identified. A property owner may make a special dedication by conveying land identified by the Director of Transportation as necessary for safety or operational improvement projects by an instrument approved by the City Attorney.
 - c. Floor Area Earned. The floor area available to transfer shall be equal to that permitted through the base and maximum FAR limits that apply to the square footage of the area to be dedicated in conformance with this paragraph D.2 and shall be included in the project limit for the purpose of computing maximum FAR. The transfer FAR shall be calculated based on applicable land use district regulations for the dedication area and may include FAR earned through the amenity incentive system if permitted by the land use district.
3. Parks and Open Space Transfers.
- a. Eligible Park or Open Space identified within the Bel-Red Subarea Plan. A property owner may earn floor area for transfer to a different site by conveying land identified for park or open space in the Bel-Red Subarea Plan by an instrument approved by the City Attorney.
 - b. Floor Area Earned. The floor area available to transfer shall be equal to that permitted through the base and maximum FAR limits that apply to the square footage of the area to be dedicated in conformance with paragraph D.3 and shall be added to the allowed floor area of the project for the purpose of computing maximum FAR. The transfer FAR shall be calculated based on applicable land use district regulations for the dedication area and may include FAR earned through the amenity incentive system if permitted by the land use district.

Dedication area in Square feet	X	Base FAR applicable to dedication area + FAR earned through amenity incentive system, not to exceed maximum FAR applicable to	=	Total Transferable Floor Area
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		dedication area		
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c. Use of Transferable Floor Area.

- i. Limitation on Location. Transferable floor area shall only be used in the following Bel-Red land use districts (MO-1, OR-1, OR-2, RC-1, RC-2, CR, and R).
- ii. Limitation on Transfer.

Transferable floor area shall not be used to achieve an effective site FAR of greater than 0.5 above the maximum FAR permitted for the land use district.

Hypothetical example: A 0.5 acre site, zoned CR, is dedicated to the city for park space. The CR zoning district has a base FAR of 1.0 and a maximum FAR of 2.0. Therefore, up to 21,780 sf (0.5 acres x 43,560 sf) of floor area could be transferred to a development site in Bel-Red at the base FAR, or up to 43,560 sq. ft. could be transferred if additional FAR is earned through participation in the amenity incentive system.

If the receiving site is 10 acres with a maximum FAR of 4.0, its allowed floor area, with participation in the amenity incentive system, would be 1,742,400 sf (10 acres x 43,560 sf x 4.0 FAR). By transferring additional floor area from the above sending site, the maximum floor area could be 1,785,960 sf (1,742,400 + 43,560 sf). The transferred area could not exceed an additional 0.5 FAR for the receiving site, or 217,800 sf.

- 4. Notwithstanding any provision of this Code, no transfer of floor area occurs when all property is included in one project limit.

20.25D.090 FAR Amenity Incentive System.

A. General.

A development within a project limit may exceed the base FAR and base building height permitted pursuant to Chart 20.25D.080.A for development within a Bel-Red Land Use District only if it complies with the requirements of this section. In no case may the development within a project limit exceed the maximum floor area ratio permitted for the district except pursuant to LUC 20.25D.080.D. Each unit of measurement (square feet, linear feet, etc.) may only be used to gain one floor area ratio bonus, except where specifically provided otherwise. Any dedication for which a transfer is earned under LUC 20.25D.080.D is not eligible to earn additional bonus under this Section.

B. Required Review.

The Director may approve an amenity which complies with paragraph C below if:

1. The design criteria established for the amenity have been met; and
2. A public benefit will be derived from the development of the proposed amenity in the proposed location.

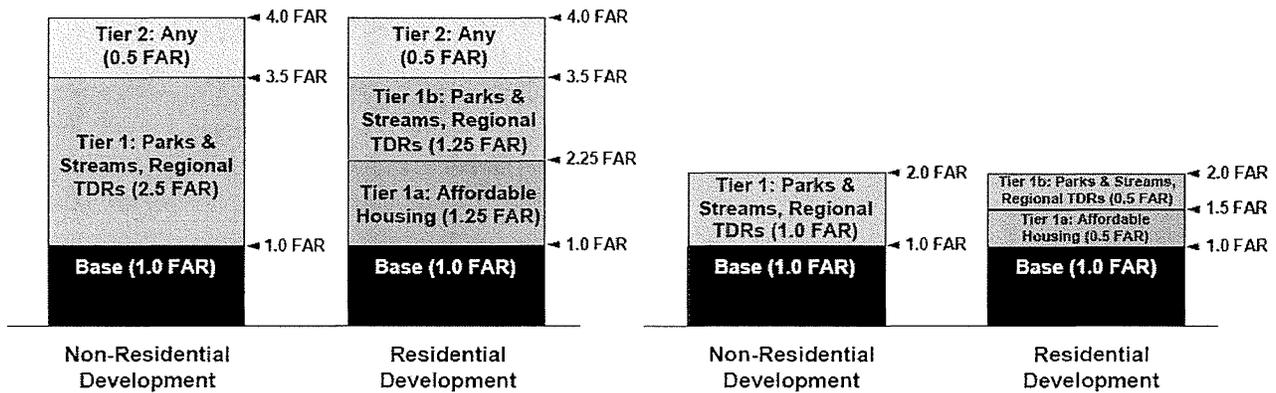
C. Specific Requirements.

1. Participation in the FAR Amenity System shall comply with LUC Chart 20.25D.090.C FAR Amenity Incentive System provided below.
2. In a multi-building development within a single project limit, amenities may be allocated among all buildings within the project limit; provided, that such allocation shall be approved by the Director through a Master Development Plan. If construction of the multi-building development is to be phased, no phase may depend on the future construction of amenities.
3. Development within a project limit may only exceed its base FAR limit and base building height by providing FAR amenities as described in the LUC Chart 20.25D.090.C and this paragraph. To achieve the maximum FAR for the district, amenities from Tier 1 and Tier 2 must be provided at the specified ratio for every additional square foot of building area to be built beyond the base limit.
 - a. A development within a single project limit must first fully utilize Tier 1 amenity bonuses before using Tier 2 amenity bonuses.
 - b. A residential development or a residential portion of a development must utilize Tier 1 amenities in the following order:
 - i. Tier 1a, affordable housing as described in LUC Chart 20.25D.090.C.1 below; and
 - ii. Tier 1b, park dedications, park improvements, trail dedications and easements, stream restoration, or regional transfer of development rights as described in LUC Chart 20.25D.090.C.2 through 6.
 - c. After fulfilling Tier 1, a development may utilize any of the amenity bonus types, whether from Tier 1 or 2. Tier 1 equals 2.5 FAR above the base in the MO-1, OR-1, OR-2, RC-1, RC-2, and RC-3 districts and Tier 1a and 1b each equal 1.25 FAR, where applicable. Tier 2 equals 0.5 FAR above Tier 1 in the MO-1, OR-1, OR-2, RC-1, RC-2, and RC-3 districts.
4. Tier 1 equals 1.0 FAR above the base in the CR and R districts and Tier 1a and 1b each equal 0.5 FAR, where applicable. No Tier 2 bonuses are permitted in the CR and R districts.

Example of Tiered FAR Amenity Allocation
Figure 20.25D.090.C

Within Nodes
(MO-1, OR-1, OR-2,
RC-1, RC-2, RC-3)

Outside Nodes
(R and CR Zones Only)



Note: Tier 1 bonus(es) must be fulfilled prior to pursuing Tier 2 bonus. Where applicable, Tier 1a bonus must be fulfilled prior to pursuing Tier 1b bonus.

5. In-lieu fees shall be used to develop the amenity for which the in-lieu fee was paid to earn bonus FAR.
6. In-lieu fees shall be assessed and collected at building permit issuance.

7. Chart 20.25D.090.C FAR Amenity Incentive System

FAR AMENITY STANDARDS		
AMENITY (1)	APPLICABLE ZONES AND BONUS (3)	DESIGN CRITERIA
	MO-1, OR-1, OR-2, RC-1, RC-2, RC-3, CR, R	
TIER 1a		
<p>1. AFFORDABLE HOUSING* Threshold bonus for residential/ mixed-use development at up to 80% median income level for rental and up to 100% income level for ownership. (2) *Floor area shall not be counted for the purpose of calculating FAR.</p>	<p>Rental: 4.6 sf bonus building area per sf of affordable rental housing 80% median income. Owner: 7.2 sf bonus building area per sf of ownership affordable housing at 100% median income. Fee-in-lieu for Tier 1 residential: \$18 per sf bonus area Fee-in-lieu for non-residential and Tier 2: \$15 per sf bonus area.</p>	<p>1. May be integrated into the same building as market rate housing, or in a stand-alone building on-site. 2. Design shall be generally consistent with associated market rate housing, provided that unit size, amenities, and interior finishes may vary from market units; and further provided that the bedroom mix and exterior finishes shall be comparable to the market rate units.</p>
TIER 1b		
<p>2. PARK DEDICATION Dedication of land for park purposes that is provided by the owner consistent with the Bel-Red Parks and Open Space Plan generalized locations and size requirements (Figure S-BR.3).</p>	<p>3.0 sf bonus building area per sf of park dedication. Fee-in-lieu: \$15 per sf bonus area.</p>	<p>1. Park dedications shall be consistent with the Bel-Red Parks and Open Space Plan identified locations and sizes. 2. Park dedications do not need to be contiguous with the site on which development is proposed. 3. Park dedications shall include FAR associated with the dedicated area. 4. The dedication shall be provided in a form satisfactory to the city.</p>

<p>3. PARK IMPROVEMENTS Improvements made on private property to function as park area, or improvements made to city-owned community, neighborhood, and mini-parks.</p>	<p>2.7 sf bonus building area per sf of new park, (does not include land value). Fee-in-lieu \$15 per sf bonus area.</p>	<ol style="list-style-type: none"> 1. Improvements made on private property to function as park area must be consistent with the Bel-Red Subarea Plan. 2. Improvements made on private property to function as park area do not need to be contiguous with the site on which development is proposed. 3. Improvements made on private property to function as park area must include signage and effectively function as part of the Bellevue parks system, including the ability to be programmed by the city. 4. Owners of private property improved to function as a park area shall provide an easement in a form satisfactory to the city that allows for public access and maintenance. 5. Improvements made to city-owned parks must be constructed by the developer consistent with applicable city plans.
<p>4. TRAIL DEDICATIONS AND EASEMENTS Dedications and easements of land for public access trail purposes that are provided by the developer consistent with the Bel-Red Subarea Parks and Open Space Plan paved multi-purpose or soft surface locations and size requirements (Figure S-BR.3).</p>	<p>3.0 sf bonus building area per sf of trail dedication. 1.5 sf bonus building area per sf of trail easement. Fee-in-lieu: \$15 per sf bonus area.</p>	<ol style="list-style-type: none"> 1. Trails are dedicated or provided through an easement for public use at the discretion of and in a form approved by the city. 2. Trail dedications and easements shall be consistent with the Bel-Red Parks and Open Space Plan paved multi-purpose or soft surface locations and sizes. 3. Trail dedications and easements do not need to be contiguous with the site for which development is proposed. 4. Trail dedications shall include FAR associated with the dedicated area. 5. Trail easements shall allow city access for trail construction and maintenance.

<p>5. STREAM RESTORATION Stream restoration bonus to be applied for improvements above and beyond city's Critical Areas provisions, part 20.25H. Projects must in Bel-Red Subarea Plan, and may include removal of fish passage barriers, daylighting piped stream segments, restoration of natural streamside vegetation, and enhanced fish and wildlife habitat.</p>	<p>66.7 sf building area bonus per \$1,000 stream restoration, (does not include land value). Fee-in-lieu \$15 per sf bonus area. Fee-in-lieu is not subject to the minimum 10,000 sf requirement.</p>	<ol style="list-style-type: none"> 1. A restoration plan shall be prepared by a qualified professional and approved by the city. 2. Must be coordinated with public trail system to the greatest extent possible. 3. Improvements and plans to support those improvements shall be in addition to that required by LUC 20.25H. Critical Areas Overlay District. 4. Minimum 10,000 sf. 5. May occur on-site or off-site. 6. Owner shall provide easement allowing city access for maintenance, monitoring, and trail construction.
<p>6. REGIONAL TRANSFER OF DEVELOPMENT RIGHTS (TDRs) Transfer of development rights to designated Bel-Red areas that achieve conservation of rural resource lands outside the Countywide Urban Growth Boundary.</p>	<p>1,333 sf bonus building area per TDR credit, or per Bellevue-King County TDR Interlocal Agreement as originally adopted or subsequently amended.</p>	<ol style="list-style-type: none"> 1. TDR credits defined in accordance with the King County TDR Program as approved or subsequently amended by the city pursuant to the Bellevue-King County TDR Interlocal Agreement. 2. TDR credits for use in the entire Bel-Red Subarea is limited to 75.
<p>TIER 2</p>		
<p>7. CHILD CARE/NONPROFIT SPACE* Floor area dedicated to child care, non-profit groups whose purpose is to provide community or social services, or non-profit groups whose purpose is to provide arts/cultural uses.</p> <p>*Floor area shall not be counted for the purpose of calculating FAR.</p>	<p>13.7 sf bonus building area per sf of non-profit/community service space. Fee-in-lieu at \$15 per sf bonus area (or higher rate).</p>	<ol style="list-style-type: none"> 1. Childcare services must comply with the requirements of LUC 20.20.170. 2. Non-profit arts/cultural uses include art education, rehearsal, and performance, art production, and artist live/work space. 3. Space shall be used in manner described for the life of the project. 4. Documentation of nonprofit status shall be provided. 5. Director may approve a buy-out of space originally dedicated to child care/non-profit space at the prevailing fee-in-lieu rate if applicant shows good faith efforts to locate eligible tenant. If buy-out option is approved, covenant required in number 3 above shall be released.

<p>8. 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.</p> <p>*Floor area shall not be counted for the purpose of calculating FAR.</p>	<p>16.7 sf bonus building area per sf of public restroom space.</p>	<ol style="list-style-type: none"> 1. Shall be located on the ground level of the building. 2. Shall be open for use by the public during normal business hours. 3. Exterior of building shall be signed to identify location and public access of facility. 4. Maintenance of the facility is the obligation of the owner of that portion of the building within which the restroom is located for the life of the project.
<p>9. PUBLIC ART Sculpture, mural, water feature or other artwork that is located outside of or on a building and fully accessible to the general public. Includes building-related art treatments for awnings, doors, planters, etc., as well as fountains, cascades, and reflection ponds.</p>	<p>66.7 sf building area bonus per \$1,000 artwork.</p>	<ol style="list-style-type: none"> 1. Shall be permanent and displayed outside of or on the building in areas open to the general public and/or any adjacent public right-of-way, perimeter sidewalk or pedestrian way. 2. May be an object or integrated feature of the building's exterior. 3. Art must be accepted by the Bellevue Arts Commission per the Public Art Selection Criteria. 4. Value of art to be determined through appraisal accepted by Bellevue Arts Program. 5. Maintenance of the art is the obligation of the owner of that portion of the site where the public art is located for the life of the project.

<p>10. PUBLIC ACCESS TO OUTDOOR PLAZA A continuous open space, predominantly open above, and designed predominantly for use by people as opposed to serving specifically as a setting for a building.</p>	<p>2.3 sf bonus building area per sf of outdoor plaza.</p>	<ol style="list-style-type: none"> 1. Shall abut and be within 3 ft in elevation of a perimeter sidewalk or pedestrian connection so as to be visually and physically accessible. 2. Shall provide protection from adverse wind, wherever practical. 3. At least 20% of the plaza surface area shall be landscaped. 4. Shall provide at least one sitting space for each 100 sf of plaza. 5. Shall be enclosed on at least two sides by a structure or by landscaping which creates a wall effect. 6. Minimum size is 1,500 sf 7. Maximum size is 15,000 sf 8. Minimum horizontal dimension is 20 ft. 9. Shall provide opportunities for penetration of sunlight in majority of plaza between 11a.m. and 2 p.m. 10. Shall not be used for parking, loading or vehicular access. 11. Shall provide "Public Access" signage and be open to the public from 7 a.m. to 9.p.m. daily or during business hours, whichever is longer."
<p>11. LEED GOLD OR PLATINUM CERTIFICATION</p>	<p>0.13 FAR bonus for LEED Gold 0.33 for LEED Platinum.</p>	<ol style="list-style-type: none"> 1. Building shall meet minimum criteria for LEED certification in chosen category. 2. A performance bond equivalent to the value of the bonus shall be provided to the city by the developer. In the event the project does not achieve the planned rating, all or part of the money shall be used for environmental improvements identified by the city.
<p>12. ACTIVE RECREATION AREA* An area which provides active recreational facilities for tenants of the development of which it is a part and for the general public. Does not include health or athletic clubs. *Floor area shall not be counted for the purpose of calculating FAR.</p>	<p>9.7 sf bonus building area per sf of active recreation area. 66.7 sf building area bonus per \$1,000 active recreation improvement (does not include land value).</p>	<ol style="list-style-type: none"> 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, sport courts, child play areas, and exercise rooms. 4. May be fee-for-use but not exclusively by membership.

<p>13. NATURAL DRAINAGE PRACTICES Low impact development techniques that improve natural drainage practices such as rain gardens, pervious pavement, vegetated roof, and amended soils.</p>	<p>0.7 bonus building area per sf of effective natural drainage practice.</p>	<p>1. Shall meet criteria of the Bellevue Utilities Department Engineering Standards Chapter D9, now or as hereafter amended. 2. Underlying soil condition and infiltration rate must be appropriate for the practice. 3. Requirement for large storm events as determined by Bellevue Utilities Department shall be met. 4. Maintenance of the natural drainage practice is the obligation of the property owner for the life of the project.</p>
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Notes: Chart 20.25D.090.C FAR Amenity Incentive System

- (1) Measured in square feet of permitted development for each qualifying developed square foot of amenity unless otherwise noted.
- (2) An agreement in a form approved by the city must be recorded with King County Department of Records and Elections requiring affordable housing square footage that is provided under this section to remain affordable housing for the life of the project. This agreement shall be a covenant running with the land, binding on the assigns, heirs, and successors of the applicant.
- (3) Where a bonus is earned by payment of a fee-in-lieu, the fee-in-lieu amount established in Chart 20.25D.090.C as of [insert Code adoption date] will be reviewed annually, and, effective January 1 of each year, may be administratively increased or decreased by an adjustment to reflect the current published annual change in the Seattle Consumer Price Index for Wager Earners and Clerical Workers as needed in order to maintain accurate costs for the region.

20.25D.100 Automobile and Motorcycle Sales, Leasing, and Rental.

- A. The following decision criteria, in addition to the criteria in LUC 20.30E.140, apply to an Administrative Conditional Use Permit application for the leasing, rental, and/or retail sale of automobiles and/or motorcycles in the BR land use districts:
 - 1. The applicant shall provide adequate off-street unloading area for vehicle carriers;
 - 2. Limitations on Outside Storage and Displays
 - a. Inside Nodes: No outside storage or display is permitted between the building and public right-of-way designated for required sidewalk-oriented development (refer to LUC 20.25D.130.C);

- b. Properties abutting the north side of Bel-Red Road: No outside storage or display is permitted between the building and Bel-Red Road; and
3. The provisions of LUC 20.20.135 shall not apply within Bel-Red.

20.25D.110 Landscape Development, Outdoor Storage, Retail Display, and Fence Standards.

A. General.

1. Applicability. The provisions of LUC 20.20.520 Paragraphs A, D, E, G, I, J, K, and L apply to development in the BR Land Use Districts in addition to the provisions contained in this section.
2. Review Required. The Director shall review the proposed landscape development, outdoor storage, retail display, and fencing and may approve a proposed structure, alteration, site development, use, or occupancy only if the requirements of this section are met, subject to the provisions of LUC 20.25D.060 for existing conditions.

B. Street Frontage Landscape Development Requirements.

1. Purpose/Intent. Landscape development, including retention of significant trees, as required by this section is necessary to maintain and protect property values, to enhance the visual appearance of the Bel-Red Subarea, to preserve the natural wooded character of the Pacific Northwest, to promote utilization of natural systems, to reduce the impacts of development on the storm drainage system and water resources, to provide a better transition between the various land use districts in the Bel-Red Subarea and to enhance the pedestrian environment.
- 1.2. Where Required. The following street frontage landscape development requirements apply, except where the development is regulated by LUC 20.25D.130.B or C. See Figure 20.25D.110, Required Landscape Treatments for the streets mentioned below.

Required Landscape Treatments

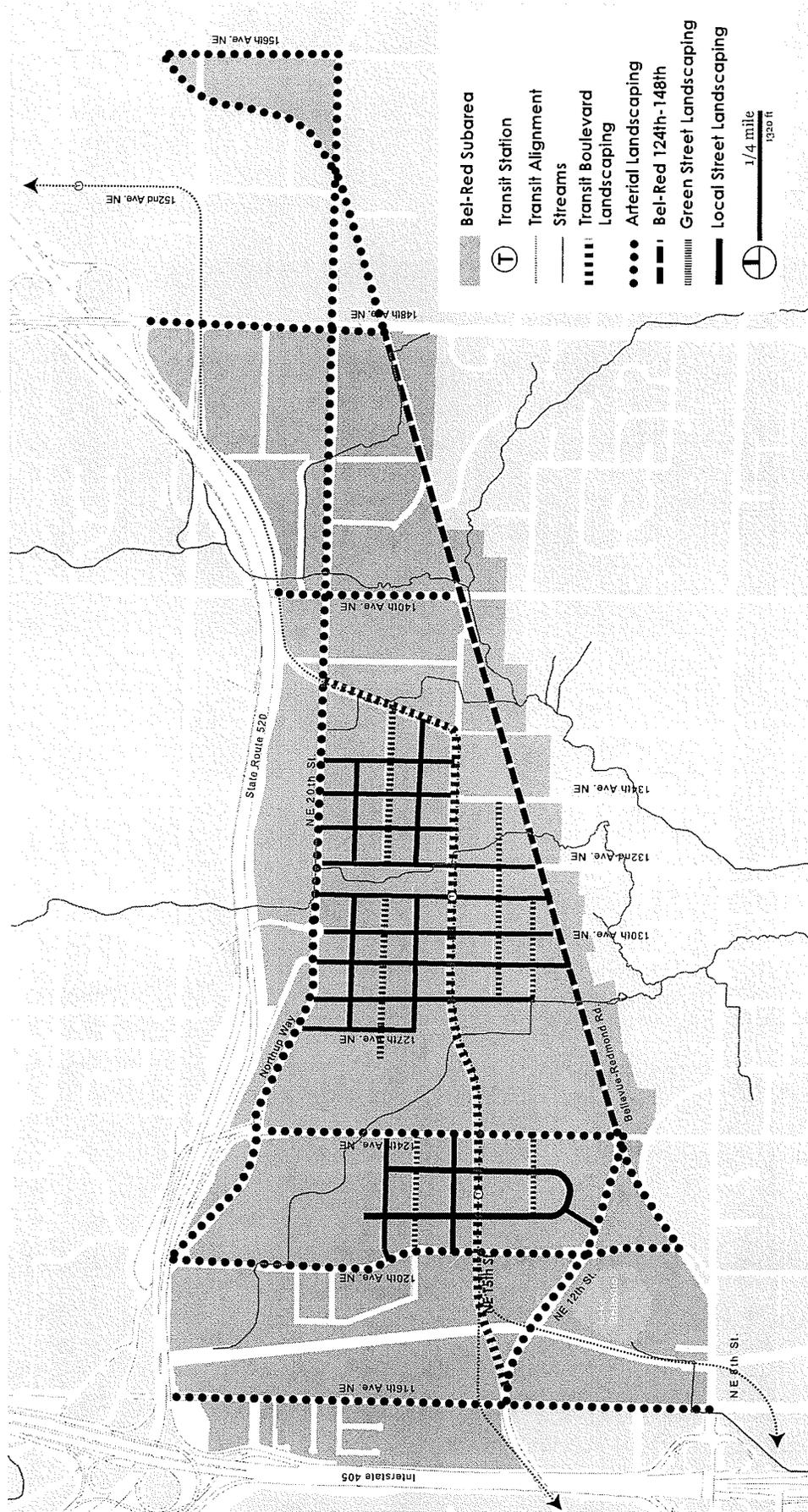


Figure 20.25D.110: Required Landscape Treatments

3. Applicable Standards.

- a. Transit Boulevard Landscaping: NE15th/16th Street:
 - i. Corridor Design approval through Transportation Department.
- b. 130th Avenue Shopping Street north of NE 15th/16th:
 - i. Corridor design approval through Transportation Department.
 - ii. Dimensions: Sidewalk: 9 ft
Planting: 5 ft
- c. Bel-Red Road from 124th to 148th
 - i. Dimensions: Sidewalk: 8 ft
Planting: 20 ft
 - ii. On both sides of Bel-Red Road the required landscaping shall be provided except where a plaza or gateway meeting the requirements of the Bel-Red Design Guidelines, LUC 20.25D.150, abut the sidewalk.
 - iii. The sidewalk may meander into the planting area only where necessary to retain significant trees. In such case, the overall dimension of sidewalk and sidewalk planting shall total 28 feet.
 - iv. Planting
 - (1) All significant trees shall be maintained between the street and existing or proposed development pursuant to Paragraph A above and each of the following standards shall be met:
 - (2) A minimum of five trees (evergreen and deciduous) per 1,000 sf of planting area shall be provided. No more than 40 percent shall be deciduous. Evergreen trees shall be a minimum height of 10 feet at planting. Deciduous trees shall have a minimum caliper of 2-1/2 inches.
 - (3) Evergreen shrubs shall be provided at a minimum spacing of three feet on center; shrubs shall be a minimum height of 42 inches at planting.
 - (4) Living groundcover shall be provided as necessary to cover the landscape area within a minimum of three years.
 - (5) At least 50 percent of the plantings shall be native species.
- d. Arterial Landscaping includes 116th Avenue NE, 120th Avenue NE, 130th Avenue NE south of NE 15th/16th, 148th Avenue NE, 156th Avenue NE, Bel-Red Rd east of 148th Avenue NE
 - i. Dimensions: Sidewalk 6 ft
Planting 5 ft
 - ii. Street Trees:

(1) Street trees with a minimum caliper of 2-1/2 inches shall be provided at a maximum spacing of 30 feet on center in tree wells a minimum of five feet wide and 10 feet long.

(2) Summit Ash - *Fraxinus pennsylvanica* "Summit". The Summit Ash trees will be planted symmetrically (from mid-block outwards to end of block).

(3) Greenspire Linden - *Tilia cordata* "Greenspire" located at the end of block.

iii. Tree Well Groundcover Plantings: Groundcover shall be provided as necessary to cover the landscape area within a minimum of three years.

(1) Mondo Grass

(2) Creeping Lily Turf

(3) Lemon Daylily - *Hemerocallis flava*

(4) Salal - *Gaultheria shallon*

e. Local Street Landscaping

i. Dimensions: Sidewalk: 6 ft

Planting: 5 ft

ii. Street Tree Planting List. Street trees shall have a minimum 2-1/2-inch caliper. The trees shall be planted symmetrically (from mid-block outwards to end of block).

(1) Village Green Zelkova - *Zelkova serrulata* "Village Green"

(2) Greenspire Linden - *Tilia cordata* "Greenspire"

iii. Tree Well Groundcover Plantings.

(1) Lemon Daylily

(2) Kinnickinnick - *Arctostaphylos uva-ursi*

f. Green Street Landscaping

i. Dimensions: Sidewalk: 6 ft

Plantings: 6 ft

ii. Stormwater planters pursuant to Bellevue Utilities Department Engineering Standards Chapter D9, now or as hereafter amended.

iii. Street Trees:

(1) Street trees with a minimum caliper of 2-1/2 inches shall be provided at a maximum spacing of 30 feet on center

(2) Black Tupelo *Nyssa sylvatica*

(3) American Hornbeam *Carpinus caroliniana*

(4) Eastern Redbud *Cercis canadensis*

(5) Dacquemontii Birch *Betula jacquemontii*

C. Perimeter Landscape Development for land use districts

1. Purpose Intent. Landscape development, including retention of significant trees, as required by this section is necessary to create visual separation between different land use districts.
2. Where Required. A 20 foot landscape buffer shall be provided along the interior property line of a district abutting BR-R and BR-ORT Land Use Districts.
3. Applicable Standards.
 - a. Evergreen and deciduous trees shall be provided at a maximum spacing of 20-feet on center. No more than 30 percent shall be deciduous. Trees shall be a minimum height of 10 feet at planting.
 - b. Evergreen shrubs shall be provided at a minimum spacing of three feet on center. Shrubs shall be a minimum of two-gallon in size at planting.
 - c. Living ground cover shall be provided as necessary to cover the entire remaining area within a minimum of three years.
 - d. No portion may be paved except for vehicular entrance drives and required trails or other pedestrian connections, and these features should be minimized to the extent feasible.

D. Interior Property Line Development

1. Purpose/Intent. The landscape development required by this section is necessary to provide visual separation of uses so as to soften the appearance of parking areas and building elevations.
2. Where Required. A 10 foot landscape buffer shall be provided along an interior property not regulated elsewhere.
3. Applicable Standard.
 - a. Evergreen and deciduous trees, with no more than 50 percent being deciduous, a minimum of six feet in height, and planted at intervals no greater than 30 feet on center; and
 - b. If planted to buffer a building elevation, shrubs, a minimum of three and one-half feet in height, and living ground cover planted so that the ground will be covered within three years; or
 - c. If planted to buffer a parking area, access, or site development other than a building, any of the following alternatives may be used unless otherwise noted:

- i. Shrubs, a minimum of three and one-half feet in height and living ground cover must be planted so that the ground will be covered within three years.
- ii. Earth-mounding, an average of three and one-half feet in height, planted with shrubs or living ground cover so that the ground will be covered within three years. This alternative may not be used in a Downtown Land Use District.
- iii. A combination of earth-mounding and shrubs to produce a visual barrier at least three and one-half feet in height.

E. Curb Extension Planting.

1. Purpose/Intent. Landscape development as required by this section is necessary to enhance the visual appearance of the Bel-Red Subarea, to reduce the impacts of development on the storm drainage system and water resources to enhance the pedestrian environment in the Bel-Red Subarea.

2. Where Required: Refer to Transportation Department Development Standards for curb extension design standards and generalized locations.

a. Type I. Curb Extension Planting – refer to symbol on map

b. Type II. Curb Extension Planting – refer to symbol on map

3. Applicable Standard.

a. General Standards applicable to all curb extension planting types

- i. Groundcover and shrubs shall be provided as necessary to cover the landscape area width within three years.
- ii. Shrubs shall be a minimum of one gallon at the time of planting to cover the landscape area within a minimum of three years.
- iii. Shrubs. A combination of the following shrubs is required at any curb extension unless modified below. All specified shrubs shall be a minimum of one gallon at the time of planting.

- (1) Tall Oregon Grape - *Mahonia aquafolium*
- (2) Creeping Oregon Grape - *Mahonia repens*
- (3) Salal - *Gaultheria shallon*
- (4) Golden Princess Spiraea - *Spiraea japonica*
"Golden Princess"
- (5) Western Swordfern - *Polystichum munitum*
- (6) Lemon Daylily - *Hemerocallis flava*
- (7) David Viburnum - *Viburnum davidii*

b. Type I Curb Extension Planting.

i. Trees

- (1) Vine Maple - *Acer circinatum* with 2-3 trees with a minimum 3/4 inch caliper planted within each curb extension
- (2) *Styrax japonicus* "Japanese snowdrop"
- (3) *Cercidiphyllum japonicum* "Katsura"
- (4) *Cercis canadensis alba* "Redbud"

c. Type II Curb Extension Planting

i. Trees

- (1) Minimum 2-inch caliper
- (2) Coral Bark Maple - *Acer Palmatum* "Sango-kaku"
- (3) Dogwood *cornus kousa*
- (4) Lemon Daylily - *Hemerocallis flava*
- (5) David Viburnum - *Viburnum davidii*

F. Significant Tree Retention and Pruning.

Tree retention requirements of LUC 20.20.900 shall apply in addition to the requirements set forth below.

1. In the landscape areas required pursuant to paragraphs B and C above, all significant trees shall be retained that do not constitute a safety hazard as determined by the Director and consistent with the guidelines of the International Society of Arboriculture.
2. Select Tree Pruning. Pruning of existing trees within the 20-foot wide landscape buffer on the north and south sides of Bel-Red Road shall be performed in accordance with guidelines established by the Director for each of the following pruning techniques: canopy reduction; canopy cleaning; canopy thinning; canopy raising or lifting; structural pruning; and canopy restoration. Pruning shall be performed in a manner that ensures continued survival of the vegetation.
3. Pruning or removal of significant trees within Parks and Community Services easements is prohibited except as performed by the City of Bellevue if restricted by the terms of an easement.

G. Screening of Retail Display, Parking Areas, Vehicular Access, and Outdoor Storage Associated with Manufacturing Uses.

Between the sidewalk and the subject property 10 feet of Type III landscaping is required to screen a surface vehicular access, parking area, new retail display, or new outdoor storage associated with an existing or permitted manufacturing use. An alternative design may be approved through Alternative Landscape Option, LUC 20.20.520.J.

H. Fences.

1. No fence shall be permitted to violate the sight obstruction restrictions at street intersections. (See BCC 14.60.240 now or as hereafter amended.)
2. Any fence which exceeds eight feet in height requires a building permit and shall conform to the International Building Code, as adopted by the City of Bellevue now or as subsequently amended or superseded.
3. Height shall be measured from finished grade at the exterior side of the fence. No person shall construct a berm upon which to build a fence unless the total height of the berm plus the fence does not exceed the maximum height allowable for the fence if the berm was not present.
4. Prohibited Fences. The following types of fences are prohibited:
 - a. Barbed wire.
 - b. Electric fences.
 - c. Chain link fences are not permitted on any street frontage in any land use district except as follows:
 - i. To secure a construction site or area during the period of construction, site alteration, or other modification;
 - ii. In connection with any approved temporary or special event use; or
 - iii. As a component of an existing development pursuant to LUC 20.25D.060.

20.25D.120 Parking, Circulation, and Internal Walkway Requirements.

A. General.

1. General. The provisions of LUC 20.20.590 paragraphs C, E, G, H, I, and K apply to development in the BR Land Use Districts in addition to the provisions contained in this section.
2. Review Required. The Director shall review the proposed parking, circulation, and walkways and may approve the proposed structure, alteration, site development, use, or occupancy only if the requirements of this section are met, subject to the provisions of LUC 20.25D.060 for existing conditions.

B. Minimum/Maximum Parking Requirements by Use – Specified Uses.

1. Number of Parking Stalls. The requirements of this section for the number of parking stalls apply to each new use and to each new tenant.

2. Parking Standards for Bel-Red - Chart 20.25D.120.B.2

Chart 20.25D.120.B.2 - PARKING STANDARDS FOR BEL-RED (6) (7)					
Use	Unit of Measure	MO-1, OR-1, OR-2, RC-1, RC-2, RC-3		MO, OR, RC, CR, GC, R, ORT	
		Min.	Max.	Min.	Max.
a. Financial institution	Per 1,000 nsf	2.0	3.0/3.5 (1)	3.0	4.0
b. Manufacturing/assembly	Per 1,000 nsf	1.0	2.0	2.0	4.0
c. Home furnishing-retail and major appliances-retail	Per 1,000 nsf	1.5	3.0	1.5	3.0
d. Manufacturing/assembly (other than high technology/light industry)	Per 1,000 nsf	1.0	1.5	1.5	2.0
e. Office: Business services/professional services/general office	Per 1,000 nsf	2.0	3.0/3.5 (1)	3.0	4.0
f. Office: Medical/dental/health related services	Per 1,000 nsf	3.5	4.0/4.5 (1)	4.0	5.0
g. Residential (5)	Per unit	0.75	2.0	1.0	2.0
h. Restaurant and bar (3)	Per 1,000 nsf	5.0 (4)	15.0	10.0	20.0
i. Retail, personal service, shopping center	Per 1,000 nsf	2.5 (4)	4.5	3.0	5.0
j. Retail and personal service in mixed-use development (2,3)	Per 1,000 nsf	2.0	3.5	3.0	4.5
k. Senior housing: Nursing home	Per patient bed	0.25	0.75	0.25	1.0
l. Senior housing: Senior citizen dwelling or congregate care	Per living unit	0.25	1.0	0.5	1.25
m. Wholesale, warehouse	Per 1,000 nsf	1.5	2.0	1.5	No max.

Notes applicable to parking standards for Bel-Red (Chart 20.25D.120.B.2):

- (1) The maximum parking ratio for financial institutions and office uses in LUC Chart 20.25D.120.B.2.a and e may be increased from 3.0 to 3.5 per 1,000 nsf and in Chart 20.25D.120.B.2.f from 4.0 to 4.5 per 1,000 nsf as follows:
 - a. For off-site parking, the additional 0.5 per 1,000 nsf increment shall be provided in an interim surface parking configuration no more than 500 feet away from the site. The interim parking will have a sunset clause of ten (10) years, or such other period approved through a phasing plan, Part 20.30V LUC; or
 - b. For on-site parking, the additional 0.5 per 1,000 nsf increment may be constructed on-site if it is part of an approved phasing plan, Part 20.30V LUC, and dedicated for a portion of the parking requirement for a future phase of the project.
- (2) If retail and personal service space in a mixed-use development exceeds 25 percent of the net square footage of the development, the retail, personal service, shopping center parking requirements in Chart 20.25D.120.B.2.i apply to the entire retail and personal service space.
- (3) If restaurant and/or bar uses exceed 25 percent of the total net square footage of a retail, shopping center, or mixed-use development, the restaurant and bar requirements in Chart 20.25D.120.B.2.h apply to the entire restaurant and/or bar space.
- (4) Inside nodes, no parking is required for retail and restaurant and/or bar uses under 2,000 nsf when the use is: directly adjacent to a public on-street parking supply of at least 20 spaces within 500 feet, or within 1,000 feet of a public parking garage, or within 500 feet of a light rail or bus rapid transit station.
- (5) The minimum requirement for up to and including one bedroom apartment units available to persons earning 60 percent or less than the median income as determined by the United States Department of Housing and Urban Development for the Seattle Metropolitan Statistical Area is 0.25 stalls per unit. An agreement to restrict the rental or sale of any such units to an individual earning 60 percent or less of the median income shall be recorded with King County.
- (6) Vanpool/Carpool Facilities. The applicant shall provide a vanpool/carpool loading facility that is outside of required driveway or parking aisle widths and that is contained within the required parking and circulation areas. The facility shall be adjacent to an entrance door to the structure served by the parking, or as nearly so as possible after barrier free access parking has been provided, and shall be consistent with all applicable design guidelines.
- (7) Tandem/stacked parking stalls. The applicant may use tandem/stacked parking stalls to exceed the minimum parking requirement, so long as the maximum parking requirement is not exceeded.

C. Off-Site Accessory Parking.

The Director may approve off-site accessory parking to meet the minimum and up to the maximum parking allowed to serve a specific use if the following criteria are met.

1. Adequate visitor parking is provided on the subject property;
2. Adequate pedestrian, van, or shuttle connections between the sites exists;
3. On-site signage is provided regarding accessory parking location;
4. The use being served is within 500 ft of a light rail, bus, or bus transit station; and
5. The off-site parking is within ¼ mile of the use being served.

D. Parking Structure Performance Standards.

The Director may approve a proposal for a parking structure through Design Review if the following criteria are met:

1. Driveway openings are limited to those needed to adequately serve the facility;
2. Exposed parking on the roof of a structure shall be screened by a parapet or other solid screening that equals or exceeds the height of the vehicles;
3. Safe pedestrian connection between the parking structure and the public right-of-way exists;
4. Unfinished ceilings visible from the public right-of-way shall be substantially screened from view; and
5. Lighting shall utilize cut-off shields to prevent spillover upon adjacent uses and the right-of-way and to conceal the light source.

E. Phased Parking.

The property owner may install the required parking spaces in phases pursuant to a phasing plan, Part 20.30V LUC. Each phased parking installation must include the approved minimum to meet the parking requirements for the completed phases of the development for which the parking is provided. The phasing schedule must specifically indicate when all parking approved pursuant to this section will be provided.

1. Location. Phased parking may be located off -site if the criteria of paragraph C above are met.

2. Assurance Device. The Director may require an assurance device pursuant to LUC 20.40.490 to ensure compliance with the requirement and intent of paragraph C above.

F. Director's Authority to Modify Required Parking.

1. The Director may modify the minimum or maximum parking ratio for any use in LUC 20.25D.120.B as follows:
 - a. The modified parking ratio is supported by a parking demand analysis including but not limited to:
 - i. Documentation supplied by the applicant regarding actual parking demand for the proposed use; or
 - ii. Evidence in available planning and technical studies relating to the proposed use; or
 - iii. Required parking for the proposed use as determined by other comparable jurisdictions.
 - b. The proposal does not result in any adverse impact beyond the site; and
 - c. A shared parking agreement is executed pursuant to 20.20.590.I. Use of Shared Parking.
2. Periodic Review. The Director may require periodic review of the reduced parking supply to ensure the terms of the approval are being met.
3. Assurance Device. The Director may require an assurance device pursuant to LUC 20.40.490 to insure compliance with the requirement and intent of paragraph F.1 of this section.

G. Bicycle Parking.

Office, residential, institutional, retail, and education uses are required to provide bicycle parking pursuant to the following standards:

1. Ratio.
 - a. 1 space per 10,000 nsf for non-residential uses greater than 20,000 nsf.
 - b. 1 space per every 10 dwelling units for residential uses.
2. Location. Minimum bicycle parking requirement shall be provided on-site.
3. Covered spaces. At least 50 percent of required parking shall be protected from rainfall by cover.

4. Racks. The rack(s) shall be securely anchored and a bicycle six feet long can be securely held with its frame supported so the bicycle cannot be pushed or fall in a manner that will damage the wheels or components.
5. Size requirement. Each required bicycle parking space shall be accessible without moving another bicycle.

H. Unspecified Uses.

The Director shall establish the minimum number of parking spaces required and may establish the maximum number of parking spaces allowed for any use not specified in LUC 20.25D.120.B. The Director may consider but is not limited to the following in establishing parking requirements for an unspecified use:

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.

20.25D.130 Bel-Red Development Standards.

The Bel-Red Development Standards establish regulatory requirements for new structures, development, or activities and remodels or expansions on public and private parcels within the Bel-Red Subarea. These standards support and strengthen existing and planned infrastructure while establishing a hierarchy of use and a highly identifiable Subarea character. Deviations from the specific requirements set forth in this Section may be approved through the ~~Master Development Plan or Design Review~~ processes consistent with the criteria set forth in LUC paragraphs 20.25D.030.B. and C.32.

A. Required Ground Floor Uses.

1. Purpose/Intent. Ground floor retail and commercial uses are an essential component of active and vital streets as well as transit station areas. Ground floor uses create a vibrant “18-hour” pedestrian environment where neighborhood services are within an easy walk, bike or transit trip.
2. Where Required. Figure 20.25D.130.A identifies those streets where ground floor retail and ground floor commercial uses are required for buildings frontages.
3. Applicable Standards for Ground Floor Retail Uses.
 - a. Ground floor retail uses shall satisfy the intent of paragraph 1 above and include uses such as:

- i. Eating and drinking establishments;
 - ii. Merchandise sales (including but not limited to grocery, food retail, art, and clothing); or
 - iii. Personal services (including but not limited to laundry and beauty services).
- b. Continuous retail storefronts shall be provided for 100 percent of the building frontage on a designated street.
 - c. Interruptions in storefronts shall be limited to residential lobbies and required emergency access. Lobby interruptions shall be limited to 25 percent of the building frontage.
 - d. All other uses are prohibited on the ground floor.
4. Applicable Standards for Ground Floor Commercial Uses.
- a. Ground floor commercial uses shall satisfy the intent of paragraph 1 above and include all ground floor retail uses permitted in paragraph A.3 of this section, and financial, real estate, insurance services, and hotels.
 - b. In the 122nd Avenue Node, at least 50 percent of the street level building edges shall incorporate ground floor commercial uses. The required ground floor commercial uses may be interrupted by lobby entrances to office, hotel or residential buildings and required emergency access. Lobby interruptions shall be limited to 25 percent of the building frontage.
 - c. In the 130th Avenue Node, 100 percent of the street level building edges shall incorporate ground floor commercial uses. The required ground floor commercial uses may be interrupted by residential lobbies or work-live units. Lobby interruptions shall be limited to 25 percent of the building frontage.

B. Required Build-to Lines.

1. Purpose/Intent. Build-to lines occur along select block faces to help establish a continuous “street wall” providing a sense of enclosure and visual interest for pedestrians. Build-to-lines also contribute to the economic viability of retail and commercial uses by providing direct pedestrian access and visual exposure to potential drive-by customers.
2. Where Required. Figure 20.25D.130.B identifies locations of required build-to lines where the ground-floor facades must be built to the back of sidewalk.
3. Applicable Standards for required build-to lines.
 - a. Except as provided in paragraphs d, e, and f below, buildings shall satisfy the intent of paragraph 1 above and be constructed along the entire block length where indicated in Figure 20.25D.130.B.
 - b. Entrances to buildings may be recessed a maximum of five feet behind the build-to line.
 - c. Windows and walls may be recessed up to 18 inches if columns, pilasters, walls or other architectural fenestration tie them together with the rest of the building frontage.
 - d. In the 122nd Avenue Node, required build-to lines may be interrupted only to accommodate public or private plazas, parks, or other publicly accessible spaces. Interruptions in the required build-to lines shall be limited to a maximum of 25 percent of the total project frontage on an individual block.
 - e. In the 130th Avenue Node, required build-to lines may be interrupted only to accommodate public or private plazas, parks, or other publicly accessible spaces. Interruptions in the required build-to lines shall be limited to 15 percent of the total project frontage on an individual block.
 - f. Vehicular access is limited pursuant to LUC 20.25D.140.F regarding restricted driveway access.
 - g. Surface parking is not permitted between the sidewalk and the building wall.

Required Build-to-Lines

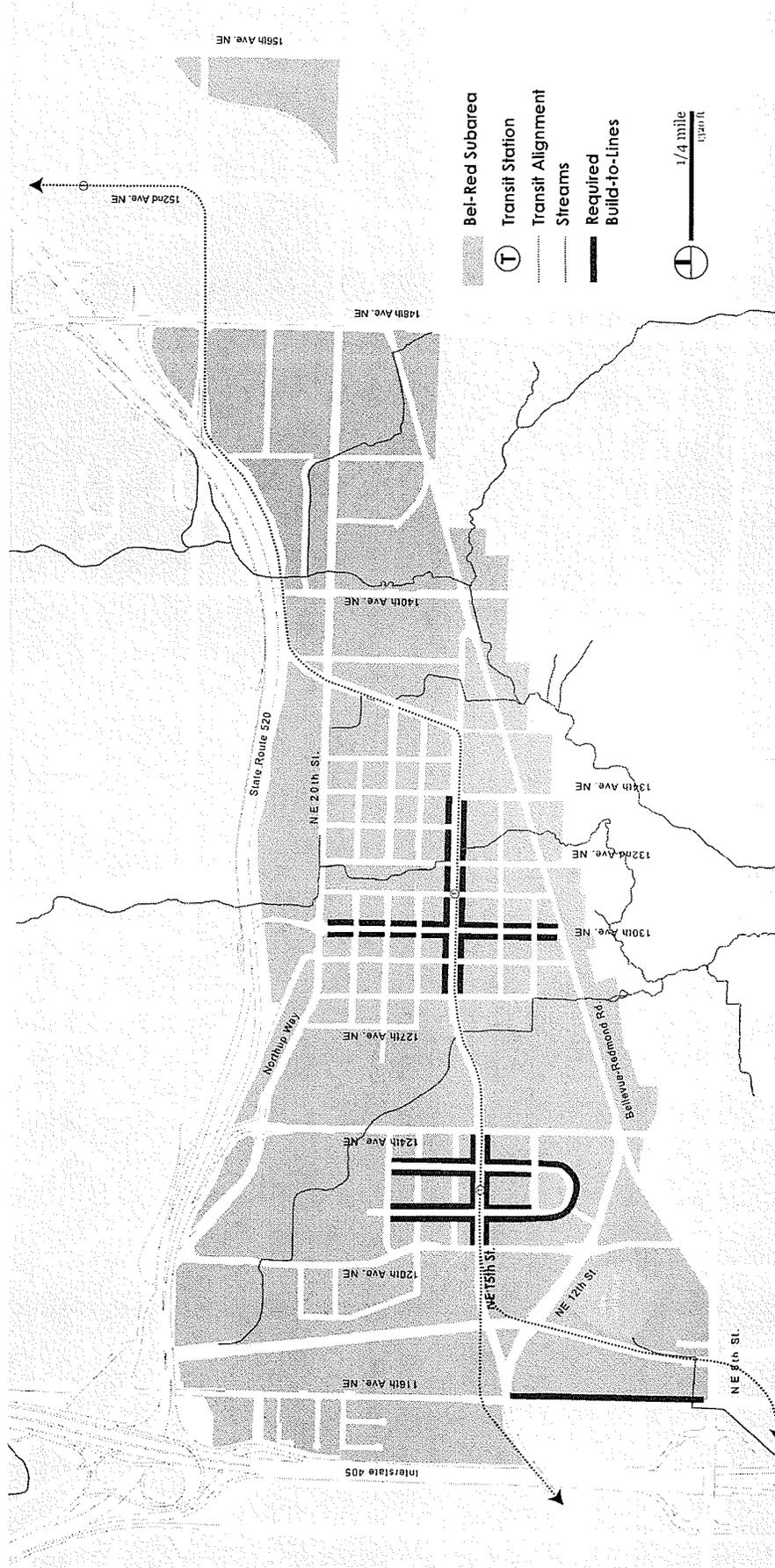


Figure 20.25D.130.B: Required Build-to-Lines

C. Required Sidewalk-Oriented Development

1. Purpose/Intent. Sidewalk-oriented development is characterized as ground floor building frontages with direct entries from the sidewalk and/or building frontages with a high degree of transparency and activating land use. This increased visual and physical interaction between the people inside and outside the buildings results in “eyes on the street” while creating a greater degree of safety and a vibrant public realm.
2. Where Required. Figure 20.25D.130.C identifies where sidewalk-oriented development is required.
3. Applicable Standards for Ground Floor Retail and Commercial Uses.
 - a. On street frontages identified in Figure 20.25A.130.A, 100 percent of ground floor facades shall be transparent glass or screens that satisfy the intent of paragraph 1 above. Tinted, reflective, or other types of glass or window treatments that diminish transparency are prohibited.
 - b. Interruptions in the transparent glass or screens shall be limited to a maximum of 30 percent of the sidewalk-oriented development.
 - c. Primary entrances to all ground floor uses shall be oriented to the public right-of-way. Doors shall not be separated from adjacent public sidewalks by steps or ramps except where no feasible alternative exists.
4. Applicable Standards for Other Uses.
 - a. Primary entrances shall be oriented toward the public right-of-way or open space.
 - b. Doors may be separated from adjacent public right-of-way or open space by a maximum of 36 inches grade separation.
 - c. A minimum of 40 percent of ground floor facades shall be transparent glass or screens.

Required Sidewalk-Oriented Development

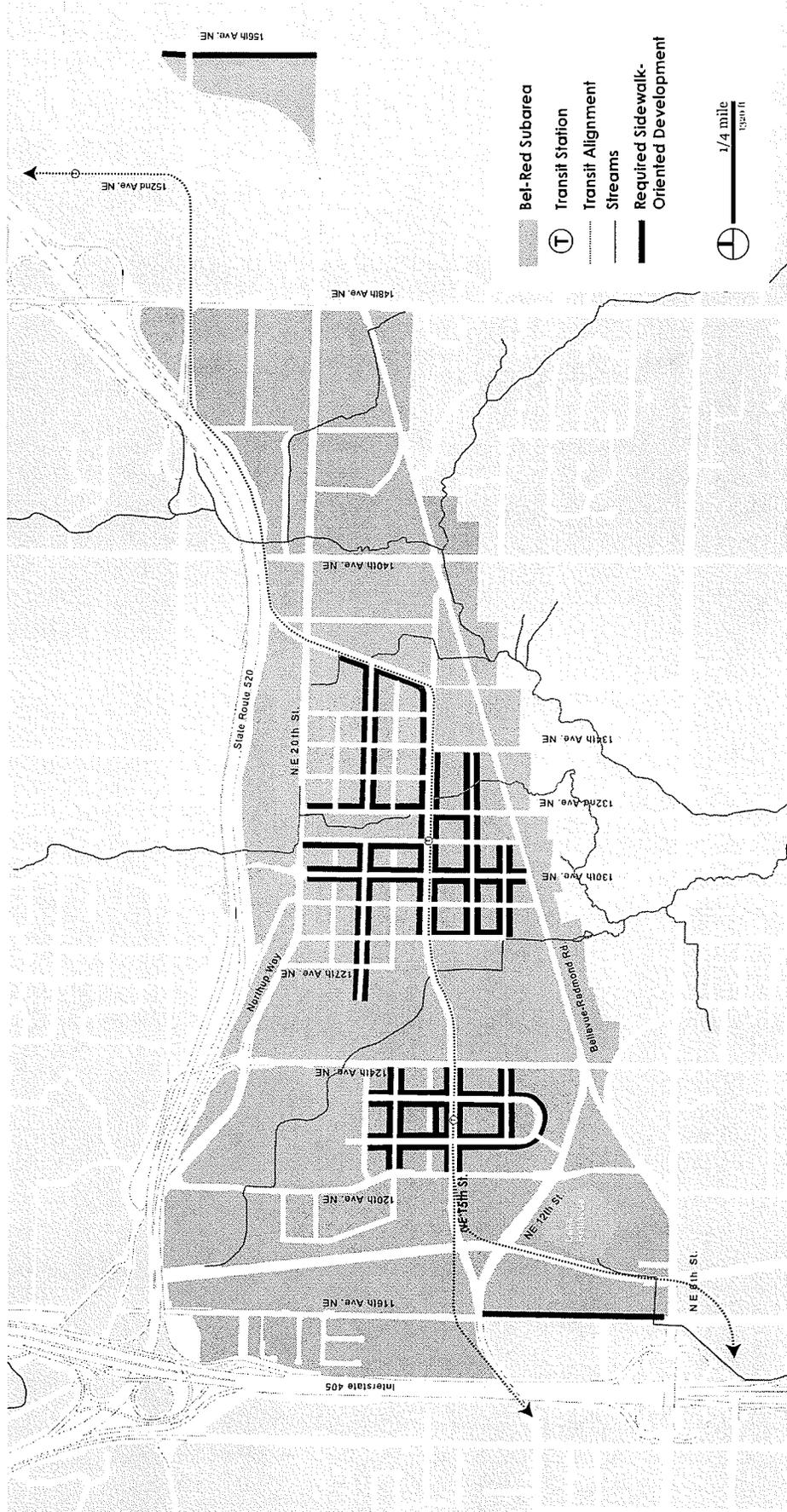


Figure 20.25D.130.C Required Sidewalk-Oriented Development

D. Required Transition Edge Development.

1. Purpose/Intent. Transition edge development requires elements incorporated into the site and building design that soften the impact of BR-ORT, a more intensive land use district, where it is adjacent to single-family uses.
2. Where Required. All buildings on the south side of Bel-Red Road between 124th Avenue NE and 148th Ave NE where abutting property is zoned single-family residential, R-1 – R 7.5.
3. Applicable Standards for Site Design.
 - a. Surface parking lots shall be screened from street level views and from ground level views of an abutting residential district per LUC 20.25D.110.B. In appropriate circumstances, surface parking lots should be located away from adjacent residential properties.
 - b. Mechanical equipment that is located on the roof shall be incorporated into a pitched or stepped roof form, and not appear as a separate penthouse or box.
 - c. All refuse and recycling containers shall be contained within structures enclosed on all four sides and utilize lids made of molded plastic or other sound buffering material. The containers shall be located on a side of the building facing away from the abutting residential properties, but not between the street and the subject building.
4. Applicable Standards for Building Design.
 - a. Building façades shall incorporate elements including but not limited to stepbacks, offsets, roof overhangs, and recesses with a minimum depth of 18 inches. Incorporated recess and offset elements should generally occur along the building façade at intervals no greater than 30 feet.
 - b. A building façade visible from abutting residential properties shall not exceed 150 feet.
 - c. A primary structure shall be a minimum of 20 feet from another primary structure, provided this dimension may be modified pursuant to LUC 20.25H.040 on sites in the Critical Areas Overlay District.
 - d. The maximum building height of 45 feet above average finished grade may be reached only when incorporating pitched or stepped roof forms.
 - e. Communication dishes greater than one meter (3.28 feet) in diameter shall not be visible from adjacent residential districts.
 - f. Natural materials and neutral colors shall be used.

5. Signs.

- a. Building design shall provide for architecturally integrated signage consistent with the scale and architecture of the building, and signage shall be installed so as not to obscure any architectural detail of the building.
- b. Signs shall meet the requirements of Chapter 22B.10 BCC, Bellevue Sign Code.
- c. Signs shall be located so that they are not visible from abutting single family land use districts.

E. Prohibited Building Materials.

To ensure the Bel-Red District contains high-quality buildings of durable and sustainable materials, the following materials are ~~prohibited~~ not recommended on façades visible from the public right-of-way within the Bel-Red District unless expressly approved through Design Review:

1. Synthetic stucco;
2. Unfinished metal or plastic storefront window systems;
3. Unfinished concrete or cinder block;
4. Aluminum, plastic, or vinyl siding;
5. Simulated materials such as river rock, or other faux cladding;
6. Clapboard, lap and shingle, or other types of residential siding;
7. Architectural foam detailing; and
8. Applied simulated divided light window systems.

These building materials limitations are not applicable in the Bel-Red General Commercial (BR-GC) Land Use District.

20.25D.140 Bel-Red Street Development Standards.

The Bel-Red street development standards are a hierarchy of emphasis and design treatment for public areas within the Bel-Red District. These standards ensure that a consistent, high-quality public realm is developed throughout the district and that the unique qualities of Bel-Red are enhanced.

A. Required Local Streets.

1. **Purpose/Intent.** The intent of the local streets grid is to introduce a public right-of-way system that improves mobility by increasing access for local vehicular and pedestrian traffic throughout the Bel-Red District.
2. **Where Required.** Figure 20.25D.140.A identifies the general location of new local streets. The Director may approve modifications to the local street grid to respond to specific site conditions, property ownership, and phasing considerations; provided that the modified local street grid satisfies the intent of paragraph 1 above and meets the applicable standards below.
3. **Applicable Standards.**
 - a. The total perimeter distance of a block shall not exceed 1,200 feet. For the purpose of measuring this dimension, a block may be bordered by a right-of-way, an alley with pedestrian facilities, a private roadway with pedestrian facilities, or a pedestrian street.
 - b. All streets shall be accessible to the public at all times. Gateways or other means of restricting access are prohibited.
 - c. Street design details, including roadway sections and engineering, shall receive all approvals required pursuant to city codes and standards, including but not limited to transportation and utility codes and development standards, now or as hereafter adopted.

Required Local Streets

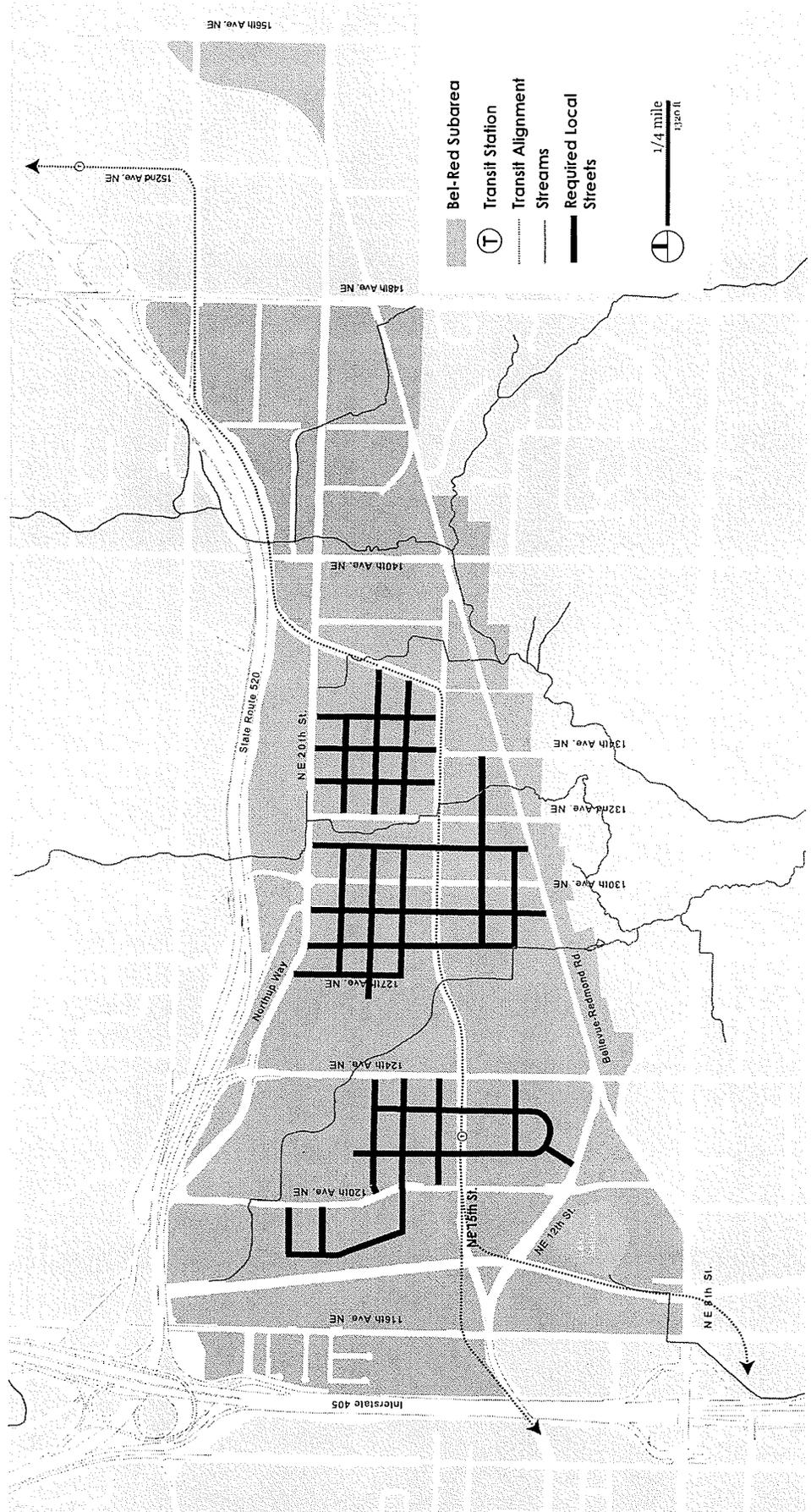


Figure 20.25D. 140A: Required New Local Streets

B. 15th/16th Transit Boulevard.

1. Purpose/Intent. The NE 15th/16th Transit Boulevard serves as the symbolic and functional thread that knits the Bel-Red District together. It connects the most intense area of development and includes vehicular, light rail, and non-motorized travel modes. It is also intended to incorporate significant urban open spaces and environmentally sensitive design features.
2. Where Required. Figure 20.25D.140.B identifies the general location for the NE 15th/16th Transit Boulevard. The Director may approve the final location of the Boulevard to respond to specific site conditions, property ownership, and phasing considerations; provided that the final location satisfies the intent of paragraph 1 above and meets the applicable standards below.
3. Street design details, including roadway sections and engineering, shall receive all approvals required pursuant to city codes and standards, including but not limited to transportation and utility codes and development standards, now or as hereafter adopted.

NE 15th/16th Transit Boulevard

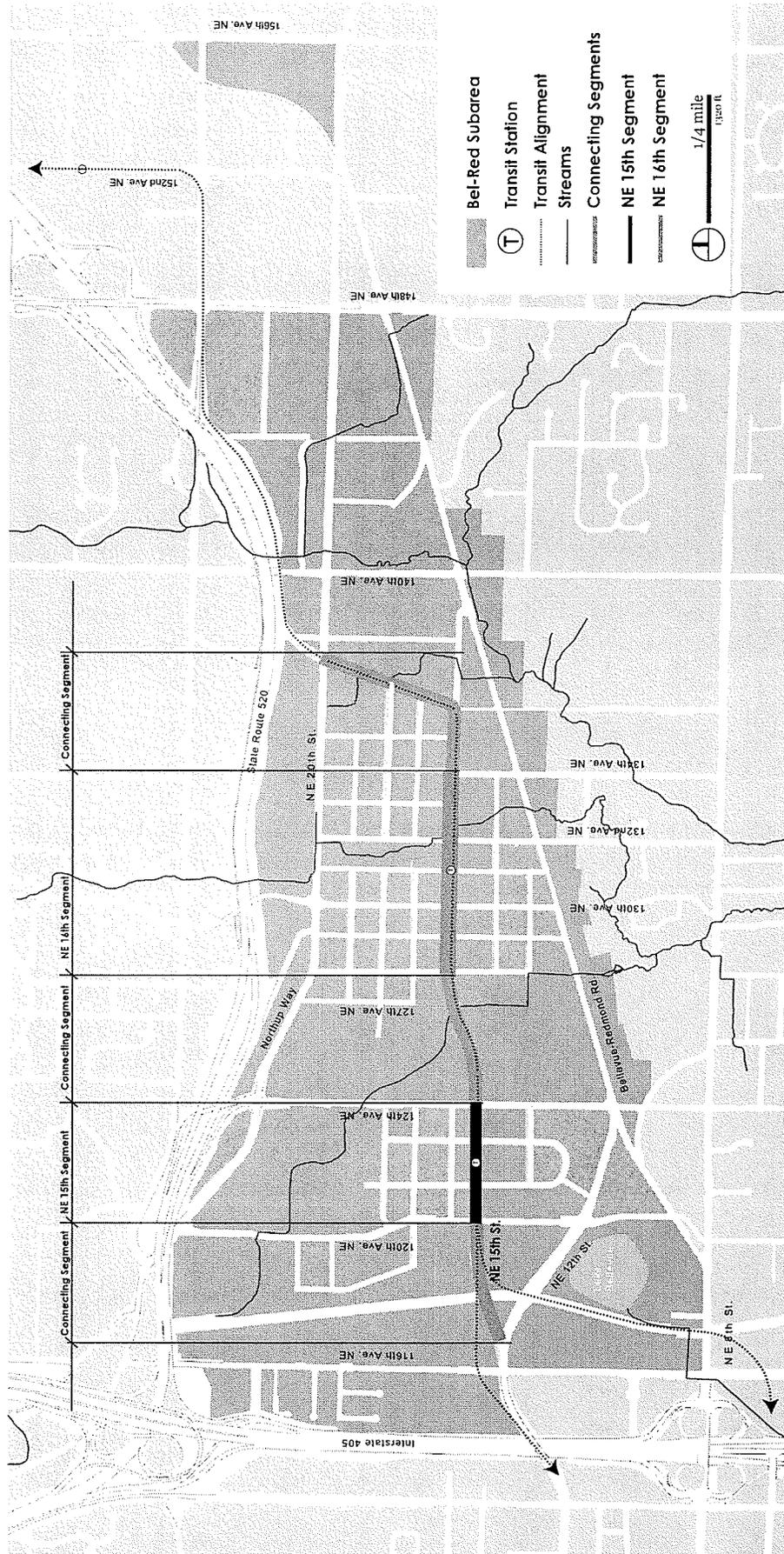


Figure 20.25D.140.B : NE 15th/16th Transit Boulevard Segments

C. 130th Avenue Shopping Street.

1. Purpose/Intent. 130th Avenue NE north of the NE 15th/16th Transit Boulevard is envisioned as a centralized neighborhood-serving retail street. Design is intended to make the pedestrian experience a priority and foster a vital retail environment by using uniform design features.
2. Where Required. The 130th Avenue Shopping Street extends from NE 15th/16th Transit Boulevard to Northup Way/NE 20th. Figure 20.25D.140.C identifies the general location of the 130th Avenue Shopping Street. The Director may approve the final location of the Shopping Street to respond to specific site conditions, property ownership, and phasing considerations; provided that the final location satisfies the intent of paragraph 1 above and meets the applicable standards below.
3. Applicable Standards.
 - a. Sidewalks shall be a minimum of 14 feet 6 inches from face of curb to face of building or open space.
 - b. Street design details, including roadway sections and engineering, shall receive all approvals required pursuant to city codes and standards, including but not limited to transportation and utility codes and development standards, now or as hereafter adopted.

130th Avenue Shopping Street

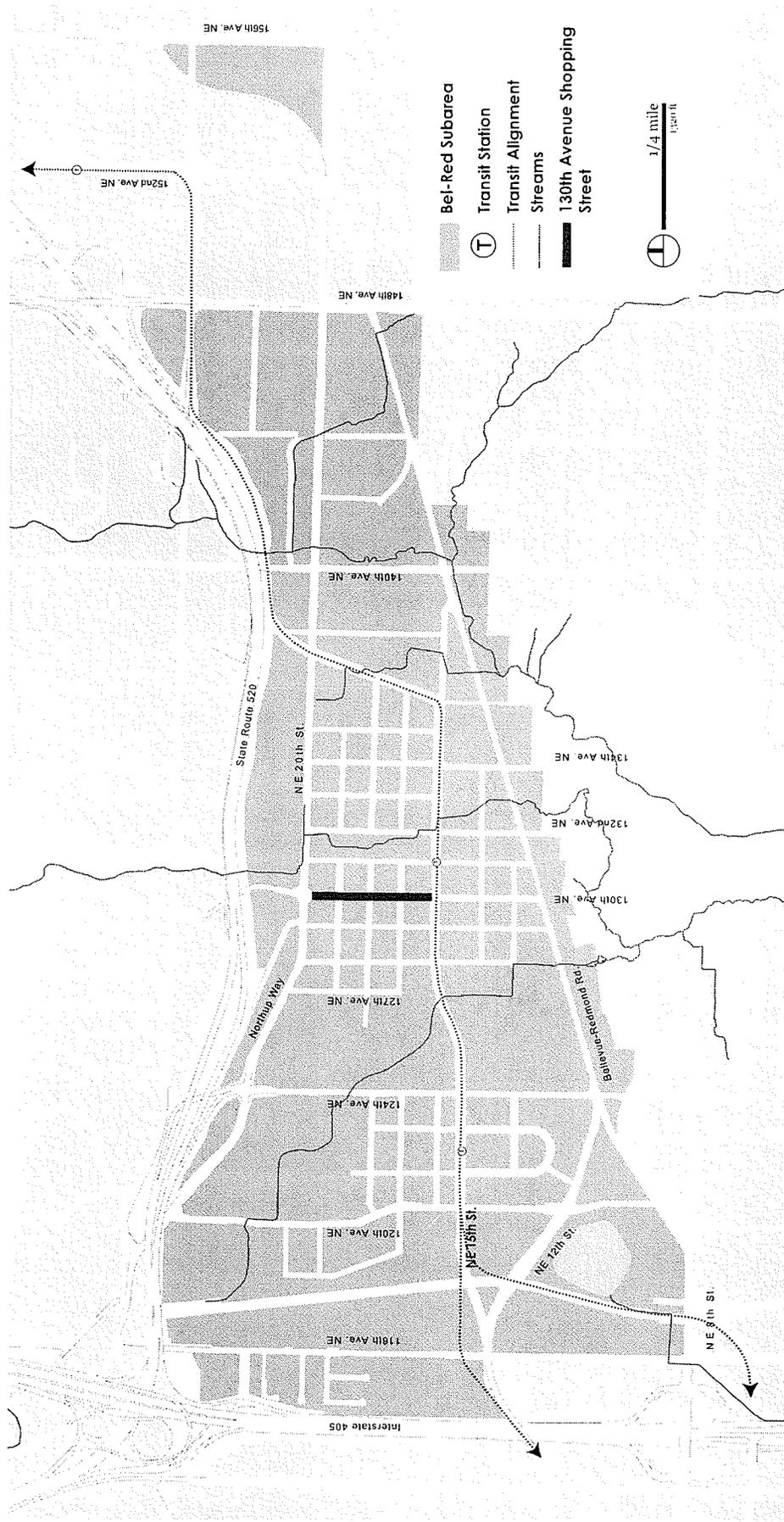


Figure 20.25D.140.C: 130th Avenue Shopping Street

D. Green Streets.

1. Purpose/Intent. Green Streets utilize natural drainage systems, to the extent feasible, to improve and reduce the amount of stormwater runoff at its source.
2. Where Required. Green Streets shall be generally located between stream corridors and trail connections. Figure 20.25D.140.D indicates the general location of Green Streets. The Director may approve the final location of Green Streets to respond to specific site conditions, property ownership, and phasing considerations; provided that the final location satisfies the intent of paragraph 1 above and meets the applicable standards below.
3. Applicable Standards.
 - a. See LUC 20.25D.110.B for Green Streets natural drainage planting requirements.
 - b. Street design details, including roadway sections and engineering, shall receive all approvals required pursuant to city codes and standards, including but not limited to transportation and utility codes and development standards, now or as hereafter adopted.

Green Streets

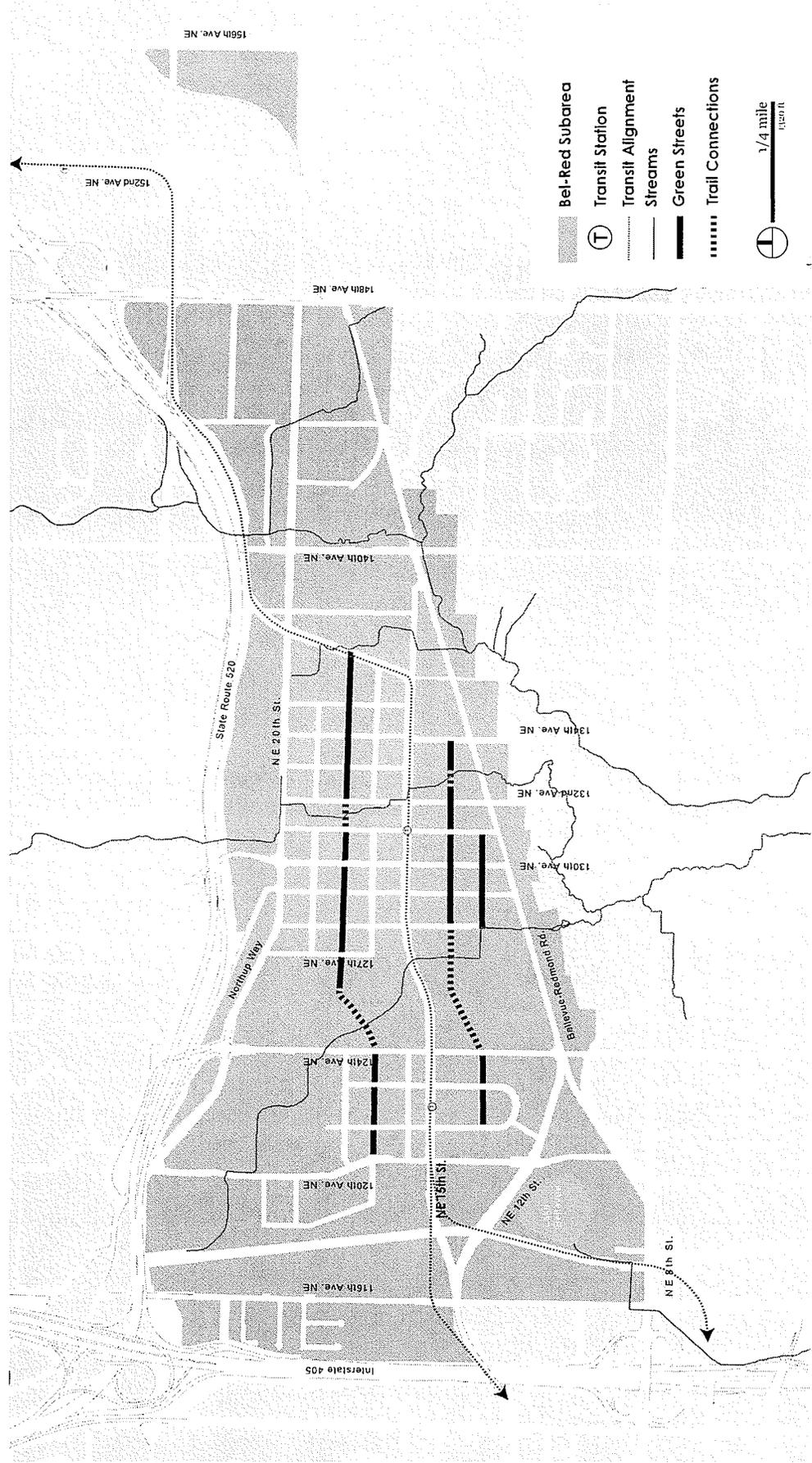


Figure 20.25D.140.D: Green Streets

E. Required On-Street Parking.

1. Purpose/Intent. On-street parking can contribute to the pedestrian environment, be a great benefit to retail uses, and enhance elements of neighborhood character.
2. Where Required. Required locations include the portions of the NE 15th/16th Transit Boulevard adjacent to retail and commercial uses, along the 130th Avenue Shopping Street, and for some of the local streets within the transit nodes. Figure 20.25D.130.E indicates the block faces where on-street parking is required. The Director may approve the final location of on-street parking to respond to specific site conditions, property ownership, and phasing considerations; provided that the final locations satisfy the intent of paragraph 1 above and meets the applicable standards below.
3. Applicable Standards. Parking design details shall receive all approvals required pursuant to city codes and standards, including but not limited to transportation and utility codes and development standards, now or as hereafter adopted.

Required On-Street Parking

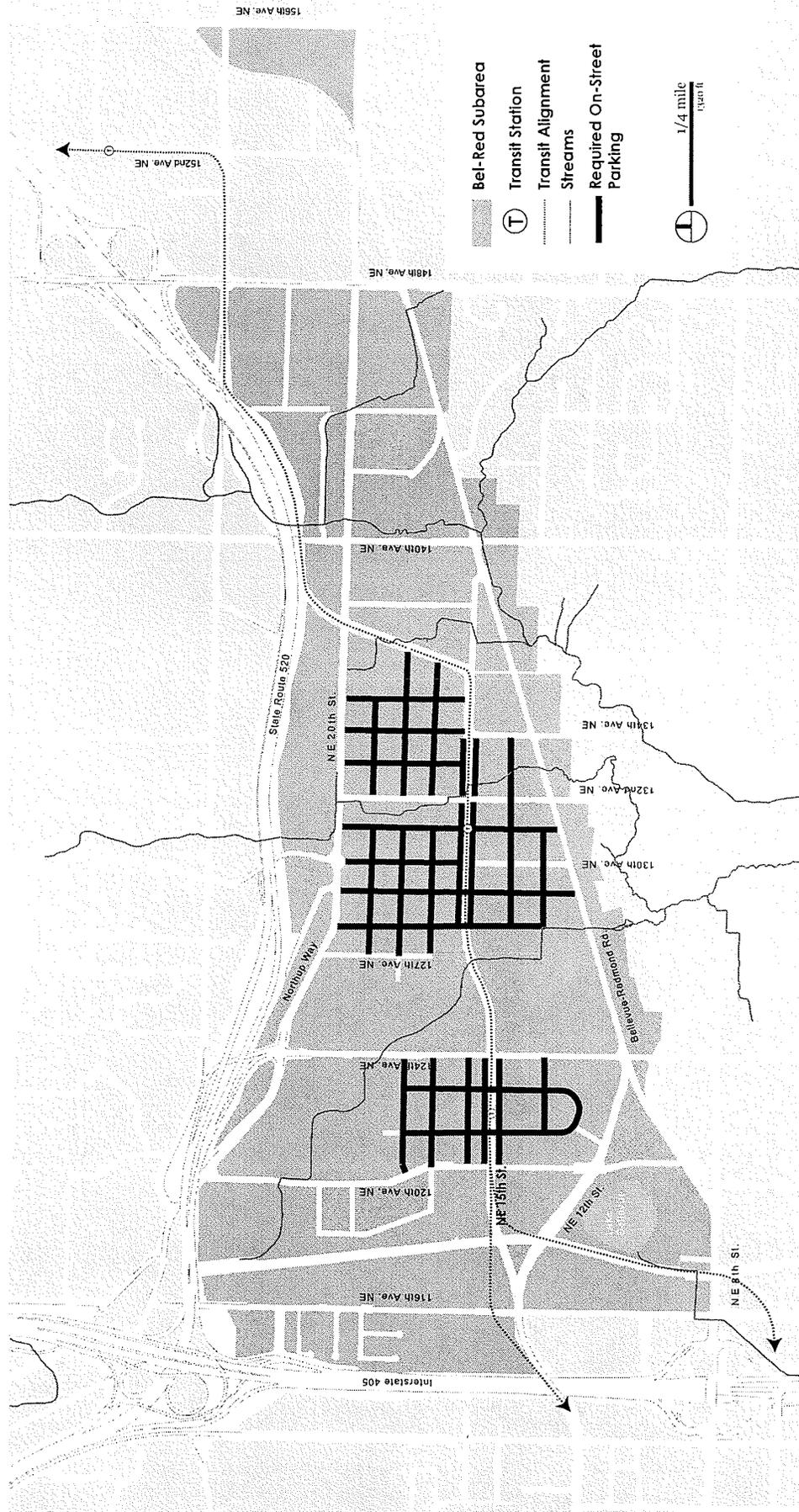


Figure 20.25D. 140.E: Required On-Street Parking

F. Restricted Driveway Access.

1. Purpose/Intent. Driveway access along certain streets is restricted to minimize conflicts with transit, autos, bicycles, and pedestrians and to reinforce active edge continuity along commercial and retail frontages.
2. Where Restricted. Driveway access is generally prohibited along the NE 15th/16th Transit Boulevard and the 130th Shopping Street as shown in Figure 20.25D.140.F.
3. Applicable Standards.
 - a. Except where no feasible alternative access exists, vehicular access to properties abutting the rights-of-way identified in paragraph 2 above, shall be from other arterials, local streets, and alleys off of these designated corridors. The Director may approve vehicular access in these restricted areas to respond to specific site conditions, property ownership, and phasing considerations; provided that the final locations satisfy the intent of paragraph 1 above and meets the applicable standards below.
 - b. The Director may approve on-street loading and service locations when the off-street loading space required by LUC paragraph 20.20.590.K.4 cannot reasonably be designed to satisfy the intent of paragraph 1 above. Designated on-street loading and service locations shall receive all approvals required pursuant to city codes and standards, including but not limited to transportation and utility codes and development standards, now or as hereafter adopted.

Restricted Driveway Access

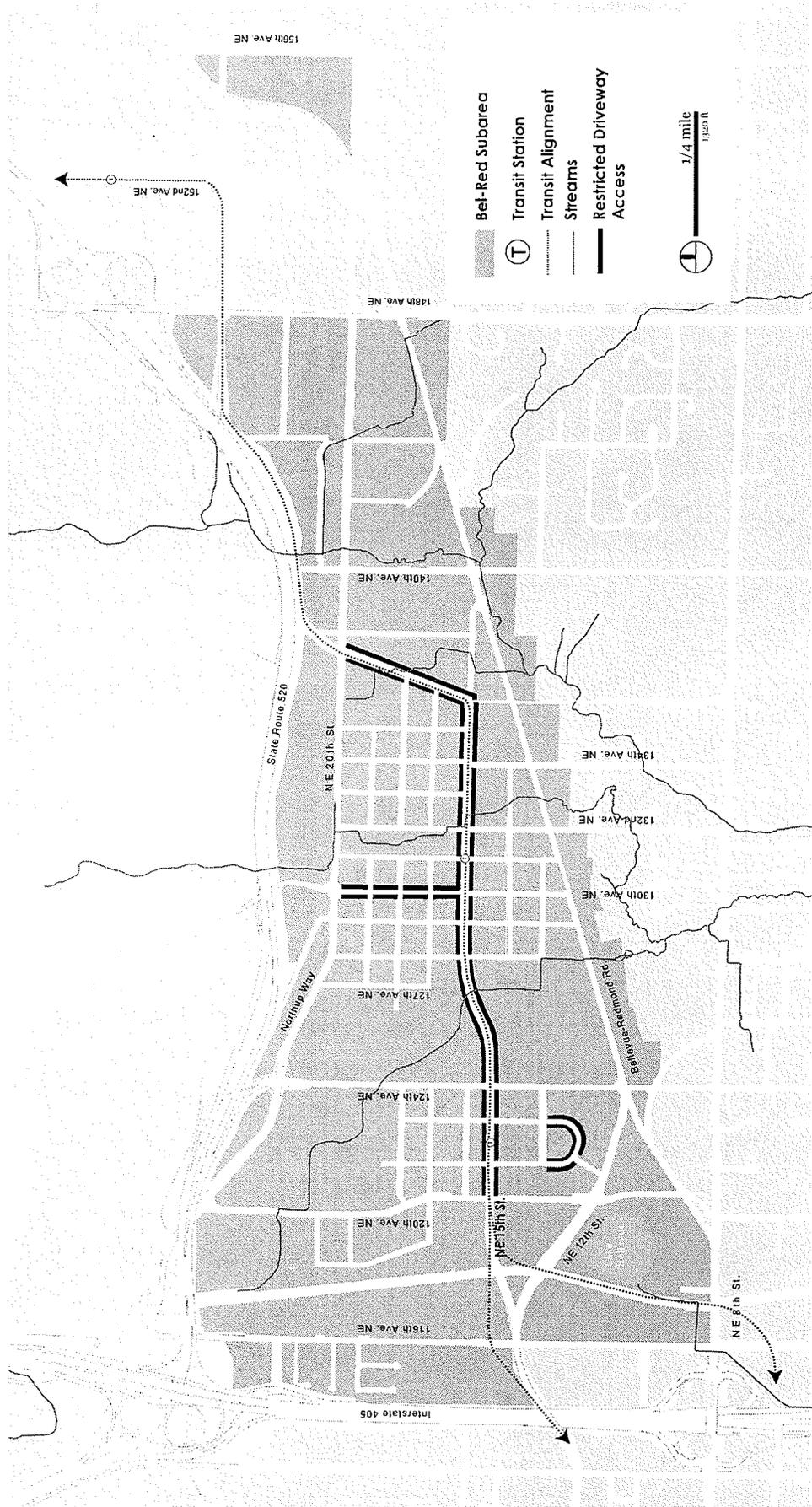


Figure 20.25D.140.F: Restricted Driveway Access

G. Required Street Furniture.

1. Purpose/Intent. Street furniture elements support a consistent and uniform street character, reinforce the identity of a district, and minimize conflicts with pedestrian mobility.
2. Where Required. Street furniture elements are required along streets identified in Figure 20.25D.140.G.
3. Applicable Standards. Location and specifications shall be approved by the Transportation Department.

Required Street Furniture

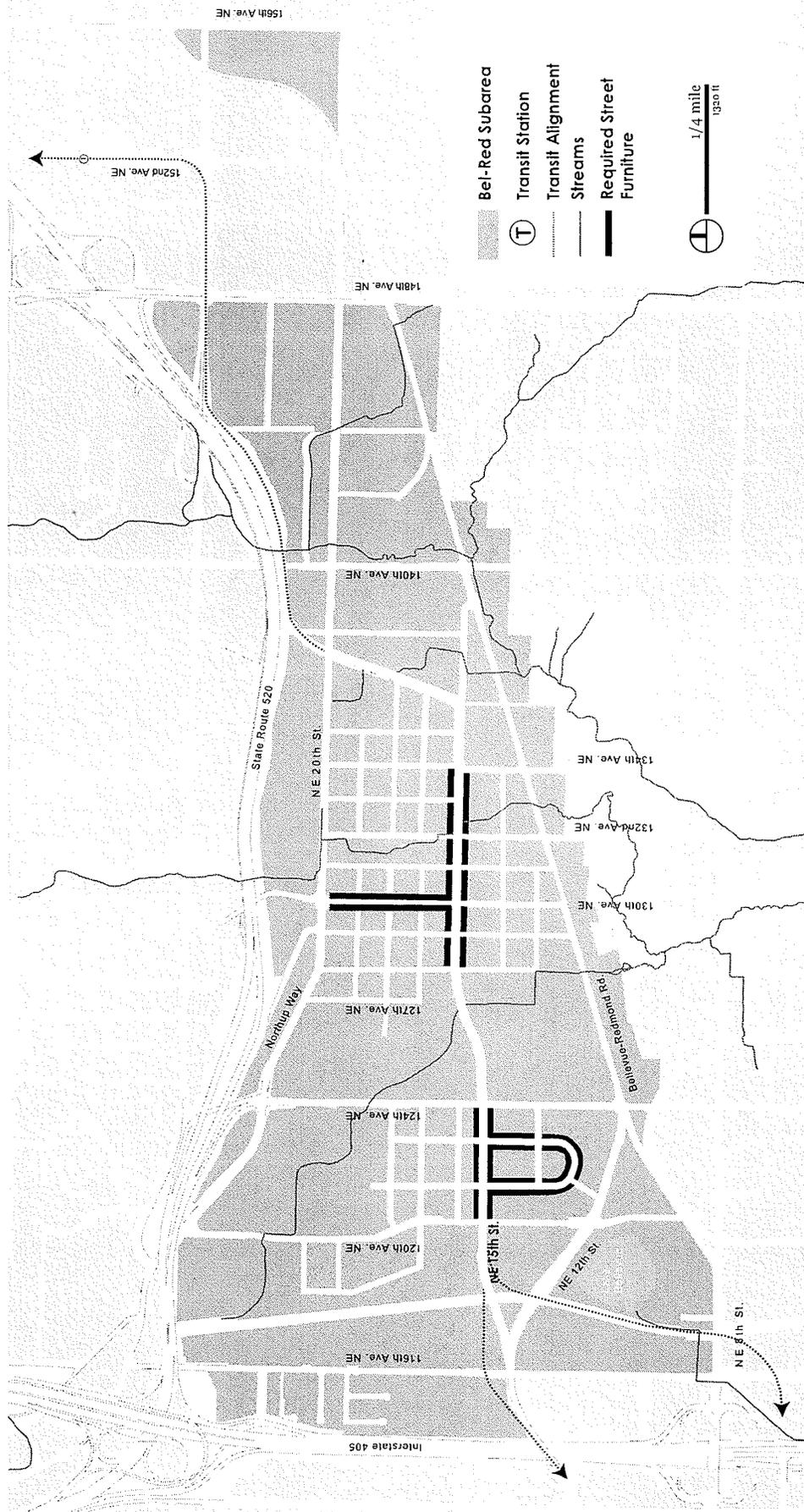


Figure 20.25D.140.G: Required Street Furniture

20.25D.150 Design Guidelines.

Each development within a Bel-Red Land Use District must comply with the provisions of the ~~document entitled Bel-Red Subarea Design Guidelines dated [insert Code adoption date], now or as hereafter amended or superseded pursuant to the provisions of that document~~contained in this section. The provisions of the Design Guidelines will be applied pursuant to the review requirements of LUC section-20.25D.030.

A. Introduction

The Bel-Red Subarea Design Guidelines support and complement the community vision described in the Bel-Red Subarea Plan that is part of the city's adopted Comprehensive Plan. The Design Guidelines offer a flexible tool for quality and innovation. They do not prescribe specific design solutions or make rigid requirements. There are many ways to meet a particular guideline. The guidelines are a descriptive template for promoting and improving the urban character of the area without dictating or prescribing a specific style of theme.

Each individual guideline provides the following detail:

- **Intent:** An initial concise statement of the objective of the guideline
- **Guideline:** Explanatory text describing the details of the guideline
- **Recommended:** Textual and photographic examples of recommended development consistent with the intent of the guideline
- **Not Recommended:** Textual and photographic examples of development that does not meet the intent of the guideline

Visual examples are included as models for design and review purposes. They are intended to provide a means to effectively judge a building or project relative to the design criteria; they are not intended to be specific examples to be replicated.

B. Character and Site Guidelines

Purpose

These guidelines address the qualities that make the Bel-Red subarea unique. They consider what makes an area a special, distinct "place," not simply a group of individual buildings and streets.

1. Integrate the Natural Environment

a. Intent

Reinforce linkages and orient buildings to the Bel-Red Subarea's natural and landscaped features.

b. Guideline

Site and building design should capitalize on significant elements of the natural environment, Highland Community Park and planned park and open space, riparian corridors and wetlands. Designs should incorporate open space amenities for residents, employees and visitors. Depending on the location, this may be accomplished through integration of the natural environment with new development or providing a smooth transition between the natural and built environments.

c. Recommended

- i. Active and passive gathering places and walkways oriented toward parks and open, natural spaces
- ii. Clear and convenient public access to open space amenities
- iii. Elements that engage the natural environment where the sight, sound and feel of nature can be directly experienced
- iv. Buildings sited to take maximum advantage of adjacent public amenities
- v. Walkways and plazas paved with high-quality materials (such as brick or stone), and other

architectural elements that use materials, colors and forms that are harmonious with the natural surroundings



Open space amenity that allows for the public experience of natural elements

d. Not Recommended

- i. Buildings that turn their back on open space amenities
- ii. Stands of 'native' planting schemes within large, automobile oriented parking lots



Inaccessible islands of planting that do not connect well to the built environment or public amenities

2. Promote Architectural Compatibility

a. Intent

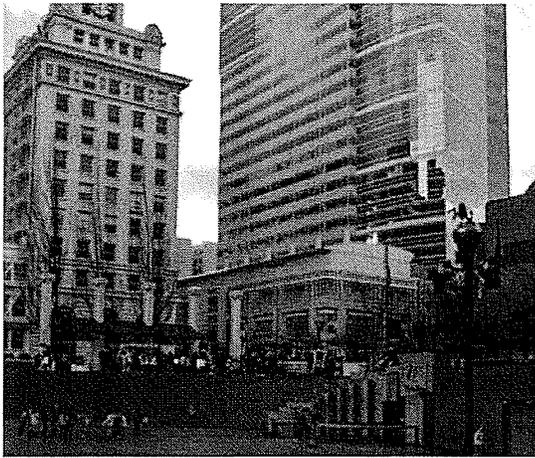
New buildings should contribute to the quality and character of their architectural context.

b. Guideline

Buildings should "fit" with their architectural surroundings – relating to nearby buildings rather than calling attention to themselves through design excesses or novel variations. Architectural elements should enhance not detract from the area's overall character.

c. Recommended

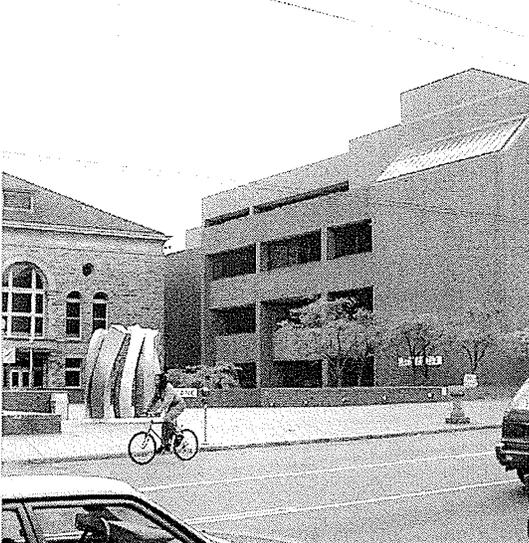
- i. Architectural elements used at a scale and level of detailing proportionate to the size of the building
- ii. Forms, proportions, rhythms, materials, colors and architectural motifs that are suggested by and complement adjacent buildings



Architectural elements fit into local context and overall character of the area

d. Not Recommended

- i. Out-of-scale, over-simplified, cartoon-like or other architectural elements applied without regard to size or use of the element
- ii. Building elements that do not respect the scale, materials, proportions and heights of adjacent high-quality buildings



Building on the right does not respect the scale, materials, proportions and character of adjacent area

3. Establish and Strengthen Gateways

a. Intent

Use architectural and landscape elements to mark transitions and entrances.

b. Guideline

Entrances into and within the Bel-Red Subarea should be celebrated at many levels. Pedestrians, cyclists, transit passengers, and motorists should experience a sense of "entering" or moving into the area as well as entry into unique districts or neighborhoods in the subarea.

c. Recommended

- i. New buildings designed to create gateways, using elements such as arches, arcades, pylons, columns, fountains and bridges
- ii. Signage, landscaping, lighting, or sculptural and artistic elements used to identify a gateway

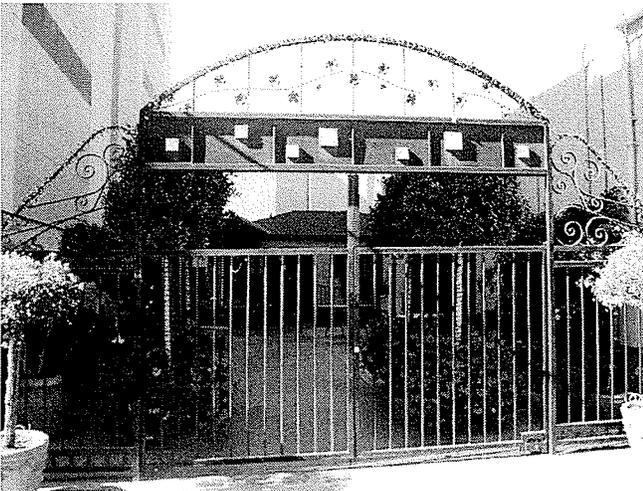
- iii. Markers or inlaid art treatment in sidewalk paving to strengthen sense of entry into a particular district or neighborhood
- iv. Design elements that indicate a change or separation in transportation modes (i.e., from auto to pedestrian areas, or into transit stations)



Entrances to districts and among modes of transportation emphasized through design elements

d. Not Recommended

- i. Gated, private compounds



Detailing of private spaces in lieu of gateway treatment

4. Protect and Enhance Surface Water Resources

a. Intent

Conserve water quality, natural hydrology and habitat, and preserve biodiversity through protection of water bodies and wetlands.

b. Guideline

Natural water systems regulate water supply, provide biological habitat and may provide recreational opportunities. Undeveloped ecosystems absorb the precipitation and convey only a small portion of rainfall as surface runoff. New and infill development should minimize disturbances to the on-site, adjacent, and regional natural water systems.

c. Recommended

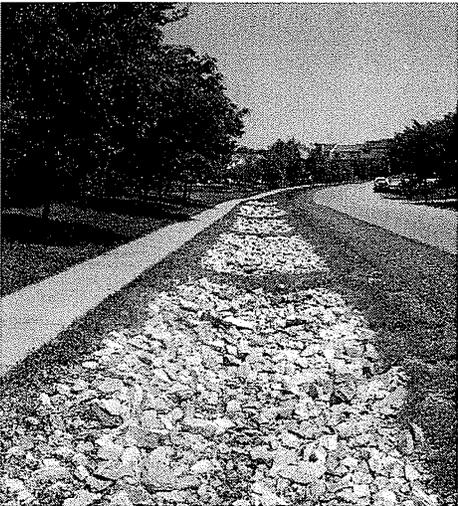
- i. Grading and plan layout that captures and slows runoff
- ii. Pervious or semi-pervious surfaces that allow water to infiltrate soil
- iii. On-site landscape-based water treatment methods that treat rainwater runoff from all surfaces, including parking lots, roofs and sidewalks



Aesthetically pleasing development that minimizes adverse impacts to water systems

d. Not Recommended

- i. Buried, piped or culverted stream channels
- ii. Water quality enhancement projects that detract from the urban character of the area



Aesthetically pleasing development that minimizes adverse impacts to water systems

5. Integrate Art

a. Intent

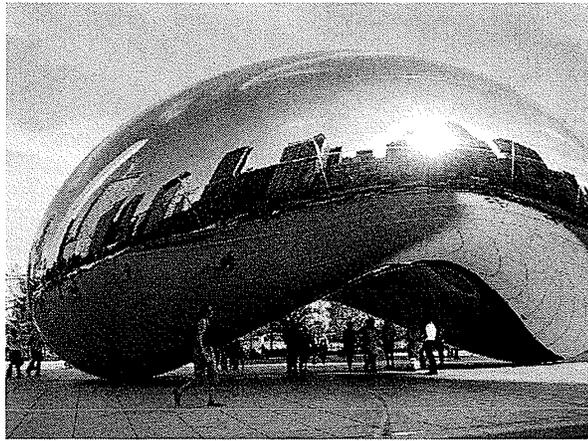
Art in the Bel-Red Subarea should complement the character of a site, building or district as a whole. Art should be integrated into the design of the building or outdoor space.

b. Guideline

Large scale art in both public and private applications should bring focus to an outdoor space while small scale pieces should bring detail to the pedestrian realm surrounding a building or site. At any scale, art should not overwhelm outdoor spaces or render buildings mere backdrops.

c. Recommended

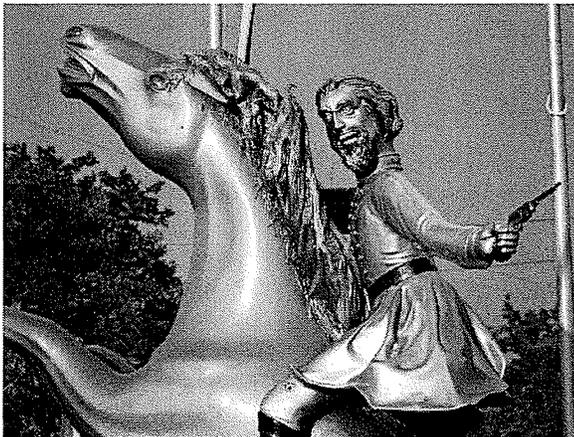
- i. Artwork designed for and integrated into the building or site
- ii. Functional or interactive artwork
- iii. Durable materials that are vandal-resistant and designed to age well



Public art that complements the built environment and reinforces or creates a distinctive image of a place

d. Not Recommended

- i. Amateur art projects
- ii. Artwork used as advertising
- iii. Display conditions that detract from the artwork



Advertising in lieu of public art or art of poor quality that detracts from the urban character of the area

C. Pedestrian Emphasis Guidelines

Purpose

The pedestrian emphasis guidelines promote an environment where pedestrians are a priority. The highest consideration should be given to the ease and comfort of pedestrian movement and gathering places.

1. Define the Pedestrian Environment

a. Intent

A building should provide a continuous, visually rich pedestrian experience along its ground floor street front.

b. Guideline

The most important part of a building to a pedestrian is its ground floor – the lowest 15 feet of the facade, which a person experiences walking past or entering the building. This “pedestrian experience zone” should provide a sense of enclosure, and a continuous and comfortable street edge for the pedestrian. Ground floor building transparency should foster interaction between the public and private realms.

c. Recommended

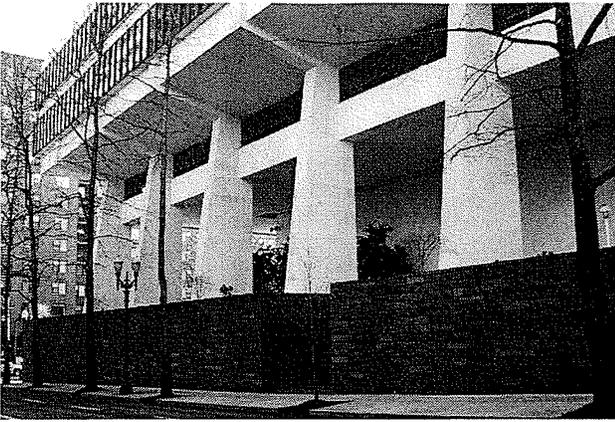
- i. Windows that are transparent or have displays at the street level
- ii. Walls that create visual interest by using a variety of forms, colors and compatible cladding materials
- iii. Facades that provide a rhythm by using bays, columns, pilasters or other articulation at the street level
- iv. Signs and lighting at the ground level that complement the human scale



Building edges that maintain strong visual and physical connections to the sidewalk

d. Not Recommended

- i. Blank, flat, nondescript walls that are not articulated by any visual interest or detail at the street level
- ii. Uniform treatment of entire block face



Long, blank facade unconnected visually or physically to the street and sidewalk

2. Enhance the Pedestrian System

a. Intent

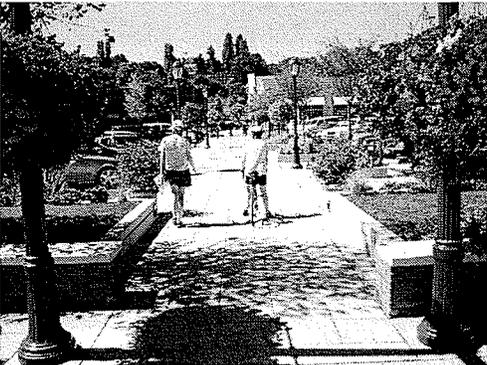
Establish the pedestrian as the priority, eliminating pedestrian barriers and ensuring that walking routes are convenient, direct and pleasant.

b. Guideline

Pedestrian routes should be attractive, easy to use and encourage walking and activity. Sidewalks should be continuous, avoiding interruptions such as vehicle curbcuts or changes in direction or grade. The portion of the sidewalk dedicated to walking should be free of barriers such as utility poles, newspaper boxes, cafe tables and chairs, permanent planters, tree grates or other obstructions and clutter.

c. Recommended

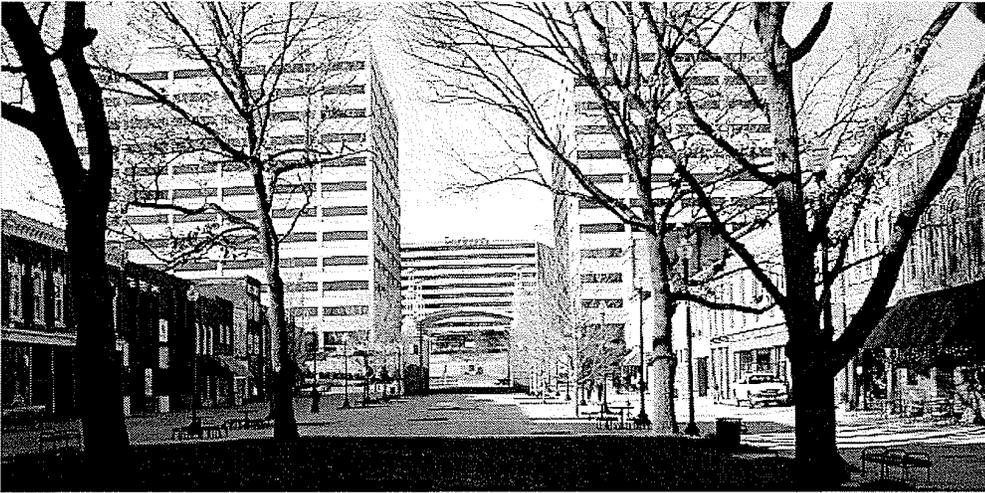
- i. Direct pedestrian routes
- ii. Separate pedestrians from visual and other nuisances (e.g. trash dumpsters, loading docks, mechanical equipment, etc.)
- iii. Pedestrian routes that are safely integrated with the street system
- iv. Maintain pedestrian access where rights-of-way have traditionally been located
- v. Parking lot walkways
- vi. Mid-block pedestrian connections



Attractive, safe pedestrian routes that increase walkability and connectivity

d. Not Recommended

- i. Circuitous pedestrian routes
- ii. Pedestrian-only streets Permanent or temporary pedestrian route obstructions
- iii. Interrupted or discontinuous pedestrian routes



Unconnected, discontinuous, overly wide pedestrian-only walkways

3. Protect Pedestrians from the Elements

a. Intent

Provide pedestrians with protection from wind, sun, rain, sleet and snow.

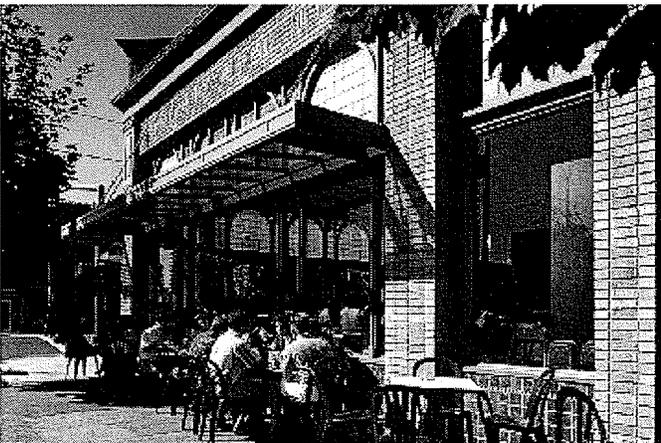
b. Guideline

Awnings and canopies are encouraged along the ground floor of buildings to protect pedestrians from rain and snow and provide shade in summer.

The design of awnings and canopies should be an integral component of the building facade. Awnings should be in proportion to the building and sidewalk, and not so large as to impact street trees, light fixtures or other street furniture.

c. Recommended

- i. Fabric awnings
- ii. Horizontal metal canopies, especially if transom or clerestory windows are above storefront glazing
- iii. Glazed canopies
- iv. Weather protection follows pattern of storefronts



Weather protection that is well integrated with the design of the building

d. Not Recommended

- i. Backlit awnings
- ii. Oversized advertising or tenant signs on awnings



Out of scale canopy made of poor quality materials that serves primarily as signage

4. Create a Variety of Successful Outdoor Spaces

a. Intent

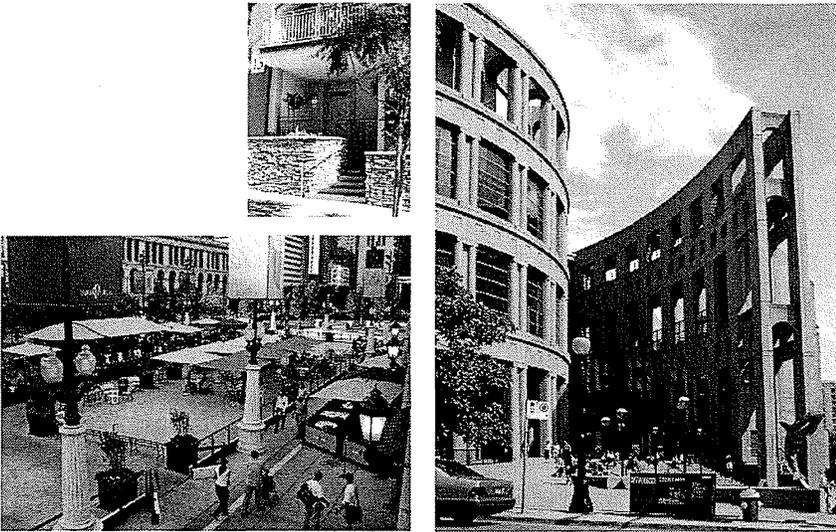
Provide comfortable and inviting outdoor spaces for a variety of activities during all hours and seasons.

b. Guideline

Outdoor gathering spaces should be inviting and maximize opportunities for use. They should be spatially well defined, inviting, secure, easy to maintain. They may be intimate and quiet or active and boisterous. All areas should work well for pedestrians and provide space for special events as well as passive activities.

c. Recommended

- i. Courtyards, squares and plazas with active adjacent ground floor uses
- ii. Buildings surrounding green spaces to give the space visual definition and vitality generated by active ground floor uses
- iii. Trees, shrubs and plants to help define walkways, create transitions from the park to the street and provide visual interest
- iv. Structures, pavilions and seating areas that are easily accessible, and feel safe and secure during day and evening hours
- v. Greenways or pedestrian walkways and courtyards in residential or office development areas



Well defined, comfortable and inviting outdoor spaces that offer varied opportunities for use

d. Not Recommended

- i. Pocket parks, forecourts and plazas without active uses along retail streets
- ii. Outdoor spaces separated from the street by visual barriers or change in grade
- iii. "Leftover" green spaces
- iv. Sunken plazas disconnected from the edge of the street
- v. Courtyards, squares and plazas adjacent to parking lots and other inhospitable areas without appropriate landscaping



Plaza space adjacent to parking lot and street without appropriate landscaping or buffering

5. Provide Places for Stopping and Viewing

a. Intent

Provide comfortable and inviting places where people can stop to sit, rest and visit.

b. Guideline

People watching, socializing and eating are restful and pleasurable activities for the pedestrian; providing special places where they can do these activities increases the pedestrian's sense of enjoyment.

Seating and resting places can add vitality to the urban environment. People will use available seating in open, well-designed areas, not in secluded or awkward spots.

c. Recommended

- i. Formal (benches) and informal (e.g. wide steps, edges of landscaped planters and low walls) seating areas

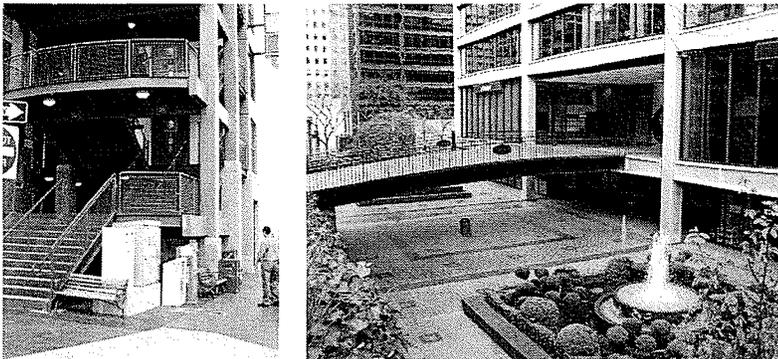
- ii. Higher degree of seating areas near active retail establishments (esp. outside eating and drinking establishments and near food vendors)
- iii. Seating adjacent to pedestrian walkways
- iv. Places for stopping and viewing adjacent to and within parks, squares, plazas, and courtyards
- v. Sense of separation from vehicular traffic



Comfortable seating near active retail establishments, streets, and outdoor spaces

d. Not Recommended

- i. Seating areas more than three feet above or below street grade
- ii. Seating areas adjacent to loading, service bays or storage areas
- iii. Seating areas that are hidden, secluded, dark or unsecured spaces behind or to the side of buildings
- iv. Seating areas along high vehicle traffic areas



Isolated seating areas separated from the street through grade changes or otherwise

D. Architectural Guidelines

Purpose

The architecture guidelines promote high quality development while reinforcing the area's sense of place and Northwest provenance by encouraging innovative design, construction techniques and materials that reflect the industrial roots of the area while emphasizing the emerging urban character of Bel-Red.

1. Encourage High Quality Materials

a. Intent

Create a sense of permanence in the Bel-Red Subarea through the use of high quality building materials.

b. Guideline

Quality wall materials can provide a sense of permanence and bring life and warmth to a neighborhood. Wall and building materials must enhance the street environment while maintaining compatibility with adjacent buildings. Articulation of wall materials should be bold, with materials that show depth, quality and durability. It should be apparent that the materials have substance and mass, and are not artificial, thin "stage sets" applied only to the building's surface.

c. Recommended

- i. Natural high quality materials such as brick, finished concrete, stone, terracotta, cement stucco, and wood
- ii. Natural or subdued building colors and limited use of bright accent trims
- iii. Varied, yet compatible cladding materials
- iv. Boldly articulated window and storefront trim



Durable natural materials of high quality that enhance the street environment and are compatible with local context

d. Not Recommended

Building materials such as:

- i. Simulated rock or brick
- ii. Faux finishes
- iii. Synthetic stucco (EIFS)
- iv. Simulated wood siding, wood veneer, clapboard or other types of residential siding
- v. Aluminum, plastic or vinyl siding
- vi. Corrugated metal siding
- vii. Unfinished concrete or cinder block
- viii. Exposed concrete, metal or plastic



Unarticulated surface treatment without depth, quality or detail

2. Provide Interesting Building Massing

a. Intent

Use scale-defining devices to break up the longitudinal dimensions of buildings, creating a comfortable sense of enclosure by establishing an uninterrupted street edge.

b. Guideline

The length and breadth of a building should be friendly in scale and inviting to the pedestrian. Portions of a large building mass should be broken into smaller, appropriately scaled modules, with changes in plane indicated by bold projections and indentations. This allows an overly large building to appear as smaller, side-by-side buildings. Vertical and horizontal elements should be used to create a human scale and form a coherent pattern providing visual interest to the pedestrian.

c. Recommended

- i. Break down long expanses of building frontage both horizontally and vertically.
- ii. A vertically articulated tripartite facade division – base, middle and top for buildings over three stories.
- iii. Upper floors set back.
- iv. Vertical articulation of windows, columns and bays



Well articulated buildings with a clearly defined base, middle and top

d. Not Recommended

- i. Long unbroken volume along street facade.
- ii. Smooth, undifferentiated facade.
- iii. Horizontal banding and emphasized horizontal orientation of building elements – walls, doors and windows.



Unbroken volume of building that does not enhance the street environment and lacks human scale

3. Create Attractive Building Silhouettes and Rooflines

a. Intent

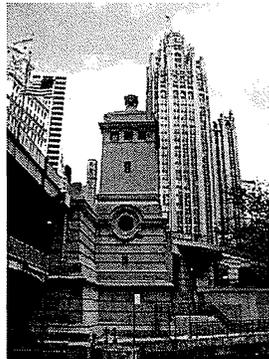
Building rooflines should enliven the pedestrian experience and provide visual interest with details that create forms and shadows.

b. Guideline

A building's silhouette should be compatible with the intended character of the area and enhance the streetscape. In some cases, it may be appropriate to mark an entryway with a distinct form, such as a tower, to emphasize the significance of the building entry. Roof massing should be simple yet detailed and articulated. For example, flat roofs may be appropriate if they have a cornice designed with depth and detail expressing the top of the building wall. Dormers set into sloped roofs may be appropriate. These forms provide visual interest and bring additional living space, light and ventilation to upper floor and attic spaces.

c. Recommended

- i. Dormer windows
- ii. Towers or similar vertical architectural expressions of important building functions such as entries
- iii. Varied roof line heights
- iv. Well-detailed cornices that have significant proportions (height and depth) and create visual interest and shadow lines



Well detailed building silhouettes that create visual interest and enliven the pedestrian's experience of the built environment

d. Not Recommended

- i. Unarticulated rooflines
- ii. Roof forms lacking depth and detail



Unarticulated roof lines

3. Foster Attractive Rooftops

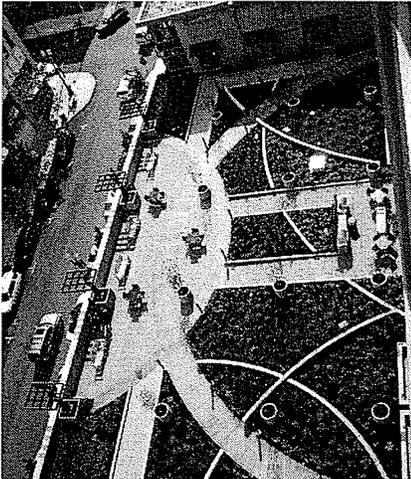
a. Intent

Integrate rooftop elements into the building design. Guideline

Roof shape, surface materials, colors, and penthouse functions should all be integrated into the overall building design. LUC 20.20.525 provides guidance for rooftop mechanical equipment.

b. Recommended

- i. Rooftop penthouse occupied by residential or office spaces
- ii. Rooftop terraces and gardens
- iii. Green roofs that reduce stormwater runoff
- iv. Consolidated and screened mechanical units



Attractive rooftops well integrated into overall building design

c. Not Recommended

- i. Exposed rooftop mechanical or electrical units visible from public spaces
- ii. Telecommunications equipment, including satellite dishes, cell-phone towers or antennae visible from public spaces



Rooftop telecommunications equipment visible from public spaces

4. Promote Welcoming Residential Entries

a. Intent

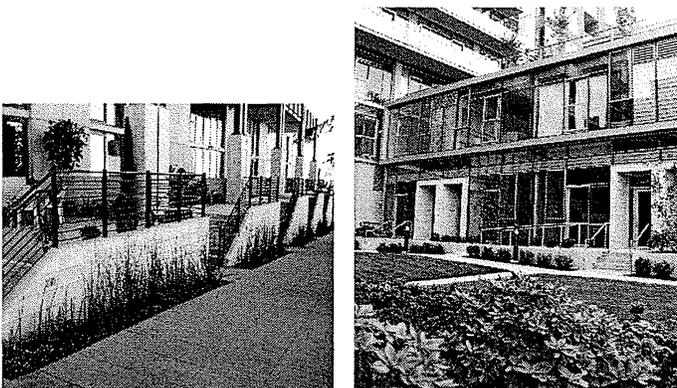
Residential entries should provide a graceful transition between the public and private realms.

b. Guideline

Residential entries should be substantial enough to suggest privacy yet welcoming to those who approach and enter. The overall character of the entry treatments will vary depending on street type. Entries on streets where sidewalk oriented development is required will have a higher degree of transparency, orientation towards the street, and design detail than other portions of the subarea.

c. Recommended

- i. Multi-panel painted doors
- ii. Doors combined with transom windows or side lights
- iii. Durable, high-quality metal door hardware
- iv. Wood solid core doors
- v. Doors accessed from canopy-covered entries
- vi. Moderate change of grade from sidewalk level to entry; more for townhouse-style housing than residential lobbies
- vii. Lobby entries to multi-family buildings providing double or multiple doors

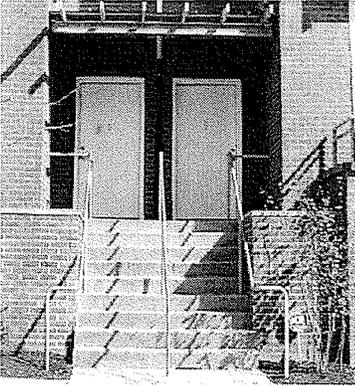


Substantial entries with transparency and design details

d. Not Recommended

- i. Doors raised more than three feet above sidewalk level for townhouse-style housing
- ii. Unarticulated, flush doors or sliding glass doors
- iii. Doors accessed directly from parking lots

- iv. Door glazing with simulated divided lights
- v. Doors glazed with reflective or tinted glazing



Significant grade separation from the street and no transparency

5. Promote Visually Interesting Upper Floor Residential Windows

a. Intent

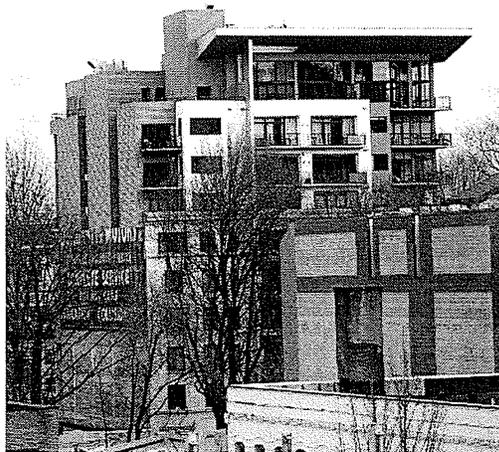
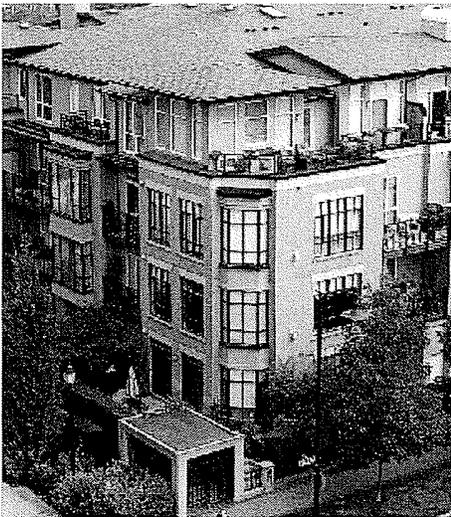
Upper floor residential windows should create an open and inviting atmosphere that add visual interest and enhances the experience of the building both inside and out.

b. Guideline

The windows of a residential building should be pleasing and coherent. Their size and detailing should be of a human scale with regular spacing and a rhythm of similarly shaped windows.

c. Recommended

- i. Multiple lights or divisions
- ii. Operable windows
- iii. Trim around framed openings
- iv. Windows recessed from building facade, not flush



Upper floor windows with a mixture of depth and articulation

d. Not Recommended

- i. Strips of windows with more of a horizontal than vertical emphasis

- ii. All windows flush with building facade



Simple entrance flush to facade without articulation

6. Design Inviting Retail and Commercial Entries

a. Intent

Design retail and commercial entries to create an open atmosphere that draws customers inside.

b. Guideline

Primary entries to retail and commercial establishments should be transparent, allowing passersby to see the activity within the building and bring life and vitality to the street. Architectural detail should be used to help emphasize the building entry.

c. Recommended

- i. Doors with a minimum of 50% window area
- ii. Building lighting that emphasizes entrances
- iii. Transom, side lights or other window combinations
- iv. Doors combined with special architectural detailing
- v. Double or multiple door entries
- vi. Well-detailed or ornate door hardware
- vii. Large cafe or restaurant doors that open the street to the interior by pivoting, sliding or rolling up overhead



Entry is transparent, opens easily and connects the street to the interior

d. Not Recommended

- i. Primary entry doors that are solid or windowless
- ii. Primary entry doors raised more than three feet above sidewalk level
- iii. Doors flush with the building facade without other articulation or canopy

- iv. Clear anodized aluminum frames
- v. Glazing with simulated divisions
- vi. Reflective, opaque or tinted glazing
- vii. Visual and physical obstructions near the entry



Glazing with simulated divisions that do not connect the sidewalk or street to the interior

7. Encourage Retail Corner Entries

a. Intent

Use corner entries to reinforce intersections as important places for pedestrian interaction and activity.

b. Guideline

Locate entry doors on the corners of retail buildings wherever possible. Entries at 45 degree angles and free of visual obstructions are encouraged.

c. Recommended

- i. Primary building entrance located at corner
- ii. Weather protection, special paving, and building wall lighting, to emphasize corner entry
- iii. Architectural detailing with materials, colors, and finishes that emphasize the corner entry
- iv. Doors with large glass areas with adjacent windows



Location of primary building entrance at corner and emphasized with details and architectural treatment

d. Not Recommended

- i. Visual and physical obstructions, especially utilities and columns



Visual and physical obstructions such as recessed entryway and grade separation

8. Encourage Inviting Ground Floor Retail and Commercial Windows

a. Intent

Use transparency to enhance visual interest and to draw people into retail and commercial uses.

b. Guideline

Retail and commercial uses should use unobstructed windows that add activity and variety at the street level, inviting pedestrians into retail and commercial uses and providing views both in and out.

c. Recommended

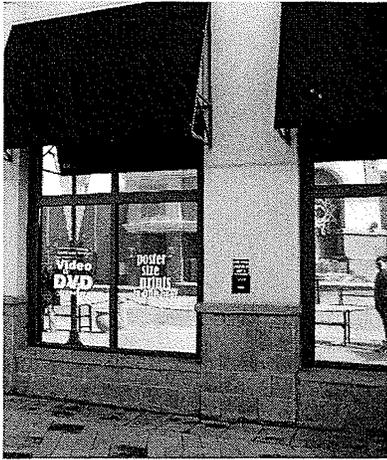
- i. Clear window glazing
- ii. Operable windows that open by pivoting, sliding or shuttering for restaurants and cafes
- iii. Painted wood, metal, and tile or stone clad panels below windows
- iv. Transom windows



Transparent, visually interesting ground floor windows enhancing sidewalk activity

d. Not Recommended

- i. Exposed or unfinished window frame materials
- ii. Residential-styled bays, multi-paned divided lights, half-round or other similar forms
- iii. Tinted or reflective glazing
- iv. More than 8 feet between mullions
- v. Small scale windows



Tinted or reflective glazing or with no visual or physical connection to the sidewalk

9. Build Compatible Parking Structures

a. Intent

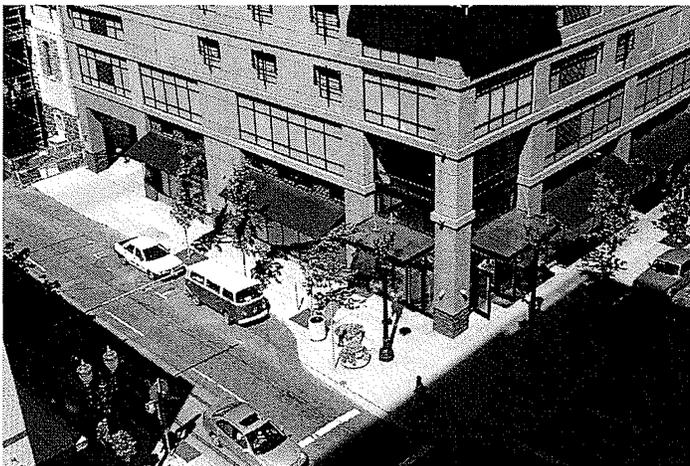
Use design elements so enhance the compatibility of parking structures with the urban streetscape.

b. Guideline

Parking structures should be designed so that their streetscape interface has a consistent form, massing and use of materials with the vision for the area. Any sidewalk facing parking garage frontages should be designed to appear like any other occupied buildings in the area. The horizontal garage form can be broken down by adding more wall surface and usable retail space, while retaining adequate garage ventilation.

c. Recommended

- i. Ground floor retail or other active uses
- ii. Small openings that may be glazed to function as windows
- iii. Stairways, elevators and parking entries and exits that occur at mid-block
- iv. Single auto exit/entry control point to minimize number and width of driveway openings (entry and exit points may be separated)
- v. Vertical expression of building structure
- vi. Cladding to disguise sloped floors from the outside view



Parking garage design resembles mixed use development, limits driveway opening and integrates

ground floor retail uses along sidewalk and at building corner

d. Not Recommended

- i. Parked cars on the ground floor that are visible from adjacent sidewalks
- ii. Exposed sloped floors visible from the street
- iii. Stairways, elevators and parking entries and exits occurring at the building's corners, where retail is a more appropriate use
- iv. Horizontal expression of building structure



Clearly visible sloping floors, parked cars and structural expression of structure

E. Lighting Guidelines

Purpose

The lighting of buildings and open spaces should provide security, and also contribute to the character and overall sense of and vitality of the area.

1. Orient Lighting Toward Sidewalks and Public Spaces

a. Intent

Pedestrian-scaled lighting should be used to highlight sidewalks, street trees and other features, and harmonize with other visual elements in the subarea.

b. Guideline

Pedestrian-scaled lighting should be provided along pedestrian walkways and public open spaces. A single fixture type should be used throughout an area with slight variations allowed to identify smaller districts. Fixtures should be visually quiet as to not overpower or dominate the streetscape.

Lighting may also be used to highlight trees and similar features within public and private plazas, courtyards, walkways and other similar outdoor areas to create an inviting and safe ambiance.

c. Recommended

- i. Lighting of district design
- ii. Pole standards black or dark green in color
- iii. Dual-purpose standards (that accommodate pedestrian and vehicular fixtures)
- iv. Standards accommodating banners and hanging flower pots
- v. Lighting to highlight landscape areas
- vi. Fixtures concealed and integrated into the design of buildings or landscape walls and stairways
- vii. Footlighting that illuminates walkways and stairs
- viii. Energy efficient lighting
- ix. Bollard lighting that is directed downward toward walking surfaces

- x. Festive lighting along signature streets on buildings and trees



d. Not Recommended

- i. Flashing or colored lights
- ii. Exposed wires, outlets or other electrical devices that may provide safety hazards and are unsightly
- iii. Exposed light source (bulbs should not be visible)
- iv. Low pressure sodium lamps



Tall auto oriented lighting fixture

2. Integrate Building Lighting

a. Intent

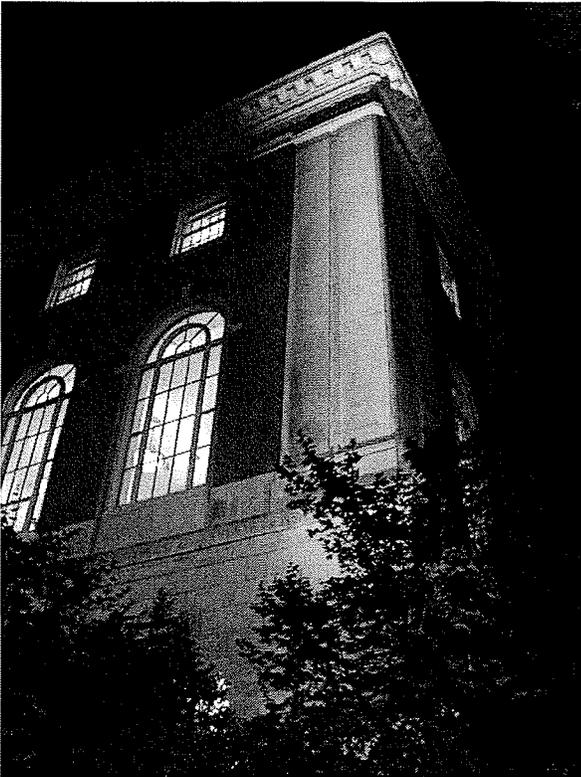
Architectural lighting that enhances and helps articulate building design, including illumination of cornices and entries, uplighting and other effects.

b. Guideline

Exterior lighting of buildings should be an integral component of the facade composition. Lighting should be used to create effects of shadow, relief and outline that add visual interest and highlight aspects of the building. Lighting should not cast glare into residential units or onto adjacent lots or streets in any way that decreases the safety of pedestrians and vehicles.

c. Recommended

- i. Wall-washing lighting fixtures
- ii. Decorative wall sconce and similar architectural lighting fixtures
- iii. Screened uplight fixtures on buildings or integrated with landscape
- iv. Lighting that provides natural color



Screened uplight fixtures on buildings

d. Not Recommended

- i. Flashing or colored lights
- ii. Exposed light source (bulbs should not be visible)
- iii. Fluorescent tube lighting
- iv. Security spotlight
- v. Low pressure sodium lamps



Exposed security spotlight

F. Sign Guidelines

Purpose

Signs may provide an address, identify a place of business, locate residential buildings or generally offer directions and information. Regardless of their function, signs should be architecturally compatible with and contribute to the character of the subarea. Signs should be good neighbors – they should not compete with

each other or dominate the setting due to inconsistent height, size, shape, number, color, lighting or movement. Signs can contribute significantly to a positive retail and pedestrian environment, improve public safety perceptions and reinforce a sense of place.

1. Consider Size and Placement of Wall Signs

a. Intent

Signs that are sized and placed so that they are compatible with a building's architectural design and contribute to the character of the subarea.

b. Guideline

Signs should not overwhelm the building or its special architectural features. Signs should not render the building a mere backdrop for advertising or building identification. Signs should be good neighbors – they should not compete with each other or dominate the setting due to inconsistent height, size, shape, number, color, lighting or movement.

c. Recommended

- i. Signs incorporated into the building architecture as embossing, low relief casting or application to wall surfaces
- ii. Signs constructed of individual, three-dimensional letters, as opposed to one single box with cutout flat letters
- iii. Signs may be painted or made with applied metal lettering and graphics
- iv. Signs made of durable and long lasting materials
- v. Signs incorporating lighting as part of their design
- vi. Signs located above storefronts, on columns or on walls flanking doorways



Sign incorporated into design of building façade

d. Not Recommended

- i. The material, size and shape of signs that overwhelm, contrast greatly or adversely impact the architectural quality of the building
- ii. Roof top signs
- iii. Cabinet or bow signs
- iv. Backlit signs
- v. Painted window signs



Sign overwhelms the architectural quality of the building

2. Orient Hanging Signs to Pedestrians

a. Intent

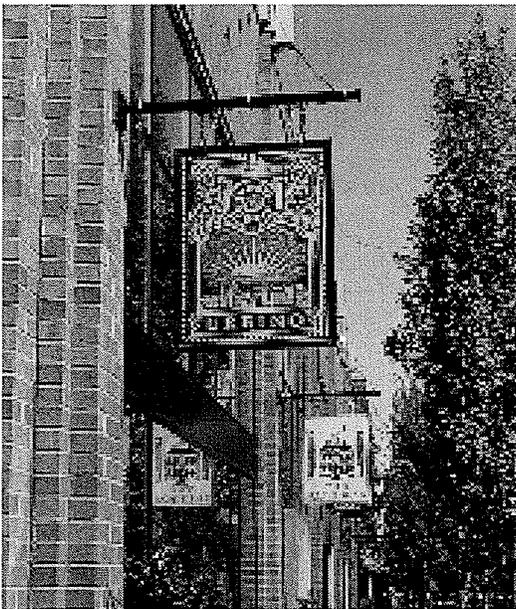
Hanging signs that are oriented to the pedestrian and highly visible from the sidewalk. Hanging signs can contribute significantly to a positive retail and pedestrian environment and reinforce a sense of place.

b. Guideline

Signs should not overwhelm the streetscape. They should be compatible with and complement the building's architecture, including its awnings, canopies, lighting and street furniture.

c. Recommended

- i. Sign lighting that is integrated into the facade of the building
- ii. Signs constructed of high-quality materials and finishes
- iii. Signs attached to the building in a durable fashion



Hanging signs incorporated into the building facade that are oriented to the pedestrian and clearly visible from the sidewalk

d. Not Recommended

- i. Signs interfering with sight lines, creating a safety hazard or obstructing views

Land Use Code Amendments of General Applicability

20.10.020 Establishment of land use districts.

Land use districts in the City are hereby established as follows:

District	Designation
Single-Family Residential Estate	R-1
	R-1.8
Single-Family Residential	R-2.5
	R-3.5
	R-4
	R-5
Multifamily Residential	R-7.5*
	R-10
	R-15
	R-20
Professional Office	R-30
	PO
	O
	OLB
Office and Limited Business	OLB-OS
Office and Limited Business-Open Space	
Light Industrial	LI
General Commercial	GC
Neighborhood Business	NB
Community Business	CB
Downtown	
Office District 1	DNTN-O-1
Office District 2	DNTN-O-2
Multiple Use District	DNTN-MU
Residential District	DNTN-R
Old Bellevue District	DNTN-OB

Office and Limited Business District	DNTN-OLB
Evergreen Highlands Design District	EH
Performance Area A	EH-A
Performance Area B	EH-B
Performance Area C	EH-C
Performance Area D	EH-D
Factoria Land Use District 1	F1
Factoria Land Use District 2	F2
Factoria Land Use District 3	F3
Medical Institution District	MI
<u>Bel-Red</u>	
<u>Bel-Red-Medical Office</u>	<u>Bel-Red-MO</u>
<u>Bel-Red-Medical Office Node</u>	<u>Bel-Red-MO-1</u>
<u>Bel-Red Office/Residential</u>	<u>BR-OR</u>
<u>Bel-Red-Office/Residential Node 1</u>	<u>Bel-Red-OR-1</u>
<u>Bel-Red-Office/Residential Node 2</u>	<u>Bel-Red-OR-2</u>
<u>Bel-Red-Residential/Commercial Node 1</u>	<u>Bel-Red-RC-1</u>
<u>Bel-Red-Residential/Commercial Node 2</u>	<u>Bel-Red-RC-2</u>
<u>Bel-Red-Residential/Commercial</u>	<u>Bel-Red-RC-3</u>
<u>Bel-Red-Commercial/Residential</u>	<u>Bel-Red-CR</u>
<u>Bel-Red-Residential</u>	<u>Bel-Red-R</u>
<u>Bel-Red-General Commercial</u>	<u>Bel-Red-GC</u>
<u>Bel-Red-Office/Residential Transition</u>	<u>Bel-Red-ORT</u>

20.10.375 Bel-Red.

A. Purpose and Intent.

Bel-Red is a major mixed use employment and residential area characterized by a transit-oriented, nodal development pattern, over time replacing the area's original low intensity light industrial and commercial past. The City will encourage land uses in the Bel-Red area which promote employment, retail and residential opportunities. More intense uses and greater heights are concentrated in designated nodal development areas along the NE 15th/16th corridor; these areas are intended to be served by high capacity transit. New development in these designated nodal areas is expected to have a transit-supportive and pedestrian-friendly form. The entire Bel-Red area will be distinguished by environmental and community amenities that serve residents and employees in the area, as well as nearby neighborhoods and the entire city. New

development is expected to make significant contributions to these amenities, and to the infrastructure needed to support redevelopment.

Redevelopment of the Bel-Red area will occur over decades, and the City encourages a graceful transition of land use over time. Therefore special provisions are appropriate for existing uses that may not be part of the area's long-term envisioned future.

1. Bel-Red-Medical Office (Bel-Red-MO). The purpose of the Bel-Red-MO Land Use District is to provide an area for office uses, with an emphasis on medical office.
2. Bel-Red-Medical Office Node (Bel-Red-MO-1). The purpose of the Bel-Red-MO-1 Land Use District is to provide an area for the most intense medical office uses. The district is located within the core of a nodal area, and is limited in extent in order to provide the level of intensity appropriate for areas in close proximity to the highest levels of transit service within the Bel-Red area.
3. Bel-Red Office/Residential (BR-OR). The purpose of the Bel-Red OR Land Use District is to provide an area for a mix of office, housing and retail uses, with office as the predominant use.
4. Bel-Red-Office/Residential Node 1 (Bel-Red-OR-1). The purpose of the Land Use District is to provide an area for a mix of office, housing and retail uses within the core of a nodal area, with office as the predominant use. The district is limited in extent in order to provide the level of intensity appropriate for areas in close proximity to the highest levels of transit service within the Bel-Red area.
5. Bel-Red-Office/Residential Node 2 (Bel-Red-OR-2). The purpose of the Bel-Red-OR2 Land Use District is to provide an area for a mix of office, housing and retail uses, with office as the predominant use. The district is located within a node but outside the node's core, and building heights provide for a transition between the node's core and areas outside the node.
6. Bel-Red-Residential/Commercial Node 1 (Bel-Red-RC-1). The purpose of the Bel-Red-RC-1 Land Use District is to provide an area for a mix of housing, retail, office and service uses within the core of a nodal area, with an emphasis on housing. The district is limited in extent in order to provide the level of intensity appropriate for areas in close proximity to the highest levels of transit service within the Bel-Red area.
7. Bel-Red-Residential/Commercial Node 2 (Bel-Red-RC-2). The purpose of the Bel-Red-RC-2 Land Use District is to provide an area for a mix of housing, retail, office and service uses. The district is located within a node but outside the node's core, and building heights provide for a transition between the node's core and areas outside the node.

8. Bel-Red-Residential/Commercial (Bel-Red-RC-3). The purpose of the Bel-Red-RC-3 Land Use District is to provide an area for a mix of housing, retail, office and service uses, with an emphasis on housing. The district is located within a node but in close proximity to mature, stable neighborhoods, and is thus appropriate for transitional heights.
9. Bel-Red-Commercial/Residential (Bel-Red-CR). The purpose of the Bel-Red-CR Land Use District is to provide an area for a mix of housing, retail, office and services. Multiple uses are encouraged on individual sites, in individual buildings, and in the district as a whole.
10. Bel-Red-Residential (Bel-Red-R). The purpose of the Bel-Red-R Land Use District is to provide an area for residential uses. Limited retail and service uses are permitted secondary to residential use, in order to provide the amenity of shopping and services within easy walking distance of residential structures.
11. Bel-Red-General Commercial (Bel-Red-GC). The purpose of the Bel-Red-GC Land Use District is to provide an area for a wide variety of business activities that provide goods and services to other businesses and the general public.
12. Bel-Red-Office/Residential Transition (Bel-Red-ORT). The purpose of the Bel-Red-ORT Land Use District is to provide an area for low-intensity office and uses and low density multifamily residential dwellings, developed in such a manner as to provide a buffer between residential and more intensively developed properties.

B. Permitted Uses.

Specific categories of uses are listed in Chart 20.25D.070. LUC 20.25D.050 explains Chart 20.25D.070 and describes the applicable review procedures for Bel-Red. The description of the use chart contained in LUC 20.10.400 and the categories of uses contained in LUC 20.10.440 do not apply to the Bel-Red Land Use Districts.

C. General Development Requirements.

1. Regulations applying to specific structures or activities are found listed alphabetically in Chapter 20.20 LUC; consult the alphabetical Key Word Index in the beginning of that chapter.
2. Bel-Red specific standards and guidelines are found in Chapter 20.25D LUC. All development in Bel-Red shall conform these requirements.

20.10.420 Interpretation of Land Use eCharts by Director of Planning and Community Development—Appeal.

A. Director's Authority. In the case of a question as to the inclusion or exclusion of a particular proposed use in a particular use category, the Director of Planning and

~~Community Development shall have the authority to make the final determination. The Director of Planning and Community Development shall make the determination according to the characteristics of the operation of the proposed use and based upon the Director's interpretation of the Standard Land Use Coding Manual, and the Standard Industrial Classification Manual and the North American Industry Classification System.~~

~~Examples: A large sales office, where business is conducted by telephone or not on the premises, where no goods other than samples pass into or out of the site, is an office rather than a retail or wholesale use; a shop selling handcrafted items made on the premises where the manufacturing processes are undetectable outside the premises and require no heavy trucking, is a retail use, not a manufacturing use.~~

B. Conflict. In the case of a conflict between the Land Use District Descriptions (contained in LUC 20.10.0180 through 20.10.395)~~general description~~ and the Use Chart, the Use Charts contained in LUC 20.10.440 or Chapter 20.25 LUC chart shall prevail.

C. Appeal. An applicant may appeal the final decision of the Director provided pursuant to paragraph A above by requesting an interpretation of the Use Charts contained in LUC 20.10.440 or Chapter 20.25 LUC relating to the inclusion or exclusion of a proposed use. This request for interpretation of the Land Use Code charts will be processed pursuant to will be processed using Part 20.30K LUC, Interpretation of the Land Use Code.

20.10.440 Uses in Land Use District [Add following note to each chart]

Permitted uses in the Bel-Red District (BR) are listed in LUC 20.25D.070.

20.20.005 Chart of dimensional requirements described.

Chart 20.20.010 sets forth the dimensional requirements for each land use district except: the Downtown Land Use Districts, the Evergreen Highlands Design District, the Evergreen Highlands Subarea Transportation Improvement Overlay District, Medical Institution District, and the OLB-OS Land Use District, and the Bel-Red Land Use Districts. All structures and activities in the City not located in the above districts shall conform to the dimensional requirements in Chart 20.20.010. Dimensional requirements for the Downtown Land Use Districts are found in LUC 20.25A.020. Dimensional requirements for the Evergreen Highlands Design District are found in Part 20.25F LUC. Dimensional requirements for the Evergreen Highlands Subarea Transportation Improvement Overlay District are found in Part 20.25G LUC. Dimensional requirements for the Medical Institution District are found in Part 20.25J LUC. Dimensional requirements for the OLB-OS Land Use District are found in LUC 20.25L.030. Dimensional requirements for the Bel-Red Land Use Districts are found in LUC

20.25D.080. Additional special dimensional requirements for designated areas of the City are contained in other parts of the Code as follows:

- A. Part 20.25B LUC – Transition Areas;
- B. Part 20.25C LUC – OLB Districts;
- C. Part 20.25E LUC – Shoreline Overlay District;
- D. Part 20.25H LUC – Critical Areas Overlay District;
- E. Part 20.45A LUC – Platting and Subdivisions;
- F. Part 20.45B LUC – Short Plats and Short Subdivisions.

20.20.010 Uses in land use districts dimensional requirements.

[Add following notes to the general dimensional chart]

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.
Dimensional Requirements for Bel-Red Land Use Districts are found in Part 20.25D LUC.

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Note (42) Dimensional requirements for the Bel-Red Land Use Districts are found at LUC 20.25D.080.

20.20.070 Lots nonconforming as to area, street frontage, width or depth – Status.

E. This section is not applicable in the Bel-Red Land Use Districts. Refer to LUC 20.25.060 for regulations relating to existing conditions.

20.20.130 Animals Keeping and Services.

A. General.

~~The keeping of animals is~~ Animal services as defined in 20.50.010 are subject to the requirements of this section and BCC Title 8, Animal Regulations.

B. Minimum Requirements.

The following chart entitled, "Animal Regulations" sets forth the minimum requirements for certain types of animal ~~the keeping of animals~~.

Animal Regulations

Type of Animal/Use	Maximum Number (1A)	Minimum Lot Size	Minimum Setback (5E)
1. Household Pets* (6)	Dogs, Cats, Rabbits: 3(2B); Fowl: 6(4D); Other: no maximum	No minimum	<p>May not be restrained or enclosed outdoors so that the animal is able to come within 15 feet of a property line. This limitation does not prohibit the keeping of a household pet within the following areas, provided it must be allowed to roam freely therein:</p> <p>1) A lot which is fenced along all lot lines so as to enclose the entire lot, or</p> <p>2) An enclosed portion of a lot which is bounded by fences along either the entire front lot line or entire rear lot line, and along a portion of both side lot lines, which utilizes the house or primary structure as one side of the enclosure and which may include all or a portion of either or both side yards.</p> <p>3) No structure to house the household pet may be within 15 feet of a property line.</p>
2. Small Domestic Animals or Hobby Kennel (6)*	10: 20,000 sq. ft. and an additional 1,500 sq. ft. for each animal; 6: 10,000 sq. ft. and an additional 1,500 sq. ft. for each animal over 6	20,000 sq. ft. or 10,000 sq. ft.	<p>May not be restrained or enclosed outdoors so that the animal is able to come within 25 feet of a property line.</p> <p>This limitation does not prohibit the keeping of a small domestic animal within the following areas, provided it must be allowed to roam freely therein:</p> <p>1) A lot which is fenced along all lot lines so as to enclose the entire lot, or</p> <p>2) An enclosed portion of a lot which is bounded by fences along</p>

			<p>either the entire front lot line or entire rear lot line, and along a portion of both side lot lines, which utilizes the house or primary structure as one side of the enclosure and which may include all or a portion of either or both side yards.</p> <p>2 <u>3</u>) No structure to house the household pet may be within 25 feet of a property line.</p>
3. Large Domestic Animals* (6)	1: each 10,000 sq. ft.	20,000 sq. ft.	<p>May not be restrained or enclosed outdoors so that the animal is able to come within 25 feet of a property line. This limitation does not prohibit the keeping of a large domestic animal within the following areas, provided it must roam freely therein:</p> <p>1) A lot which is fenced along all lot lines so as to enclose the entire lot, or</p> <p>2) An enclosed portion of a lot which is bounded by fences along either the entire front lot line or entire rear lot line, and along a portion of both side lot lines, which utilizes the house or primary structure as one side of the enclosure and which may include all or a portion of either or both side yards.</p> <p>2 <u>3</u>) No structure to house the animal may be within 25 feet of a property line.</p>
*Special Regulations: Open pasture, foraging or grazing may extend to the property line.			
4. Bees (7)**	Maximum of four hives, each with one colony: Lots containing 15,000 sq. ft. or less; Maximum of 15 hives, each with one colony: Lots containing more	7,200 sq. ft.	Hives must be at least 25 feet from a property line, except when situated 8 feet or more above adjacent ground level, or when situated less than 6 feet above adjacent ground level and behind a solid fence or hedge at least 6 feet high parallel to any property line within 25 feet of the hive and extending at least 25 feet

	than 15,000 sq. ft. but less than 35,000 sq. ft.; Maximum of 25 hives, each with one colony: Lots containing 35,000 sq. ft. or more		level, or when situated beyond the hive in both directions.
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~~**Special Regulations:~~

- ~~• Must register with the Washington State Department of Agriculture.~~
- ~~• Must requeen annually or anytime following swarming or aggressive behavior with a breeder raised queen of suitable docile strain.~~
- ~~• Hives must be maintained to avoid overpopulation and minimize swarming.~~
- ~~• Must be maintained in a movable frame hive at all times.~~

5. Kennel (3C) *** (8)	Determined in Conditional Use Process	35,000 sq. ft.	May not be restrained or enclosed outdoors so that the animal is able to come within 50 feet of a property line. This limitation does not prohibit the keeping of an animal within the following areas, provided it must be allowed to roam freely therein: 1) A lot which is fenced along all lot lines so as to enclose the entire lot, or 2) An enclosed portion of a lot which is bounded by fences along either the entire front lot line or entire rear lot line, and along a portion of both side lot lines, which utilizes the house or primary structure as one side of the enclosure and which may include all or a portion of either or both side yards. 3) No structure to house the animal may be within 50 feet of a property line.
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~~***Special Regulations: See LUC 20.10.440.~~

6. Commercial Stable or Riding Academy (3C) (9)*	Determined in Conditional Use Process	35,000 sq. ft.	— May not be restrained or enclosed outdoors so that the animal is able to come within 50 feet of a property line. This limitation does not prohibit the keeping of an animal
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			<p>within the following areas, provided it must be allowed to roam freely therein:</p> <p>1) A lot which is fenced along all lot lines so as to enclose the entire lot, or</p> <p>2) An enclosed portion of a lot which is bounded by fences along either the entire front lot line or entire rear lot line, and along a portion of both side lot lines, which utilizes the house or primary structure as one side of the enclosure and which may include all or a portion of either or both side yards.</p> <p>3 3) No structure to house the animal may be within 50 feet of a property line.</p>
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~~Special Regulations: See LUC 20.10.440. Open pasture, foraging or grazing may extend to the property line.~~

Notes: Animal Regulations

~~(A)(1)~~ Number of adult animals. One unweaned litter of offspring, and foals are not included in the number of animals allowed.

~~(B)(2)~~—More than three rabbits are regulated as small domestic animals.

~~(C)(3)~~—Requires a Conditional Use Permit.

~~(D)(4)~~—More than six fowl are regulated as small domestic animals.

~~(E)(5)~~ The purpose of these setback requirements is to prohibit the confinement of an animal within specific distances from neighboring property, as by leashing the animal to a stake or placing the animal in an enclosure, but to allow animals to be kept in yards fenced on their perimeter so long as the animal is free to roam within the fenced area.

~~(6)~~ Special Regulations: Open pasture, foraging or grazing may extend to the property line.

~~(7)~~ Special Regulations:

~~(a)~~ Must register with the Washington State Department of Agriculture or any successor organization responsible for oversight of bee keeping.

~~(b)~~ Must requeen annually or anytime following swarming or aggressive behavior with a breeder raised queen of suitable docile strain.

~~(c)~~ Hives must be maintained to avoid overpopulation and minimize swarming.

~~(d)~~ Must be maintained in a movable frame hive at all times.

~~(8)~~ Special Regulations: See LUC 20.10.440.

~~(9)~~ Special Regulations: See LUC 20.10.440. Open pasture, foraging or grazing may extend to the property line.

C. Prohibited Animals.

The keeping of mink, foxes or hogs is prohibited.

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D. Pet Daycare.

In addition to the development standards applicable to the land use district, including Title 8 and Chapter 9.18 of the BCC, pet daycares are subject to the following requirements:

1. Facilities for the boarding of animals may occupy no more than 25 percent of the gross floor area of the pet daycare center.
2. Applicants shall submit at the time of permit application, written operating procedures, such as those recommended by the American Boarding and Kennel Association (ABKA) or the American Kennel Club (AKC). Such procedures, which are to be followed for the life of the business, shall address the identification and correction of animal behavior that impacts surrounding uses, including excessive barking.

E. Veterinary Services.

In addition to the development standards applicable to the land use district, including Title 8 and Chapter 9.18 of the BCC, veterinary services are subject to the following requirements:

1. A veterinary clinic designed for the treatment and care of pet animals, shall be operated by a registered veterinarian.
2. Animals shall be confined within the exterior walls of the building at all times.
3. Pet daycare services may be allowed as a subordinate use subject to the provisions of LUC 20.20.840 and LUC 20.20.130(D). All pet daycare services shall be isolated by soundproofing from all adjacent property and uses.
4. Walls of interior-court animal runs shall be a minimum of eight feet high. Interior-court animal runs shall be roofed and if there are open air spaces between the top of the wall and the roof, they shall be enclosed with wire mesh.
5. All rooms housing animals shall have ample natural or mechanical ventilation.
6. There shall be no cremation or other disposal of dead animals on the premises.

7. A veterinary clinic or hospital building shall not be located closer than 100 feet to an existing residence, residential district (R-1 through R-30), restaurant, clinic or hospital for humans.
8. The setback required above shall not apply in the case of a residence used by the veterinarian himself, or any caretaker or watchman on the same or an adjoining lot.

20.20.195 Communication, broadcast and relay facilities.

A. Definitions.

The following definitions apply to this section:

1. "Flush mounted" shall mean attached to the face of the support structure or building such that no portion of the antenna extends above the height of the support structure or building. Where a maximum flush mounting distance is given, that distance shall be measured from the outside edge of the support structure or building to the inside edge of the antenna.
2. "Gateway intersection" shall mean those intersections identified on Figure UD-1 in the Comprehensive Plan, now or as hereafter amended.
3. "Nonresidential land use districts" shall mean PO, O, OLB, OLB-OS, LI, GC, NB, CB, F1, F2, F3, EH, MI, and all Downtown land use districts, and all Bel-Red land use districts.
4. "Residential land use districts" shall mean R-1, R-1.8, R-2.5, R-3.5, R-4, R-5, R-7.5, R-10, R-15, R-20 and R-30.
5. "Utility support structure" shall mean street or pedestrian light standards, guy poles, traffic signal standards, and poles or towers supporting electrical, telephone, cable or other similar facilities.

20.20.255 Electrical utility facilities.

D. Alternative Siting Analysis.

In addition to the requirements set forth in Part 20.30B LUC, Part 20.25B LUC (if applicable), and the decision criteria and design standards set forth in this section, the applicant shall identify alternative sites, provide required content showing analysis relating to identified sites, describe technologies considered, and describe community outreach conducted for proposals relating to new or expanding electrical utility facilities on sensitive sites as described in this section.

1. Alternative Sites Analyzed. Prior to submittal of the application for Conditional Use Permit required pursuant to subsection C of this section, the applicant shall identify not less than three alternative site options to meet the system needs for the proposed new or expanding electrical utility facility. At least one of the alternative sites identified by the applicant shall be located in the land use district to be primarily served by the proposed electrical utility facility.
2. Content of Alternative Siting Analysis. Upon submittal of the Conditional Use Permit required pursuant to subsection C of this section, the applicant shall submit results of the siting analysis which:
 - a. Describe the sites identified in subsection D.1 of this section and the land use districts within which the sites are located.
 - b. Map the location of the sites identified in subsection D.1 of this section and depict the proximity of the sites to Neighborhood Business Land Use Districts, Residential Land Use Districts, and Transition Areas.
 - c. Describe which of the sites analyzed are considered practical or feasible alternatives by the applicant, and which of the sites analyzed are not considered practical or feasible, together with supporting information that justifies the conclusions reached. For sites located within a Neighborhood Business Land Use District, Residential Land Use District, and/or Transition Area (including the Bel-Red Office/Residential Transition (BR-ORT)), the applicant shall:
 - i. Describe whether the electrical utility facility location is a consequence of needs or demands from customers located within the district or area; and
 - ii. Describe whether the operational needs of the applicant require location of the electrical utility facility in the district or area.
 - d. Identify a preferred site from the alternative locations considered for the proposed new or expanding electrical utility facility. The following location selection hierarchy shall be considered during identification of the preferred site alternative: (i) nonresidential land use districts not providing transition, (ii) nonresidential Transition Areas (including the Bel-Red Office/Residential Transition (BR-ORT)), and (iii) residential areas. The applicant may identify a preferred site alternative in a Residential Land Use District or Transition Area (including the Bel-Red Office/Residential Transition (BR-ORT)) upon demonstration that the location has fewer site compatibility impacts than a nonresidential land use district location.
3. Technology Considered for the Preferred Site Alternative. Upon submittal of the Conditional Use Permit required pursuant to subsection C of this section, the applicant shall:

- a. Describe the range of technologies considered for the proposed electrical utility facility;
 - b. Describe how the proposed electrical utility facility provides reliability to customers served;
 - c. Describe components of the proposed electrical utility facility that relate to system reliability; and
 - d. Describe how the proposed facility includes technology best suited to mitigate impacts on surrounding properties.
4. Community Outreach Conducted. Upon submittal of the Conditional Use Permit application required pursuant to subsection C of this section, the applicant shall provide a description of all methods of community outreach or involvement conducted by the applicant prior to selecting a preferred site for the proposed electrical utility facility.

E. Decision Criteria.

In addition to the requirements set forth in Part 20.30B LUC, Part 20.30E LUC, Part 20.25B LUC (if applicable), and other applicable provisions of this section, all proposals to locate or expand electrical utility facilities shall comply with the following:

1. The proposal is consistent with Puget Sound Energy's System Plan;
2. The design, use, and operation of the electrical utility facility complies with applicable guidelines, rules, regulations or statutes adopted by state law, or any agency or jurisdiction with authority;
3. The applicant shall demonstrate that an operational need exists that requires the location or expansion at the proposed site;
4. The applicant shall demonstrate that the proposed electrical utility facility improves reliability to the customers served and reliability of the system as a whole, as certified by the applicant's licensed engineer;
5. For proposals located on sensitive sites as referenced in Figure UT.5a of the Utility Element of the Comprehensive Plan, the applicant shall demonstrate:
 - a. Compliance with the alternative siting analysis requirements of subsection D of this section;
 - b. Where feasible, the preferred site alternative identified in subsection D.2.d of this section is located within the land use district requiring additional service and residential land use districts are avoided when the proposed

new or expanded electrical utility facility serves a nonresidential land use district;

6. The proposal shall provide mitigation sufficient to eliminate or minimize long-term impacts to properties located near an electrical utility facility.

20.20.350 Essential public facility (EPF).

A. Applicability.

This section applies to each essential public facility (EPF) within the City except where a specific use is otherwise identified and regulated in the use charts in LUC 20.10.440 and Chapter 20.25 LUC. The requirements of this section shall be imposed at the establishment of any such EPF use, and upon any addition or modification to any such EPF use or structure housing that use.

Any EPF specifically identified and regulated in the use charts in LUC 20.10.440 and Chapter 20.25 LUC shall be subject to the permitting procedures and requirements for that use, and shall not be subject to this section.

C. Decision Criteria.

In addition to the decision criteria applicable to any permit required to construct or modify the EPF, the City may approve, or approve with modifications, a proposal to construct or modify an EPF if:

1. The location and design is consistent with any planning document under which the proposing agency, special district or organization operates, as determined by the person or body having authority to interpret such document;
2. The location, design, use and operation of the EPF complies with any applicable guidelines, rules, regulations or statutes adopted by state law, or any agency or jurisdiction with authority;
3. A building which houses all or a majority of an EPF must be compatible with the architectural form of surrounding buildings. This requirement is not applicable to an EPF where significant elements of the facility are not housed in a building or to isolated minor elements such as utility meters;
4. An EPF may be permitted in a Neighborhood Business or residential land use district (R-1 through R-30), only if there is an operational or other need that requires locating in that district to achieve the purpose or function of the EPF;
5. The City may approve a request to exceed the height limit for the underlying land use district if the applicant demonstrates that:
 - a. The requested increase is the minimum necessary for the effective functioning of the EPF; and

- b. Visual and aesthetic impacts associated with the EPF have been mitigated to the greatest extent technically feasible;
6. If the City determines that the EPF is potentially dangerous to human life, appropriate protective measures may be required.

20.20.460 Impervious surface.

B. Applicability.

The impervious surface limits contained in LUC 20.20.010 and Chapter 20.25 LUC, and the standards of this section, shall be imposed any time a permit, approval, or review including land alteration or land development including subdivisions, short subdivisions or planned unit developments, a change in lot coverage, or a change in the area devoted to parking and circulation is required by this Code, or by the International Building Code.

C. Modifications to Impervious Surface Limits.

The impervious surface limits contained in LUC 20.20.010 and Chapter 20.25 LUC may be modified pursuant to a critical areas report, LUC 20.25H.230, so long as the critical areas report demonstrates that the effective impervious surface on the site does not exceed the limit established in LUC 20.20.010 and Chapter 20.25 LUC.

2. Garages on sites sloping uphill should be placed below the main floor elevation where feasible to reduce grading and to fit structures into existing topography. Garages on sites sloping downhill from the street may be required to be placed as close to the right-of-way as feasible and at or near street grade. Intrusion into the front setback, as provided in LUC 20.20.025.B, may be required. On slopes in excess of 25 percent, driveways shall be designed to minimize disturbance and should provide the most direct connection between the building and the public or private street; and
3. Changes in existing grade outside the building footprint shall be minimized. Excavation shall not exceed 10 feet. Fill shall not exceed five feet subject to the following provisions: all fill in excess of four feet shall be engineered; and engineered fill may be approved in exceptional circumstances to exceed five feet to a maximum of eight feet. Exceptional circumstances are: (1) instances where driveway access would exceed 15 percent slope if additional fill retained by the building foundation is not permitted; or (2) where the five-foot fill maximum generally is observed but limited additional fill is necessary to accommodate localized variations in topography.

F. Existing Impervious Surfaces.

Impervious surfaces legally established on a site prior to August 1, 2006, and which exceed the limits set forth in LUC 20.20.010 and Chapter 20.25 LUC shall not be

considered nonconforming. Proposals to increase impervious surface on a site shall conform to the limits of LUC 20.20.010 and Chapter 20.25 LUC; where a site already exceeds the allowed amount of impervious surface, the additional impervious surface shall not be approved unless an equal amount of existing impervious surface is removed such that the net amount of impervious surface is unchanged.

20.20.560 Nonconforming structures, uses and sites.

E. Exceptions.

1. Downtown. The provisions of this section shall not apply in the Downtown Special Overlay District, Part 20.25A LUC. Refer to LUC 20.25A.025 for the requirements for nonconforming uses, structures, and sites located within the Downtown Special Overlay District.
2. Critical Areas Overlay District. The provisions of this section do not apply to structures or sites nonconforming to the requirements of Part 20.25H LUC. Refer to LUC 20.25H.065 for the requirements for such nonconforming structures and sites.
3. Shoreline Overlay District. The provisions of this section do not apply to uses, structures or sites nonconforming to the requirements of Part 20.25E LUC. Refer to LUC 20.25E.055 for the requirements for such nonconforming uses, structures and sites.
4. Bel-Red (BR) Land Use Districts. The provisions of this section do not apply to uses, structures, or sites located in the Bel-Red Land Use Districts. For uses in the Bel-Red Land Use Districts established before [insert Plan adoption date] refer to the existing conditions regulations in LUC 20.25D.060.

20.20.590 Parking, circulation and walkway requirements.

A. Scope.

This section contains standards and design requirements for parking, circulation and internal walkways, except as otherwise provided in Chapter 20.25 LUC for Special and Overlay Districts (e.g., Part 20.25A LUC governs requirements in Downtown Districts).

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20.20.620 Produce stands.

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B. Permanent stands for the sale of fruit and vegetables may be erected in zoning districts permitting such retail sales and are exempt from Design Review requirements so long as:

1. Setback requirements are met;
2. The vendor provides safe vehicular and pedestrian ingress and egress from the street to the stand;
3. The site provides parking for retail uses according to the requirements of LUC 20.20.590 for retail uses or district specific parking requirements contained in Chapter 20.25 LUC;
4. The stand meets technical code requirements for utilities and structural integrity;
5. Refuse, recycling, and similar containers are sight-screened and are made of sound-muffling material such as molded plastic;
6. Lighting is designed to prevent spillover of light from the site to surrounding properties; and
7. Where interior property lines abut residentially zoned property, sight-screening in the form of solid board fencing, evergreen plantings, berming, or a combination thereof, to a height of six feet, is provided.

20.20.650 Public utilities – Design and performance standards.

A. Utility Facility Site Standards.

1. Architectural Form and Character. A building which houses all or a majority of a utility facility must be compatible with the architectural form of surrounding buildings. This requirement is not applicable to a utility facility where significant elements of the facility are not housed in a building or to isolated minor elements such as pad mounted transformers, telephone pedestals and metering stations.
2. Screening and Fence Requirements.
 - a. A utility facility must be sight-screened as specified for that use in LUC 20.20.520.F.2 or as required for by district specific landscape standards contained in Chapter 20.25 LUC~~the applicable land use district.~~ Alternatively, the provisions of LUC 20.20.520.J may be used.
 - b. If the Director of Planning and Community Development and the Transportation or Utilities Director, as applicable, determine that the utility facility is potentially dangerous to human life, an eight-foot fence may be required.

3. Required Setback.

- a. Any structure, facility or fence must conform to the setback requirement for structures in the land use district in which the structure, facility or fence is located, except as specified in paragraph A.3.b of this section.
- b. The minimum side setback for a structure, facility or fence in an R Land Use District is 20 feet.

20.20.730 Large satellite dish antennas.

A. Large Satellite Dish Antennas in Nonresidential Land Use Districts.

Large satellite dish antennas in all nonresidential districts (all land use districts except R-1 through R-30), shall be screened in accordance with the requirements of LUC 20.20.525.C for mechanical equipment screening.

B. Large Satellite Dish Antennas in Residential Land Use Districts.

The requirements for screening of large satellite dish antennas in residential districts (R-1 through R-30) shall depend upon the nature of use and building type of the development.

1. Large satellite dish antennas in any residential development other than detached or single-family attached housing shall be screened in accordance with the requirements of LUC 20.20.525.C for mechanical equipment screening.
2. Large satellite dish antennas in any residential development consisting of detached or single-family attached housing shall be screened in accordance with subsection C of this section.

C. Large satellite dish antennas in any residential development consisting of detached or single-family attached housing as specified in subsection B.2 of this section are permitted subject to the following criteria, provided the Director of ~~Planning and Community Development~~ may modify setback and screening requirements upon proof that strict application of the requirements is infeasible or renders use of an antenna impossible:

1. The antenna shall meet front and side setback requirements for the main building and shall be a minimum of five feet from any rear property line;
2. The antenna shall be a minimum of 10 feet distant from any street right-of-way, vehicular access easement, or private road;
3. No antenna shall be located in a buffer or setback required by the City's critical areas regulations (see Part 20.25H LUC), unless affixed to a structure allowed pursuant to Part 20.25H LUC; and

4. The antenna shall be substantially screened from view from adjacent property and the adjacent public rights-of-way by sight-obstructing landscaping, fencing, on-site structures, or natural topography.

20.20.740 Schools.

A. Public and private schools are permitted as indicated by the chart in LUC 20.10.440 and use charts applicable to specific land use districts contained in Chapter 20.25 LUC, "Education: Primary and Secondary," provided the following standards are met:

1. School buildings in residential districts shall cover not more than 35 percent of their site area.
2. Except as allowed in this section, school buildings in residential districts shall provide 50-foot side and rear yard setbacks. A reduction in the side or rear yard setback may be approved as follows:
 - a. In no event may a side or rear yard setback be less than 30 feet;
 - b. The landscaping required along interior property lines required pursuant to subsection A.5 of this section shall be increased to a minimum of 20 feet in depth;
 - c. No portion of a structure exceeding the building height allowed for the district may be within 50 feet of the side or rear property line; and
 - d. Building entrances or exits, other than required emergency exits, are not located within 50 feet of a side or rear property line.
3. Building Height.
 - a. An increase in building height of up to 10 feet above the maximum building height of the underlying district is allowed for schools so long as:
 - i. No mechanical equipment is located on the roof of any building or portion of building that exceeds the maximum building height of the underlying district; and
 - ii. The school is located on a site of at least five acres.
 - b. An increase in building height above that allowed under subsection A.3.a of this section may be approved if that portion of the structure exceeding the maximum building height of the underlying district satisfies the following criteria:
 - i. The increase in height is necessary to accommodate uses or equipment functionally related to a program offered as part of the

educational programs of the school, for example, for a performing arts center, library or gymnasium;

- ii. That portion of the structure exceeding the maximum building height is set back from any property line a distance equal to 1.5 times the height of that portion of the structure, unless a greater setback is required pursuant to LUC 20.20.010, or the dimensional charts applicable to specific land use districts contained in Chapter 20.25 LUC, or this section;
 - iii. The building and site design minimize the impact of the additional height on the surrounding land uses;
 - iv. The school is located on a site of at least five acres; and
 - v. In no event may the height of a structure or portion of a structure exceed 75 feet.
4. ~~The Director of Planning and Community Development~~ may administratively consider, approve or disapprove the addition of temporary, portable classrooms to existing public schools subject to the criteria set forth in Part 20.30E LUC for an Administrative Conditional Use.
5. Perimeter Landscaping. In lieu of the Perimeter Landscaping Requirements set forth in LUC 20.20.520.F.1, schools shall provide the following landscaping, subject to LUC 20.20.520.F.6:
- a. Schools in Residential Districts or in Transition Areas as Described in Part 20.25B LUC and in the Bel-Red Office/Residential Transition (BR-ORT) Land Use District.
 - i. Ten feet of Type III landscaping along the street frontage, except that 100 percent of the required trees may be planted with deciduous trees; and
 - ii. Ten feet of landscaping meeting the requirements of LUC 20.25B.040.C.2.c along interior property lines, unless more stringent requirements apply pursuant to this section.
 - b. Schools in All Other Districts.
 - i. Ten feet of Type III landscaping along the street frontage, except that 100 percent of the required trees may be planted with deciduous trees; and
 - ii. Ten feet of Type III landscaping along interior property lines.

Alternative landscaping may be approved by the Director of Planning and Community Development if the requirements of LUC 20.20.520.J are met.

6. Vehicular and Pedestrian Circulation. In addition to the requirements of LUC 20.20.590, school vehicular and pedestrian circulation shall satisfy the following criteria:
 - a. Vehicular and bus loading and unloading areas shall be designed to minimize impacts on traffic on public rights-of-way;
 - b. Parking areas shall be designed to minimize conflicts between pedestrian and vehicular movements; and
 - c. Opportunities shall be found for safe, convenient, and pleasant pedestrian connections to existing transit facilities. Where needed, shelters and lay-bys for transit vehicles shall be incorporated into site development.
7. Design Guidelines for Schools in Residential Districts and in Transition Areas. Schools in residential land use districts and in Transition Areas shall meet the site and building design standards set forth in LUC 20.25B.040.D through G and 20.25B.050.
8. Playfields. Schools are not required to provide on- or off-site playfields. Where playfields are provided, however, they must meet the following requirements:
 - a. On-site playfields developed to the limits of their property and which are adjacent to developed private property shall be fenced with an eight-foot-high fence; and
 - b. Travel to and from the school site to any off-site playfield must not be hazardous.

20.20.820 Solid waste disposal.

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B. Decision Criteria.

In addition to the decision criteria applicable to any permit required to construct or modify a solid waste disposal facility pursuant to general use charts contained in LUC 20.10.440 and use charts applicable to specific land use districts contained in Chapter 20.25 LUC, the City may approve, or approve with modifications, a proposal to construct or modify a solid waste disposal facility, provided the following standards are met:

1. All components of the solid waste disposal facility shall be contained within a building that is compatible with the architectural form of surrounding buildings.

This requirement shall not apply to those components of the facility that cannot effectively function inside of a building.

2. A transportation plan may be required. The City shall determine the level of detail to be disclosed in the plan such as estimated trip generation, access routes and surrounding area traffic counts, based on the probable impacts and/or scale of the proposed facility.
3. The facility shall be designed to include design and operation measures to control odor emissions and airborne pollutants, rodents, birds, and other vectors.
4. The location, design, use and operation of the facility shall comply with any applicable guidelines, rules, regulations or statutes adopted by state law, or any agency or jurisdiction with authority.
5. The location and design is consistent with any planning document under which the proposing agency, special district or organization operates, as determined by the person or body having authority to interpret such document.

20.20.840 Subordinate Uses.

A. Purpose.

The purpose of this section is to provide performance standards for subordinate uses, as defined in LUC 20.50.046.

B. Applicability.

The performance standards contained in this section shall be required for subordinate uses, as defined in LUC 20.50.046, whether or not establishment of the use is subject to a permit, approval, or land use review.

C. Performance Standards.

Subordinate uses as defined in LUC 20.50.046 shall be:

1. Located on the same lot or in the same structure as the permitted or principal use;
2. Functionally related to the permitted or principal use; and
3. Generally limited in size to 25 percent of the floor area devoted to the related permitted or principal use.

20.20.900 Tree retention and replacement.

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B. Applicability.

The requirements of this section shall be imposed any time a permit, approval, or review including land alteration or land development including subdivisions, short subdivisions or planned unit developments, a change in lot coverage, or a change in the area devoted to parking and circulation is required by the Bellevue City Code or Land Use Code. Subsection F of this section shall apply to permits for new single-family structures and for additions to impervious surface areas that exceed 20 percent when located on a single-family lot developed with a residential use. Subsection E of this section applies to the removal of any significant trees in the R-1 Land Use District located in the Bridle Trails Subarea.

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D. Retention of Significant Trees for Subdivisions, Short Subdivisions, Planned Unit Development, Change in Lot Coverage, or Change in the Area Devoted to Parking and Circulation, Excluding Areas Located in the R-1 Land Use District in the Bridle Trails Subarea and for New or Expanding Single-Family Structures.

1. Perimeter Landscaping Area. In the required perimeter landscaping area, as set forth in LUC 20.20.520.F.1, the applicant shall retain all significant trees which will not constitute a safety hazard. For properties located in Bel-Red Land Use Districts, refer to perimeter landscape development at LUC 20.25D.110. Area devoted to access and sight areas as defined in the Transportation Code (Chapter 14.06 BCC), and area to be cleared for required roads, utilities, sidewalks, trails, or storm drainage improvements is exempt from this requirement.
2. Site Interior.
 - a. In areas of the site other than the required perimeter landscaping area, the applicant must retain at least 15 percent of the diameter inches of the significant trees existing in this area; provided, that alder and cottonwood trees' diameter inches shall be discounted by a factor of 0.5. In applying the requirement for retention of significant trees, the Director shall consider the preservation of the following types of significant trees a priority:
 - i. Healthy significant trees over 60 feet in height;
 - ii. Significant trees which form a continuous canopy;
 - iii. Significant trees which contribute to the character of the environment, and do not constitute a safety hazard;

- iv. Significant trees which provide winter wind protection or summer shade;
 - v. Groups of significant trees which create a distinctive skyline feature; and
 - vi. Significant trees in areas of steep slopes or adjacent to watercourses or wetlands.
- b. The Director may approve retention of trees which do not meet the definition of significant trees as a contribution toward the sum of the diameter inches required under subsection D.2.a of this section if a group of trees and its associated undergrowth can be preserved.
3. Exemption. The provisions of this subsection which require retention of significant trees are not applicable in any Downtown Land Use District.
 4. The applicant shall utilize tree protection techniques approved by the Director during land alteration and construction in order to provide for the continual healthy life of retained significant trees.
 5. Reduced Parking Bonus. If the proposed landscape plan incorporates the retention of significant trees above that required by this section, the Director may approve a reduction of up to 10 percent of the required number of parking spaces if adequate parking will remain on the subject property, and if land area for the required number of spaces remains available for future development on the subject property.

~~20.20.920 Veterinary clinics or hospitals.~~

~~A veterinary clinic designed for the treatment and care of pet animals, shall be operated by a registered veterinarian. The animals must be confined within the exterior walls of the building at all times. Walls of interior court animal runs shall be a minimum of eight feet high. Interior court animal runs shall be roofed and if there are open air spaces between the top of the wall and the roof, they shall be enclosed with wire mesh. All rooms housing animals shall have ample natural or mechanical ventilation. There shall be no cremation or other disposal of dead animals on the premises. A veterinary clinic or hospital building shall not be located closer than 100 feet to an existing residence, residential district, restaurant, clinic or hospital for humans. The setback required above shall not apply in the case of a residence used by the veterinarian himself, or any caretaker or watchman on the same or an adjoining lot. Overnight keeping of animals shall occupy less than 25 percent of the space in a clinic and shall be isolated by soundproofing from all adjacent property and uses.~~

20.25B.020 Applicability.

A. General.

This chapter applies to any portion of property located in a district designated on the chart below as “Districts providing transition” which is located within 300 feet of property located in a district designated on the chart as “Single-family districts receiving transition” or within 150 feet of property located in a district designated on the chart as “Multifamily districts receiving transition.”

B. Limitations.

1. Where a transition area abuts a portion of I-90, I-405, SR 520, Burlington Northern Railroad right-of-way, or power transmission line which is located in a single-family or multifamily district, the City shall include that portion as part of the required width of the transition area.
2. If the applicant establishes that a minimum 150 feet width of greenbelt or native growth protection easement is permanently dedicated for nonbuildable purposes and is located in a single-family or multifamily district, the City shall include that portion as part of the required width of the transition area.
3. Development within any Downtown Land Use District is not subject to Transition Area Design District requirements (refer to LUC 20.25A.090, Perimeter Design District).
4. Development within the F1 Land Use District is not subject to Transition Area Design District requirements.
5. Development within the OLB-OS Land Use District is not subject to Transition Area Design District requirements where that property receiving transition is developed in a nonresidential use.
6. Development of a wireless communications facility is not subject to Transition Area Design District requirements.
7. Development within the Medical Institution Land Use District is not subject to Transition Area Design District requirements.
8. Development within the Bel-Red Land Use Districts is not subject to the Transition Area Design District requirements unless specifically made applicable pursuant to Part 20.25D LUC.

20.25H.045 Development density/intensity.

A. General.

For development in the Critical Areas Overlay District, the number of dwelling units per acre and the maximum floor area ratio for office space is determined pursuant to this section. The provisions of this section may not be modified through a critical areas report.

B. Dwelling Units per Acre.

The maximum density allowed for a site in the Critical Areas Overlay District is equal to the number of dwelling units per acre as specified in LUC 20.20.010, times the buildable area in acres, plus the dwelling units per acre times the total area of critical area and critical area buffer in acres times the development factor derived from subsection D of this section:

$$[(DU/acre)(Buildable\ area\ in\ acres) + (DU/acre)(Total\ critical\ area\ and\ critical\ area\ buffer\ in\ acres)(Development\ factor)] = \text{Maximum dwelling unit potential}$$

The Dwelling Unit per Acre calculation contained in this paragraph does not apply in the Bel-Red Land Use Districts.

C. Floor Area Ratio for Office Space.

1. Office floor area outside the Bel-Red Land Use Districts

a. The maximum allowable office floor area for a site which contains a critical area or critical area buffer is equal to 0.5 times the buildable area in square feet plus 0.5 times the total area in critical area and critical area buffer in square feet times the development factor derived from subsection D of this section:

$$[(0.5)(Buildable\ area\ in\ square\ feet) + (0.5)(Total\ critical\ area\ and\ critical\ area\ buffer\ in\ square\ feet)(Development\ factor)] = \text{Maximum office development potential}$$

2b. A property within the Critical Areas Overlay District is exempt from the sliding scale FAR requirement of LUC 20.20.010, Note 8. The applicable maximum floor area ratio to the buildable area is 0.5 regardless of building square footage.

2. Floor area within the Bel-Red Land Use Districts

The maximum allowable floor area for a site which contains a critical area or critical area buffer is equal to the maximum FAR for the applicable Bel-Red Land Use District (refer to dimensional requirements of LUC 20.25D.080) times the buildable area in square feet plus the maximum FAR for the applicable Bel-Red

Land Use District times the total area in critical area and critical area buffer in square feet times the development factor derived from subsection D of this section:

[(Maximum FAR for the applicable Bel-Red Land Use District)(Buildable area in square feet) + (Maximum FAR for the applicable Bel-Red Land Use District)(Total critical area and critical area buffer in square feet)(Development factor)] = Maximum development potential within the Bel-Red Land Use Districts.

D. Development Factor.

The development factor is a percent credit to be used in computing the number of allowed dwelling units or the maximum allowed office floor area for a site within the Critical Areas Overlay District. The development factor is determined by figuring the percentage of the total site that is buildable area, divided by 100. The result should be rounded to the nearest hundredth. The following table illustrates the development factor:

Total site (as %)	Critical area and critical area buffer total (as % of total site)	Buildable area (as % of total site)	Development factor (% BA/100)
100	10	90	.9
100	35	65	.65
100	50	50	.5
100	75	25	.25
100	90	10	.1

20.30D.150 Planned Unit Development plan – Decision criteria.

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E. Landscaping within and along the perimeter of the Planned Unit Development is superior to that required by this code, LUC 20.20.520 and landscaping requirements applicable to specific districts contained in Chapter 20.25 LUC, and enhances the visual compatibility of the development with the surrounding neighborhood; and

20.30D.165 Planned Unit Development plan – Request for modification of zoning requirements.

The applicant may request a modification of the requirements and standards of the Land Use Code as follows:

A. Density.

1. General. The applicant may request a bonus in the number of dwelling units permitted by the underlying land use district (see general dimensional requirements contained in LUC 20.20.010, and district specific requirements contained in Chapter 20.25 LUC or 20.25H.045 for sites in the Critical Areas Overlay District).

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20.30D.170 Planned Unit Development plan – Limitation on authority to modify zoning.

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- B. Any provision of LUC 20.10.440, Uses in Land Use Districts and district specific requirements contained in Chapter 20.25 LUC; or

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Part 20.30F Design Review

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20.30F.145 Decision criteria.

The Director may approve or approve with modifications an application for Design Review if:

- A. The proposal is consistent with the Comprehensive Plan; and
- B. The proposal complies with the applicable requirements of this Code; and
- C. The proposal addresses all applicable design guidelines or criteria of this Code in a manner which fulfills their purpose and intent; and
- D. The proposal is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and

E. The proposal will be served by adequate public facilities including streets, fire protection, and utilities; and,

F. The proposal is consistent with any required Master Development Plan approved pursuant to Part 20.30V LUC or other applicable code section.

20.30.F.180 Recording Required

Following approval of a Design Review and any subsequent modifications thereto, the applicant shall record the plans and conditions that constitute the approval with the King County Division of Records and Elections or its successor agency. Components of the approval required to be recorded include but are not limited to the applicable conditions of approval, total amount (square footage) of floor area earned through the FAR Amenity Incentive System, or floor area earned through the Special Dedication of right-of-way, parks, or open space. A copy of the recorded document shall be provided to the city for inclusion in the project file.

20.30G.150 Limitation on authority.

The decision maker may not grant a variance to:

A. The provisions of LUC 20.10.440 or Chapter 20.25 LUC, establishing the allowable uses in each land use district; or

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20.30.V.180 Recording Required

Following approval of a Master Development Plan and any subsequent or a modifications thereto, the applicant shall record the plans and conditions which that constitute the approved Master Development Plan and the amount (square footage) of any area dedicated in conformance with LUC 20.30V.170.B above with the King County Division of Records and Elections or its successor agency. Components of the approval required to be recorded include but are not limited to the applicable conditions of approval, total amount (square footage) of floor area earned through an FAR amenity incentive system, or floor area earned through special dedication of right-of-way, parks, or open space. A copy of the recorded document shall be provided to the city for inclusion in the project file. The Master Development Plan is binding on and runs with the land.

20.40.450 Violation of this Code.

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or use any land in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Code, or contrary to or in violation of the terms and conditions of any permit or approval issued by the city pursuant to this Code, or contrary to or in violation of any concomitant agreement or development agreement with the city. No permit, approval or other entitlement shall be granted by the City for activities to occur on property that is the subject of any active civil violation proceeding under Chapter 1.18 BCC.

20.40.460 Violation – Penalty.

- A. Any violation of this Code as described in LUC 20.40.450 ~~any provision of BCC Title 20, Land Use Code,~~ constitutes a civil violation under Chapter 1.18 BCC for which a monetary penalty may be assessed and abatement may be required as provided therein.
- B. In addition to or as an alternative to any other penalty provided in this chapter or by law, any person who violates ~~any provision of this chapter~~ this Code as described in LUC 20.40.450 shall be guilty of a misdemeanor.

20.50.010 A Definitions.

Adult Day Care. An adult care service use providing regularly scheduled care for a period less than 24 hours. An adult care service use meeting the definition of an Adult Family Home as defined pursuant to RCW 70.128.010(1) does not fall within the scope of this definition.

Affordable Housing. Housing used as the primary residence of an affordable housing qualified household. The price of affordable units is based on that amount a household can afford to pay for housing, when household income is less than 80 percent of the median annual income, adjusted for household size, as determined by the United States Department of Housing and Urban Development for the Seattle Metropolitan Statistical Area, and when the household pays no more than 30 percent of household income for housing expenses. Households with income less than 80 percent of the median annual income, adjusted for household size, may purchase or rent these affordable units. In addition, affordable housing in the Bel-Red Subarea shall include for sale units that only are considered affordable up to 100% of the median annual income. The Director shall issue administrative rules for establishing the sales or rental price of affordable units and the eligibility of residents.

Animal Service. Retail sale, service, or veterinary uses in which health care, pet grooming, pet daycare, or hobby kennel, kennel, or boarding services for animals are provided.

20.50.012 B Definitions.

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Bel- Red. The area of the city located generally from Interstate 405 to Bellevue's border with Redmond at 148th Ave NE (including a small triangle west of 156th Ave NE) and between State Route 520 and Bel-Red Road, which area is more specifically described in the Bel-Red legislative rezone (Ordinance No. _____).

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Boarding. An animal service, which may include hobby kennel, kennel, veterinary, or pet daycare uses.

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20.50.014 C Definitions.

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Conditional Use. A use, which is compatible with its surrounding area, permitted if approved by a Hearing Body. See LUC 20.10.440 and district specific land use charts contained in Chapter 20.25 LUC.

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20.50.016 D Definitions

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Development Services Department. The Development Services Department is an administrative department of the City as described in Chapter 3.44 BCC.

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Director. The Director of Planning and Community Developmentthe Development Services Department for the City of Bellevue, the Director's authorized representative, or any representative authorized by the City Manager, unless otherwise specified.

Director of Planning and Community Development. For the purposes of administering this Code, references to the Director of Planning and Community Development shall refer to the Director of the Development Services Department. The Director of Planning and Community Development for the City of Bellevue, the Director's authorized representative or any representative authorized by the City Manager.

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20.50.24

20.50.25 H Definitions

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Health Club. ~~A use featuring exercise, sports and other active physical fitness conditioning with limited subordinate uses.~~ A place of business with equipment and facilities for exercising and improving physical fitness. A broader range of services such as restaurant and meeting rooms are not included, except when subordinate to the permitted use.

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20.50.032 L Definitions.

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Land Use. The use to which an area of land, or building thereon, is put; human activity taking place thereon. Categories of land uses in this Code are found in Chart 20.10.440 and district specific land use charts contained in Chapter 20.25 LUC.

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Lot Coverage. The percentage of a lot which is built upon subject to the exclusions listed in LUC 20.20.012 and the exceptions contained in the dimensional requirements charts contained in LUC 20.20.010 and 20.25A.020. For reference to district specific regulations which govern lot coverage, refer to Chapter 20.25 LUC.

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20.50.034 M definitions.

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Multiple Function Building or Complex. A building or complex of buildings containing multiple activities such as office, warehousing, manufacturing, or services, as determined by the Director of ~~Planning and Community Development~~ pursuant to LUC 20.10.440 provided this definition does not apply to multiple function buildings or complexes located in Bel-Red Land Use Districts.

20.50.040 P Definitions.

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Pet Daycare. An animal service that regularly provides care for animals, which may include boarding or kennel services.

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Primary Structure. The structure on a site that houses the principal use. For residential uses, the primary structure houses the dwelling unit(s). For nonresidential uses, the primary structure houses the use undertaken on the site, as classified by LUC 20.10.440 and district specific land use charts contained in Chapter 20.25 LUC. Primary structures do not include structures that contain only certain functions or equipment that support the principal use, such as sheds, garages, or mechanical equipment structures.

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20.50.046 S Definitions.

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Special Use. A use which requires a Conditional Use Permit, Administrative Conditional Use Permit, or planned unit development pursuant to LUC 20.10.440 and district specific land use charts contained in Chapter 20.25 LUC.

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Subordinate Use. A use which is secondary or incidental to a permitted or principal use. These uses are governed pursuant to LUC Section 20.20.840, located on the same lot or in the same structure as the permitted or principal use, and which is functionally related to the permitted or principal use. Subordinate uses generally are limited in size to 25 percent of the floor area devoted to the related permitted use.

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ORD
05/07/09

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. _____

AN ORDINANCE of the City of Bellevue amending the sign code to incorporate new Bel-Red Land Use Districts, correct references for consistency, and update definitions to reflect departmental changes; amending sections 22B.10.020, 22B.10.025, 22B.10.030, 22B.10.040, and 22B.10.055, of the Bellevue City Code; and establishing an effective date.

WHEREAS, the Sign Code establishes standards for the design, placement size and maintenance of all exterior signs and sign structures in the City; and

WHEREAS, as required under the state Growth Management Act (chapter 36.70A RCW), the City Council adopted the 2008 comprehensive plan amendments on February 17, 2009, which replaced the existing Bel-Red/Northrup Subarea Plan with a new Bel-Red Subarea Plan; and

WHEREAS, the City Council will adopt, concurrent with this amendment, an ordinance for the Bel-Red Subarea to create zoning and development regulations for the Bel-Red Subarea that would enable the subarea to redevelop consistent with the Bellevue Comprehensive Plan, the Growth Management Act, and the land use goals of the City; and

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

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

Section 1. Section 22B.10.020 of the Bellevue City Code is hereby amended as follows:

22B.10.020 DEFINITIONS.

Building Line - Boulevards for Urban Design Treatment. The building line for signs for any property outside the limits of the Downtown and abutting a street designated by the Urban Design Element of the Comprehensive Plan as a boulevard to be given urban design treatment shall be 65 feet from the centerline of the right-of-way. However, the

~~Director of Planning and Community Development~~ may administratively approve a modification of the required building line if the result of such modification would be consistent with the policies of the Urban Design Element of the Comprehensive Plan.

Building Line - Downtown. The building line for signs for any property within the limits of the downtown and abutting a street classified by Land Use Code Section 20.25A.115, Design Guidelines - Building/Sidewalk Relationships, shall be 25 feet from the property line. However, the ~~Director of Community Development~~ may administratively approve a modification of the required building line if the result of such modification would be consistent with the Urban Design policies of the Comprehensive Plan and the requirements of Land Use Code Section 20.25.A.

Director. The Director of the ~~Department of Community Development~~ Department of Development Services, or his or her designated representative.

Entertainment/Public Assembly Use. Those uses permitted in any Downtown or Bel-Red Land Use District classified as Indoor Public Assembly, Motion Picture or Theater by the Bellevue Land Use Code Recreation Use Chart Section 20.10.440.

~~Institution, Major~~ **Major Institution.** A use such as a Hospital, convention center, performing arts center, college, or sports arena, or a major office building or mixed use complex containing 300,000 gross square feet or more, located in the downtown or Bel-Red District.

Office building. An office building in the PO, ~~and O~~, and BR-ORT land use districts as defined by the Bellevue Land Use Code.

Section 2. Section 22B.10.025 of the Bellevue City Code is hereby amended as follows:

22B.10.025 DESIGN REVIEW

B. **Applicability.**

1. **Where Design Review Applies**

a. **Affected Land Use or Overlay Districts.** The provisions of this section are applicable in the following land use of overlay districts:

- i. DNTN (All Downtown districts);
- ii. CB (Community Business);
- iii. NB (Neighborhood Business);
- iv. OLB-OS (Office Limited Business --- Open Space); ~~and~~

- v. Development in Transition Areas as defined in the Land Use Code; and
- ~~v.vi.~~ Bel-Red Land Use Districts, except BR-G unless design review is available per LUC 20.25D.030.C.1;

Signs within the land use and overlay districts set forth above shall also comply with all other provisions of this Chapter 22B.10 and provisions applicable to signs that are contained in the Land Use Code (Title 20 BCC).

b. **Affected Permits, Approvals and Sign Types.** The provisions of this section also apply to the following permits, approvals and sign types irrespective of the land use district within which they are located:

- i. Signs for any development required to have design review by ordinance (except Factoria);
- ii. Planned Unit Developments;
- iii. Conditional Uses; and
- iv. Freeway Corridor Signs;
- v. Administrative Conditional Use; and
- ~~v.vi.~~ Master Development Plans.

Signs requiring the permits/approvals or signs of the type set forth above shall also comply with all other provisions of this Chapter 22B.10 and provisions applicable to signs that are contained in the Land Use Code (Title 20 BCC).

2. When Design Review Applies

- a. Upon adoption of this Code, no sign governed by this Code shall be erected, altered or relocated in any new building(s) or project(s), or on existing building(s) or project(s) located in a design district or originally approved through PUD or conditional use processes pursuant to the Land Use Code, without design review approval as described in this Section.
- b. Signs erected, altered or relocated within an existing building(s) or project(s) outside of any design district and originally approved through any permitting process under the Land Use Code other

than through a PUD or conditional use process shall not be subject to the design review requirements of this Section, but shall comply with all other applicable provisions of this Sign Code.

- c. A property owner or his or her authorized agent may choose at any time to submit an application for design review for an existing building or project where a design review application has not previously been approved.

C. **Applicable Procedure.** A design review application is reviewed and approved by the Department of ~~Planning and Community Development~~Development Services through the design review process described in LUC 20.30F. Requests to amend a previously-approved sign master plan, as well as proposals for new signage which are regulated by an existing sign master plan, require approval of a Land Use Exemption (LUX).

D. **Design Review Application Submittal Requirements.** Applications for design review shall include the following elements:

1. Location;
2. Lighting;
3. Letter size, type & style;
4. Type (i.e. blade, neon, individual letter);
5. Color(s);
6. Material(s);
7. Sign placement (relationship of all signs to one another on building and/or tenant facades); and
8. Overall signage concept for Construction Period, Initial Lease-up Period, and Permanent Signs.

The Director may waive specific submittal requirements determined to be unnecessary for review of a specific application.

E. **Design Criteria.** Applications for design review are evaluated according to the following criteria:

1. **General Requirements.**
 - a. Signs shall enhance the overall appearance, image and design character of the building and site.
 - b. Signage shall be simple and clear so as not to distract moving traffic.

- c. Signs shall be architecturally integrated by relating scale, location, sign type, style and materials to the architectural style and size of the building or tenant facade.
- d. Signage is prohibited at the upper levels of high rise buildings, with exceptions for hotel/motel or Hospital when the design is compatible with building architecture, and for enterprises occupying at least 180,000 net sq. ft. of building floor area in the downtown, as permitted by 22B.10.030.E.
- e. Placement of signage shall not obscure or overlap architectural elements.
- f. Signs in commercial development with multiple businesses shall be compatible.
- g. Signs shall provide information and be consistent with the character of the community.
- h. Signs shall be incorporated into commercial and public centers that make them appear and function cohesively.
- i. Perimeter areas of major commercial and public centers shall use appropriate signs to blend with surrounding development and to be compatible with surrounding residential neighborhoods.
- j. Any awning which projects less than 3 feet from the face of a building is classified as a sign. The entire awning face will be calculated as sign area.
- k. Glass buildings shall incorporate a sign band into the building design to avoid difficult and impractical application of signage to spandrel glass.
- l. Application of multiple signs to one building shall be consolidated or arranged so as not to result in a scattered appearance.
- m. Illuminated signs shall be oriented away from adjoining residential development.
- n. Signage shall be in accord with the Comprehensive Plan.
- o. Individual letter signage is preferred. Other types of signage may be approved if the design of the sign, including the quality and

durability of materials used, is determined to achieve an equivalent result.

In addition to the above, signs located within the land use districts below must also comply with the criteria set forth for such district.

3. **Downtown and Bel-Red Districts (All DNTN and BR).**

- a. The primary signage for any building or business shall comply with the appropriate Design Guidelines for the Downtown and Bel-Red District: Building/Sidewalk Relationships now or as hereafter amended pursuant to the procedures set forth therein.
- b. Pedestrian oriented signage shall use lettering and graphics no larger than 24 inches and shall be located within the first two floor levels of the building. 24 inches may be an average size when upper and lower case lettering is used. Logos and first-letter capitals may be up to 30" if consistent with applicable design review criteria.
- c. Illumination shall be coordinated in multi-sign or multi-tenant buildings.
- d. Upper-level ~~High~~ rise signs (other than hotel/motel or a Hospital). Signs permitted at the upper levels of high rise buildings in the downtown pursuant to Section 22B.10.030 shall comply with the following requirements:
 - i. Signs shall not project above the top of the surface to which they are affixed, nor beyond the edge of any surface to which they are affixed;
 - ii. Signs shall use logos and lettering no larger than 8 feet in height;
 - iii. Cabinet and box signs are prohibited;
 - iv. Signs shall be mounted to the building with a mounting system that is not visible beyond the edges of the sign elements;
 - v.vii. Signs shall be designed and located to preserve the integrity of the building roof form; and

- vi. Sign illumination shall be limited to halo lighting with a white light source; provided that signs may be internally illuminated when the surface on which the sign is mounted is made of glass or other highly reflective material that would interfere with the appearance of the sign if halo-lit. Internal illumination is limited to only those letters or sign elements that will appear white when lit. Any illumination shall be designed to ensure no exposed lighting source or raceway. The light source shall be no brighter than the equivalent of 30 milliamp neon tubing behind a diffuser panel. The applicant shall provide a signed certification from the sign manufacturer declaring that the illumination meets the limits of this subsection.

Section 3. Section 22B.10.030 of the Bellevue City Code is hereby amended as follows:

22B.10.030 BUSINESS, COMMERCIAL, MANUFACTURING AND MEDICAL INSTITUTION DISTRICT SIGNS - ZONES OLB, OLB-OS, CB, DOWNTOWN-O-1, DOWNTOWN-O-2, DOWNTOWN-MU, DOWNTOWN-R, DOWNTOWN-OB, DOWNTOWN-OLB, GC, LI, AND MI, AND BEL-RED LAND DISTRICTS, EXCEPT BR-ORT.

- A. **General** - The following provisions govern signs in the OLB, OLB-OS, CB, all Downtown, GC, LI, ~~and MI, LI,~~ and all Bel-Red Land Use Districts, except BR-ORT, and the provisions may be modified through design review as described in Section 22B.10.025.

~~districts, and may be modified through design review as described in Section 22B.10.025.~~

- 1. **Sign Scale.** Signs shall be scaled to the building to which the sign is related.
- 2. **Sign Allocation – Single Occupancy Buildings.** Any single occupancy building in the above districts shall be permitted the number of primary signs described in subsection C of this section. No more than one of the allowed primary signs may be a freestanding sign unless the single occupancy building faces on more than one street. If the single occupancy building faces on more than one street, see subsection D of this section to determine the number of allowed freestanding signs.

3. **Sign Allocation – Multiple Occupancy Buildings:** Each enterprise with an exterior entrance in a multiple occupancy building in the above districts shall be permitted the number of primary signs described in subsection C of this section. No more than one freestanding sign is permitted per multiple occupancy building facing on only one street. If the multiple occupancy building faces on more than one street, see subsection D of this section to determine the number of allowed freestanding signs.
 4. **Address Number.** Each enterprise shall display and maintain on premises street address number identification. Such identification shall not be included in the number of primary signs.
 5. **Multiple Buildings on 15 Acres or More:** A multiple building complex encompassing at least 15 acres may display one complex identification sign along each right-of-way which provides direct access to the complex. Each sign shall not exceed 75 square feet in area and 15 feet in height.
- B. **Dimensional Limitations.** Except as otherwise specifically allowed herein, all signs shall conform with the setback, area, and height limitations set forth in this section.

3. **Sign Area Limitations: Building mounted, upper-level high rise, roof or canopy-mounted signs.** Unless otherwise provided in this section, the surface area of any building-mounted, upper-level high rise, roof or canopy-mounted signage shall not exceed the figures derived from the following schedule.

Relevant Surface Area or Facade Area As Determined Pursuant to Subsection 22B.10.020	Maximum Sign Surface Area for that Facade
Below 100 sq. ft.	26 sq. ft.
100 - 199 sq. ft.	26 sq. ft. + 11% of facade area over 100 sq. ft.
200 - 499 sq. ft.	38 sq. ft. + 12% of facade area over 200 sq. ft.
500 - 999 sq. ft.	75 sq. ft. + 11% of facade area over 500 sq. ft.
1,000 - 1,499 sq. ft.	131 sq. ft. + 7.5% of facade area over 1,000 sq. ft.
1,500 - 2,999 sq. ft.	169 sq. ft. + 2.5% of facade area over 1,500 sq. ft.
Over 3,000 sq. ft.	206 sq. ft. + 1.5% of facade area over 3,000 sq. ft. to a maximum of 300 sq. ft.

- a. For other than upper-level high rise signs and signs for an Entertainment/Public Assembly Use, in multiple occupancy buildings the facade area for each enterprise is derived by measuring only the surface area of the exterior facade of the premises actually used by the enterprise, and the sign displayed by the enterprise shall be located on the facade used to determine the size of the sign, except as provided in this section.
- b. For upper-level high rise signs, sign size may be up to 300 square feet, regardless of facade size. For Entertainment/Public Assembly Use signs, the Director may approve through design review sign area not to exceed a maximum of 400 square feet per sign, provided that the total sign area of building-mounted signs on Entertainment/Public Assembly Uses shall not exceed 35 percent of the surface area of the enterprise's facade on which the signs are located.
- c. Unused sign surface area for a facade may be used by any enterprise within the same multiple occupancy building, or by any enterprise within the same multiple building complex located within a Downtown Land Use District and Bel-Red OR-1, OR-2, RC-1, RC-2, and MO-1 Land Use Districts, if:
 - ai. The applicant files with the City a written statement signed by the enterprise that earned the sign area under this code permitting the applicant to utilize the unused sign surface area.
 - aii. The display of a sign on that facade by the applicant will not create a significant adverse impact on other users of that facade.
 - aiii. The display of the applicant's sign is necessary to reasonably identify the enterprise, and the provisions of this code do not provide the enterprise with adequate sign display options.
 - aiv. In no event may sign surface area transferred under this provision be used for an upper-level high rise sign. Unused upper-level high rise sign or Entertainment/Public Assembly Use sign surface area may not be transferred for use for any other sign, regardless of enterprise or location.

4. **Sign Height: Building-mounted Signs.** No building-mounted sign shall be placed on the upper levels of a high rise building, installed on the

rooftop, or extend above the height of the building to which it is attached; ~~except: , provided that hotels~~ Hotels and motels may have signs at upper levels of a high rise building, rooftop mounted signs, and signs extending above the height of the building, and ~~further provided that signs~~ complying with Section 22B.10.030.E may be placed at the upper levels of high rise buildings.

C. Number of Primary Signs.

1. General. The permissible number of signs for each single occupancy building is dependent upon the surface area of the largest single facade of the building. The permissible number of signs for each enterprise in a multiple occupancy building is dependent upon the surface area of the largest single facade of the portion of the building occupied by the enterprise applying for the sign permit. An enterprise in a multiple occupancy building must have an exterior entrance to be allowed primary signage pursuant to this section C, except as provided in subsections 2 and 3. The permitted number of signs is as follows:

Surface Area of Largest Facade	Maximum Number of Signs
Less than 999 sq. ft.	2
1,000 - 2,999 sq. ft.	3
3,000 sq. ft. and over	4

Buildings or enterprises with more than 3,000 square feet on any face, with several clearly differentiated departments, each with separate exterior entrances, are permitted one sign for each different department with a separate exterior entrance, in addition to the four allotted.

2. Upper-level high rise signs. One enterprise occupying at least 180,000 net square feet in a single high-rise building within the downtown may earn two upper-level high rise signs for placement on the building in which such enterprise is located, regardless of whether such enterprise has an exterior entrance. Such signs shall comply with section 22B.10.030.E.2. Such signs are in addition to other signs allowed under this section 22B.10.030. Both signs must be used by the same enterprise.
3. Transfer of Unused Allotment. In multiple occupancy buildings, or multiple building complexes located within any Downtown Land Use District or within Bel Red Land Use Districts BR-OR-1, BR-OR-2; RC-1, RC-2 and MO-1, unused primary sign allotment for one enterprise may be used by any enterprise within the same multiple occupancy building, or by any enterprise within the same multiple building complex located within a Downtown Land Use District or Bel Red Land Use District listed above, if:

- a. The applicant files with the City a written statement signed by the enterprise that earned the primary sign under this code permitting the applicant to utilize the unused primary sign allotment.
- b. The display of a sign by the applicant will not create a significant adverse impact on the primary signs of other enterprises in the building.
- c. The display of the applicant's sign is necessary to reasonably identify the enterprise, and the provisions of this code do not provide the enterprise with adequate sign display options.
- d. In no event may unused primary sign allotment transferred under this provision be used for an upper-level high rise sign. Unused upper-level high rise or Entertainment/Public Assembly Use sign allotment may not be transferred for use for any other sign, regardless of enterprise or location.
- e. Unused allotments may not be transferred between Downtown Land Use Districts and Bel-Red Land Use Districts.

E. **Types of Placement of Primary Signs.** The permissible types of primary signs, their placement and other limitations are as follows:

1. **Freestanding Signs.**

- a. Freestanding signs shall be wholly located within the center two-thirds of the frontage of the property on the street or 15 feet from the adjacent property line, whichever provides the longer distance from the closest part of the sign to the adjacent property line; provided, however, that a freestanding sign may be located within five feet of the property line with the written consent of the title holder of the adjacent property. If such consent is obtained, the consenting party or his or her successors or assigns may not place a freestanding sign on his or her property within 20 feet of the first freestanding sign.
- b. A freestanding sign located at the property line shall be wholly behind the property line, and a freestanding sign located at the building line shall be wholly behind the building line.-

- c. Any freestanding sign must be integrated. That is, all supports or sign elements shall be an integral part of the design. Auxiliary projections or attachments not a part of a single design are prohibited, unless approved through Design Review.-
- d. Landscaping shall be provided at the base of all freestanding signs, as required by BCC 22B.10.140.F..

H. **Window Signs.** The total surface area of all window signs shall not exceed 15 square feet, or 10 percent of the window area, whichever is smaller. Such signs shall not be included in determining the number of primary signs, nor in determining the permissible sign area for each façade; provided, that such signs shall not exceed an area total to 15 square feet, or 10 percent of the window area.

Section 4. Section 22B.10.040 of the Bellevue City Code is hereby amended as follows:

22B.10.040 OFFICE, RESEARCH AND DEVELOPMENT, AND MULTI-FAMILY RESIDENTIAL DISTRICT SIGNS - ZONES PO, O, EH-D, R-10, R-15, R-20, AND R-30, AND BEL-RED BR-ORT.

Section 5. Section 22B.10.055 of the Bellevue City Code is hereby amended as follows:

22B.10.055 FACTORIA AREA - FREESTANDING, AND FREEWAY-ORIENTED SIGNS - MULTIPLE TENANTS - ADDITIONAL SIGNS.

- A. This section applies only within the Factoria annexation area, as legally described in Section 1 of Ordinance No. 4620 and to Factoria Land Use Districts F1, F2, and F3 as defined in the Land Use Code.
 - 1. For the purpose of accommodating multiple tenants any existing freestanding sign may be enlarged or altered, but may not exceed the size limits contained in the Sign Code, provided that if the sign is a freeway-oriented sign the enlargement and/or altering of the sign pursuant to this section will be allowed only in exchange for an agreement to amortize the resulting enlarged or altered sign over a reasonable period of time as determined by the Director of the Department of Planning and Community Development. Within the amortization period multiple enlargements and/or alterations to a sign may be made which meet the requirements of this section without establishing a new amortization period. No

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enlargement or alteration is allowed which would cause the sign to violate Bellevue City Code 22B.10.150, prohibiting signs which rotate or have a part or parts which move or revolve.

Section 6. Section 22B.10.140 of the Bellevue City Code is hereby amended as follows:

22B.10.140 REQUIREMENTS APPLICABLE TO ALL SIGNS.

A. Structural Requirements. The structure and erection of signs within the city shall be governed by Chapters 2 and 4 of the Uniform Sign Code, 1985 Edition (or by superseding edition adopted by the city), and the ~~Uniform~~-International Building Code, ~~1985~~2006 Edition (or any superseding edition adopted by the city), Volume I (including appendices), as promulgated by the International Conference of Building Officials, which are adopted and made a part hereof by this reference. Not less than one copy of ~~said these~~ codes are on file in the office of the city clerk. Compliance with the Uniform Sign Code and ~~Uniform~~-International Building Code shall be a prerequisite to issuance of a sign permit under BCC 22B.10.160.

B. Electrical Requirements. Electrical requirements for signs within the city shall be governed by the National Electrical Code, ~~1984~~-2008 Edition (or any superseding edition adopted by the city), promulgated by the National Fire Protection Association, which is adopted and made a part hereof by this reference. Compliance with the National Electrical Code shall be required by every sign utilizing electrical energy as a prerequisite to issuance of a sign permit under BCC 22B.10.160.

Section 7. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

Passed by the City Council this _____ day of _____, 2009 and signed in authentication of its passage this _____ day of _____, 2009.

(SEAL)

Grant S. Degginger, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

ORD
05/07/09

Lacey Madche, Assistant City Attorney

Attest:

Myrna L. Basich, City Clerk

Published _____

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05/07/09

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. _____

AN ORDINANCE amending the Bellevue City Code to incorporate the Bel-Red Land Use Districts into the chapter 9.18.; amending section 9.18.025 of the Bellevue City Code; providing for severability; and establishing an effective date.

WHEREAS, the City adopted the Bel-Red Subarea Plan on February 17, 2009; and

WHEREAS, the City Council will adopt, concurrent with this amendment, an ordinance for the Bel-Red Subarea to create zoning and development regulations for the Bel-Red Subarea that would enable the Subarea to redevelop consistent with the Bellevue Comprehensive Plan, the Growth Management Act, the land use goals of the City; and that will establish in part the Bel-Red Land Use Districts; and

WHEREAS, the purpose of the City's Noise Code, in part, is to minimize the exposure of citizens to the harmful physiological and psychological effects of excessive noise, and promote the quality of the environment by establishing maximum environmental noise levels applicable within designated areas or zones of the city; and

WHEREAS, the City desires to effectuate the purposes of the Noise Code in the Bel-Red Land Use Districts; and

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

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

Section 1. Section 9.18.025 of the Bellevue Land Use Code is hereby amended to read:

9.18.025 Identification of environments.

A. Environmental designations for noise abatement are as follows:

1. Residential land use district: Class A EDNA;
2. Commercial land use district: Class B EDNA;
3. Industrial land use district: Class C EDNA.

B. The land use districts listed in the city of Bellevue Land Use Code, BCC Title 20, are classified for the purposes of this chapter as follows:

1. Residential land use district: 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-, BR.
2. Commercial land use district: PO, O, OLB, OLB-OS, NB, CB, DNTN-O-1, DNTN-O-2, DNTN-MU, DNTN-R, DNTN-OB, DNTN-OLB, F1, F2, F3, MI-, BR-MO, BR-MO-1, BR-OR, BR-OR-1, BR-OR-2, BR-RC-1, BR-RC-2, BR-RC-3, BR-CR, BR-ORT.
3. Industrial land use district: LI, GC, BR-GC.

Section 2. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 3. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

Passed by the City Council this _____ day of _____, 2009 and signed in authentication of its passage this _____ day of _____, 2009.

(SEAL)

Grant S. Degginger, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Lacey Madche, Assistant City Attorney

Attest:

Myrna L. Basich, City Clerk

Published _____

Attachment C

Development Agreement

(Not complete at time of packet publication)

Council Review Draft**DEVELOPMENT AGREEMENT**

THIS DEVELOPMENT AGREEMENT (“Agreement” or “Development Agreement”) is entered into as of the effective date, by and between the **CITY OF BELLEVUE**, a Washington municipal corporation (“City”) and **WR-SRI 120th LLC**, a limited liability company.

R E C I T A L S

- A. Intent. This Development Agreement is for the purposes of setting forth the applicable development standards and other provisions related to the development described herein, and is adopted pursuant to the authority provided in RCW 36.70B.170 *et seq.*
- B. The City Council, in Ordinance XXXX, adopted the Bel-Red Subarea Plan establishing a vision for conversion of the historic pattern of light-industrial land use to office, retail and residential development at densities supportive of high capacity transit. The Bel-Red Subarea Plan is implemented through a package of Land Use Code regulations, adopted in Ordinances XXXX and XXXX, and an area-wide rezone of the Subarea, adopted in Ordinance XXXX.
- C. WR-SRI 120th LLC (“Owner”), owns a 36.01 acre parcel, King County Parcel No.1099100102 (the “Property”) located in a Bel-Red Sub-Area office/residential development node zoned BR-OR-1 and BR-OR-2, as legally described on Exhibit A attached hereto and incorporated herein. This site is within one of the areas identified for concentrated development in a Bel-Red Subarea “node.” The Owner proposes to develop what it has named “The Spring District” (“TSD”) as a Catalyst Project under LUC 20.25D.035 of the City’s Bel-Red Subarea provisions aimed at promoting urban revitalization through timely initial redevelopment. To be considered a Catalyst Project, TSD must be submitted as a phased master development plan (“MDP”) for approval and permitting purposes by the later of 18 months after the Federal Transit Authority issues a Record of Decision on the Sound Transit East Link Project or December 31, 2011. A mixed-use urban community, The Spring District will include office, residential, and retail components. The Owner proposes to include in The Spring District other major public amenities, such as open spaces, and pedestrian plazas.
- D. The Spring District proposal has the potential to embody many of the principles and vision for the corridor articulated by the Bel-Red Steering Committee in its September 2007 Bel-Red Corridor Project Final Report and the City Council in adopting the Bel- Red Subarea Plan and implementing Bel-Red development regulations. The City Comprehensive Plan puts an emphasis on dense nodal development in order to promote energy efficiency and reduce reliance on cars.
- E. While the Owner believes that a market will come to exist in the next several years for both commercial and multifamily development at the Bel-Red project site, the transitional nature of the Bel-Red Corridor, coupled with the scope and duration of TSD, introduces significant additional risk and uncertainty. The Owner must make a large up-front capital investment in project design and planning in order to prepare an MDP under LUC Part 20.30V and

Council Review Draft

subsequent development applications. Over its full term, the Owner projects the development will cost well in excess of \$1 Billion. Accordingly, and in order to proceed, the Owner needs to have a high level of certainty regarding regulatory approvals and project costs over an extended period of time, particularly given the lengthy approval and development process for Sound Transit's East Link Project.

- F. The City has issued the Bel-Red Corridor EIS and Addenda (collectively referred to as "EIS"). The EIS analyzes at a programmatic level the impacts of substantial new office, residential, and retail development throughout the Bel-Red corridor. The EIS also assesses the impacts of significant office development in two development nodes within the corridor, including the area in and around the Property.
- G. The City and the Owner acknowledge the importance of developing TSD as a mixed-use neighborhood with significant residential development. To that end, the City and the Owner recognize that the involvement of a residential developer may help in creating a successful project under this Development Agreement.
- H. Development of TSD will meet key objectives of the City embodied in the Comprehensive Plan, the Bel-Red Subarea Plan, the Land Use Code, and other existing city regulations. Specifically, the development of TSD will provide many benefits to the City and the public including, but not limited to, 1) encouraging further redevelopment of the Bel-Red Subarea by providing a central neighborhood and absorbing the substantial risk of being a Catalyst developer in the Sub-Area; 2) enhancing public improvements and infrastructure in an underutilized and underdeveloped area of the city; 3) strengthening the city's economic base with a variety of long-term jobs and near- and long-term construction jobs; and 4) generating substantial City revenues in the form of fees, increased property tax base, and sales tax generation. The City Council therefore finds significant public benefit results from execution of this Development Agreement including, among other things: 1) providing certainty to encourage the required substantial private investment in the planning and development of TSD in years earlier than may otherwise occur; 2) securing orderly development and progressive fiscal benefits for public services, improvements, and facilities planning in the city; 3) ensuring development of certain public amenities in early phases of TSD; 4) providing greater certainty surrounding the timing and amount of residential development in TSD, recognizing that the viability of significant residential development relies on high capacity transit service through the area; and 5) fulfilling and implementing adopted City plans, goals, policies and objectives, including, among others, those embodied in the City's Bel-Red Subarea Plan.
- I. The Development Agreement component of the Legislature's 1995 Regulatory Reform legislation provides a flexible tool with which the City can enter into agreements with property owners for a variety of purposes, broadly authorized in the statute. The legislative finding to this state law, RCW 36.70B. 170-200, emphasizes the challenges posed by lack of predictability in the permitting of development projects: "*The legislature finds that the lack of certainty in the approval of development projects can result in a waste of public and private resources, escalate housing costs for consumers and discourage the commitment to comprehensive planning which would make maximum use of resources at the least economic cost to the public....*".

Council Review Draft

- J. A Development Agreement can commit the City for the duration of the Development Agreement to vesting review procedures and standards for implementing decisions, phasing, mitigation measures, development conditions, permitted uses, residential and commercial intensities and "any other appropriate development requirement or procedure."

NOW, THEREFORE, in consideration of the mutual agreements contained herein, as well as other valuable consideration, the receipt and sufficiency of which are hereby mutually acknowledged, the City and WR-SRI 120th LLC hereby agree as follows:

AGREEMENT

A. Spring District Development Components.

1. **Must Meet Catalyst Project Criteria.** In order to be eligible for the modifications to the Land Use Code and other regulations described in this Agreement, Owner must submit an MDP within the time frame required for "catalyst projects" as set forth in the Land Use Code, and such MDP shall demonstrate that the development proposed meets the definition of catalyst project set forth in LUC Section 20.25D.035.

2. **Minimum Contents of MDP.** Owner agrees to include in its application for an MDP development across the Property with a minimum average FAR of 2.5, which shall include the Residentially-restricted Property (as defined in Section H.) In addition, the first phase of any MDP approved under this Agreement shall include development of a public mini-park a minimum of one acre in size (designated as project M3 in the Bel-Red Parks and Open Space Project List in the Comprehensive Plan) and an activated park or recreation space of at least 30,000 contiguous square feet.

B. Development Standards and Vesting Period.

1. **Master Development Plan Application.** As of the Effective Date of this Agreement, until issuance of the MDP approval consistent with the minimum requirements of Section A above, the provisions of this Agreement, and the Governing Regulations specified in Section C below, shall apply to and govern and vest the review and approval, including associated State Environmental Policy Act (SEPA) review, of the MDP application.

2. **Subsequent Land Use Review.** If the MDP application is approved, then such approval shall be vested for a period of fifteen (15) years from the date of the final decision (as defined in Section 20.35.045 of the LUC) on the MDP (the "Vesting Period"). During the Vesting Period and subject to Section T, the City shall not impose any modification of or new or additional Governing Regulations on the MDP or any Land Use Code approvals required for TSD consistent with this Agreement and the MDP. To the extent that neither this Agreement nor the Governing Regulations specified below address a certain subject, element or condition of the Project, then the Project shall be governed by the City's then-existing code.

3. **Approvals Eligible for Extended Vesting.** The Vesting Period shall only apply to Catalyst Projects on the Property, as defined in LUC 20.25D.035, and associated applications, decisions, and permits. Associated applications, decisions, and permits include those submitted

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with or during a Catalyst Project MDP application and those related applications submitted subsequent to Catalyst Project MDP approval. All other projects, development, and uses on the Property shall be governed without the benefit of this Development Agreement except as indicated in Section E, below.

C. Governing Regulations.

1. **Designation of Governing Regulations.** Except as specified otherwise herein, the existing city development regulations that govern development of the Property and shall be considered vested pursuant to the provisions of this Agreement, include and are limited to the following as they exist on the Effective Date of this Agreement (collectively, the "Governing Regulations"):

- Title 20 – Land Use Code (except process-related provisions, including Part 20.30 and Part 20.35)
- Title 21 – Comprehensive Plan to the extent applied to TSD through the provisions of the LUC

The Parties agree that SEPA applies to permits that will be issued during the Vesting Period. The City shall not exercise its substantive SEPA authority to impose conditions on Land Use Code approvals issued during the Vesting Period in a manner that is inconsistent with the Governing Regulations.

Subject to Section T, these Governing Regulations shall be applied to the Property and TSD during the Vesting Period, except as indicated below.

Except as otherwise specifically provided herein, Owners shall comply with all city ordinances, regulations, development standards and policies in effect at the time of application or issuance of an approval, as the case may be.

2. **Revised Governing Regulations After Sound Transit Operational.** On or after the date Sound Transit's East Link Project or other high-capacity transit operating within a dedicated transit-only right-of-way begins regularly scheduled passenger-carrying service to a transit station within the Property, any application for design review or other required Process II permit under the LUC on the Property shall be subject to the following code provisions (or substitute code sections specifically designated as such by city ordinance) as they exist on the date of issuance of the design review or other Process II decision: LUC 20.25D.030.C (Design Review), LUC 20.25D.110 (Landscape Development), LUC 20.25D.120 (Parking/Circulation), LUC 20.25D.130 (Bel-Red Development Standards), LUC 20.25D.140 (Bel-Red Street Development Standards), LUC 20.25D.150 (Design Guidelines) (collectively referred to as the "Revised Governing Regulations").

3. **Revisions to the Master Development Plan.** Owner acknowledges that it may be required to modify the MDP in order to remain consistent with the Revised Governing Regulations. Review of such modification shall be based on the Governing Regulations and Revised Governing Regulations. Notwithstanding the provisions of Land Use Code Section 20.30V.160, any other modification, revision or amendment proposed to the MDP during the

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Vesting Period shall be reviewed against the Governing Regulations and Revised Governing Regulations, so long as the proposed modification, revision or amendment is consistent with the general scope, purpose and intent of this Agreement and the original MDP.

Approval of any modification or revision to the MDP shall not extend the expiration date of the Vesting Period.

D. No Approval of Project-related Actions

The Owner has not made any development proposal relating to The Spring District, and plans to do so consistent with the Catalyst Project provisions of Chapter 20.25D and other applicable provisions of the Bellevue Land Use Code. The execution of this Development Agreement does not, in and of itself, permit any development at this time.

Nothing in this Agreement shall be interpreted to limit the exercise by City of its regulatory powers with respect to any development proposal on the Property, including The Spring District MDP or other regulatory matters in accordance with applicable law. Nor shall this Agreement be interpreted as: a) a determination as to the consistency of The Spring District MDP with applicable plans, codes and ordinances, b) an agreement or commitment to approve any or all development on the Property, nor c) any commitment whatsoever by City with respect to any future City discretionary decisions that may be required for development of the Property. A permit or approval issued by the City after the execution of this Development Agreement shall be consistent with this Development Agreement.

E. Proportional Compliance.

Any proportional compliance requirements in LUC 20.25D.060.G that would otherwise apply to the Property as a result of application of the Existing Development provisions of LUC 20.25D.060.G shall be deferred from the period of the Effective Date of this Agreement through a final decision on the MDP, so long as the MDP is applied for within the timeframe established for catalyst projects in LUC Section 20.25D.035.A. Any deferred proportional compliance obligation shall be waived if the MDP is approved by the City. If Owner fails to apply for the MDP within the required timeframe under this Agreement, or if the MDP is denied, then the proportional compliance obligations deferred under this Section D shall become immediately due and Owner shall apply for any necessary permits or approvals to perform such proportional compliance with 60 days of expiration of the timeframe or issuance of the denial.

Notwithstanding any provision in the associated permits to the contrary, work to complete the proportional compliance obligation shall be completed within 180 days of issuance of the required permits or approvals, unless extended by the City to accommodate any conditions or restrictions on timing of the work.

F. FAR Amenity Bonus System.

1. **Adjustment of Tier 1 Fee-in-lieu Rate.** For a Catalyst Project on the Property, the Owner may choose to comply with the LUC 20.25D.090 requirements for Tier 1 amenities by paying a fee-in-lieu at a rate of \$3.75 for each square foot of floor area for the first 750,000 square feet of development under the MDP, and by paying a fee-in-lieu rate of \$4.00 for each

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square foot of floor area above 750,000 square feet. In the alternative, this Development Agreement provision shall not bar the Owner, at its choice, from utilizing the LUC 20.25D.090 standards as of the Effective Date to provide required amenities.

2. **Amenity Rate for Certain Required Open Space.** Owner may receive credit towards required amenities for the mini-park and activated park or recreation space required to be included in Phase 1 of the MDP under Section A above as provided in this Section F.

a) Mini-Park: Owner shall receive credit towards required amenities for dedication of the M-3 mini-park at the bonus rate set forth in 20.25D.090.C.7 Tier 1b.2 (Park Dedication) and/or Tier 1b.3 (Park Improvements).

b) Other Activated Park or Recreation Space: Owner may receive credit towards required amenities for the activated green space as follows:

- at the Tier 2 bonus rate so long as it is developed according to the design criteria set forth in 20.25D.090.C.7 Tier 2.12 (Active Recreation Area); or
- at the Tier 1b bonus rate set forth in 20.25D.090.C.7 Tier 1b.2 (Park Dedication) if the entire area is dedicated to the City, and it meets the design criteria 2 through 4 in that section; and/or
- at the Tier 1b bonus rate set forth in 20.25D.090.C.7 Tier 1b.3 (Park Improvements) if improvements are made according to the design criteria 1 through 5 set forth in such section.

Unless the activated park or recreation space meets one of the provisions above, it shall not receive credit towards required amenities.

3. **Eligibility for Other City Credits, Bonuses or Offsets.** Notwithstanding any provision of city code to the contrary, any public infrastructure required as a condition of approving the MDP that meets the criteria of LUC 20.25D.035.A.3.a through c shall not be eligible for and shall not earn any of the credits, bonuses, or offsets described in LUC 20.25D.035.A.3.d through f.

G. Concurrency.

The Bellevue Traffic Standards Code, Chapter 14.10 BCC, allows a development agreement to adjust the timing of traffic concurrency analysis and the expiration date of concurrency approval. The City and the Owner agree to the amended analysis time and concurrency expiration date specified below.

1. **Timing of Concurrency Analysis and Determination.** For purposes of approving the MDP, the concurrency analysis pursuant to Chapter 14.10 BCC (the Traffic Standards Code or TSC) shall not be required at the time of the master development plan application. Owner acknowledges that approval of the MDP is not a guarantee, assurance, acknowledgement or statement of any kind about whether all or any part of the development

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included in the MDP would satisfy the requirements of Chapter 14.10 BCC, with or without mitigation. Owner acknowledges that approval of the MDP does not limit the City's ability to require compliance with Chapter 14.10 BCC, as modified in this Agreement, which compliance may include denial or conditioning of phases of the MDP. For purposes of compliance with the TSC, the required concurrency analysis and determination shall be conducted on each phase of the MDP, which analysis and determination shall be made at the time of application for the first design review or other required Process II approval for development within such phase.

2. **Vesting of Concurrency Approval.** The concurrency approval issued for each phase shall expire five years from the date of issuance of the Land Use Code approval with which it was issued, provided that such five year period shall be extended consistent with the provisions of BCC 14.10.040.F.1; and further provided that in no event may development consisting of more than 1,000,000 square feet of commercial development be vested at any given time. For purposes of this Paragraph, hotels shall not be considered commercial development.

H. Catalyst Project Residential Requirements and Delay Penalty.

1. **Designation of Residentially-restricted Property.** The master development plan must designate at least 5.8 acres within the MDP for residential use and associated required ground floor commercial or retail uses, exempt ground floor retail and exempt childcare or nonprofit space (as described in LUC Section 20.25D.090). Such area shall be designated as the "Residentially-restricted Property." The MDP shall further establish a requirement that a minimum of 784,000 square feet of residential development, exclusive of the associated uses described above, be developed within the Residentially-restricted Property. A covenant restricting use shall be recorded against the property and run with the land.

2. **Required Timing of Development.** The Residentially-restricted Property shall be developed with residential uses in an amount proportional to the amount of project limit area developed with commercial uses on the Property by no later than the date that Sound Transit's East Link Project or other high-capacity transit operating within a dedicated transit-only right-of-way begins regularly scheduled passenger-carrying service to a transit station within the Property. For purposes of determining compliance with this Section H, "developed with" residential or commercial use means that such development shall be constructed or underway with an issued building permit.

3. **Sale of Residentially-restricted Property.** It is acknowledged that Owner intends to sell the Residentially-restricted Property to a third party. In order to avoid the penalty described in Paragraph 4 below, any sale of Residentially-restricted Property must be to an unrelated third party, and must be closed at least three years prior to Sound Transit's East Link Project or other high-capacity transit operating within a dedicated transit-only right-of-way beginning regularly scheduled passenger-carrying service to a transit station within the Property. Owner acknowledges that additional approvals, including subdivision or binding site plan approvals, may be required in order to create a parcel or parcels of residentially-restricted property for sale to third parties.

4. **Penalty for Failure to Develop Residentially-restricted Property.** A penalty for delay in developing the Residentially-restricted Property by the time set forth in Paragraph 2

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above shall be imposed at the time of any application for any approval of further commercial development on the Property if both of the following conditions are satisfied on or after the date that Sound Transit's East Link Project or other high-capacity transit operating within a dedicated transit-only right-of-way begins regularly scheduled passenger-carrying service to a transit station within the Property:

a) WR-SRI 120th LLC is the fee owner of any portion of the Residentially-restricted Property. For purposes of this Development Agreement, WR-SRI 120th LLC will be considered the fee owner of the Property if the fee owner of the Property is an entity related to Shorenstein Properties LLC or Wright Runstad & Company or subsidiaries or affiliates; or if WR-SRI 120th LLC is not the fee owner, the sale of the Residentially-restricted Property was not closed at least three years prior to Sound Transit's East Link Project or other high-capacity transit operating within a dedicated transit-only right-of-way beginning regularly scheduled passenger-carrying service to a transit station within the Property.

b) That portion of the Residentially-restricted Property that is proportional to the amount of project limit area developed with commercial uses is not developed with a residential use.

Penalty to be applied if both of the two above conditions are met: The next application for design review on the Property must include a proposal to develop that portion of Residentially-restricted Property necessary to be proportional to the total of: a) the amount of commercial development developed on the Property; and b) the amount of commercial development proposed in any active building permit on the Property.

I. Term, Amendment, and Termination

This Development Agreement shall go into effect on the date it is executed by the Owner and the City ("Effective Date"). This Development Agreement shall be effective until the later of 18 months after the Federal Transit Authority issues a Record of Decision on the Sound Transit East Link Project or December 31, 2011; provided that the term shall automatically be extended for an additional two years (or such different period agreed to by the parties as a negotiated permit review timeline) so long as an MDP consistent with this Agreement is filed prior to expiration and is diligently pursued by Owner; and further provided that the term of the Development Agreement shall be automatically extended for the effective life of any MDP approved consistent with this Agreement. Upon expiration of such period, as may be extended above, this Development Agreement shall automatically terminate.

Other than as set forth in Section T, no amendment to this Development Agreement shall be effective unless approved by both parties in writing.

J. Binding Effect; Assignability.

This Development Agreement shall bind and inure to the benefit of the Parties hereto and their respective successors, heirs, legatees, representatives, receivers, trustees, successors, transferees and assigns. Prior to submittal of an MDP consistent with this Agreement, Owner may not

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assign its interest or obligations under this Agreement without the City's prior written consent, which shall not be unreasonably withheld. If an MDP consistent with this Development Agreement is submitted, Owner may assign its interest and obligations under this Agreement without the City's consent. Notwithstanding the foregoing, Owner may assign its interest and obligations hereunder to an affiliate or related entity owned, controlled by or under common control with Owner without necessity of City's consent but only following delivery of written notice of such assignment, together with such documents as are reasonably necessary to confirm the relationship between Owner and such affiliated entity.

K. Representations and Warranties.

Each signatory to this Development Agreement represents and warrants that he or she has full power and authority to execute and deliver this Development Agreement on behalf of the Party for which he or she is signing, and that he or she will defend and hold harmless the other Parties and signatories from any claim that he or she was not fully authorized to execute this Development Agreement on behalf of the person or entity for whom he or she signed. Upon proper execution and delivery, this Development Agreement will have been duly entered into by the Parties, will constitute as against each Party a valid, legal and binding obligation that shall run with the land, and will be enforceable against each Party in accordance with the terms herein.

L. Specific Performance and Enforcement.

The Parties specifically agree that damages are not an adequate remedy for breach of this Development Agreement and that the Parties are entitled to compel specific performance of all material terms of this Development Agreement by any Party in default hereof. All terms and provisions of this Development Agreement are material. Nothing in this Agreement modifies the City's ability to pursue its otherwise applicable enforcement provisions for violations of any permits issued for TSD.

M. Governing Law and Venue.

This Development Agreement shall be governed by and construed in accordance with the laws of the State of Washington. Jurisdiction over and venue for any action arising out of or relating to this Development Agreement shall be exclusively in the state and federal courts of King County, Washington. In the event of any apparent conflicts between the provisions of the city code or ordinances and this Development Agreement, this Development Agreement shall prevail.

N. Full Understanding.

The Parties each acknowledge, represent and agree that they have read this Development Agreement; that they fully understand the terms thereof; that they have had the opportunity to be fully advised by their legal counsel and any other advisors with respect thereto; and that they are executing this Development Agreement after sufficient review and understanding of its contents.

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O. Counterparts; Facsimile Signatures.

This Agreement may be executed in more than one counterpart, each of which shall be deemed an original, and all of which shall constitute one and the same instrument. Facsimile signatures on this Agreement shall constitute original signatures of the Parties.

P. Attorneys' Fees.

Should it be necessary for any Party to this Development Agreement to initiate legal proceedings to adjudicate any issues arising hereunder, the Party or Parties to such legal proceedings who substantially prevail shall be entitled to reimbursement of their attorneys' fees, costs, expenses, and disbursements (including the fees and expenses of expert and fact witnesses) reasonably incurred or made by the substantially prevailing Parties in preparing to participate in mediation or arbitration, to bring suit, during suit, on appeal, on petition for review, and in enforcing any judgment or award, from the other Party or Parties.

Q. Waiver.

The waiver by a party of a breach of any provision of this Development Agreement by the other party shall not operate or be construed as a waiver of any subsequent breach by that party. No waiver shall be valid unless in writing and signed by the party against whom enforcement of the waiver is sought.

R. Severability.

This Development Agreement is expressly made and entered into under the authority of RCW 36.70B.170 *et seq.* This Development Agreement does not violate any federal or state statute, rule, regulation or common law known; but any provision which is found to be invalid or in violation of any statute, rule, regulation or common law shall be considered null and void, with the remaining provisions remaining in full force and effect.

S. Equal Opportunity to Participate in Drafting.

The Parties have participated and had an equal opportunity to participate in the drafting of this Development Agreement. No ambiguity shall be construed against any Party based upon a claim that the Party drafted the ambiguous language.

T. Reservation of City Authority.

As required by RCW 36.70B.170(4) and notwithstanding any other term of this Development Agreement, the City reserves the right to establish and impose new or different additional regulations to the extent required to address a serious threat to public health and safety.

U. Notice.

All correspondence and any notice required in this Development Agreement shall be delivered to the following parties:

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City of Bellevue

Attention: Ms. Carol Helland
Land Use Director
450 110th Avenue NE
PO Box 90012
Bellevue, WA 98009
Email: chelland@bellevuewa.gov

with a copy to:

Lori Riordan, City Attorney
450 110th Avenue NE
PO Box 90012
Bellevue, WA 98009
Email: LRiordan@bellevuewa.gov

WR-SRI 120th LLC

c/o Shorenstein Realty Services
Attention: Mr. Todd Sklar
235 Montgomery Street, 16th Floor
San Francisco, CA 94104
Email: tsklar@shorenstein.com

c/o Wright Runstad & Company
Attention: Mr. Greg Johnson
1201 Third Avenue
Suite 2700
Seattle, WA 98101
Email: gjohnson@wrightrunstad.com

with a copy to:

Mr. Tayloe Washburn
Foster Pepper PLLC
1111 Third Avenue, Suite 3400
Seattle, WA 98101
Email: washt@foster.com

V. Final and Complete Agreement.

This Development Agreement constitutes the final and complete expression of the Parties on the development standards governing the Owner's development of the Property. This Development Agreement may not be modified, interpreted, amended, waived or revoked orally, but only by a writing signed by all Parties. This Development Agreement supersedes and replaces all prior agreements, discussions and representations on all subjects discussed herein, without limitation. No Party is entering into this Development Agreement in reliance on any oral or written promises, inducements, representations, understandings, interpretations or agreements other than those contained in this Development Agreement.

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W. Recording Required.

This Agreement shall be recorded with King County at Owner's expense.

X. Execution and Effective Date.

The Effective Date of this Agreement is the date on which it is executed by the City and Owner representatives. The following representatives of the Parties are authorized to, and do hereby, execute on behalf of the party so indicated.

CITY OF BELLEVUE

WR-SRI 120TH LLC

Grant S. Degginger, Mayor

By: _____
Its: _____

ATTEST/AUTHENTICATED

WR-SRI 120TH LLC

Myrna L. Basich, City Clerk

By: _____
Its: _____

APPROVED AS TO FORM

Lori M. Riordan