

CITY COUNCIL STUDY SESSION ITEM

SUBJECT

Bel-Red Land Use Code Amendments

STAFF CONTACTS

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POLICY ISSUES

Should the City adopt new land use regulations and zoning to implement the Bel-Red Subarea Plan?

DIRECTION NEEDED FROM COUNCIL

<input type="checkbox"/>	Action
<input checked="" type="checkbox"/>	Discussion
<input checked="" type="checkbox"/>	Information

This Study Session brings back issues discussed and raised during Council's March 2 review of the draft Land Use Code for the Bel-Red Subarea. Staff is requesting Council direction to facilitate final ordinance drafting.

Outstanding issues requiring Council review include:

1. Routine maintenance and repair of existing development
2. Intentional destruction of an existing condition
3. Façade length for development along 156th Avenue NE
4. Incentive descriptions for parks improvements and dedication
5. Prohibited building materials

These issues are presented in detail below and will be addressed in order during the Study Session on March 16. An upcoming Study Session is planned to discuss the concept of providing additional incentive for a "Catalyst Project" as proposed by Wright Runstad. Consideration of the Residential Mixed Use requirement contained in Note 19 of the Dimensional Charts will be included with the Catalyst Project discussion. Direction from this Study Session and the Catalyst Project discussion at a future Study Session will be incorporated into final ordinances for Council adoption, anticipated for April.

BACKGROUND / ANALYSIS

Council has had numerous briefings on Bel-Red over the last three years that culminated in adoption of a new subarea plan on February 17, 2009. In September and October 2008, the Council reviewed the subarea plan, land use map, and code provisions recommended by the Planning Commission. On November 10, Council was provided with a follow-up memorandum that addressed a series of issues that emerged from the initial review. The memorandum discussed incorporation of changes to the incentive system following the Urban Land Institute (ULI) review, future review steps for the NE 15th/16th corridor design, use of terminology, designations of specific areas, and other issues. Council subsequently held additional Study Sessions to discuss details regarding the Subarea Plan and application of zoning to specific parcels.

On March 2nd, a complete Land Use Code Amendment package was presented to Council that addressed virtually all issues raised during the six month period when the implementing regulations were before Council for review. The one issue that was not addressed on March 2nd, was the concept of providing additional incentive for a "Catalyst Project" as proposed by Wright Runstad. Comments that related to the Catalyst Project concept will be discussed at a future Council Study Session.

This memorandum addresses outstanding issues that remained following the March 2nd meeting and that require Council review and direction in order to finalize the Land Use Code package in preparation for adoption.

A. LAND USE CODE AMENDMENT PACKAGE

On March 2 the Council reviewed an updated version of the draft Land Use Code that included a range of technical and substantive revisions to the Planning Commission's July 23, 2008, recommendation. For the March 16 draft (Attachment A), all technical changes were accepted and annotations were removed. All substantive revisions were accepted with the exception of those related to specific issues discussed in greater detail below. Areas of the Code requiring additional review by Council continue to be shown in mark-up format and are annotated where appropriate.

Substantive changes accepted into the revised draft include:

- Removal of the FAR (floor area ratio) phasing limitation consistent with the Council adoption of the Mobility and Infrastructure Finance Plan.
- Establishment of a floor plate maximum of 28,000 square feet for mid-rise residential buildings.
- Revisions to the incentive system based on Council review of the Urban Land Institute and consultant recommendations, making the maximum FAR (floor area ratio) 4.0 in the transit node areas and establishing bonus ratios based on a valuation of \$15 per additional building square foot.
- BR-R district changes that increase the size maximums for individual uses and provide for greater flexibility for neighborhood-oriented commercial uses.
- Incorporation of the regional TDR (Transfer of Development Rights) program as a Tier 1b incentive limited to an overall total of 75 TDR credits.

In response to Council feedback on March 2nd, dormitories were deleted as a permitted use in the residential use chart. This change responds to Council's interest in addressing dormitories at such time as a proposal is advanced for a university or college use in the Bel-Red area. Similarly, the related footnote 12 in the services use chart allowing dormitories in association with a college or university was also deleted.

The March 2nd materials included letters from Bel-Green Development, The OPUS Group, and Coca-Cola Bottling Company of Washington along with staff responses. Staff had also received detailed Land Use Code suggestions from Wright Runstad, some of which resulted in revisions reviewed on March 2nd and some of which are being reserved for discussion of a "Catalyst Project" at a future Study Session. Staff identification and response to the Wright Runstad comments is included in Attachment B. Staff will be prepared to discuss questions Council may have regarding issues raised by the Wright Runstad comments or the associated response.

1. Routine maintenance and repair for existing uses – 20.25D.060

Rather than create non-conforming uses as in traditional re-zoning cases, the Land Use Code for Bel-Red includes Section 20.25D.060 that allows for existing uses and development to continue indefinitely and to make improvements and expansions, with limitations. New alterations to existing development, such as expansions, would be required to conform to City Code, including height maximums and other dimensional standards. Modifications to existing sites and developments would be required to include site improvements consisting of landscaping, circulation, walkways, and paving, at a level in proportion to the amount of new investment. The intent is to ensure that, as property owners make investments in their facilities, they also make investments to the site to maintain a reasonable level of compatibility with adjacent uses. The Code is currently drafted to apply only when alterations exceed a value of \$150,000 and several types of building alterations and improvement are exempted, including:

- Fire prevention improvements
- Alterations to meet ADA requirements
- Seismic retrofitting
- Stormwater management improvements
- Alterations that reduce offsite impacts, such as noise, odor or dust
- Improvements to meet LEED or other efficiency standards

The amount of required site improvements is capped at 20 percent of the value of the new investment. In response to Council interest in encouraging property owners to continue to maintain their properties, the attached draft Land Use Code has been revised to clarify that maintenance and repair activities are not alterations that count toward the \$150,000 threshold that triggers the proportional compliance requirement.

2. Intentional destruction of an existing condition

These provisions created some discomfort with both the Planning Commission and the City Council. The reality is that staff have not had to address an issue of intentional destruction under the terms of the existing non-conforming use provision. As a result, staff suggests

striking this provision. We do not anticipate that we will see a rise of intentional acts of destruction in order to take advantage of the existing condition provisions of the Bel-Red code.

3. Façade length for development along 156th Avenue NE – 20.25D.080(A), footnote 15

Over the course of the Council's review of Bel-Red Subarea, the Council received a number of comments from citizens and property owners regarding the east portion of the Subarea, between Bel-Red Road and 156th Avenue NE (the Angelo's site and vicinity). One of the regulations proposed specific to that area is a maximum façade length of 150 feet for buildings adjacent to 156th Avenue NE. This was intended to work in conjunction with the height and building spacing requirements to moderate building mass and bulk at this east edge of the Subarea (other transition-type standards apply on the south side of the Subarea, whereas the north and west sides are bordered by freeways). At the March 2nd Study Session, staff recommended increasing this standard from 150 feet to 190 feet in response to comments from Bel-Green and OPUS to increase the flexibility for redevelopment and allow developers to better maximize the use of their sites while maintaining the intent to limit building facades.

Council asked staff to conduct additional outreach with the adjacent community to determine whether this change would be acceptable. Staff contacted Ken Shiring and Pam Toelle, residents of the Sherwood Forest and Chevy Chase neighborhoods, respectively, and also notified members of the Planning Commission. Ms. Toelle submitted additional comments about the Bel-Red area (Attachment C), although Ms. Toelle and Mr. Shiring provided neither an endorsement nor an objection to the increased façade length at the time of drafting this agenda memo. In the current draft of the Code, the façade length maximum has been restored to 150 feet. At the Study Session, staff will present any additional community comments received.

4. Incentive descriptions for parks improvements and dedication – 20.25D.090(C)

The draft Code includes an incentive system that rewards development with additional allowed building area in exchange for providing various public amenities, including public parks. Parks dedication and improvements are listed on the incentive system chart in Section 20.25D.090(C)2 and 3. At the March 2nd Study Session, Council commented that the language used in the description of parks improvements and dedication lacked clarity. The intent is to allow bonuses when a developer chooses to provide either park land (dedication) or improvements to parks, or both. There may be cases where a developer chooses to dedicate park land to the City and where the value of the dedication alone earns sufficient credits for the proposed commercial development without providing additional park improvements. Alternatively, a developer may not have any land appropriate for park use, but may be willing to build or fund park improvements on existing undeveloped park property. In the attached draft, staff recommends changes to the existing language to enhance clarity.

5. Prohibited building materials – 20.25D.130(E)

Section 20.25D.130(E) is proposed to include a list of exterior building materials that would be prohibited on facades visible from public rights-of-way to ensure that new buildings are

constructed with high-quality, durable and sustainable materials. During the March 2nd review, Council questioned why cementitious lap siding, commonly sold under the trade name HardiePlank, was included on the prohibited materials list. Lap siding is seen as an overly residential material choice inappropriate for the more urban and commercial character of Bel-Red. Lap siding (and other prohibited materials) could be used on building sides and backs where they are not oriented toward public views and may be useful for cost savings. The Code also provides an avenue for granting exceptions to the prohibition through Design Review where material choices are shown to be keeping with the character of the area and provide for sufficient long-term durability. Staff proposes a modest revision to the section to improve clarity.

6. Residential mixed use requirement for the BR-OR-1 and BR-OR-2 zones – 20.25D.080(A), footnote 19 (listed as footnote 21 in the Wright Runstad comments and the Planning Commission transmittal to Council)

This issue will be included in the future discussion related to the Catalyst Project concept. This issue is highlighted in the attached code amendment to ensure that the substance of the Council conversation was not lost. Wright Runstad requested that the requirement that all new development in the BR-OR-1 and BR-OR-2 districts must include at least 20% of the total project area as residential be changed to allow it to be met over the entire project, and not on a per phase basis. Wright Runstad also commented that the provision of residential uses should be encouraged rather than mandated.

The Planning Commission expressed concern that the Office-Residential node in Bel-Red is at risk of becoming dominated by homogenous office development without a sufficient mixture of uses to ensure an active neighborhood. The Commission recommended that a minimum 20 percent residential use requirement be met with each phase to ensure that a mix of uses would be developed over time. In the March 2nd draft Land Use Code, staff proposed a change that provided additional flexibility by allowing the residential use obligation to be met based on market demand rather than proportionately with each phase of development. The Planning Commission recommendation and staff alternative are options that represent opposite ends of a timing continuum for delivery of the residential use obligation. The staff did not recommend wording that would only “encourage” the provision of residential uses, because this Wright Runstad requested change was seen as inconsistent with the Planning Commission’s intent to ensure a mix of uses were constructed in the Office Residential node. Additional options along the timing continuum will be presented for Council consideration as part of the Catalyst Project discussion scheduled for a future Study Session.

NEXT STEPS

Staff anticipates returning at a future Study Session to present options for consideration of potential incentives for “Catalyst Projects.” Following any additional direction provided at tonight’s meeting and the upcoming Study Session, staff is planning to prepare final ordinances for Council review and adoption. Council action on the Bel-Red Land Use Code amendments and zoning may be scheduled to occur in April, at the direction of Council.

SEPA environmental review has been conducted on the Bel-Red project, in the form of an EIS. An addendum to the Bel-Red EIS was published on February 12, and updated the

project environmental documentation to be consistent with the code package that is currently before Council for consideration.

ATTACHMENTS

- A. Bel-Red Overlay Land Use Code amendments – Part 20.25D
- B. Wright Runstad Land Use Code suggestions (Attachment B2) with staff responses (Attachment B1)
- C. Comments from Pam Toelle

AVAILABLE IN THE COUNCIL OFFICE

The Bel-Red Corridor three-ring binder includes all proposed Land Use Code Amendments necessary to implement Bel-Red Subarea Plan (including Design Guidelines, general code amendments and critical areas ordinance amendments and the zoning map that were not reproduced for the March 16th packet). These materials are also available in the Council Packet dated March 2, 2009.

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 20.20.005;
 - 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; and,
- u. LUC 20.20.890.

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 ft 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. 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. An applicant for a single building project may submit a Master Development Plan for approval by the Director pursuant to Part 20.30V LUC. 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.
2. Projects located outside of a node. An applicant may submit a Master Development Plan for approval by the Director pursuant to Part 20.30V LUC. 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. This requirement shall not apply to the placement of additional structures associated with existing conditions.
4. 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.
 - 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. **Process 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 2 below.
2. **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 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.

No deviation from Maximum Building Height is permitted in any Bel-Red Land Use District.

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.

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.

20.25D.040 BROTS Interlocal Agreement Limitation.

Development in the Bel-Red Land Use Districts shall be subject to the provisions of BROTS, 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 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

Plan adoption date]. An additional purpose of this section is to allow limited expansion of existing uses and ~~structures~~ developments that ~~is~~ 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 Plan 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 Plan 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, Title 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 Section 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. ~~Normal-Routine~~ maintenance and repairs associated with existing conditions are 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.

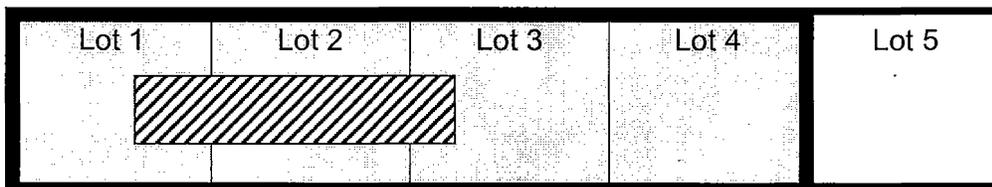
F. Regulations Applicable to Existing Uses.

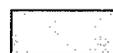
- 1. Operations.
 - a. Existing Uses May Continue to Operate. Operations associated with an existing use may continue, subject to the provisions of this Section F.

- 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 Chapter 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 Plan 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



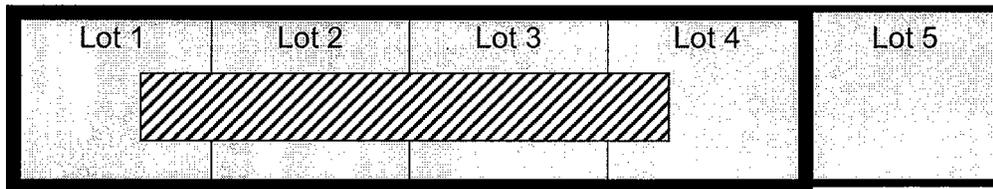
-  Limits of property held in a single ownership as of (date)
-  Area occupied by existing use as of (date)
-  Area where existing use may expand in conformance with this code

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 Plan 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 Plan adoption date].
- (2) The regulations applicable to the property proposed for expansion would have allowed the use as of [insert Plan 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, any subsequent use shall thereafter conform to the regulations of the district in which it is located.
- 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. ~~Intentional Destruction. When a structure containing an existing use is intentionally damaged by fire or other causes within the control of the owner of that structure that houses the existing use, the re-establishment of the existing use is prohibited.~~

d. ~~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 Plan 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 de-not-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, any subsequent development shall thereafter conform to the regulation of the district in which it is located.
- 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.
- ~~c. Intentional Destruction. When an existing development is intentionally damaged by fire or other causes within the control of the owner of the existing development, reconstruction of the existing development is prohibited.~~

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) (5)							
	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		P/P	P	P	3	P 3	P
12	Group Quarters: (5) 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								
3434	Electrical Equipment Mfg.; Appliances, Lighting, Radio, TV Communications, Equipment and Component Parts					P 4		
3435								
3436								
3437								
3491	Fabricated Metal Products Mfg.; Containers, Hand Tools, Heating Equipment, Screw Products, Coating and Plating					P 4		
3492								
3493								
3495								
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							

		Transportation and Utilities – Bel-Red Districts						
STD LAND USE CODE REF	LAND USE CLASSIFICATION	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. 1.400, 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	Wholesale Trade: Motor Vehicles, Primary and Structural Metals, Bulk Petroleum							
5157								
5191								
5192								
5193	Scrap Waste Materials, Livestock							
	Recycling Centers		P/			P	P	
521								
522	Lumber and Other Bulky Building Materials		P 3/			P	P 3	
523	Including Preassembled Products							
524								
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 two or more permitted retail sales uses and also includes subordinate 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 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.
- (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 (104)	P 940/ P 940	P/P	P	P 1, 113, 124	P	P	P
62	Personal Services: Laundry, Dry Cleaning, Barber and Beauty, Photography Studio and Shoe Repair	P/P	P/P	P	P1, 113, 124	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 (104)	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 (45)					P		
641	Auto Repair and Washing Services		P/P 56	P 56		P	P	
649	Repair Services: Watch, TV, Electrical, Computer, Upholstery					P	P 67	
	Professional Services:	P/P	P/P	P 4		P	P 67	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 (104)							
	Professional Services: Other (104)		P/P			P	P 67	P
6513	Hospitals (104)	/C						
66	Contract Construction Services: Building Construction, Plumbing, Paving and Landscape					P		
671	Governmental Services: Executive, Legislative, Administrative and Judicial Functions (104)	A/A	A/A				A	A
672 673	Governmental Services: Protective Functions and Related Activities Excluding Maintenance Shops (104)	A/A	A/A	A	A	A	A	A
	Limited Governmental Services: Executive and Administrative, Legislative and Protective Functions (104)	P/P	P/P	P	P 78	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 (89, 104)							
682	Universities and Colleges (104, 42)	A/P	A/P	P		A	A	
683	Special Schools: (104) Vocational, Trade, Art, Music, Driving, Barber and Beauty Schools	P/P	P/P	P	P 67	P	P	P 67
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 67	P
	Administrative Office – General (104)	P 940 / P 940	P/P	P 940		P	P 940	P
	Computer Programming, Data Processing and Other Computer Related Services			P 409		P 40-9	P	P
	Research, Development and Testing Services			P 409		P 409	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 (13) and (14) 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) ~~(deleted)~~
- ~~(5)~~—See LUC 20.25D.100 Automobile Sales, Leasing, and Rental for applicable performance criteria.
- ~~(56)~~ 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.
- ~~(67)~~ This use is limited in size to no greater than 20,000 sf.
- ~~(78)~~ Uses are limited to community police stations of 1,500 sf or less.
- ~~(89)~~ 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.
- ~~(940)~~ Limited to 0.5 floor area ratio (FAR).
- ~~(104)~~ Bicycle parking shall be provided pursuant to 20.25D.120.G.
- ~~(112)~~ ~~Dormitories owned and operated by an associated college or university are considered to be a component of this service use.~~
- ~~(13)~~ 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.
- ~~(124)~~ 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			A/A			A	A	
7222								
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)		Floor Area Ratio (4) (9)	
		Front	Rear	Side				Base	Max.	Base	Max.
MO-1	Nonresidential				28,000	28,000	75%	45	150	1.0	4.0
OR-1	Residential	0 (2)	0 (14)	0 (14)	28,000/12,000	9,000					
RC-1											
OR-2	Nonresidential				28,000	28,000	75%	45	125	1.0	4.0
RC-2	Residential	0 (2)	0 (14)	0 (14)	28,000/12,000	9,000					
RC-3 (15)	Nonresidential				28,000		75%	45 (13)	70 (13)	1.0	4.0
	Residential	0 (2)	0	0	28,000	NA					
CR(15)	Nonresidential				28,000		75%	45	70	1.0	2.0
	Residential	0 (2)	0	0	28,000	NA		(13)	(13)		
R	Nonresidential				NA	NA	75%	30	45	1.0	2.0
	Residential	0 (2)	0	0	NA	NA					
MO	Nonresidential				28,000		75%	70	70	1.0	1.0
OR	Residential	0 (2)	0	0	28,000	NA					
GC	Nonresidential				NA		75%	45	45	1.0	1.0
	Residential	0 (2)	0	0	NA	NA					
ORT	Nonresidential				NA	NA	75%	45(12)	45 (12)	0.75	0.75
	Residential	20	30	20	NA	NA					
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 (20.25H.130) and habitat associated with species of local importance (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 ~~190~~ 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) Planning Commission Language: All new development 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 as provided pursuant to a development agreement as authorized by state law or Bellevue city code.
- (19) Alternative Language Recommended for Flexibility: All new development in the OR-1 and OR-2 land use districts shall provide a minimum of 20 percent of the total project gross square feet as residential use for development on any site of five acres or greater pursuant to a phasing plan, Part 20.30V LUC. Notwithstanding any other provisions of this code, a phased development is not required to provide the proportional minimum of residential use required per phase, provided that the 20 percent residential use requirement is met prior to occupancy of the final phase.

Alternative language provided for Note 19 presents two options for achieving the Planning Commission objective that development within the office node contain a mix of uses. These options represent opposite ends of a timing continuum. Additional intermediate options will be presented for Council consideration as part of the Catalyst Project discussion scheduled for a future Study Session.

(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.

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 gsf/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 dedication area	=	Total Transferable Floor 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:

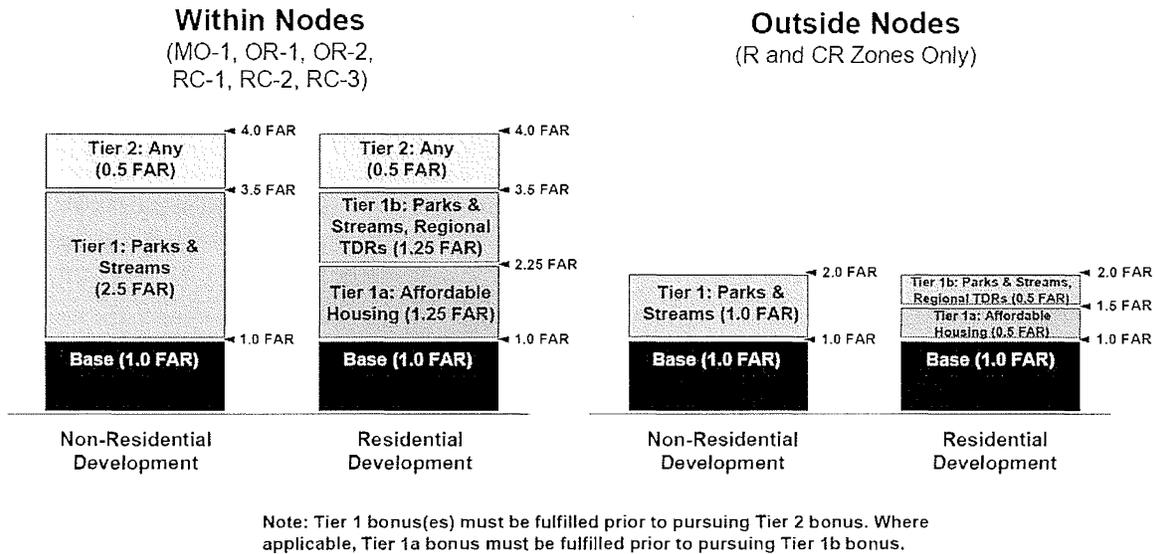
1. The design criteria established for the amenity have been met; and
2. A public benefit will be derived from the development of the proposed amenity in the proposed location.

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, parks dedications, park improvements, trail dedications and easements, or 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



- 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 1 sf of affordable rental housing 80% median income. Owner: 7.2 sf bonus building area per 1 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 commercial and Tier 2: \$15 per 1 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. PARKS 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 1 sf of parks dedication. Fee-in-lieu: \$15 per 1 sf bonus area.</p>	<p>1. Bonused-pParks dedications shall be consistent with the Bel-Red Parks and Open Space Plan identified locations and sizes. 2. Bonused-pParks dedications do not need to be contiguous with the site for on which development is proposed. 3. Parks dedications shall include FAR associated with the dedicated area. 4. The dedication and shall be provided in a form satisfactory to the city.</p>

<p>3. PARK IMPROVEMENTS Improvements made on private property to function as <u>park areas</u>, or improvements made to city-owned community, neighborhood, and mini-parks.</p>	<p>2.7 sf bonus building area per 1 sf of new park, (does not include land value). Fee-in-lieu \$15 per 1 sf bonus area.</p>	<ol style="list-style-type: none"> 1. Improvements made on private property to function as <u>bonused-park areas</u> must be consistent with the Bel-Red Subarea Plan.. 2. Improvements made on private property to function as <u>bonused-park areas</u> do not need to be contiguous with the site <u>for-on</u> which development is proposed. 3. Improvements made on private property to function as <u>bonused-park areas</u> <u>must be signed</u> <u>include signage</u> <u>and effectively</u> <u>and</u> 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 <u>area</u> shall provide an easement in a form satisfactory to the city that allows for public access and maintenance. 5. <u>Improvements made to city-owned Pparks</u> <u>must</u> <u>improvements are</u> <u>be</u> 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 1 sf of trail dedication. 1.5 sf bonus building area per 1 sf of trail easement. Fee-in-lieu: \$15 per 1 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. Bonused-tTrail 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. Bonused-tTrail 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 of Bellevue 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 1 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 of Bellevue access for maintenance, monitoring, and trail construction.
<p>6. REGIONAL TRANSFER OF DEVELOPMENT RIGHTS (TDRs) <u>Transfer of development rights to designated Bel-Red areas that achieve conservation of rural resource lands outside the Countywide Urban Growth Boundary.</u></p>	<p><u>1,333 sf bonus building area per 1 TDR credit, or per Bellevue-King County TDR Interlocal Agreement as originally adopted or subsequently amended.</u></p>	<ol style="list-style-type: none"> 1. <u>TDR credits defined in accordance with the King County TDR Program as approved or subsequently amended by the City of Bellevue pursuant to the Bellevue-King County TDR Interlocal Agreement.</u> 2. <u>TDR credits for use in the entire Bel-Red Subarea is limited to 75.</u>
<p>TIER 2</p>		
<p>76. 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 1 sf of non-profit/community service space. Fee-in-lieu at \$15 per 1 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. Bonused space may be used for other uses in this category with approval from the Director. 6. 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>87. 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 1 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>98. 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>109. 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 1 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 be signed 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>110. 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>121. 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.</p> <p>*Floor area shall not be counted for the purpose of calculating FAR.</p>	<p>9.7 sf bonus building area per 1 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>132. NATURAL DRAINAGE FEATURES Low impact development techniques that improve natural drainage features such as rain gardens, pervious pavement, vegetated roof, and amended soils.</p>	<p>0.7 bonus building area per 1 sf of effective natural drainage feature.</p>	<p>1. Shall meet criteria of the Bellevue Natural Drainage Practices Manual – fact sheet U1-U5. 2. Underlying soil condition and infiltration rate must be appropriate for the feature. 3. Requirement for large storm events as determined by Bellevue Utilities Department shall be met. 4. Maintenance of the natural drainage features is the obligation of the property owner for the life of the project.</p>
<p>133. 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>(Reserved for future updates)</p>	<p>(Reserved)</p>

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 Plan 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.
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

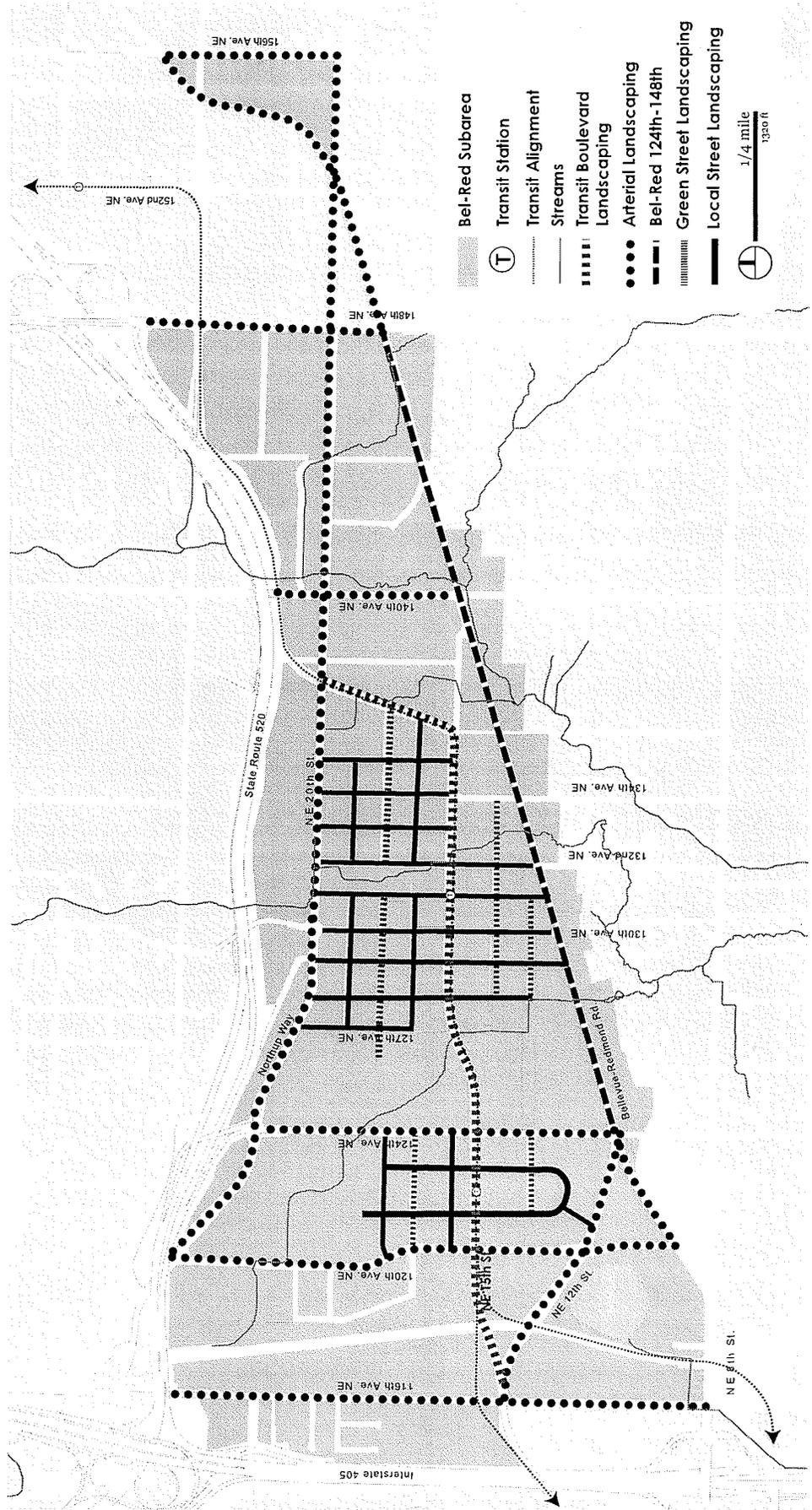


Figure 20.25D.110: Required Landscape Treatments

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 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 Utilities Department Surface Water Engineering Standards.

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; 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.030B. and C.2.

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 section 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

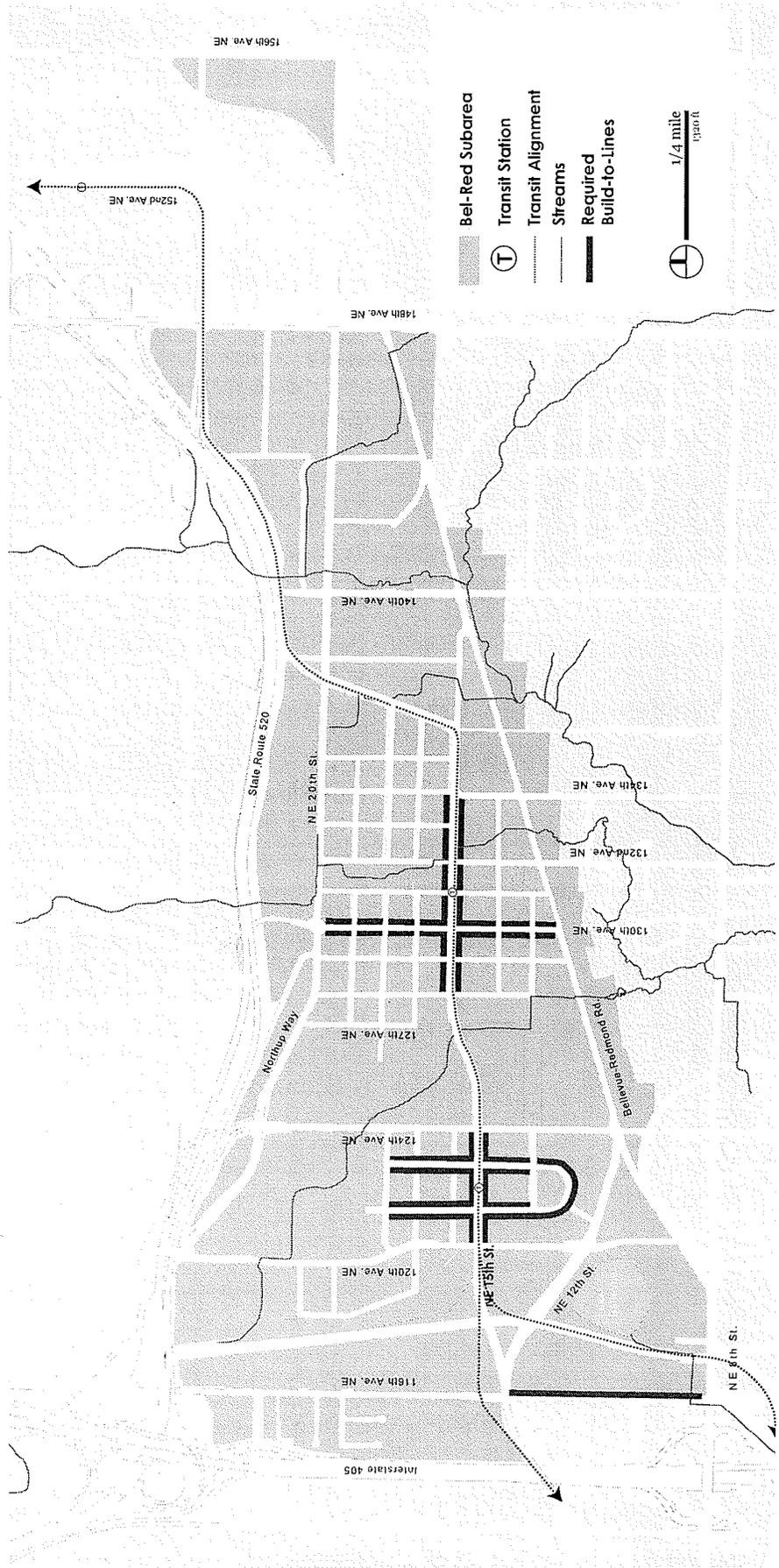


Figure 20.25D.130.B: Required Build-to Lines

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

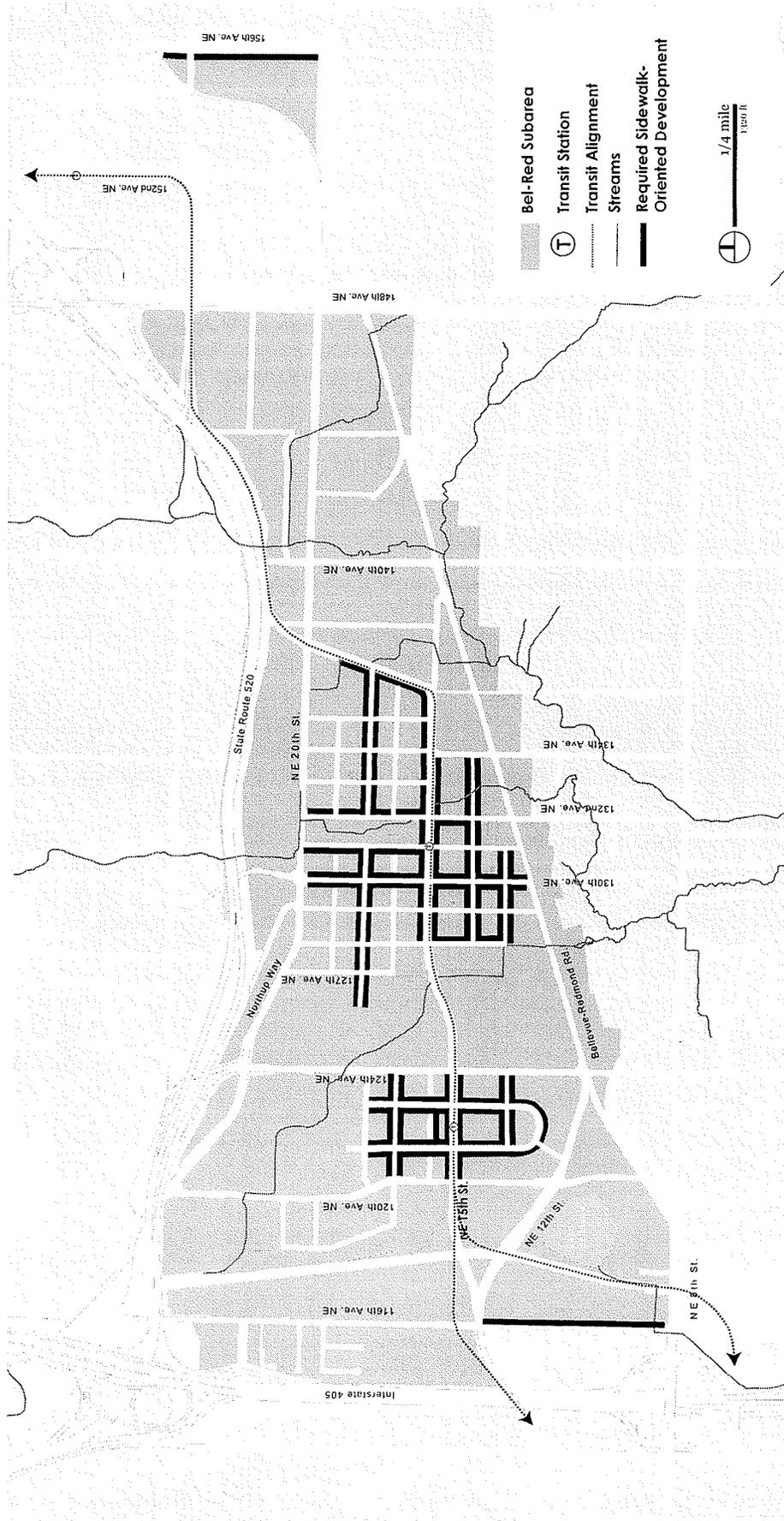


Figure 20.25D.130.C Required Sidewalk-Oriented Development

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 facades 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 Materials.

To ensure the Bel-Red District contains high-quality buildings of durable and sustainable materials the following materials are prohibited on facades 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, cementitious-lap and shingle, or other types of residential siding;
7. Architectural foam detailing; and
8. Applied simulated divided light window systems.

Council requested additional rationale regarding prohibited materials contained in Paragraph E above. The list identifies materials that have proven to be less durable or that do not maintain a quality appearance over time based on observation of existing development. Synthetic stucco is an example of a material that does not age well. The list of prohibited materials also contains finishes that are inconsistent with an high quality urban appearance. Lap and shingle is an example of a siding material that is residential in appearance and not considered consistent with the intended character for Bel-Red. These materials are only prohibited on facades visible from public rights of way, but they can be expressly approved through design review if the installation is consistent with the Bel-Red design guidelines.

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

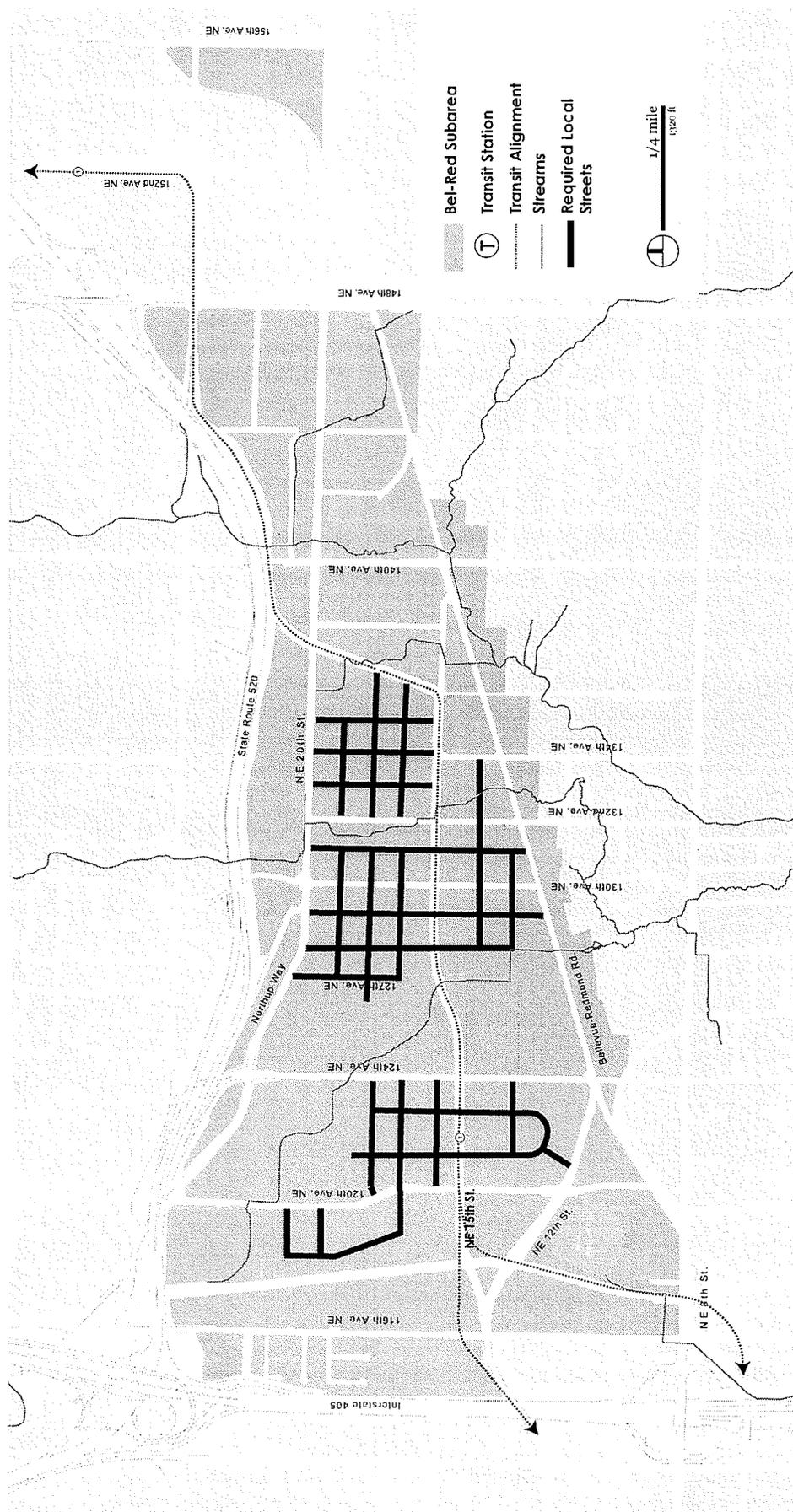


Figure 20.25D.140A: Required New Local Streets

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

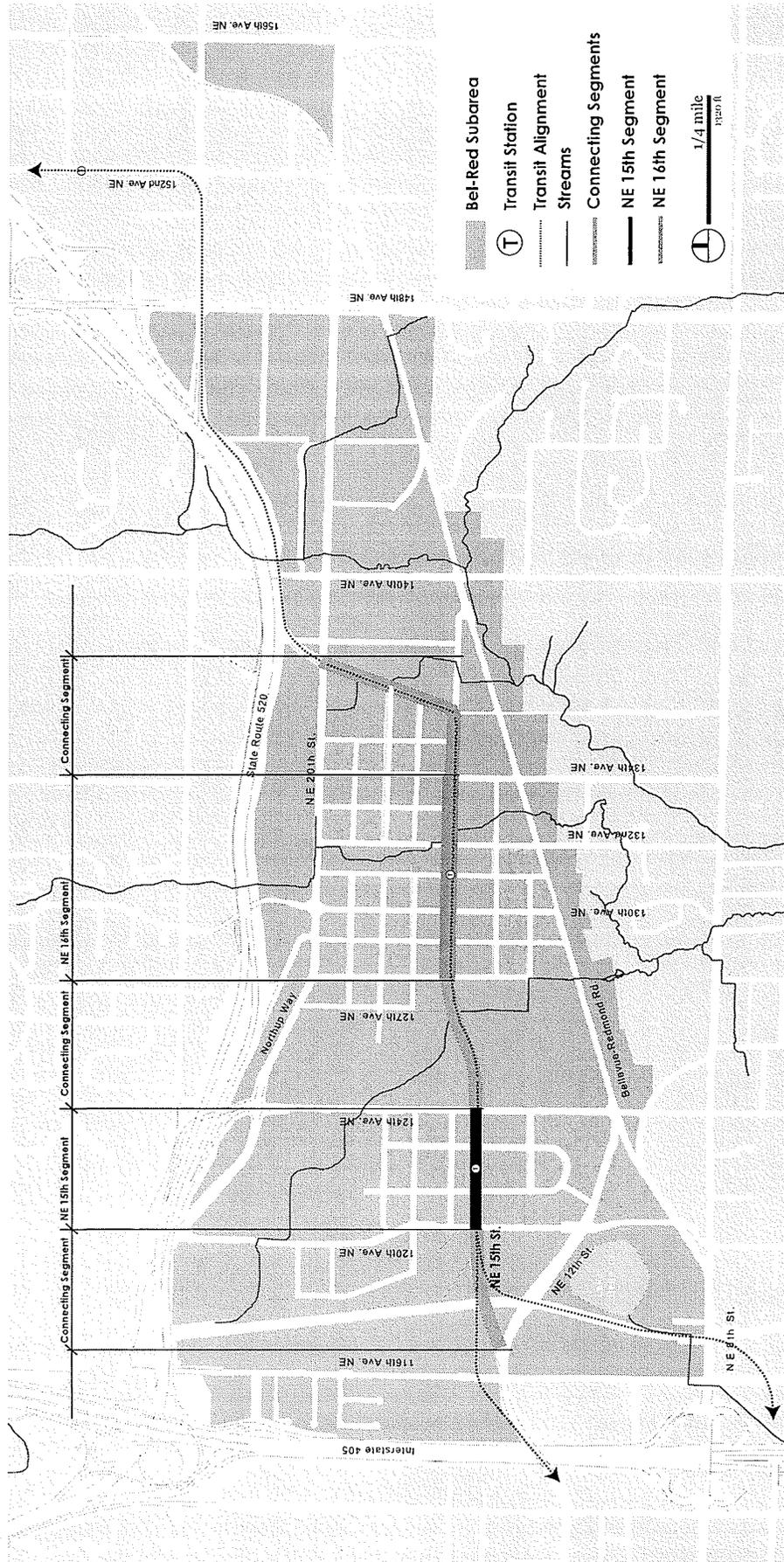


Figure 20.25D. 140.B : NE 15th/16th Transit Boulevard Segments

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

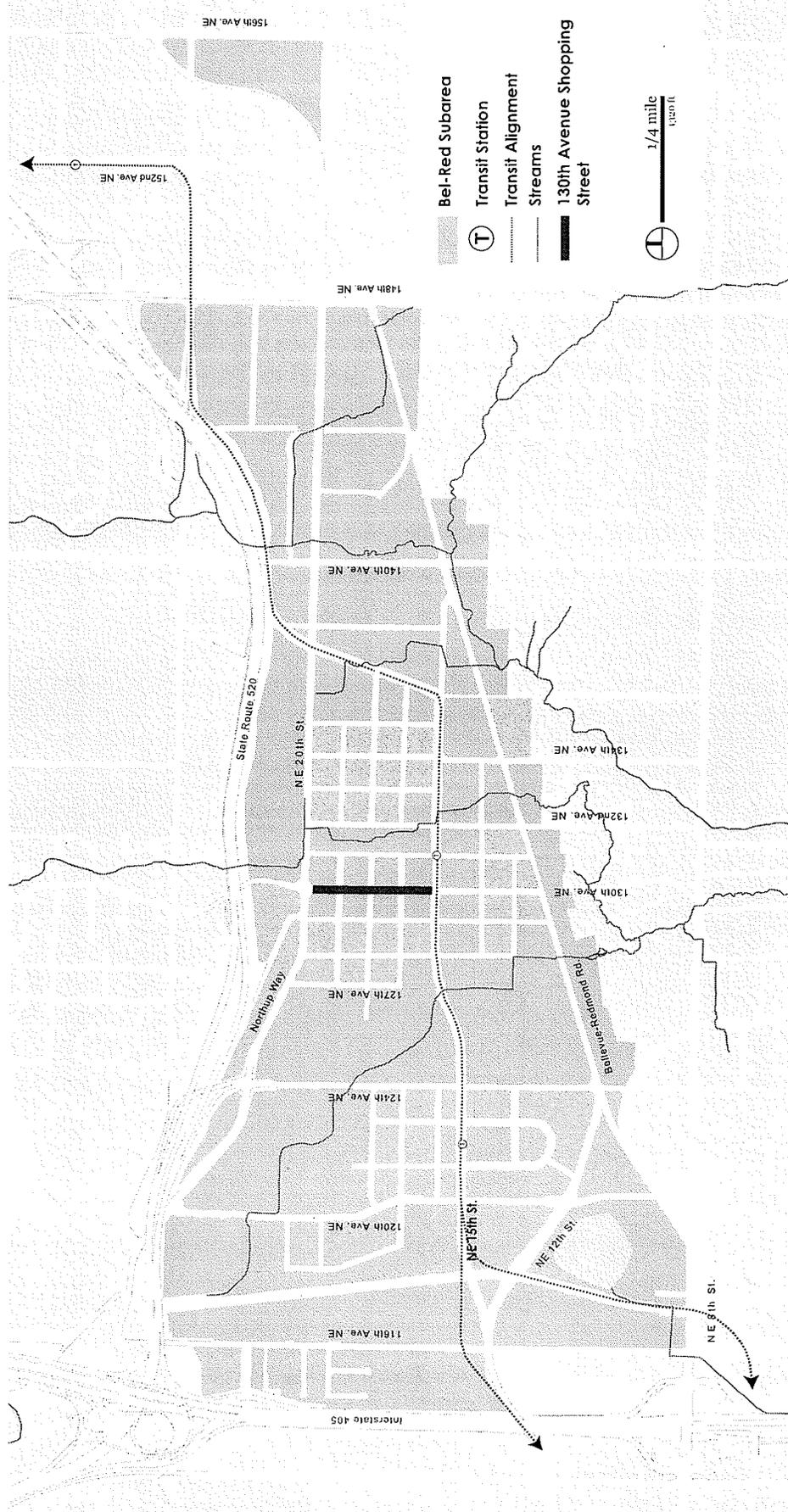


Figure 20.25D.140.C: 130th Avenue Shopping Street

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

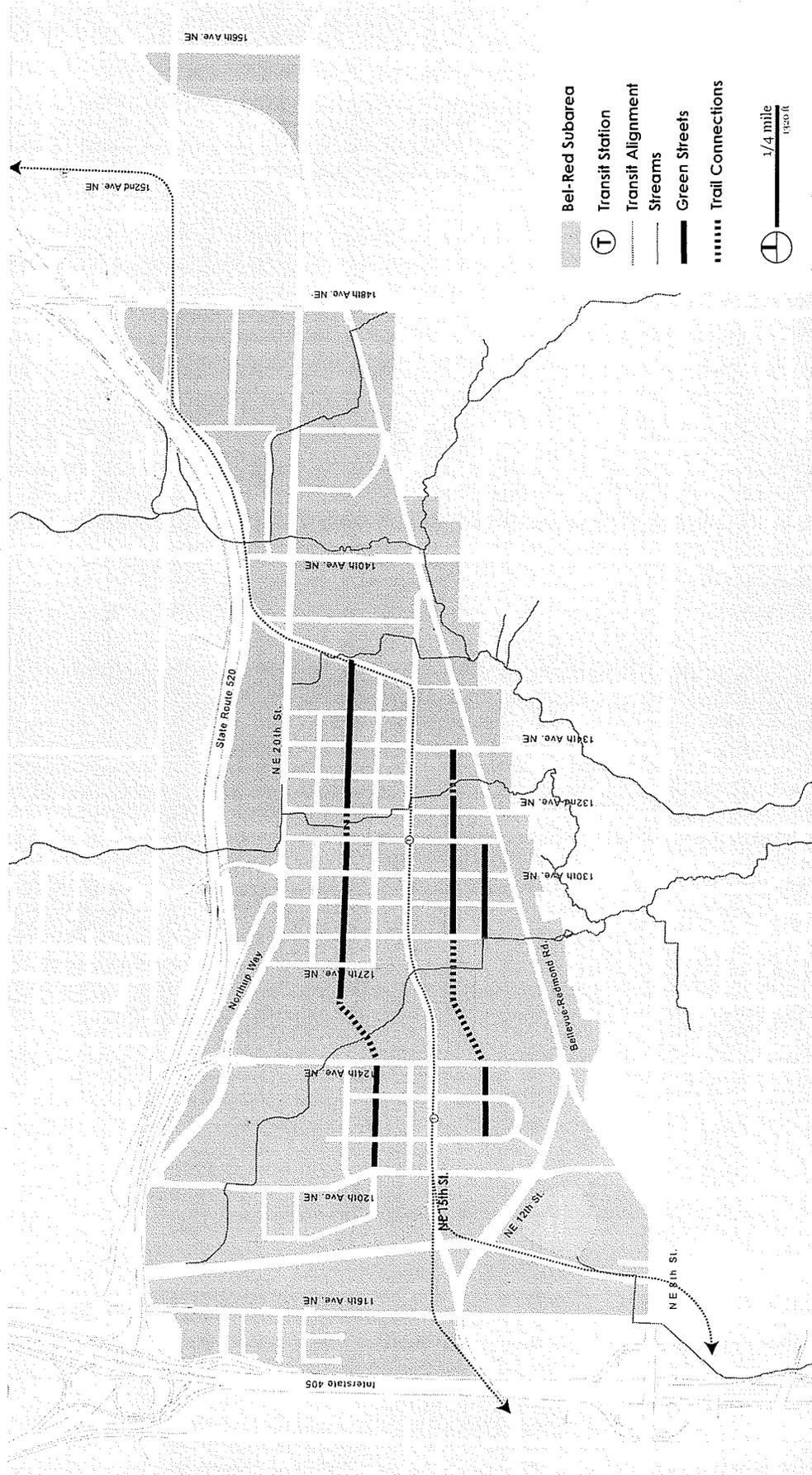


Figure 20.25D.140.D: Green Streets

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

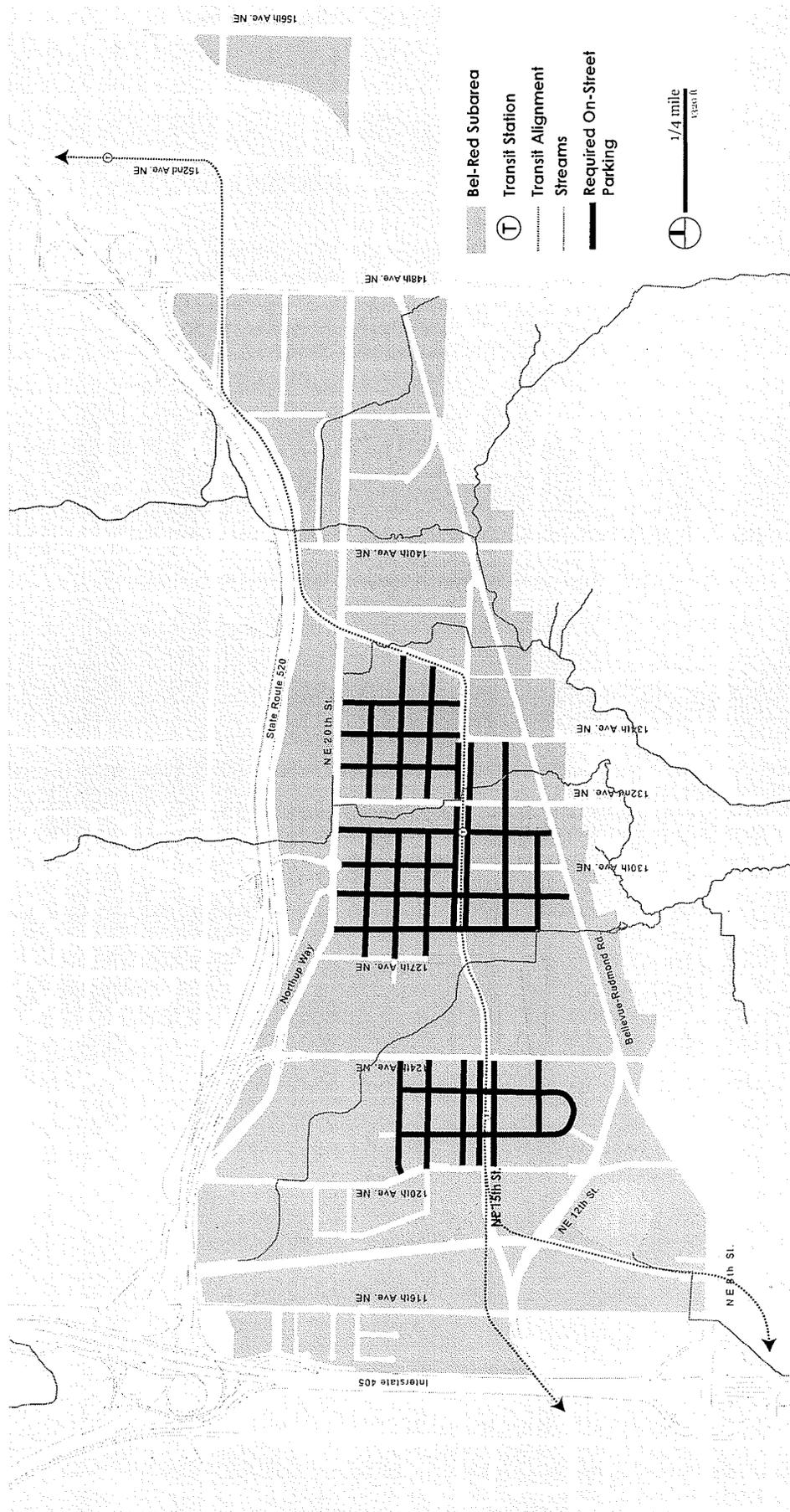


Figure 20.25D.140.E: Required On-Street Parking

F. Restricted Driveway Access.

1. Purpose/Intent. Driveway access along certain streets is restricted in order 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.

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

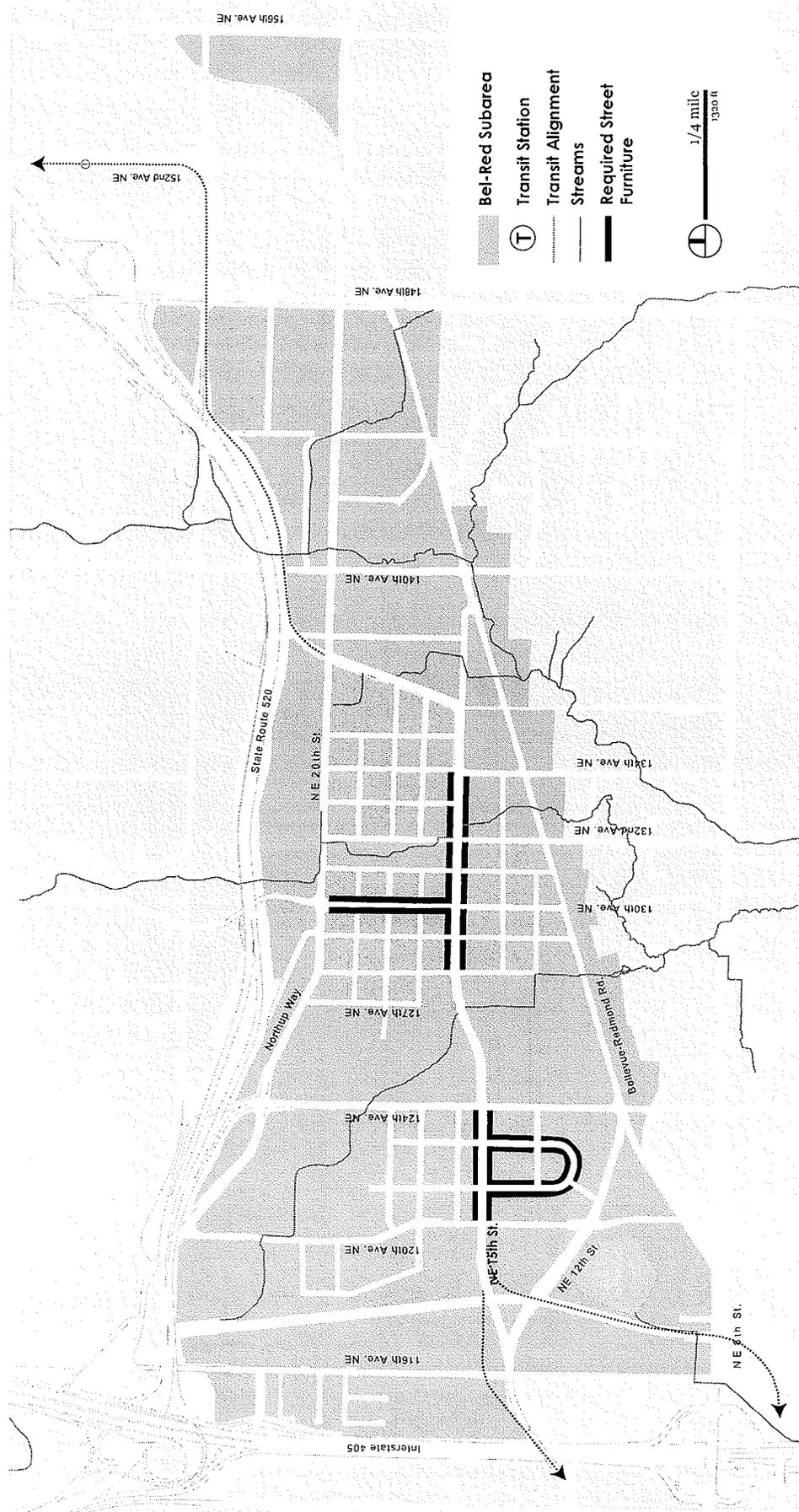


Figure 20.25D.140.G: Required Street Furniture

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 Plan adoption date], now or as hereafter amended or superseded pursuant to the provisions of that document. The provisions of the Design Guidelines will be applied pursuant to the review requirements of LUC section 20.25D.030.

Response to Wright Runstad's Comments Regarding the Bel-Red Land Use Code
 Letters from Bel-Green Development, The OPUS Group, and Coca-Cola Bottling Company of Washington were provided along with staff responses in the materials for the March 2 Council meeting. Included here are comments from Wright Runstad regarding additional aspects of the Land Use Code. Staff responses are noted below. The March 2 version of the draft Land Use Code included changes that respond to some of the Wright Runstad comments. Other issues that they raise are related to the question of a potential incentive for a catalyst project, which is planned for Study Session review at a future Council meeting.

Master Development Plan and Development Agreements – 20.25D.030(B)

Wright Runstad suggests using development agreements as an alternative approval to the Master Development Plan.

The City currently uses development agreements as a tool to document obligations and benefits between a developer and the City on project related issues, such as shared construction of right-of-way improvements. Master Development Plans are a mechanism for the City to review and ensure that site layout, including structure placement, vehicular and pedestrian mobility, and necessary amenities are constructed and phased to conform to the terms of the Land Use Code and other City regulations. The Master Development Plan review process includes steps for public noticing, comment, and appeals. The review components of the Master Development Plan review process continue to add value and ensure site layout and development goals are met even when a development agreement is executed.

Wright Runstad noted an incorrect code reference in Section 20.25D.030. These references were corrected in the Land Use Code Amendment (LUCA) package presented to Council on March 2, 2009.

Design Review Required – 20.25D.030(C)

Wright Runstad commented that dimensional deviations, which were proposed to be allowed through the design review process, should be renamed “design departures” and allowed through the Master Development Plan process in addition to design review. They also recommend changes that would permit deviations from floor plate maximums, setbacks and step-backs, and impervious surface area and lot coverage percentages.

While staff has retained the name for this subsection, the March 2 version of the draft Code included the Master Development Plan process as an option for allowing deviations. This is consistent with ensuring that the best outcome consistent with the intent of the Code can be achieved and allows for streamlining of the permitting process.

Staff does not recommend allowing deviations from the floor plate maximums, setbacks and step-backs, and impervious surface area and lot coverage percentages. Deviations are allowed for various other design standards where there may be design options that

can better meet the intent of the code than a strict standard. Alternatively, these specific numerical standards provide clarity to both the development community and the review staff. Floor plate maximums are already proposed to be larger than Downtown Bellevue. In most cases, setbacks are already zero. Step-backs are consistent with what is required in parts of Downtown and are an important part of ensuring good building design. The impervious surface maximums are a key tool to work toward reducing the surface water drainage impacts of the area and ensuring that new development incorporates sufficient open space and green areas. With the exception of maximum building height, site constraints that make compliance with these standards difficult can be reviewed through the variance process.

Concurrency

Wright Runstad recommends a new subsection be added to 20.25D.030 to address concurrency provisions. They suggest that master plans should not be subject to concurrency and that concurrency should be administered on a per phase basis.

Concurrency review is linked to the discussion about a catalyst project and will be explored in greater detail at a future Council Study Session. Concurrency requirements are located in Chapter 14.10 of the Bellevue City Code; necessary changes to concurrency would be included in that chapter.

Critical Areas

Wright Runstad suggests a new subsection be added to 20.25D.030 so that the steep slope provisions of the critical areas regulations would not apply to the BR-OR-1 and BR-OR-2 zoning districts in Bel-Red.

Staff is opposed to such a change to the critical areas regulations, which currently apply throughout the City outside the Downtown. While the critical areas regulations do protect steep slopes, they also include a process for allowing modification of steep slopes, which could be applied at the Wright Runstad Spring District site. Sustainability was one of the 10 planning principles that were used to shape the Bel-Red plan. It is important to apply the critical areas regulations uniformly across the Bel-Red subarea to ensure that the plan remains sensitive to issues of natural resource protection.

20% Residential – 20.25D.080 footnote 19 (listed as footnote 21 in the Wright Runstad comments and the Planning Commission transmittal to Council)

Wright Runstad commented that the requirement that all new development in the BR-OR-1 and BR-OR-2 districts must include at least 20% of the total project area as residential be changed to allow it to be met over the entire project, and not on a per phase basis. Wright Runstad also commented that the provision of residential uses should be encouraged rather than mandated.

The Planning Commission expressed concern that the Office-Residential node in Bel-Red is at risk of becoming dominated by homogenous office development without the sufficient mixture of uses to ensure an active neighborhood. The Commission recommended that a minimum 20 percent residential use requirement be met with each

phase to ensure that a mix of uses would be developed over time. In the March 2 draft LUCA, staff proposed a change that provided additional flexibility by allowing the residential use obligation to be met based on market demand rather than proportionately with each phase of development. The Planning Commission recommendation and staff alternative are options that represent opposite ends of a timing continuum for delivery of the residential use obligation. The staff did not recommend wording that would only “encourage” the provision of residential uses, because this Wright Runstad requested change was seen as inconsistent with the Planning Commission intent to ensure a mix of uses were constructed in the Office Residential node. Additional options along the timing continuum will be presented for Council consideration as part of the Catalyst Project discussion schedule for a future Study Session.

Transfers – 20.25D.080(D) (in the Planning Commission transmittal and Wright Runstad comments as subsection (C))

Wright Runstad recommend several changes to the subsection that allows applicants to transfer allowed floor area (FAR) from an open space area to a development site within the Bel-Red area. This section was substantially redrafted since Wright Runstad provided their comments.

FAR Amenity Incentive System – 20.25D.090

Wright Runstad recommends a new subsection be added to the amenity system to allow offsets for public infrastructure development. Essentially, they advocate for giving credit for the cost of streets, parks, sidewalks, utilities, and transit facilities in the incentive system on a one-to-one basis in place of Tier 1 amenities. Wright Runstad also asks to include a provision for amenity banking, which would allow one to construct amenities in earlier phases for the benefit of later phases.

The opportunity to build amenities at earlier phases for the benefit of later phases is already embedded into the amenity incentive system as drafted, although it is not called out as “amenity banking.” This section is modeled on the Downtown code and has been effectively implemented as Wright Runstad requests. No additional code revision is necessary.

Whether the incentive system should provide a bonus for site improvements is a significant question that could have a dramatic impact on the ability of the incentive system to provide parks, open space, affordable housing, and other public amenities. Some of the site improvement items Wright Runstad lists are items typically expected of developments throughout the city and are not unique to Bel-Red. Items such as utilities often are directly related to the needs of the individual development and when larger pipes or facilities are needed late-comers provisions can be used to share costs proportionately with other developments. Park improvements are already proposed to receive a bonus. The concept of providing a bonus for site improvements that go above and beyond development needs or that provide public infrastructure ahead of when it would otherwise be provided through the City’s capital program will be presented as part of the Catalyst Project discussion schedule for a future Study Session.

| December 2 DRAFT

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:

...

Catalyst Project – A development project in the Bel-Red Sub-Area for which a complete master development plan application is submitted within the first five years after the effective date of this Chapter.

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.140 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 and Development Agreements.

1. 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 or enter a development agreement with the City pursuant to RCW 36.70B.170.
2. This requirement shall not apply to projects located outside of a node.
3. This requirement shall not apply to the placement of additional structures associated with existing conditions.
4. For the purposes of this section, the project limit may be drawn to encompass right-of-way that bisects a site, provided that the following connectivity criteria can be met:
 - a. A system of corner and mid-block crossings shall be provided to functionally connect the site across the bisecting right-of-way.
 - b. Pedestrian paths shall be provided to create direct connections between all buildings 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.
- d. Only right-of-way meeting the requirements of LUC ~~20.25D.150.D~~ [This reference is incorrect, no such section] 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. Process 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).
- 2. ~~Dimensional Deviations~~ Design Departures. The Director may, through the Design Review process or Master Development Plan process, approve a proposal that varies from ~~the specific dimensional requirements set forth in Part 20.25D LUC~~ any applicable requirement of the LUC, including Part 20.25D LUC and the Bel-Red Sub-Area Design Guidelines, if the applicant demonstrates that the resulting design will be more consistent with the purpose and intent of the code. Deviation from the maximum floor area ratio following dimensional requirements is not permitted, except pursuant to 20.25D.080.B, or unless a variance is obtained under Part 20.30G LUC. ∴ No deviation from Maximum Building Height is permitted in any Bel-Red Land Use District.

~~a. Floor plate maximums;~~

~~b. Minimum setbacks/setbacks;~~

~~c. Impervious surface/lot coverage percentages; and~~

~~d. Maximum Floor Area Ratio.~~

~~No deviation from Maximum Building Height is permitted in any Bel-Red Land Use District.~~

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.

E. Catalyst Projects.

1. Vesting. Catalyst Project Master Development Plans for property within a Bel-Red Land Use District and any administrative decisions merged with a Master Development Plan under Section D, above, shall be vested for fifteen years from from the date of approval of the Master Development Plan; a request for modification pursuant to LUC 20.30V.190 shall not be required for Bel-Red Catalyst Project Master Development Plans. Except as noted in subsection 2 of this section, vesting shall be to all land use control ordinances in effect at the time of complete application. The expiration provisions of LUC 20.40.500(B) Master Development Plans under this chapter shall apply at the conclusion of the fifteen-year vesting period.
2. Vesting and Departures. For any departures granted under Section C, vesting is to the amended regulation in the Master Development Plan.
3. Developer LID. At the request of a Catalyst Project property owner, the City shall form a single-ownership local improvement district to finance public infrastructure related to the Catalyst Project.

F. Concurrency.

1. Review. Master development plans for phased development in the Bel-Red Sub-Area shall not be subject to concurrency review pursuant to Chapter 14.10 BCC; all concurrency review for phased development under this Section shall be administered on a per phase basis during building permit review.
2. Background Traffic. For purposes of concurrency review pursuant to Chapter 14.10 BCC, "background traffic" shall include anticipated traffic from non-phased master development plans approved under this chapter for a period of five years from the date of approval of the master development plan. For any phase of a phased master development plan, the anticipated traffic of any phase shall be included in "background traffic" for a period of five years from the date of building permit approval.

G. Critical Areas

1. The steep slope provisions of the Critical Areas Overlay District, LUC Part 20.25H, do not apply to the OR-1 and OR-2 zones in the Bel-Red Sub-Area.

2. Steep slope areas in the OR-1 and OR-2 zones in the Bel-Red Sub-Area shall not be subject to the provisions of LUC 20.25H.045.

20.25D.080 Dimensional Requirements.

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

(21) All new development in the OR-1 and OR-2 land use districts ~~shall~~ is encouraged to provide a minimum of 20% of total project gross square feet as residential use for development on any site of five acres or greater. A phased development on sites greater than five acres is encouraged to shall provide 20% of total project gross square feet as residential use over the entire project, not on a per phase basis. ~~the proportional minimum of residential use required per phase, except as provided pursuant to a development agreement as authorized by state law or Bellevue city code.~~

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

1. General. Land which 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 LUC 20.50.020, floor area ratio (FAR), provided that the requirements of Paragraph C.2 and C.3 are met.
2. Right-of-Way Special Dedications.
 - 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.130 to the City of Bellevue by an instrument approved by the City Attorney.
 - b. Eligible Right-of-Way Not Otherwise Identified. In addition to the eligible Right-of-Way identified in paragraph C.2.a above, a property owner may also make a special dedication by conveying land identified by the Director of Transportation as necessary for safety or operational improvement projects.
 - c. Square Footage Earned. Square footage earned shall be equal to the square footage dedicated in conformance with this subsection C.2 and shall be included in the project limit for the purpose of computing maximum FAR.
3. Parks and Open Space Transfers.
 - a. Eligible Park or Open Space identified in an Adopted Plan or Document. A property owner may earn floor area for transfer to a different site by conveying land identified for park or open space in an adopted City Plan or

Document to the City of Bellevue by an instrument approved by the City Attorney.

b. Transfer Earned. The Director shall calculate the amount of square footage and floor area earned for transfer subject to the following criteria.

i. The square footage earned is equal to the square footage that is eligible for transfer and conveyed pursuant to paragraph C.3.a; and

ii. The floor area earned for transfer is equal to the square footage earned pursuant to paragraph C.3.a.i ~~times multiplied by 5.7, the minimum FAR applicable to the park or open space area conveyed pursuant to paragraph C.3.a.~~

Eligible Land Conveyed in Square Feet	X	Maximum FAR Applicable to Land Conveyed	=	Total Transferable Floor 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 Nodes (MO-1, OR-1, OR-2, RC-1 and RC-2).

~~ii. i. Limitation on Transfer.~~

~~iii. ii. Transferable floor area shall not be used to exceed an effective site FAR of greater than 3.5.~~

~~(1) The maximum FAR of the receiving site shall be achieved by providing amenities identified in Chart 20.25D.150.C before employing this transfer opportunity.~~

~~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 building may exceed the minimum FAR and minimum 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 building exceed the maximum floor area ratio permitted for the district except pursuant to LUC 20.25D.D.3. 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.

B. Required Review.

The Director may approve an amenity which complies with subsection C of this section 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. Offsets for Public Infrastructure Development

1. As of the effective date of this Part, the costs of public infrastructure related to property owned in the Sub-Area paid by an owner of property in the Bel-Red Sub-Area shall be applied as an offset in calculating any fee under the FAR Amenity System. Public infrastructure costs shall offset fees under the FAR Amenity System on a 1-to-1 basis.
2. Public infrastructure includes, but is not limited to, streets, parks, sidewalks, utilities, and transit facilities.
3. Costs of public infrastructure shall include, but are not limited to, design costs, attorney fees, professional fees, local improvement district assessments, construction costs, and value of land dedicated to public use. The value of special dedications and transfers pursuant to LUC 20.25D.080.C shall be included in determining offset value. Value shall be Fair Market Value as defined in LUC 20.50.020.
4. Eligible property owners may also include projected public infrastructure costs to be used as an offset in applying for a project using the FAR Amenity System. If the actual public infrastructure cost is less than the projected public infrastructure cost, the property owner may pay the difference in calculated FAR Amenity System fees or provide amenities or affordable housing based on the equivalent values in Chart 20.25D.090.C.
5. The owner may choose to apply the offset to any combination of Tier 1 and Tier 2 amenity requirements.
6. Costs of public infrastructure that are also eligible as a credit for transportation impact fees under Chapter 22.16 BCC shall be both a credit for Chapter 22.16 transportation impact fees and an offset for the FAR Amenity System under this Chapter.
7. Notwithstanding any provision of this section, property owners may choose to receive compensation from the City other than an offset under this section for the sale, dedication, or transfer of property to the City for public infrastructure.

D. 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....~~

6. Amenity Banking. In phased development under an approved master development plan, amenities constructed in earlier phases of the development whose value exceeds the requirement for the development phase in which they are constructed shall have their excess value preserved for application towards amenity requirements of later development phases.

Recent comments from Pam Toelle in response to the maximum façade length proposed for buildings fronting 156th Avenue NE

March 4, 2009

Hello Paul and Ken,

It is hard to get one's mind around a verbal description, being a visual person. The analogy of the current "Shucks" site is helpful. I recall the OPUS people saying that the requirement to have business face 156 was onerous; that they couldn't rent space facing 156th. Hmm; that space is currently rented, I think with at least two business, and has been rented continuously in the life of the development. I have used at least one of the businesses in early times.

Unfortunately, they have not renewed leases of some long time business, including the corner business, which is now gone. Actually, I don't know if they went out of business or their lease was not renewed.

What kind of height are you allowing on the frontage of 20th/Northup? I trust that there will also be a transitional height there considering that it is proximity to office and residential on the south, and across the corner is the church property which is? (at one time residential). I guess a more complete question: what are the heights on 20th down to where it intersects with Bel-Red, specifically where Pagliacci Pizza (once a shell station) Bel-Red Barber Shop, Golden Steer Meats are located? That is a big issue for me. That is a place I see often, and in proximity to our neighborhood school where kids walk daily.

The developers, and perhaps planners, Commission, and Council, don't realize that many of us come to the area from our neighborhoods from the west. Driving "up" 20th we will be confronted (overwhelmed) with building height and scale that is out of character for our neighborhood. "You guys" won't have to look at it our live with it....

Pam

March 5, 2009

Paul,

Your comments said that under the existing zoning there is no building length restriction.

However, the Commission did establish some limits. Under the existing zoning which has an O designation back 130 feet on the majority of the properties, there are setback and height limits that are now changed.

It is my recollection that you are proposing that building can come to the sidewalk edge; is this correct? Why should a private retirement facility be built up to the sidewalk edge?

Still hoping to hear about height on 20th for the length of that side of the triangle.

Pam