



# MEMORANDUM

DATE: February 8, 2007

TO: Chair Mathews and Members of the Planning Commission

FROM: Carol V. Helland, Land Use Director 452-2724 *Carol V. Helland*  
Mike Upston, Senior Planner 452-2970  
Department of Planning and Community Development

SUBJECT: Factoria Land Use District and TownSquare Design Guideline Land Use Code Amendments - Bellevue File Nos. 06-133238-AD/07-105154-AD

This memorandum presents the report and recommendation of the Department of Planning and Community Development (PCD) on the proposal to amend the regulations applicable to the Factoria F1 Land Use District. The original goals of the amendment were to facilitate allocation of retail square footage previously approved following completion of the Factoria Area Transportation Study (FATS), to provide for the relocation of some allowed uses around on the site, and to streamline administration of relevant code provisions. The amendments impact several sections and Parts of the Land Use Code (LUC), and the ordinances necessary to accomplish the recommended changes are included as Attachment A to this memorandum.

## I. BACKGROUND

Development in the Factoria Land Use District is currently governed by LUC regulations, the F1 Development Area Plan and the Townsquare Design Guidelines, adopted by the City Council on July 15, 2002. Current regulations and guidelines establish the Factoria area as a design review district, create dimensional requirements for residential and nonresidential development within Factoria, limit the amount of retail area and residential units, and impose certain design guidelines on development. However, the relevant code and guidelines contain many outdated development triggers (such as requirements of the Factoria Area Transportation Study and identified road improvements) that have already been accomplished. The adopted Plan is also very prescriptive and inflexible. In addition, the applicable guidelines contain many redundancies, and the organization that is unique to Factoria renders the regulations cumbersome and difficult to administer.

Background information describing the process that led to adoption of the current regulations was provided to the Planning Commission on November 15. The information included discussion of the Factoria area annexation into the City of Bellevue, the origin and evolution of the Factoria zoning regulations and design guidelines, associated transportation planning, and a description of the current property owner's vision for the mall. Copies of the summary are available in the project file. At the November 15 meeting, the Land Use Code Amendment (LUCA) concept was

introduced to the Planning Commission and the Commission endorsed the following principles to guide staff development of the new code language.

#### A. Guiding Principles

1. Ensure consistency between the Factoria Regulations and new Design Guidelines.
2. Enable the allocation of the additional 100,000 square feet of retail that was entitled on the site following completion of FATS.
3. Provide mechanism to relocate uses to different areas of the site while minimizing adverse effects on adjacent lower intensity uses.
4. Provide clear design guideline intent to assist in facilitating intended design outcomes.

#### B. Process Principles

1. Provide clear guidelines and development standards on which the citizens, mall owners and staff can rely for long-term planning and development.
2. Provide adjacent property owners and citizens notice of the development plans of the mall property.
3. Provide for administrative flexibility to accommodate deviations from the plan and to respond to changing market conditions when consistent with the intent of the guidelines.

## II. **PROPOSAL**

As originally discussed with the Planning Commission in November, the amendments would better accommodate retail square footage previously approved following completion of the Factoria Area Transportation Study (FATS) and additional flexibility to move some allowed uses around on the site. In addition to the original objectives, organizational changes were identified as necessary to fully integrate the recommended amendments into the LUC.

The organizational changes make the amendments appear more significant than they are, because relocation of sections required extensive deletions and insertions. Sections were substantially reorganized to accomplish Development Services Improvement goals to reduce redundancy, remove conflicts, simplify organization and stream-line administration of the code by City planners.

However, the recommended changes are consistent with the overall guiding principles of the existing design guidelines that were intended to facilitate the transformation of an aging retail center into a mixed-use neighborhood. The recommended LUCA is necessary in order to respond to market demands that exist for the creation of the mixed-use neighborhood that was envisioned by the design guidelines and is desired by Kimco (the property owner). Limitations on the square feet of new retail development (151,100 sf) and dwelling units (685 du) that were imposed when the regulations were originally adopted would remain unchanged.

The recommended ordinances necessary to accomplish the LUCA would: (1) repeal the F1 Development Area Plan and Factoria TownSquare Design Guidelines, (2) remove the F1 dimensional standards from the General Development Requirements (LUC 20.20.010), (3) create a new Part 20.25F1 to consolidate F1 standards, criteria and guidelines into a single overlay district, (4) amend Part 20.25K to remove F1 regulations and facilitate consolidation in Part 20.25F1, (5) create a new Part 20.30V to establish general procedures and criteria the City will use in making a decision upon an application for a Master Development Plan proposal (previously limited to Medical Institutional District uses), and (6) change other sections as necessary to ensure consistency of the Land Use Code.

Following is a summary of each section presented in the proposed ordinances:

**Item 1: F1 Development Area Plan and Factoria TownSquare Design Guidelines**

These guidelines are recommended to be repealed. Criteria and guidelines from the repealed F1 Development Area Plan and Factoria TownSquare Design Guidelines would be consolidated within a single LUC overlay part. The new framework for organizing the F1 regulations was developed based on similar overlay districts that apply to Downtown (Part 20.25A) and the Medical Institution District (Part 20.25J). The new overlay part would organize F1 regulations into a substantive hierarchy of standards, criteria and guidelines and provide procedures for review. Standards would include the established requirement for development in the F1 district such as dimensional limitations, landscaping and sidewalks. Criteria would be established for review of development proposals through the mandated site planning and design review processes. Design guidelines would govern the relationship between buildings and designated streets. This change would provide an organizational framework that will be easier to navigate and to administer. Refer to Item 3 below for a detailed summary of the new Part 20.25F1.

**Item 2: LUC 20.20.010 Dimensional Requirements**

Amendments to the Dimensional Requirements Chart (LUC 20.20.010) are recommended to remove references to the F1 Land Use District and facilitate the consolidation of F1 regulations into a single overlay (LUC Part 20.25F1). The substance of these regulations would remain largely unchanged. Height will continue to be measured from average existing grade to the highest point of the structure, including pitched roof areas and penthouse equipment screening. The maximum building height of 75 feet would be retained and requirements for setbacks and stepbacks would be more clearly described. Item 3e below includes a summary of dimensional requirements recommended for inclusion in the new section 20.25F1.040.

In addition to the F1 specific code amendments, two clean-up amendments are also inserted in this section of the LUC. In May 2006, the lot coverage limitation applicable to the F3 Land Use District was amended to allow 40% lot coverage. This amendment provided Newport Corporate Campus with flexibility needed to accommodate the square footage of office development anticipated for the site at the time of annexation. The 40% lot coverage limitation was inadvertently repealed during the adoption of the Critical Areas Update. The recommended amendment would correct the inadvertent repeal that was identified during the review of the Factoria District regulations. In

addition, historic references to the Institutional District designation would be updated to properly reflect the Medical Institution District designation that was created in 2005.

**Item 3: LUC 20.25F1**

Creation of a new Part 20.25F1 is recommended to consolidate F1 standards, criteria and guidelines and to provide for the review process applicable to redevelopment proposals within the F1 Land Use District.

**Item 3a: LUC 20.25F1.010 General**

New development area boundaries are recommended as depicted in the map entitled "F1 Land Use District Development Areas." The recommended change would allow more flexibility in the allocation of retail and residential uses across the site. The revised development areas would create more manageable development units. Development timing in each area could then be phased to respond to market demand for retail and housing as contemplated in the original guidelines. The revision/consolidation of development areas would provide the foundation necessary to introduce a street hierarchy that supports varying application of design guidelines to accomplish district goals (refer to Item 3b below).

**Item 3b: LUC 20.25F1.015 Street Designations**

This section would establish designations for right-of-way located at the perimeter of the F1 land use district, for on-site streets and for pedestrian paths. The designations are established for the purpose of applying varying design guidelines. The intent is to more clearly describe a hierarchy of streets and rights-of-way within and around the F1 land use district to effectively achieve the overall principles of the original regulations. The hierarchy reflects different intensities of anticipated pedestrian flow and activity level and different sensitivities of surrounding uses. Street designations are depicted on the map entitled "F1 Land Use District Street Designations."

**Item 3c: LUC 20.25F1.020 Review Required**

This section would govern the review required for development proposals within the district. Design review would continue to be required and the Community Retail Design Guidelines of LUC Part 20.35I would remain inapplicable to development in the F1 Land Use District. The rigidity of the Development Area Plan contained in the existing regulations would be replaced with the requirement to prepare a Master Development Plan (MDP) for the F1 District pursuant to the terms of the newly-created LUC Section 20.30V. The MDP process was originally adopted as part of the Medical Institution District Overlay. Adoption of a general MDP process will provide a site planning tool to facilitate review of proposals on large sites that contain multiple buildings that are anticipated to be constructed in phases.

Included in this new section would be the allowance for deviations from the dimensional requirements as is permitted in the existing design guidelines. In addition, these amendments would set forth a procedural merger process for combining the Master Development Plan review, Design Review, and Administrative

Conditional Use processes; all independent administrative reviews that could be combined as appropriate.

**Item 3d: LUC 20.25F1.030 Development Intensity and Phasing of Required improvements**

This section is recommended to contain the intensity limitations that are currently found in LUC section 20.25K.030E. This section would establish the limitation on the intensity of retail/service and residential development within each of the four Development Areas described above, as well as requiring a phasing plan for installation of site improvements, landscaping and amenities necessary to support each phase of development. The references to changes in the density allowance based on the outcome of FATS would be removed since the study found that additional density and intensity could be accommodated in the area.

**Item 3e: LUC 20.25F1.040 Dimensional Requirements**

This recommended section would create a consolidated location for all dimensional information related to the F1 Land Use District. This section would provide for minimum setbacks, maximum building height and minimum stepbacks within each of the four Development Areas described in 3a above. The dimensional requirements were captured from existing design guidelines and graphic representations contained in the Development Area Plan. The consolidated location for this information makes it easier to find and easier to administer.

**Item 3f: LUC 20.25F1.050 Landscape Requirements and Associated Review Process**

This recommended section would consolidate landscape requirements tied to street designations described in 3b above. The review required for approval of each landscape type would be described in this section. This amendment would help: (1) identify SE 41<sup>st</sup> Street and Factoria Boulevard SE as a Gateway location requiring conceptual design approval through the Master Development Plan review process followed by design detail approval through the Design Review process; (2) establish the minimum requirements for street frontage landscaping and review through the Design Review process; and (3) set expectations for protecting existing mature trees on perimeter streets.

**Item 3g: LUC 20.25F1.060 Parking and Circulation**

This recommended section would create a consolidated location for parking and circulation requirements that were taken from the existing LUC Section 20.25K.020. The new section would contain the same requirements that are currently applicable to the F1 district that are based on Shared Parking manual published by the Urban Land Institute. This section would also continue to provide administrative authority to require more than the minimum amount of parking. Criteria and design requirements contained in the existing site plan and design guidelines that govern topics such as vehicle access points, stop signs at the intersections of on-site streets and/or pedestrian paths through surface parking areas, and weather protection for pedestrians would also be consolidated in this section.

**Item 3h: LUC 20.25F1.070 Sidewalks and Pedestrian Paths**

This recommended section would consolidate the existing design guidelines related to on-site pedestrian connections. The existing design guidelines are elevated in importance to the status of standards, which helps ensure that staff have the code authority necessary to achieve the pedestrian connection and circulation goals of the existing guidelines. Standards are provided for perimeter sidewalks, on-site sidewalks, and pedestrian paths, including width, design and installation requirements for street trees and plantings, and tree retention.

**Item 3i: LUC 20.25F1.080 Gateways**

This recommended section would consolidate the existing design guidelines related to gateways and would elevate their level of importance to the status of standards. The purpose of the gateways would be better defined as accomplishing the transition into the F1 Land Use District and as reinforcing the Factoria identity. Three gateways would be designated and required along Factoria Blvd at SE 38th Street, SE 40th Street and SE 41st Place consistent with FATS and the existing code. Gateway conceptual design and installation phasing would be reviewed and approved through the Master Development Plan process. Gateway design details would be approved through the Design Review process.

**Item 3j: LUC 20.25F1.090 Gathering Places**

This recommended section would consolidate existing design guidelines governing gathering place requirements and would elevate their level of importance to the status of a standard. The purpose of the gathering places would be clearly articulated as providing outside opportunities for people to linger and for passive or active recreation, and to provide graceful transitions between Development Areas, between public and private spaces, and between indoor and outdoor spaces.

This recommended section would replace the "Illustration of Location of Gathering Places" in the existing F1 Development Area Plan. A minimum of two major gathering places for the Retail Center Area (Development Area I) would be required in the vicinity of the intersection of 127th Ave SE and SE 40th Street and at the intersection of 125th Ave SE and SE 40th Street. Smaller gathering places would be required at retail center entrances, entrances to outward facing and stand-alone retail structures, intersections of on-site streets and or pedestrian paths and the transition points between public areas and private residential areas. Approval of gathering place locations, conceptual design and installation phasing would be through the Master Development Plan process. Design details for these features would be approved through the Design Review process.

**Item 3k: LUC 20.25F1.110 Design Review Criteria**

This recommended section would establish criteria for review of development proposals within the F1 District, including compliance with an approved Master Development Plan and development of an associated Phasing Plan. Recommended site design criteria would include parameters for phasing, connectivity and site circulation, landscaping, and lighting that were taken from the existing design guidelines and consolidated in this section. Recommended building design criteria

would include parameters for weather protection, service area design, building scale, massing, roof form, façade details and parking structure design. Also recommended are criteria for gateways and public gathering spaces. This section would conclude with a listing of prohibited building materials.

**Item 3I: LUC 20.25F1.115 Factoria TownSquare Building/Sidewalk Design Guidelines**

This section would replace the existing Factoria TownSquare Design Guidelines. Sections of the existing separately-bound supplement to LUC 20.25K that were not captured in the standards and design criteria described above would be included in section 20.25F1.115 within the body of the Land Use Code. The new design guidelines track the organizational framework that is used for the Downtown Building/Sidewalk Design Guidelines. These guidelines are intended to govern the design relationship between buildings and perimeter streets, on-site streets, and pedestrian paths.

**Item 4: LUC 20.25K**

This Part would be amended by removing all references to the Factoria 1 Land Use District. The recommended revised part would only contain information applicable to development and activity within the Factoria 2 and 3 Land Use Districts. All Factoria 1 regulations and design guidelines would be contained within LUC 20.25F1 as summarized in Items 3a – I above. Staff have the ultimate goal to consolidate all Factoria sections in Parts 20.25F1, 20.25F2 and 20.25F3 respectively. Amendments for the F2 and F3 sections of the LUC would be proposed as a component of a future code clean-up effort and would parallel the organizational framework currently being advanced for the F1 Land Use District.

**Item 5. LUC 20.30V**

Staff recommends the creation of a new Part 20.30V of the Land Use Code to establish the procedure and criteria that the City will use in making a decision upon an application for a Master Development Plan. The Master Development Plan process would help the City ensure that site development and phasing occurs under the terms of the LUC and other applicable City codes and standards. Recommended subsections would address required phasing plans, binding site plans, decision criteria, modifications to approved master development plans, and recording requirements. With the adoption of these general Master Development Plan process provisions, the specific process provisions for the Medical Institution District become unnecessary and will be deleted from LUC section 20.25J.015.A.

**Item 6. Clean-up and Consistency Amendments**

Recommended amendments that fall into this category generally flow from changes described above. They include all the recommended amendments that are not specifically described, but are necessary to ensure accuracy of cross references and internal consistency of the LUC.

#### **IV. STATE ENVIRONMENTAL POLICY ACT (SEPA)**

The Environmental Coordinator for the City of Bellevue has determined that the substantive changes included in this proposal will not result in any probable, significant, adverse environmental impacts. A final threshold determination of nonsignificance (DNS) was issued on February 8, 2007. The final DNS is included with this memorandum as Attachment B. Procedural components of the proposal are SEPA exempt.

#### **III. PUBLIC NOTICE, PARTICIPATION, COMMENT AND RESPONSE**

The Factoria F1 Land Use Code amendments were introduced in concept during the November 15 Planning Commission Study Session. Subsequent study sessions were held on December 13, 2006 and February 7, 2007. One study session was scheduled on January 10, but canceled due to weather.

The recommended LUCA language was presented to the Planning Commission in two ordinances during the study session held on February 7, 2007. The first ordinance contains the Factoria Land Use District related changes to the LUC and design guidelines. These provisions contain the substantive amendments to the Land Use Code and the F1 Development Area Plan and Factoria TownSquare Design Guidelines.

The second ordinance contains the process changes to the LUC. The process amendments create the general procedures governing review and approval of a Master Development Plan. This ordinance also provides for the deletion of specific Master Development Plan procedures that were previously imbedded in the Medical Institution District overlay section of the LUC.

Notice of the Public Hearing before the Planning Commission, Staff Recommendation, and Final SEPA Determination was published in the Weekly Permit Bulletin and the Seattle Times on February 8, 2007.

Amendments to the LUC of general applicability are subject to the jurisdiction of the East Bellevue Community Council (EBCC). A courtesy hearing on the procedural ordinance is scheduled before the Community Council on March 6, 2007. The recommended substantive ordinance amends only regulations applicable within the Factoria Subarea. These regulations are not within the jurisdiction of the EBCC. Copies of both recommended ordinances will be provided to Community Council members prior to the scheduled courtesy hearing.

Pursuant to the requirements of the Growth Management Act, state agencies must be given 60 days to review and comment on proposed amendments to the LUC. Copies of the recommended Factoria Land Use District and TownSquare Design Guideline amendments were provided to the state agencies for review on December 20, 2006. A representative from the State Department of Community, Trade and Economic Development (CTED) acknowledged receipt of the materials and indicated CTED did not have any comments.

A copy of the ordinance language for the Factoria Land Use Code amendments was provided to the owner of Factoria Shopping Center, Kimco Realty for its reference and review. Copies of the proposed ordinance language for the Factoria LUCA were also sent to parties who requested to be included on the mailing list for this LUCA.

Prior to release of this staff report, comments were received by PCD from Bellevue residents Pamela Olson, Karen Robertson, Betsy Swenson & Beverly Gagnier. These residents expressed concerns about traffic and street aesthetics south of the shopping center. Their concerns ranged from observations of unsafe driving habits by Newport High School students and other random drivers to poor visibility from the Newport High School parking lot, as well as concern about illegal U-turns on SE 42<sup>nd</sup> Street and the speed limit along 124<sup>th</sup> Avenue SE which they believe to be too high. While beneficial for the City to be aware of these concerns, these specific issues are outside the parameters of the Factoria F1 LUCA proposal. Bellevue Police have been made aware of these concerns and Officer Greg Mills is working with the residents on resolving them. Betsy Swenson has also submitted a customer action request for the Neighborhood Enhancement Program.

Comments received after release of the staff report will be forwarded to the Planning Commission prior to the public hearing.

## **V. APPLICABLE DECISION CRITERIA – LAND USE CODE PART 20.30J**

The Planning Commission may recommend and the City Council may approve or approve with modifications an amendment to the text of the Land Use Code if:

### **A. The amendment is in accord with the Comprehensive Plan; and**

The recommended ordinances are consistent with general Comprehensive Plan and Factoria Subarea policies as updated following the FATS process.

The Factoria Subarea plan contains several policies that are furthered by the recommended ordinances. The Subarea Plan encourages redevelopment to provide parks, landscaping and pedestrian access (Policy S-FA-5). The recommended design guidelines require landscaping, pedestrian connections and on-site open spaces throughout the F1 Land Use District proportionate to proposed development or redevelopment. Further, policy S-FA-11 encourages mixed-use residential and commercial development in the community level retail districts. Factoria Mall, in the F1 Land Use District is a community level retail district. The recommended ordinance facilitates this kind of mixed-use development. Policies S-FA-20, 21 & 22 each speak to improving connections for pedestrians and bicyclists, with an eye towards safety. The design guidelines included in the recommended ordinance require certain mid-block pedestrian connections, and emphasize improving the internal streets in the F1 Land Use District. Finally, Policies S-FA-60 through 65 speak to improving the character and presence of the mall area by encouraging design standards, establishing gateways, and

encouraging pedestrian amenities on the street perimeter. The recommended design guidelines address these policies.

The Urban Design Element of the Comprehensive Plan also contains several policies that are furthered by the recommended ordinances. Policy UD-3 encourages a variety of site and building designs which are compatible and consistent with surrounding development. The recommended ordinance accomplishes this objective by creating a hierarchy of street designations that supports application of design guidelines that are tailored to provide appropriate transitions to surrounding development. Policy UD-4 requires that development relates, connects, and continues design quality and site functions from site to site. The recommended ordinance responds to these policies by requiring creation of a mixed-use gateway and urban focal point at the intersection of Factoria Boulevard and SE 40<sup>th</sup> Place. The recommended ordinance also requires incorporation of infrastructure improvements and implementation of design guidelines that will enhance pedestrian crossings, improve transit amenities, and provide direct, weather protected pedestrian routes from the public sidewalks to retail uses.

The Pedestrian and Bicycle Transportation Facility Plan also contains several policies that are furthered by the recommended ordinances. Policy PB-3 states that when reconstructing or reconfiguring a roadway or right-of-way, there should be an improvement to the existing pedestrian and bicycle facilities. Policy PB-18 requires pedestrian circulation systems within a site between existing and new buildings that conveniently connect to street pedestrian systems and transit facilities. The recommended ordinance responds to these policies by requiring pedestrian-friendly roadway design and a system of pedestrian-only walkways across the site. Included will be things like wide, continuous sidewalks and crossings, paving that is differentiated from the roadway, weather protection, and methods to keep vehicles from encroaching into crosswalks such as vehicle stop lines in advance of all crosswalks and driveway access points.

**B. The amendment bears a substantial relation to the public health, safety or welfare; and**

The recommended ordinance increases the likelihood of the development of housing in the F1 Land Use District, the improvement of pedestrian access from neighboring communities to the existing mall, and the provision of pedestrian oriented amenities. These improvements benefit the welfare of the residents of the Factoria area, as well as potential users of the commercial facilities of the F1 district outside of the immediately adjacent neighborhoods.

The additional retail development potential increases the likelihood that this shopping center will remain a vital commercial center. This vitality adds value to the community, and increases the likelihood that the more urban-oriented village concept will be realized.

Safety of pedestrians will be enhanced by the recommended amendments that require improved connections on the perimeter of the F1 district to the internal pedestrian areas. The public health will not be negatively affected by the recommended ordinance.

**C. The amendment is not contrary to the best interest of the citizens and property owners of the City of Bellevue.**

The Comprehensive Plan is the City's identification of what kinds and intensities of development are in the best interests of its citizens and property owners. As described in Subsection V.A above, the recommended ordinance furthers many of the policies identified for the Factoria Subarea. In addition, the limitations on square feet of new retail development (151,100 sf) and dwelling units (685 du) that were imposed when the existing regulations were adopted would remain unchanged.

The recommended amendments would better accommodate retail square footage previously approved following completion of the Factoria Area Transportation Study (FATS) and would provide additional flexibility to move some allowed uses around on the site. In addition to the original objectives, organizational changes would fully integrate the recommended amendments and stream-line administration of the LUC.

Therefore, the amendment is not contrary to the best interests of the citizens and property owners of the City of Bellevue.

**VI. RECOMMENDATION**

Recommend the Factoria Land Use Code Amendments as drafted in Attachment A and transmit the related ordinances on to the City Council for final approval.

**ATTACHMENTS**

- A. Recommended F1 Development Area Plan and Factoria TownSquare Design Guidelines amendment ordinances
- B. Final DNS published on February 8, 2007

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. \_\_\_\_\_

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

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

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

WHEREAS, the property located within the F1 Land Use District has experienced minimal redevelopment under the terms of the adopted site plan and design guidelines; and

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

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

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

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

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

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

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

**20.20.010 Uses in land use districts dimensional requirements.**

**Chart 20.20.010**

**Uses in land use districts Dimensional Requirements**

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

Maximum Impervious Surface (percent) (35) (37) (39)	50 (36)	50 (36)	50 (36)	50 (36)	50 (36)	55 (36)	55 (36)	55 (36)	80	80	80	80
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*\*Not effective within the jurisdiction of the East Bellevue Community Council.*

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

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

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

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

**Chart 20.20.010**

**Uses in land use districts Dimensional Requirements**

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Light Industry	General Commercial	Neighborhood Business	Community Business	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District
		PO	O	OLB	LI	GC	NB	CB	F1	F2	F3	DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB
	<b>DIMENSIONS</b>	(8, 21)	(8, 21)	(8, 21)	(8, 21)	(8, 21)	(8, 21)	(8, 21)	(8, 21) <del>(28)</del>	(21, 31)	(21, 32)	(7)	(7)	(7)	(7)	(7)
	Minimum Setbacks of Structures (feet) Front Yard (18) (20)	30	30	50	15	15			<del>(28)</del>	50	20					
	Rear Yard (17) (18) (20)	25	25	50	(2)	(2)	(2)	(2)	<del>(2, 28)</del>	30	5					
	Side Yard (17) (18) (20)	20	20	30	(2)	(2)	(2)	(2)	<del>(2, 28)</del>	30	5					
	2 Side Yards (17) (18) (20)	40	40	60	(2)	(2)	(2)	(2)	<del>(2, 28)</del>	60	10					
	Minimum Lot Area Acres (A) or Thousands of Sq. Ft. (3)			2A						2A	2A					
	Dwelling Units per Acre (15) (22)	10 (23)	20 (23)	30 (23)			15 (23)	30 (23)	30 <del>(23)</del>	30 (23)	30 (23)					
	Minimum Dimensions (feet) Width of Street Frontage			200						200	200					
	Width Required in Lot (4)			200						200	200					
	Depth Required in Lot (4)															
	Maximum in Building Height (feet) (10) (19)	20	30	45 (6)	45 (9)	30	20 (25)	45	45/60 <del>(29, 30)</del>	75	75/135 (33, 34)					
	Maximum Lot Coverage by Structures (percent) (13) (14) (16)	35 (24)	35 (24)	35 (24)	50		35 (24)			35 (24)	40/35 (24)					
	Maximum Impervious Surface (percent) (35) (37)	80	80	80	85	85	80	85	85	80	80					

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

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

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

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

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

**Notes: Uses in land use districts – Dimensional requirements**

- (1) Side yard setback in R-30 Districts increases to 20 feet on any side yard where structure exceeds 30 feet above finished grade.
- (2) All rear and side yards shall contain landscaping as required by LUC 20.20.520.
- (3) See LUC 20.20.012.
- (4) See LUC 20.20.015.
- (5) Except in Transition Areas, the maximum allowable building height in R-20 Districts may be increased to 40 feet if ground floor or underground parking for that building is provided and occupies a minimum of 75 percent of the building footprint.
- (6) The maximum allowable building height is 75 feet on any property designated OLB which lies within 475 feet of the right-of-way of I-405, between I-90 and SR-520.
- (7) Dimensional requirements for Downtown Land Use Districts are listed in LUC 20.25A.020.
- (8) Any office building or any office portion of a building in the PO, O, OLB, LI, GC, NB, CB or F1 Districts shall comply with the following limitations on Floor Area Ratio:
  - (a) At 0.5 FAR, no office building or office portion of a building may exceed 50,000 square feet of gross floor area; and
  - (b) For any office building or office portion of a building greater than 50,000 square feet in gross floor area the following sliding scale shall be observed as interpolated and extrapolated below:
    - (i) At 0.3 FAR, no office building or office portion of a building may exceed 100,000 square feet of gross floor area; and
    - (ii) At 0.1 FAR, no office building or office portion of a building may exceed 150,000 square feet of gross floor area.

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

- \* (9) The maximum building height may be exceeded upon approval of the Director of Planning and Community Development. Requests for such approval shall be processed in accordance with the administrative conditional use procedure of Part 20.30E LUC. Before granting any such approval, the Director of Planning and Community Development must find that:
  - (a) The height increase is only to accommodate equipment, structures or buildings that contain special equipment primarily related to light manufacturing, wholesale, trade and distribution use, and is not for office or bulk retail use; and
  - (b) There is functional need for a height increase; and
  - (c) The overall site development will minimize adverse impacts caused by the height increase.

Notwithstanding the provisions of this note, no height increase is permitted within a Transition Area as defined in Part 20.25B LUC.

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

- \*(10) Except in Transition Areas, the allowable building height of any building located in PO, O, OLB, GC, NB, or CB Districts may be increased by one story, but not to exceed 15 feet, if basement parking for that building occupies a minimum of 75 percent of the building footprint.
- \* Not effective within the jurisdiction of the East Bellevue Community Council. The maximum building height in the LI Districts shall remain 30 feet.*
- (11) The LUC contains enhanced setback requirements for churches, clubs, and institutions (refer to LUC 20.20.190) and schools (refer to LUC 20.20.740) located in residential land use districts.
- (12) For each square foot of lot area devoted to open space in excess of 30 percent of the total lot area, one square foot is added to the lot area for the purpose of calculating density.
- (13) Lot coverage is calculated after subtracting all critical areas and stream critical area buffers, provided that coal mine hazards (20.25H.130) and habitat associated with species of local importance (20.25H.150) shall not be subtracted..
- (14) Maximum lot coverage by structures is determined after public right-of-way and private roads are subtracted from the gross land area.
- (15) Except for sites in the critical areas overlay district, if there is a conflict between the minimum lot area and the permitted number of dwelling units per acre, the minimum lot area controls. Density/intensity on sites in the critical areas overlay district is calculated pursuant to LUC 20.25H.045
- (16) Exceptions to Lot Coverage. Although not considered structures for purposes of calculating lot coverage, the following may be considered impervious surfaces subject to the impervious surface limits. See LUC 20.20.460 and 20.50.026.
- (a) Underground buildings as defined in LUC 20.50.050 are not structures for the purpose of calculating lot coverage.
- (b) Buildings constructed partially below grade and not higher than 30 inches above existing or finished grade, whichever is lower, are not structures for the purpose of calculating lot coverage subject to the following conditions:
- (i) The 30-inch height limit must be met at all points along the building excluding those areas necessary to provide reasonable ingress and egress to the underground portions of the building; and
- (ii) The rooftop of the building shall be screened from abutting properties with 10 feet of Type II landscaping as described in LUC 20.20.520.G.2 except that the required trees shall be a minimum of 10 feet in height at planting; or, if a use is proposed for the rooftop, the rooftop may be landscaped consistent with the planting requirements for the specific use that is proposed and for the land use district in which the use is located. All landscaping shall comply with standards set forth in LUC 20.20.520. The provisions of LUC 20.20.520.J (Alternative Landscaping Option) are applicable.
- (17) If the setback abuts a street right-of-way, access easement or private road, the minimum dimension is 10 feet unless a greater dimension is specified.
- (18) See LUC 20.20.030 for designation and measurement of setbacks.
- \*(19) Notwithstanding any other provision of this Code, except Part 20.25B LUC or LUC 20.20.900 through 20.20.910, as applicable, the allowable building height of an office building may be increased by one story, not to exceed 15 feet, if a minimum of 75 percent of the ground floor of that building is devoted to parking for that building.
- \*Effective only within East Bellevue Community Council jurisdiction.*
- (20) See LUC 20.25H.035 for additional critical area setbacks.

- (21) See LUC 20.25H.045 for calculation of density/intensity on sites in the critical areas overlay district.
- (22) Density for senior citizen dwelling, congregate care senior housing, and assisted living is calculated as follows: units less than 600 square feet count as 0.5 unit and units 600 square feet or greater count as one unit.
- (23) This residential density may be in addition to FAR only for senior citizen dwellings, assisted living and congregate care senior housing.
- (24) Lot coverage may be increased to 50 percent if congregate care senior housing, senior citizen dwellings, assisted living or nursing homes are constructed on-site; provided, however, that coverage for the nonresidential portions of the development cannot exceed the maximum limits indicated. Lot coverage within NB Districts may be increased to 50 percent for mixed use development which includes residential uses comprising at least one-half the square footage of the building footprint. Underground parking in excess of 50 percent of the site area shall not be included in lot coverage calculations.
- (25) The maximum building height for structures is increased to 30 feet only if residential uses or administrative office uses are provided on the second floor and provided the structure does not exceed two stories. For purposes of this note, a story is defined pursuant to the International Building Code, Section 202, as adopted and amended by the City of Bellevue.
- (26) See LUC 20.20.125 for specific requirements applicable to detached accessory structures.
- (27) Lot coverage for schools located in residential land use districts is limited to 35 percent of the site area (refer to LUC 20.20.740).
- (28) ~~Dimensional requirements for the F1 Land Use District are listed in LUC 20.25F1.040. A 15-foot setback from the right-of-way line of Factoria Boulevard is required for development in the F1 Land Use District. A 15-foot setback from the right-of-way line of SE 38th Street between Factoria Boulevard and 126th Avenue SE is required for development in the F1 Land Use District.~~
- (29) ~~Maximum building height in the F1 Land Use District shall be measured from average existing grade. Maximum building height in Area II and Area III of the F1 Land Use District is 60 feet, measured from average existing grade. Repealed.~~
- (30) ~~The allowable maximum building height of any building located in the F1 Land Use District may be increased by one story, not to exceed 15 feet, if a minimum of 75 percent of the ground floor of that building is devoted to parking. In no event shall a building in Area II or Area III of the F1 District exceed 75 feet, as measured to the highest point of the structure from average existing grade, including pitched roof areas and penthouse equipment screening. Repealed~~
- (31) Any office building or any office portion of a building in the F2 District may not exceed a Floor Area Ratio of 0.6 FAR.
- (32) The maximum FAR for the combined properties in the F3 Land Use District, regardless of use, shall be 1.26 FAR; provided, that individual parcels or portions of property lying within the F3 Land Use District may have FAR for those individual parcels or portions which exceed an FAR of 1.26 provided that the FAR calculated for the entire aggregated property within the F3 Land Use District shall not exceed 1.26. The maximum FAR permitted herein is based on a maximum total development, including existing and new development of 950,000 square feet, calculated in the same manner as provided for in the calculation of FAR. In the event of an inconsistency between the FAR maximum of 1.26 and the maximum total development amount of 950,000 square feet, the latter shall control.

- (33) In no event shall building height exceed 324 feet above sea level, based on North American Vertical Datum, 1988 (NAVD – 88).
- (34) Maximum building height south of the F3 Land Use District Separation Line shall be 135 feet, with structural elements not intended for habitation above 135 feet, so long as structural elements do not exceed 275 feet above sea level based on NAVD – 88.
- (35) See LUC 20.20.460 for exceptions and performance standards relating to impervious surface.
- (36) Impervious surface limits for legally-established nonconforming non-residential uses and for new allowed non-residential uses in these residential land use districts shall be 80 percent.
- (37) Maximum impervious surface and maximum lot coverage by structures are independent limitations on allowed development. All areas of lot coverage by structures are included in the calculation of total maximum impervious surface, unless such structures area excepted under LUC 20.20.460.
- (38) Certain non-critical area setbacks on sites in the critical areas overlay district may be modified pursuant to LUC 20.25H.040.
- (39) These dimensional standards may be modified through an approved conservation subdivision, LUC 20.45A.060 or conservation short subdivision, LUC 20.45B.055.

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

### **Part 20.25F1 Factoria 1**

#### **20.25F1.010 General.**

##### **A. Applicability.**

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

##### **B. Land Use District and Description of Development Areas.**

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

Development Areas is depicted on the map entitled "F1 Land Use District Development Areas."

1. DEVELOPMENT AREA I: Retail Center Area

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

2. DEVELOPMENT AREA II: Residential Neighborhood Area

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

3. DEVELOPMENT AREA III: Mixed Use Expansion Area

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

4. DEVELOPMENT AREA IV: Factoria Boulevard Frontage Area

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

F1 Land Use District Development Areas



**20.25F1.015 Street Designations**

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

F1 Land Use District Street Designations



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

**20.25F1.020 Review Required**

**A. Applicable Criteria and Guidelines.** The Director shall use this Part 20.25F1 in reviewing an application for Master Development Plan or Design Review approval for

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

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

**C. Design Review.**

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

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

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

1. Master Development Plan, Part 20.30V LUC;
2. Design Review, Part 20.30F LUC;
3. Administrative Conditional Use Permit, Part 20.30E LUC.

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

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

1. Retail/Service Development. The total amount of retail and service development permitted in DA I-III shall not exceed 681,100 gross square feet.

Square footage associated with minor expansions permitted to existing buildings located in DA IV will not be counted as retail or service development for the purposes of imposing this limitation. Uses classified as Recreation pursuant to Chart 20.10.440 will not be counted as retail or service development for the purposes of imposing this limitation.

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

B. DA IV Specific Intensity Limitation. New development may be permitted in DA IV, but is limited to expansions of an existing structure by no more than 20 percent of existing building floor area in that structure and to development of structured parking necessary to support retail or service related development permitted in DA I-III

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

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

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

**Footnotes:**

- (1) Footnote (8) of the Dimensional Requirements contained in LUC 20.20.010 controls.
- (2) Maximum Impervious Surface is limited to 85 percent. See LUC 20.20.460 for exceptions and performance standards relating to impervious surface.
- (3) Minimum setbacks are subject to development of required landscaping pursuant to LUC 20.25F1.050.
- (4) Measured from the property line.
- (5) No parking or vehicle access lane is permitted between the required sidewalks on perimeter streets and pedestrian entrances and building frontages.
- (6) Maximum building height shall be measured from average existing grade as measured to the highest point of the structure, including pitched roof areas and penthouse equipment screening.

- (7) On Type C Streets located in DA II, no more than 50% of the building height shall exceed 4 stories or 40' above the sidewalk grade adjacent of the building front, whichever is less. For the purposes of this requirement, building height is measured to a depth of 20 feet.
  
- (8) At a height no greater than 30' above the sidewalk grade adjacent to the building front. No stepback is required for portions of buildings limited to 40' in height pursuant to Footnote 7 above.
  
- (9) Buildings or portions of buildings that provide a setback of less than 10 feet are required to meet the Type B Street Frontage Design Guidelines of the F1 Land Use District Design Guidelines
  
- (10) No stepback is required if Landscape setback is provided pursuant to 20.35F1.050.
  
- (11) A 15 foot setback from the right-of-way line of Factoria Boulevard is required for development in DA IV.

**20.25F1.050 Landscape Requirements**

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

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

**Footnotes:**

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

- (2) Landscaping is required only if a minimum 10-foot setback is provided in lieu of streetscape design requirements pursuant to LUC Section 20.25F1.115C.2.b.
- (3) Landscaping for surface parking will include one tree per twelve parking spaces and canopy trees for 25% of paved area at plazas and terraces. Vertical landscaping (Planters with vines, climbing vine on mesh, espalier, etc.) will be provided on each level of visually accessible parking structure perimeter.

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

### **20.25F1.060 Parking and Circulation.**

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

#### **A. Minimum and Maximum Parking Requirements**

LUC 20.20.590.F shall not apply to determine minimum or maximum parking requirements in the F1 Land Use District. Minimum parking requirements in the F1 Land Use District shall be determined using the Shared Parking manual published by the Urban Land Institute (1983) now or as hereafter amended pursuant to the provisions of that document, averaged across the entire F1 District using an 18-hour parking demand analysis and an 85 percent practical capacity factor. The maximum number of parking spaces shall not exceed 150 percent of the minimum number established pursuant to this section.

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

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

1. Such additional parking is necessary to meet the parking demand for a specified use; and
2. Shared or off-site parking is not available or adequate to meet demand; and

3. Any required Transportation Management Program will remain effective.

### **C. Circulation**

1. Develop at least one vehicle access points on 124<sup>th</sup> Ave SE along the alignment of SE 40<sup>th</sup> Street to operate as and visually signify the primary entry points to the Retail Center on the west side of the District.
2. Place stop signs at the intersections of on-site streets and/or pedestrian paths through surface parking areas and provide weather protection for pedestrians at these locations.
3. Provide at least one mid-block pedestrian connection from the F1 District across SE 41<sup>st</sup> Place and 124<sup>th</sup> Ave SE. Provide at least two mid-block pedestrian connections from the F1 District across SE 38<sup>th</sup> Street.

### **20.25F1.070 Sidewalks and Pedestrian Paths**

#### **A. Perimeter Sidewalks**

1. Minimum Width. The minimum width of Perimeter Street sidewalks shall be 12 feet inclusive of the planter strip plus six inches for curb, except as necessary to retain mature trees pursuant to paragraph 2.e below.
2. Street trees and planting strip design.
  - a. Installation. The property owner shall install street trees and planter strips, in addition to any landscaping required by LUC 20.25F1.050, pursuant to the City of Bellevue Environmental Best Management Practices & Design Standards, now or as hereafter amended. Street tree and planter strips shall be irrigated. Appropriate tree species will be determined through the Master Development Plan process.
  - b. Location. The area in which planter strips are installed must be located between the street and the sidewalk unless precluded by existing utilities which cannot reasonably be relocated or as necessary to retain mature trees pursuant to paragraph e below.
  - c. Design. Required street trees should be placed in predominantly continuous planter strips together with shrubbery, groundcover and other plantings approved by the Director. The area in which street trees are planted must be at least four feet wide by six feet wide. Vegetation approved

for a planter strip must be compatible with the F1 Design Guidelines for the Development Area within which the planter strip is located. A street planting strip may also include decorative paving and other plant materials except turf.

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

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

## **B. On-Site Sidewalks**

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

### 2. Street trees and plantings

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

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

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

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

**C. Pedestrian paths**

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

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

**3. Landscape Strips**

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

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

**20.25F1.080 Gateways**

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

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

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

**20.25F1.090 Gathering Places**

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

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

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

#### **20.25F.110 Design Review Criteria**

##### **A. General**

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

##### **B. Site Design**

###### 1. Connectivity and Site Circulation

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

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

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

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

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

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

g. Provide sidewalks on both sides of the entry drive to DA I from the intersection of Factoria Blvd with SE 40<sup>th</sup> Street and crosswalks across 127<sup>th</sup> Avenue prior to occupancy of any new structure in the F1 Land Use District.

h. Provide crosswalks south across SE 41<sup>st</sup> Place and west across 124<sup>th</sup> Ave SE at the southwest corner of DA II.

### 3. Landscaping

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

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

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

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

### 4. Lighting

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

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

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

**C. Building Design**

1. Integrate weather protection into retail store fronts through use of awnings, loggias, pergolas, and deep overhangs.
2. Locate service areas for trash dumpsters, recycling, loading docks and mechanical equipment away from public rights-of-way, on-site streets and pedestrian paths where possible. Screen views of those elements if they cannot be located away from public frontages.
3. Provide shop entrances and display openings oriented toward on-site streets, pedestrian paths and gathering places.
4. Express retail spaces as individual buildings. Height of shop front shall extend to top of parapet, or to top of second floor level in parking structures.
5. Provide integrated weather protection that is predominantly continuous for the retail and restaurant frontages the on east side of 125<sup>th</sup> Avenue SE and the west side of 127<sup>th</sup> Avenue SE.
6. Exposure to parking garage facades along residential building frontages on Perimeter Streets is not permitted, except for parking entrances.
7. Provide building modulation to break down the scale of the residential frontages above 30 feet as measured from the sidewalk grade.
8. Building tops shall be well expressed. All HVAC, flues, antennas, satellite dishes, etc. on roofs of new buildings shall be screened from view from any City right-of-way. Screen shall be a continuous integral part of the building architecture, not isolated around each HVAC unit.
9. Parking structures
  - a. Minimize garage openings on streets and design them to be complementary to the adjacent building. Finish walls and ceilings that are visible from the ROW.
  - b. Provide high quality lighting and wayfinding graphics for retail parking areas.

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

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

## **D. Gateways and Gathering Places**

### 1. Gateway Guidelines

- a. Provide spaces that create a welcoming experience for pedestrians and motorists and are oriented to the property corners.
- b. Provide connections from the gateway to the neighborhoods to the south and east and commercial areas to the north and east by designing the gateway to serve as a focal point and visual landmark for the F1 Land Use District.
- c. Provide visual and physical accessibility to gateway spaces from the abutting sidewalk on Factoria Blvd and locate the gateway at or near the sidewalk grade.
- d. Provide visual and walking connections between the gateways and entrances to the Retail Center and outward facing retail located in DA I.
- e. Northeast Corner: Provide crosswalks in both directions and weather protection from the corner to the Factoria Mall entry.
- f. Southeast Corner: Provide crosswalks in both directions. Use the entrance plaza and adjoining building spaces to create a predominantly weather-protected path to the Factoria Mall entries.
- g. Provide weather protected seating and landscaping with all-season interest.
- h. Provide handicapped accessibility.
- i. Provide weather protection at building entrances.

### 2. Public Gathering Spaces

- a. Locate as part of a comprehensive system of spaces in the F1 Land Use District.
- b. Each public space will include amenities such as a streetscape, sitting area, plaza, or square.

- c. Provide spaces that are of adequate size to accommodate seating, planting, etc., but not so large as to appear barren and uninviting.
- d. Provide seating at comfortable height and depth, and appropriate arrangement appropriate for both single and group users.
- e. Use nonglare, nonslip, and safe surface materials.
- f. Consider provision for shade and sun, and provide protection from wind.
- g. Use building separation and human scale massing to create pedestrian space.
- h. Use pedestrian-scaled lighting, fountains or other water features, litter receptacles and sheltered waiting areas.
- i. Use landscaping or structure to provide a sense of enclosure, while ensuring visual access for safety.
- j. Incorporate a gathering space at the corner of 124<sup>th</sup> Av SE and SE 41<sup>st</sup> Place.

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

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

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

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

**A. Applicability.**

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

20.25F1.015.

**B. Intent.**

The intent of these guidelines is to ensure that the streetscape is pedestrian-oriented; comfortable, spacious, and safe, with a strong relationship to the ground floor of each building and the activities inside where appropriate. The intent from an auto perspective is to provide a rhythm set by the tree spacing. Nodes such as corners, intersections and pedestrian crossings are likely locations where the street tree pattern breaks and other design elements with more of an accent function are provided. The regular tree spacing provides a base from which other urban design elements such as planters, benches, lights, and accent elements can be relate.

**C. Perimeter Street Guidelines**

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

a. Intent:

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

b. Guidelines

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

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

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

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

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

## 2. Type B - Retail Street with Moderate Pedestrian Orientation

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

### b. Guidelines:

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

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

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

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

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

## 3. Type C - Neighborhood Streets

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

### b. Guidelines

- i. Screen existing surface parking lots in DA II prior to the introduction of residential dwelling units, utilizing street walls, landscaping and artwork to define the site edge. The screening shall be installed prior to occupancy of the first residential unit.
- ii. Provide landscaping in the setback for retail frontages pursuant to LUC 20.25F1.050.
- iii. Provide ground floor residential dwelling units with primary pedestrian access directly to the street.
- iv. Provide landscaping in the setback for residential frontages that includes green borders, low garden walls, landscaping and pedestrian amenities to define the building edge at the back of sidewalk.

## **A. On-Site Street Guidelines**

### **1. Type D – On-site Streets**

- a. Intent: On-site streets are pedestrian-oriented; comfortable, spacious, and safe, with a strong relationship to the ground floor of each building and the activities inside where appropriate. The on-site streets are intended to accommodate shared use by pedestrians and vehicles. Adherence to these guidelines will facilitate the transformation of driveways to infrastructure that operates and feels like streets with pedestrian oriented frontage and amenities.
- b. Guidelines
  - i. Provide linkages to existing City of Bellevue street grid at every opportunity. On-site streets should be named to correspond with Bellevue City street grid. See grid depicted on the map entitled F1 Land Use District Street Designation.
  - ii. Provide weather protection in the form of canopies and other devices that are predominantly continuous for each retail frontage.
  - iii. Design streets to reduce vehicle speeds and increase pedestrian comfort. Design techniques can include on-street parallel parking or reduced street widths between opposing building walls or between building walls and parking area landscaping.

## **B. Pedestrian Paths**

### **1. Type E – Pedestrian Paths**

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

- i. Provide weather protection at gathering spaces located on pedestrian paths where feasible.
- ii. Utilize paving materials and patterns to differentiate the street and walkways from adjacent parking.

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

#### **20.25K.010 General.**

This Part 20.25K LUC, Factoria, contains information which applies to development and activity within the Factoria 2 and 3 Land Use Districts. Except to the extent expressly provided otherwise in this Part 20.25K LUC, the provisions of the Land Use Code, other City Development Codes, the City's Development Standards, and other applicable codes and ordinances apply to development in the Factoria 2 and 3 Land Use Districts. Where there is a conflict between the regulations of the Factoria 2 and 3 Land Use Districts and the Land Use Code and other City ordinances, the Factoria 2 and 3 Land Use District regulations govern. Where the requirements of the Factoria 2 and 3 Land Use District exceed those of the Land Use Code and other City ordinances, the Factoria 2 and 3 Land Use District regulations govern. Specific sections of this Part 20.25K LUC also apply to limited areas within the Factoria Land Use Districts as noted.

#### **20.25K.020 Parking.**

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

##### **A. F1 Land Use District.**

~~LUC 20.20.590.F shall not apply to determine minimum or maximum parking requirements in the F1 Land Use District. Minimum parking requirements in the F1 Land Use District shall be determined using the Shared Parking manual published by the Urban Land Institute (1983) now or as hereafter amended pursuant to the provisions of that document, averaged across the entire F1 District using an 18-hour parking demand analysis and an 85 percent practical capacity factor. The maximum number of parking spaces shall not exceed 150 percent of the minimum number established pursuant to this section.~~

##### **B. F2 Land Use District.**

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

percent practical capacity factor. The maximum number of parking spaces shall not exceed 150 percent of the minimum number established pursuant to this section.

**BC. F3 Land Use District.**

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

**CD. Director's Authority to Require Parking Exceeding Maximum.**

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

1. Such additional parking is necessary to meet the parking demand for a specified use; and
2. Shared or off-site parking is not available or adequate to meet demand; and
3. Any required Transportation Management Program will remain effective.

**20.25K.030 F1 Land Use District.**

**A. Design Guidelines Adopted.**

~~Each development within the F1 Land Use District must comply with the applicable provisions of that document entitled "F1 Development Area Plan and Factoria TownSquare Design Guidelines" now or as hereafter amended. In the event that requirements of the F1 Development Area Plan and Factoria TownSquare Design Guidelines conflict with the generally applicable requirements of the Land Use Code, the F1 Development Area Plan and Factoria TownSquare Design Guidelines shall control.~~

**B. Procedural Merger.**

~~Within the F1 Land Use District, any administrative decision required by this Part 20.25K LUC or by the Land Use Code, including but not limited to the~~

~~following, may be applied for and processed through a single Design Review, Part 20.30F LUC:~~

- ~~1. Administrative Conditional Use Permit, Part 20.30E LUC;~~
- ~~2. Design Review, Part 20.30F LUC;~~
- ~~3. Variance, Part 20.30G LUC.~~

**~~C. Design Review Required.~~**

~~The Director of the Department of Planning and Community Development through Design Review, Part 20.30F LUC, must review all development within the F1 Land Use District.~~

**~~D. Design Review Criteria.~~**

~~The Director of the Department of Planning and Community Development shall use the F1 Development Area Plan and Factoria TownSquare Design Guidelines, LUC 20.25K.050(A); and the provisions of this Part 20.25K LUC in reviewing an application for development in the F1 Land Use District. The Director may, through the Design Review process, approve a proposal that varies from the specific dimensional requirements set forth in the F1 Development Area Plan and Factoria TownSquare Design Guidelines if the applicant demonstrates that the proposed modification is necessary for the proposal to best achieve the overall intent of the Design Guidelines as a whole and for the F1 Land Use District Area in which the proposal is located and that the modification is the minimum necessary to achieve compliance with such provisions.~~

**~~E. F1 Land Use District Area Development Limitations.~~**

- ~~1. Applications for development within all F1 Land Use District Areas shall include an evaluation of pedestrian amenities as shown in F1 Development Area Plan and Factoria TownSquare Design Guidelines and demonstration of the proportion of amenities included with each development proposal, such that major pedestrian amenities are included in each phase of development.~~
- ~~2. Applications for development or redevelopment of property within the F1 Land Use District shall comply with the development limitations of the F1 Land Use District Area within which the property is located. F1 Land Use~~

~~District Area boundaries are as set forth in Exhibit 1 to the F1 Development Area Plan and Factoria TownSquare Design Guidelines. The development limitations set forth in this subsection E of this section establish the total amount of additional development that may occur in the F1 Land Use District above the amount of development that exists as of the date of adoption of Ordinance 5385.~~

~~a. Area I. The total amount of development in Area I is controlled by the limits set forth in paragraph E.3 of this section.~~

~~i. General. Applications for redevelopment or substantial remodeling of existing structures shall be designed to bring those structures into conformance with the principles of the F1 Development Area Plan and Factoria TownSquare Design Guidelines.~~

~~ii. Prior to Completion of FATS. New development within Area I shall be limited to additions to existing structures prior to completion of a new Factoria Area Transportation Study ("FATS") which is recommended to be included in the 2003 CIP for completion in 2003-2005. The total aggregate expansion in Area I shall not exceed 15,000 square feet.~~

~~iii. Following Completion of FATS. If FATS demonstrates that capacity exists for additional retail development within the F1 Land Use District, new retail development, including development of new structures and of structured parking, may be permitted in Area I.~~

~~b. Area II. The total amount of development in Area II is controlled by the limits set forth in paragraph E.3 of this section.~~

~~i. General.~~

~~(1) Area II development shall not be permitted without improvements to 127th Avenue SE implementing the transit improvements of the F1 Development Area Plan and Factoria TownSquare Design Guidelines.~~

~~(2) Except as to be constructed by the City as part of its capital improvements on Factoria Boulevard, Area II development shall include redevelopment of transit stop waiting areas on Factoria Boulevard SE and new pedestrian walkways connecting the stops to the Area I building entrances as shown in the F1 Development Area Plan and Factoria TownSquare Design Guidelines.~~

~~ii. Prior to Completion of FATS. Development in Area II shall be limited to 285 residential units.~~

~~iii. Following Completion of FATS. If FATS demonstrates that capacity exists for additional retail development within the F1 Land Use District, new retail development may be permitted in Area II.~~

~~c. Area III. The total amount of development in Area III is controlled by the limits set forth in paragraph E.3 of this section.~~

- ~~i. General. No development shall be permitted until all necessary construction contracts for public street improvements planned for both 124th Avenue SE and Factoria Boulevard, known as Capital Improvement Projects R-129 and R-116 in the 2001-2007 Capital Improvement Program Plan adopted pursuant to Ordinance 5266, have been approved by the City Council.~~
  - ~~ii. Prior to Completion of FATS. Development in Area III shall be limited to 400 residential units and retail development of not more than 36,100 square feet.~~
  - ~~iii. Following Completion of FATS. If FATS demonstrates that capacity exists for additional retail development within the F1 Land Use District, new retail development may be permitted in Area III.~~
- ~~d. Area IV. The total amount of development in Area IV is controlled by the limits set forth in paragraph E.3 of this section.~~
- ~~i. Prior to Completion of FATS. Development and uses within Area IV are limited to surface parking accessory to the uses of Areas I, II, III and V.~~
  - ~~ii. Following Completion of FATS. If FATS demonstrates that capacity exists for additional retail development within the F1 Land Use District, new retail development consisting of structured parking surrounded by retail development on the ground floor may be permitted in Area IV.~~
- ~~e. Area V. The total amount of development in Area V is controlled by the limits set forth in paragraph E.3 of this section.~~
- ~~i. General. No development shall be permitted until all necessary construction contracts for public street improvements for both 124th Avenue SE and Factoria Boulevard, known as Capital Improvement Projects R-129 and R-116 in 2001-2007 Capital Improvement Program Plan adopted pursuant to Ordinance 5266, have been approved by the City Council.~~
  - ~~ii. Prior to Completion of FATS. New development is limited to expansion of an existing structure by no more than 20 percent of existing building floor area in that structure.~~
  - ~~iii. Following Completion of FATS. If FATS demonstrates that capacity exists for additional retail development within the F1 Land Use District, development of structured parking to support the new retail development in Areas I, II, III or IV, may be permitted in Area V.~~

~~3. Development Limitations.~~

- ~~a. Prior to Completion of FATS. The housing units and allowed square footage of retail development set forth in subsections E.2(a)(ii), E.2(b)(ii) and E.2(c)(ii) of this section may be allocated across Areas I, II and III in different amounts than set forth above through the Design Review process, if all other Design Review criteria are satisfied and provided that the aggregate total of housing units and the aggregate~~

~~total of square footage of development set forth for Areas I through III above are not exceeded,~~

~~b. Following Completion of FATS. If FATS demonstrates that capacity exists for additional retail development, up to 100,000 square feet of additional retail space may be allocated across Areas I, II, III and IV as set forth in subsections E.2(a)(iii), E.2(b)(iii), E.2(c)(iii), and E.2(d)(ii) of this section and in the design guidelines, provided that the aggregate total of additional retail square footage across Areas I, II, III and IV does not exceed 100,000 square feet.~~

~~4. Exceptions. Individual tenant improvements or tenant remodels of existing buildings within the F1 Land Use District are not subject to the requirements of subsections E.2(b)(i)(1), E.2(b)(i)(2), E.2(c)(i), and E.2(e)(i) of this section, and shall be reviewed as received consistent with all applicable provisions of the Land Use Code and other City codes and ordinances.~~

#### **F. Future F1 Development.**

~~Except as specified in subsection E of this section, development or redevelopment within F1 is not permitted until completion of FATS. After completion of the FATS, if capacity for additional development beyond that set forth in subsection E of this section exists, the owner of substantially all of the property within F1 may submit a request to revise the LUC to allow additional development within F1. The City shall process the LUC amendment request in accordance with procedures set forth in the Land Use Code.~~

#### **20.25K.040 F2 Land Use District.**

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

#### **20.25K.050 F3 Land Use District.**

##### **A. Critical Areas.**

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

##### **B. Application Review Criteria.**

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

Section 5. This ordinance shall take effect and be in force thirty (30) days after adoption and legal publication.

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2007, and signed in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

(SEAL)

\_\_\_\_\_  
Grant S. Degginger, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

\_\_\_\_\_  
Mary Kate Berens, Deputy City Attorney

Attest:

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

Published \_\_\_\_\_

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE amending Section 20.25J.015; creating a new Part 20.30V of the Bellevue Land Use Code and establishing an effective date.

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

Section 1. Section 20.25J.015 of the Land Use Code is amended as follows:

**20.25J.015 Review required.**

A. Master Development Plan.

1. All development within the Medical Institution District shall be governed by a Master Development Plan reviewed by the Director of the Department of Planning and Community Development pursuant to 20.30V LUC. The City will process an application for a Master Development Plan through Process II, LUC 20.35.200, et seq. The design guidelines contained in this Part 20.25J LUC apply in addition to the decision criteria of LUC 20.30V.150.
  - a. ~~Phasing Plan. A phasing plan for installation of site improvements, landscaping and amenities necessary to support full Medical Institution District Development intensity as defined in LUC 20.25J.040 must be approved as part of the Master Development Plan.~~
  - b. ~~Binding Site Plan.~~
    - i. ~~General. The applicant may request that the Master Development Plan constitute a Binding Site Plan pursuant to Chapter 58.17 RCW.~~
    - ii. ~~Survey and Recording Required. If a Master Development Plan is approved as a Binding Site Plan, the applicant shall provide a recorded survey depicting all lot lines and shall record that Binding Site Plan and survey with the King County Department of Records and Elections. No document may be recorded without the signature of each owner of the subject property.~~
    - iii. ~~Effect of Binding Site Plan. Upon the approval and recording of a Binding Site Plan the applicant may develop the subject property in conformance with the Binding Site Plan and without regard to lot lines internal to the~~

~~subject property. The applicant may sell or lease parcels subject to the Binding Site Plan.~~

~~2. Decision Criteria. The Director may approve or approve with modifications an application for a Master Development Plan Permit if:~~

~~a. The proposed Master Development Plan is consistent with the Comprehensive Plan; and~~

~~b. The proposed Master Development Plan complies with the applicable requirements of the Bellevue City Code, specifically including the purpose and intent of the Medical Institution District and this Part 20.25J of the Land Use Code; and~~

~~c. The proposed Master Development Plan addresses all applicable guidelines or criteria of this Code in a manner which fulfills their purpose and intent; and~~

~~d. The Master Development Plan depicts features of and relationships between landscaping, streetscape, urban frontages, gateways, general building locations, campus access points and circulation within the Medical Institution District at full development intensity as defined in LUC 20.25J.040.~~

~~3. Modification or Addition to an Approved Master Development Plan. There are two ways in which to modify or add to an approved Master Development Plan: process as a new Master Development Plan or process as a Land Use Exemption.~~

~~a. New Master Development Plan. Except as provided in subsection A.3.b of this section, an amendment to a previously approved Master Development Plan is treated as a new application.~~

~~b. Land Use Exemption to an Existing Master Plan. The Director may determine that a modification to a previously approved Master Development Plan is exempt from further review as a new application, provided the following criteria are met:~~

~~i. The modification is exempt from SEPA review; and~~

~~ii. The modification is within the general scope of the purpose and intent of the original approval; and~~

~~iii. The modification complies with all applicable Land Use Code requirements and all applicable development standards and is compatible with all applicable design criteria; and~~

~~iv. The modification does not add more than 20 percent of the square footage assigned to any single building in the original Master Development Plan~~

~~and in no event may the modification process be used to exceed the development intensity limitations of LUC 20.25J.040.~~

- ~~4. Recording Required. Following approval of the the Master Development Plan or a modification, the applicant shall record the plans and conditions which constitute the approved Master Development Plan with the King County Division of Records and Elections. The Master Development Plan is binding on and runs with the land.~~

## B. Design Review.

Each structure located within the Medical Institution District and approved as part of a Master Development Plan must be reviewed by the Director of the Department of Planning and Community Development through Design Review, Part 20.30F LUC. The design guidelines contained in this Part 20.25J LUC apply in addition to the decision criteria of LUC 20.30F.145.

Section 2. A new Part 20.30V is added to the Land Use Code as follows:

### **Part 20.30V Master Development Plan**

#### **20.30V.110 Scope**

This Part 20.30V establishes the procedure and criteria that the City will use in making a decision upon an application for a Master Development Plan.

#### **20.30V.115 Applicability**

This Part 20.30V applies to each application for a Master Development Plan.

#### **20.30V.120 Purpose**

The Master Development Plan process is a mechanism by which the City can ensure that site development including structure placement, vehicular and pedestrian mobility and necessary amenities are developed and phased to conform to the terms of the Land Use Code and other applicable City codes and standards.

#### **20.30V.130 Phasing Plan**

A phasing plan for installation of site improvements, landscaping and amenities necessary to support each phase of development must be approved as part of the

Master Development Plan. The Phasing Plan is not intended to prescribe a timeline or sequence for development, but shall provide for proportionate installation of amenities that must be included when each phase of development is constructed. Required amenities and improvements shall be included.

**20.30V.140 Binding Site Plan**

- A. General. The applicant may request that the Master Development Plan constitute a Binding Site Plan pursuant to Chapter 58.17 RCW.
- B. Survey and Recording Required. If a Master Development Plan is approved as a Binding Site Plan, the applicant shall provide a recorded survey depicting all lot lines and shall record that Binding Site Plan and survey with the King County Department of Records and Elections. No document may be recorded without the signature of each owner of the subject property.
- C. Effect of Binding Site Plan. Upon the approval and recording of a Binding Site Plan the applicant may develop the subject property in conformance with the Binding Site Plan and without regard to lot lines internal to the subject property. The applicant may sell or lease parcels subject to the Binding Site Plan.

**20.30V.150 Decision Criteria.**

- A. The Director may approve or approve with modifications an application for a Master Development Plan if:
  - 1. The proposed Master Development Plan is consistent with the Comprehensive Plan; and
  - 2. The Master Development Plan complies with the applicable requirements of the Bellevue City Code; and
  - 3. The proposed Master Development Plan addresses all applicable standards, guidelines or criteria of this Code in a manner which fulfills their purpose and intent; and
  - 4. The Master Development Plan depicts features of and relationships and connectivity between required site features for the underlying Land Use District.

**20.30V.160 Modification or Addition to an Approved Master Development Plan.**

There are two ways in which to modify or add to an approved Master Development Plan: process as a new Master Development Plan or process as a Land Use Exemption.

- A. New Master Development Plan. Except as provided in subsection B of this section, an amendment to a previously approved Master Development Plan is treated as a new application.
- B. Land Use Exemption to an Existing Master Development Plan. The Director may determine that a modification to a previously approved Master Development Plan is exempt from further review as a new application, provided the following criteria are met:
1. The modification is exempt from SEPA review; and
  2. The modification is within the general scope of the purpose and intent of the original approval; and
  3. The modification complies with all applicable Land Use Code requirements and all applicable development standards and is compatible with all applicable design criteria; and
  4. The modification does not add more than 20 percent of the square footage assigned to any single building in the original Master Development Plan and in no event may the modification process be used to exceed the development intensity limitations for the area that is subject to Master Development Plan approval.

#### **20.30V.170 Land Area Computation**

A. General. Land which is dedicated to the City of Bellevue for right-of-way without compensation to the owner in conformance with Paragraph B of this section is included in the land area for the purpose of computing maximum FAR notwithstanding LUC 20.50.020, floor area ratio (FAR) and for the purpose of computing allowable dwelling units per acre.

#### **B. Special Dedications**

1. 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 or the Capital Investment Program Plan to the City of Bellevue by an instrument approved by the City Attorney.
2. A property owner may also make a special dedication by conveying land identified by the Director of Transportation as necessary for safety operational improvement projects.

#### **20.30V.180 Recording Required.**

Following approval of the Master Development Plan or a modification, the applicant shall record the plans and conditions which constitute the approved Master Development Plan and the amount (square footage) of any area dedicated in conformance with Section 20.30V.170.B above with the King County Division of

Records and Elections. The Master Development Plan is binding on and runs with the land.

**20.30V.190 Extended Vesting Period for Master Development Plans and Associated Design Review Approvals**

To the extent not precluded by other sections of this code, an applicant for a Master Development Plan may request a modification to the vesting and expiration provisions of 20.40.500, allowing for vesting of the land use permits and approvals for a period of up to 10 years from the date of issuance of the Master Development Plan.

A. Timing of Request for Modification. The request for modification may be submitted with the application for land use review or at any time prior to expiration of a previously approved land use permit or approval pursuant to 20.40.500. If submitted at the time of application for the land use review, the decision on the request for modification shall be merged with the decision on the underlying land use permit. If submitted after the land use permit or approval has been issued, the request for modification shall be processed pursuant to 20.30V.160.B or 20.30F.175. In no event shall the vesting period for a Master Development Plan or associated Design Review approval exceed 10 years from the date of issuance of the Master Development Plan approval pursuant to 20.30V.150.

B. The Director may approve an increased vesting period; provided that the project complies with an approved phasing plan pursuant to LUC 20.30V.130. The Director shall consider: (a) the site and size, (b) the size, scope and complexity of the project, and (c) construction and permitting activity in the vicinity of the project in determining the appropriate vesting period. The vested status of other required review, including but not limited to SEPA, Traffic Standards Code, Transportation Development Code, and building or other technical code review, is not controlled by this section.

C. The Director may require an assurance device pursuant to LUC 20.40.490 to ensure compliance with the condition of land use approval and the phasing plan throughout the vested period.

Section 3. Section 20.35.015C of the Land Use Code is amended as follows:

. . .

C. Process II decisions are administrative land use decisions made by the Director. Threshold determinations under the State Environmental Policy Act (SEPA) made by the Environmental Coordinator and Sign Code variances are also Process II decisions. (See the Environmental Procedures Code, BCC 22.02.034, and Sign

Code, BCC 22B.10.180.) The following types of applications require a Process II decision:

1. Administrative amendments;
2. Administrative Conditional Use;
3. Design Review;
4. Home Occupation Permit;
5. Interpretation of the Land Use Code;
6. Preliminary Short Plat;
7. Shoreline Substantial Development Permit;
8. Variance and Shoreline Variance;
9. Critical Area Land Use Permits
10. Master Development Plans; and
11. Review under State Environment Policy Act (SEPA) when not consolidated with another permit.

.....

Section 4. This ordinance shall take effect and be in force thirty (30) days after adoption and legal publication.

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2007, and signed in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

(SEAL)

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Grant S. Degginger, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

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Mary Kate Berens, Deputy City Attorney

Attest:

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Myrna L. Basich, City Clerk

Published \_\_\_\_\_

**CITY OF BELLEVUE  
ENVIRONMENTAL CHECKLIST  
(Integrated SEPA/GMA Process)**

**A. BACKGROUND INFORMATION**

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**PROPOSAL TITLE:** Factoria Land Use District 1 (F1) and TownSquare Design Guideline Amendments

**PROPERTY OWNERS' NAME:** n/a; applies to all property within the Factoria 1 Land Use District.

**PROPOSAL LOCATION:** Applies to all property within the Factoria 1 Land Use District.

**PROPONENT'S NAME:** City of Bellevue, Department of Planning and Community Development

**CONTACT PERSON'S NAME:** Mike Upston, Senior Planner

**CONTACT PERSON'S ADDRESS:** Department of Planning and Community Development  
City of Bellevue  
P.O. Box 90012  
Bellevue, WA 98009-9012

**CONTACT PERSON'S PHONE:** 425-452-2970

**BRIEF DESCRIPTION OF THE PROPOSAL'S SCOPE AND NATURE:**

1. **General description:** Land Use Code Amendment to modify the Factoria 1 Land Use District regulations and TownSquare Design Guidelines. The amendments are necessary to accommodate retail square footage previously approved following completion of the Factoria Area Transportation Study and to provide flexibility to move some allowed uses around on the site.
2. **Site acreage:** n/a; applies to all property within the Factoria 1 Land Use District.
3. **Number of dwelling units/buildings to be demolished:** N/A
4. **Number of dwelling units/buildings to be constructed:** N/A
5. **Square footage of buildings to be demolished:** N/A
6. **Square footage of buildings to be constructed:** N/A
7. **Quantity of earth movement (in cubic yards):** N/A

- 8. **Proposed land use:** This proposal will accommodate retail square footage previously approved following completion of the Factoria Area Transportation Study (FATS) and provide the new mall owners flexibility to move some allowed uses around on the site.
- 9. **Design features, including building height, number of stories and proposed exterior materials:** N/A
- 10. **Other:** N/A

**Proposed timing or schedule (including phasing, if applicable):**

A public hearing on the proposal is anticipated in January 2007. City Council final action on the proposal will follow that public hearing.

**Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.**

n/a.

**List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.**

The environmental review consisted of analysis contained in the following reports:

- Transportation Impact Analysis dated September 27, 2000.
- Determination of Non-Significance, issued May 9, 2002.
- Factoria Area Transportation Study (FATS) dated July 2005.
- A new Transportation Impact Analysis is being prepared based on 2006-07 conditions.

Copies of these documents are available in the project file at City Hall.

**Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. List dates applied for and file numbers, if known.**

The City is expecting a Design Review application and subsequent construction permits for redevelopment of the Marketplace @ Factoria (presently named Factoria Shopping Center).

**List any government approvals or permits that will be needed for your proposal, if known. If permits have been applied for, list application date and file numbers, if known.**

Ordinance adoption by the City Council.

**B. Environmental Elements**

No discussion of the individual Environmental Elements is required for GMA actions per WAC 197-11-235.3.b.

**C. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (do not use this sheet for project actions)**

**SUMMARY**

Project Summary: The proposal is to amend the Land Use Code to modify the Factoria 1 Land Use District regulations and TownSquare Design Guidelines.

Environmental Summary per WAC 197-11-235(3)(b):

State the proposal's objectives: To accommodate retail square footage previously approved following completion of the Factoria Area Transportation Study and to provide flexibility to move some allowed uses around on the site. Background: On July 15, 2002 the Council adopted Ordinance 5385 to allow amendments to the zoning established for the F1, F2 and F3 land use districts, to create a new Section K in Chapter 20.25 of the Land Use Code, and to establish design guidelines and limitations on the Factoria districts. Limits were placed on the amount of new development in the F1 land use district. Prior to an update of the Factoria Area Transportation Study (FATS) up to 685 residential units and 51,100 square feet of retail development could be added. The FATS update concluded that an additional 100,000 square feet of retail development could be added, for a total of 151,100 additional square feet. The City also determined that the proposal would not have a probable significant adverse impact upon the environment; a Determination of Non-Significance was issued on May 9, 2002.

Specify the purpose and need to which the proposal is responding: In addition to the description above it should be stated that although the Factoria commercial area is currently healthy, the environment for shopping centers changes continually and shopping centers that do not evolve can decline over time, negatively impacting the surrounding community. Maintaining the strength of commercial areas is a priority of the city. Retail trends indicate that modern successful shopping centers include enhanced pedestrian environments, public gathering areas, and a broader mix of uses, including residential. Recommended amendments to the Land Use Code respond to the need for flexibility to accommodate market driven demand for mixed use retail and housing.

State the major conclusions, significant areas of controversy and uncertainty: The recommended amendments to the Factoria Land Use District 1 (F1) and TownSquare Design Guideline Amendments are intended to be consistent with the general direction for the Factoria commercial area to continue to provide retail and commercial services for the surrounding neighborhoods in a manner that recognizes community concerns about potential impacts. The City's Comprehensive Plan includes transportation goals to enhance multi-modal mobility for residents, shoppers and those traveling within and through the Factoria commercial area. To put this goal into action, policy S-FA-14 calls for implementing the FATS transportation and urban design recommendations.

The recommended LUCA is necessary in order to enable the current property owner to respond to market demands that exist for the creation of the mixed use neighborhood that was envisioned by the existing guidelines. Policy S-FA-11 specifically encourages mixed-use residential and commercial development within community level retail districts. Further, retail trends indicate that retail centers being developed, or redeveloped, today are including a greater mix of uses and activities such as outdoor gathering spaces, pedestrian retail streets, and residential mixed use development. Mixed use development helps increase the customer base of associated retail areas, increases the pedestrian activity and use of retail streets, and helps create attractive urban gathering areas.

From the outset of this land use code amendment effort, there was significant community concern about the potential traffic impacts resulting from the addition of retail and the introduction of multifamily housing. City staff worked with nearby property owners and residents to consider challenges and opportunities. The FATS report evaluated the long-range impacts of growth in the area and included an assumption that the mall would expand to a greater commercial intensity (151,100 sf) and residential density (685 du). The study concluded that the additional growth could be accommodated by the roadway network in its condition at that time. These limitations are not being revisited as part of the current Land Use Code Amendment effort.

Since the FATS report was completed, roadway and capacity improvements have been completed. In addition, a new Transportation Impact Analysis was conducted at the direction of City staff. The conclusions of this study indicate that the recommended ordinances will in any probable, significant, adverse environmental impacts. The recommended amendment would provide clear guidelines and development standards on which the citizens, mall owners and staff can rely for long-term planning and development of the Factoria 1 Land Use District.

State the issues to be resolved, including the environmental choices to be made among alternative courses of action: Public feedback during initial process to adopt F1 regulations governing scale and height of the buildings envisioned by the TownSquare Design Guidelines may be out of character with the area. Those land use changes were accomplished in 2002 and changes to height limit or the bulk, size and scale of buildings is not proposed as part of this code amendment effort.

State the impacts of the proposal, including any significant adverse impacts that cannot be mitigated: As described above, the proposal is a non-project action to accommodate retail square footage previously approved following completion of the Factoria Area Transportation Study and to provide flexibility to move some allowed uses around on the site. There are no probable, significant adverse environmental impacts anticipated as a result of that action. Any specific proposal to construct new development would require project level review. Adoption of the recommended regulations will ensure consistency with the existing overall guiding principles.

Traffic analysis prepared to inform this code amendment provides additional detail to for this conclusion. The regulatory measure of what level of traffic congestion is acceptable in the area exists in the Traffic Standards Code (TSC). The TSC establishes a 0.95 Level of Service for the Factoria Mobility Management Area. According to the traffic analysis prepared at the direction of the Planning and Community Development Department using City models, the potential development that may occur under the recommended ordinance satisfies this Level of Service standard. More importantly, the traffic impacts from the development potential under both the recommended ordinance and the existing ordinance are less than the impacts that could have resulted under the development potential allowed prior to these regulations. Further, existing regulations responded to the potential congestion problem being discussed at that time by limiting the extent of development allowed in the near term, and allowing an additional amount of retail development potential only if the FATS showed that capacity existed to accommodate it. Since that time, numerous transportation improvements have been made and the FATS has shown that capacity exists to accommodate traffic anticipated to occur with mall redevelopment.

Describe any proposed mitigation measures and their effectiveness: No specific development is being approved with this proposal. No significant environmental impacts have been identified, therefore no mitigation measures are proposed. Future development under the provisions of the regulation will be subject to SEPA review, as well as to the City's existing development regulations.

**1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?**

The proposed code amendment will not increase the potential impacts to water, air and earth resources or noise production.

**Proposed measures to avoid or reduce such increases are:** N/A

**2. How would the proposal be likely to affect plants, animals, fish or marine life?**

The proposed code amendment will not increase the potential impacts to plants and animals.

**Proposed measures to protect or conserve plants, animals, fish or marine life are:** N/A

**3. How would the proposal be likely to deplete energy or natural resources?**

No adverse impacts to energy or natural resources are anticipated.

**Proposed measures to project or conserve energy and natural resources are:** N/A

**4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?**

The proposal will not directly affect any environmentally sensitive areas. The same protected area requirements and disturbance limits will apply to development and uses in the Factoria Land Use district under the proposed amendment as apply elsewhere in the City.

**Proposed measures to protect such resources or to avoid or reduce impacts are:** N/A

- 5. **How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?**

The proposal will not affect any shoreline areas.

**Proposed measures to avoid or reduce shoreline and land use impacts are:** N/A

- 6. **How would the proposal be likely to increase demands on transportation or public services and utilities?**

None of the proposed amendments to the Land Use Code will change the demands on the transportation system. The amount of development, and related traffic impacts anticipated, within the Factoria Land Use District have already been approved by the City is the result of previous traffic analyses associated with Ord 5385 and the FATS.

**Proposed measures to reduce or respond to such demand(s) are:** N/A

- 7. **Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.**

No conflicts are known or anticipated.

- D. **The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.**

Signature  \_\_\_\_\_

Annotated Version Dated 2/8/07