

Housing Opportunities in Mixed-use Areas (HOMA) Strike Draft  
**EIGHTH DRAFT: 2/25/2026**

## 20.10 Land use districts.

### 20.10.260 Office District (O).

Office Districts provide areas for business, financial, and professional service offices, as well as residential uses, located on arterial or commercial access streets. In the proximity of other major business and commercial districts, this district may serve as a buffer between lower-density residential areas and more intensive commercial districts.

### 20.10.280 Office and Limited Business District (OLB).

Office and Limited Business Districts provide areas for the location of integrated complexes made up of residences, offices, hotels or motels, eating establishments, and retail sales accessory to permitted uses. Such districts are located in areas that abut, and have convenient access to, freeways and major highways.

### 20.10.285 Office and Limited Business District 2 (OLB 2).

The purpose of the OLB 2 District is to provide an area of integrated complexes made up of residences, offices, hotels, or motels, eating and drinking establishments, and retail sales within walking distance to support businesses, residents, and employees. The OLB 2 District has greater intensity and a larger mix of uses than the OLB District. Such districts are located in areas that abut, and have convenient access to, freeways, major highways, and transit.

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### 20.10.325. Mixed-Use: 8 Story (MU8).

Mixed-Use: 8 Story districts provide an area with a mix of retail, service, office, and residential uses at a midrise scale and form. The district is designed to provide walkable and vibrant neighborhoods for the residents of the districts and adjacent districts.

### 20.10.330. Mixed-Use: 16 Story (MU16).

Mixed-Use: 16 Story districts provide an area with a mix of retail, service, office, and residential uses at a midrise scale and form. The district is designed to provide walkable and vibrant neighborhoods for the residents of the districts and the city as a whole.

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### 20.10.360 Community Business District (CB).

Community Business Districts serve community markets and provide areas for the location of residences, services, and retail outlets, other outside of than Downtown.

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**20.10.380 — Evergreen Highlands Design District (EH).**

- A. Purpose. The Evergreen Highlands Design District provides an area for the location of high technology research and development facilities; associated light assembly and warehousing; other manufacturing uses with similar character, intensity and impact; support service and retail uses; office uses; corporate headquarters and residential uses. It represents a unique land resource, and is to be developed as a well integrated, mixed-use district sensitive to natural constraints and surrounding established development patterns. All development should exhibit high quality design, and maintain high performance levels.
- B. The Evergreen Highlands Design District is divided into four performance areas as delineated by the Evergreen Highlands Zoning Map. These performance areas constitute separate land use districts and permit variation in use and development standards in order to implement the goals and policies of the Evergreen Highlands Subarea Plan, and to insure attention to specific environmental features of the various performance areas.
1. Evergreen Highlands Performance Area A (EH-A). The purpose of this performance area is to provide a location for Medium Density Multifamily development, not exceeding 11 units per gross acre. This performance area is intended to provide housing opportunities, and to serve as a transition to the single family housing adjacent to the Evergreen Highlands Design District.
  2. Evergreen Highlands Performance Area B (EH-B). The purpose of this performance area is to provide a location for lower intensity office uses. It serves as a transition between the residential development in Performance Area A and the higher intensity nonresidential uses in Performance Area C. This performance area constitutes the area of highest environmental sensitivity within the Design District, and development must reflect the natural limitations of the land.

~~3. Evergreen Highlands Performance Area C (EH-C). The purpose of this performance area is to provide a location for research and development activity, office uses, and convenience retail and service uses. This performance area will serve as the focal point for the entire Design District. It must be developed in a campus-like research and development park theme, and should be compatible with nearby less intense areas.~~

~~4. Evergreen Highlands Performance Area D (EH-D). The purpose of this performance area is to provide a location for office uses. It serves as a transition between the concentration of research and development and office uses to the north and the surrounding land use districts.~~

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**20.10.395 Factoria Land Use Districts (F).**

A. Factoria ~~1 Land Use District 1 (F1).~~ ~~Factoria, The~~ F1 District is a mixed-use residential and regional retail center located adjacent to freeway corridors. It is to be developed as an aesthetically attractive urban village center to serve the Factoria community as well as shoppers attracted to the retail stores. Specific development areas and design guidelines apply within the district. Total size of the district is approximately 40 acres.

~~B. Factoria Land Use District 2 (F2). Factoria, F2 District provides for intensive office, movie theater, and service uses adjacent to freeway corridors in the Factoria area.~~

~~BC. Factoria Land 3 Use District 3 (F3).~~ ~~Factoria, The~~ F3 District provides for highly intensive office use in an integrated complex adjacent to freeway corridors in the Factoria area. This is the most intensive office district outside ~~of the~~ Downtown.

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**20.10.400 Use chart described – Interpretation.**

~~(Note: This section is not applicable in the Shoreline Overlay District.)~~

~~A. In Chart 20.10.440, land use classifications and standard Land Use Code reference numbers are listed on the vertical axis. City of Bellevue land use districts are shown on the horizontal axis.~~

~~A1. If no symbol appears in the box at the intersection of the column and the row, then the use is not allowed in that district, except for certain short-term uses, which are regulated under Part 20.30M LUC (Temporary Use Permit), subordinate uses, which are regulated under LUC 20.20.840, and nonconforming uses, which are regulated under LUC 20.20.561. (see Temporary Use Permits, Part 20.30M LUC).~~

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- ~~B~~2. If the symbol "P" appears in the box at the intersection of the column and row, then the use is permitted subject to all general requirements that are applicable for to the use and that are applicable in the land use district at issue.
- ~~C~~3. If the symbol "C" appears in the box at the intersection of the column and the row, then the use is permitted subject to the Conditional Use provisions specified in Part 20.30B ~~or 20.30C~~ LUC and to all general requirements ~~for that are applicable to~~ the use and that are applicable in the land use district at issue.
- ~~D~~4. If the symbol "A" appears in the box at the intersection of the column and the row, then the use is permitted subject to the Administrative Conditional Use provisions as specified in Part 20.30E LUC and to all general requirements ~~for that are applicable to~~ the use and that are applicable in the land use district at issue.
- ~~E~~5. If the symbol "PD" appears in the box at the intersection of the column and the row, then the use is permitted subject to the Planned Unit Development provisions as specified in Part 20.30D LUC and to general all requirements ~~for that are applicable to~~ the use and that are applicable in the land use district at issue.
- ~~F~~6. If a number appears in the box at the intersection of the column and the row, then the use is ~~permitted through the applicable review process and also~~ subject to the special limitation or allowance indicated in the corresponding ~~n~~Note.

B. Chart 20.10.440 does not apply in the following land use districts and overlays:

1. Downtown Districts. Permitted uses in Downtown land use districts are listed in LUC 20.25A.050.
2. BelRed Districts. Permitted uses in BelRed land use districts are listed in LUC 20.25D.070.
3. Shoreline Overlay District. Permitted uses in the Shoreline Overlay District are listed in LUC 20.25E.020.
4. Medical Institution (MI) District. Permitted uses in the MI land use district are listed in LUC 20.25J.020.
5. Office and Limited Business-Open Space (OLB-OS) District. Permitted uses in the OLB-OS land use district are listed in LUC 20.25L.020.
6. Camp and Conference Center (CCC) District. Permitted uses in the CCC district are listed in LUC 20.25N.040.
7. Eastgate TOD District. Permitted uses in the Eastgate Transit Oriented Development land use district are listed in LUC 20.25P.050.

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8. East Main Districts. Permitted uses in East Main Transit Oriented Development Districts are listed in LUC 20.25Q.050.

9. Mixed-Use Land Use Districts. Permitted uses in Mixed-Use Land Use Districts subject to Part 20.25R LUC are governed by LUC 20.10.445.

**20.10.440 Land use charts.**

**Chart 20.10.440 Uses in land use districts**

Manufacturing – Residential Land Use Districts

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~~Permitted uses in the Shoreline Overlay District are listed in LUC 20.25E.020.~~

~~Permitted uses in the Evergreen Highlands Design District (EH A, EH B, EH C and EH D) are listed in LUC 20.25F.010.~~

~~Permitted uses in the Office and Limited Business Open Space District (OLB-OS) are listed in LUC 20.25L.020.~~

~~Permitted uses in the Medical Institution District are listed in LUC 20.25J.020.~~

~~Permitted uses in the BelRed District (BR) are listed in LUC 20.25D.070.~~

~~Permitted uses in the Camp and Conference Center District (CCC) are listed in LUC 20.25N.040.~~

**KEY:**

~~P – PERMITTED USE~~

~~C – CONDITIONAL USE (see Part 20.30B or Part 20.30C)~~

~~PD – PERMITTED subject to planned unit development only. (See Part 20.30D)~~

~~A – ADMINISTRATIVE CONDITIONAL USE (see Part 20.30E)~~

~~S – Permitted only as a subordinate use to a permitted or special use~~

**Chart 20.10.440 Uses in land use districts**

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Manufacturing – ~~Nonresidential Districts~~ Commercial and Mixed-Use Land Use Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Office/Limited Business 2	Light Industry	General Commercial	Neighborhood Business	Mixed Use: 8 Story	Neighborhood Mixed Use	Community Business	Mixed Use: 16 Story	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3
		PO	O	OLB	OLB 2	LI	GC	NB	MU8	NMU	CB	MU16	F1	F2	F3
...															
21	Food and Beverage Products Mfg.			P 6	P 6	P 5	S 5		P 6	P 6	S	P 6	S		
...															
329	Handcrafted Products Mfg.					P	P		P 7	P 7	P 7	P 7	P		P 7
...															
35	Measuring, Analyzing and Controlling Instruments, Photographic, Medical and Optical Goods; Watches and Clocks Mfg.;	P	P	P	P 7	P	S		P	P	S	P	S	P	P

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		PO	O	OLB	OLB 2	LI	GC	NB	MU8	NMU	CB	MU16	F1	F2	F3
	Computer Software														
...															

~~Permitted uses in the Shoreline Overlay District are listed in LUC 20.25E.020.~~

~~Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.~~

~~Permitted uses in the Office and Limited Business-Open Space District (OLB-OS) are listed in LUC 20.25L.020.~~

~~Permitted uses in the Medical Institution District are listed in LUC 20.25J.020.~~

~~Permitted uses in the BelRed District (BR) are listed in LUC 20.25D.070.~~

~~Permitted uses in the Camp and Conference Center District (CCC) are listed in LUC 20.25N.040.~~

~~Permitted uses in the Eastgate Transit-Oriented Development District (EG-TOD) are listed in LUC 20.25P.050.~~

**KEY:**

~~P~~ — PERMITTED USE

~~C~~ — CONDITIONAL USE (see Part 20.30B or Part 20.30C)

~~PD~~ — PERMITTED subject to planned unit development only. (See Part 20.30D)

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~~A – ADMINISTRATIVE CONDITIONAL USE (see Part 20.30E)~~  
~~S – Permitted only as a subordinate use to a permitted or special use~~

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**Chart 20.10.440 Uses in land use districts**

Recreation – Residential Land Use Districts

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~~Permitted uses in the Shoreline Overlay District are listed in LUC 20.25E.020.~~

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~~Permitted uses in the Office and Limited Business-Open Space District (OLB-OS) are listed in LUC 20.25L.020.~~

~~Permitted uses in the Medical Institution District are listed in LUC 20.25J.020.~~

~~Permitted uses in the BelRed District (BR) are listed in LUC 20.25D.070.~~

~~Permitted uses in the Camp and Conference Center District (CCC) are listed in LUC 20.25N.040.~~

**KEY:**

~~P – PERMITTED USE~~  
~~C – CONDITIONAL USE (see Part 20.30B or Part 20.30C)~~  
~~PD – PERMITTED subject to planned unit development only. (See Part 20.30D)~~  
~~A – ADMINISTRATIVE CONDITIONAL USE (see Part 20.30E)~~  
~~S – Permitted only as a subordinate use to a permitted or special use~~

**Chart 20.10.440 Uses in land use districts**

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Recreation - ~~Commercial and Mixed-Use Land Use Districts~~ ~~Nonresidential Districts~~

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Office/Limited Business 2	Light Industry	General Commercial	Neighborhood Business	<del>Mixed Use: 8 Story</del>	Neighborhood Mixed Use	Community Business	<del>Mixed Use: 16 Story</del>	Factoria Land Use District 1	<del>Factoria Land Use District 2</del>	Factoria Land Use District 3
		PO	O	OLB	OLB 2	LI	GC	NB	<del>M U8</del>	N M U	C B	<del>MU16</del>	F1	<del>F2</del>	F3
...															
711	Library, Museum	P	P	P	P			<del>P</del>	<del>P</del>	P	P	<del>P</del>	P	<del>P</del>	P
7113	Art Gallery	P	P	P	P			<del>P</del>	<del>P</del>	P	P	<del>P</del>	P	<del>P</del>	P
712	Nature Exhibitions: Aquariums, Botanical Gardens and Zoos	C	C	C		C	C				C		C	<del>C</del>	C
7212 7214 7222 7231 7232	Public Assembly (Indoor): Sports, Arenas, Auditoriums and Exhibition Halls but Excluding School Facilities			P	A 8			<del>A 8</del>	<del>A 8</del>	A 8	P	<del>A 8</del>	P	<del>P</del>	P

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		PO	O	OLB	OLB 2	LI	GC	NB	M U8	N M U	C B	MU16	F1	F2	F3
7212 7214 7218	Motion Picture, Theaters, Night Clubs, Dance Halls and Teen Clubs			P	A				P	A	P	P	P	P	P
...															
	Adult Theaters (7)			P	P						P		P	P	P
7223 73	Public Assembly (Outdoor): Fairgrounds and Amusement Parks, Miniature Golf, Golf Driving Ranges, Go-Cart Tracks, BMX Tracks and		A8	A8	A8		C	C	A8	A8	C	A8	C		

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		PO	O	OLB	OLB 2	LI	GC	NB	M U8	N M U	C B	MU16	F1	F2	F3
	Skateboard Tracks														
73	Commercial Amusements: Video Arcades, Electronic Games		P	P	P		A	A	P	P	A	P	A		
7411 7413 7422 7423 7424 7441 7449	Recreation Activities: Golf Courses, Tennis Courts, Community Clubs, Athletic Fields, Play Fields, Recreation Centers, Swimming Beaches and Pools (2,11)	C	C	C	A 8		C	C	A 8	A 8	C	A 8	C	C	C



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		PO	O	OLB	OLB 2	LI	GC	NB	M U8	N M U	C B	MU16	F1	F2	F3
	Public/Private Park	P	P	P		P	P	P	P	P	P	P	P	P	
...															
	City Park	P/C 10	P/C 10	P/C 10	P	P/C 10	P/C 10	P/C 10	P/A /C 10 12	P/A /C 10 12	P/ C 10	P/A/C 10 12	P/C 10	P/C 10	P/ C 10
...															

Permitted uses in the Shoreline Overlay District are listed in LUC 20.25E.020.

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**KEY:**

- ~~P~~ — PERMITTED USE
- ~~C~~ — CONDITIONAL USE (see Part 20.30B or Part 20.30C)
- ~~PD~~ — PERMITTED subject to planned unit development only. (See Part 20.30D)
- ~~A~~ — ADMINISTRATIVE CONDITIONAL USE (see Part 20.30E)
- ~~S~~ — Permitted only as a subordinate use to a permitted or special use

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**Chart 20.10.440 Uses in land use districts**

Residential – Residential Land Use Districts

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- ~~Permitted uses in the Shoreline Overlay District are listed in LUC 20.25E.020.~~
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**Chart 20.10.440 Uses in land use districts**

Residential – Commercial and Mixed-Use Land Use Districts ~~Nonresidential~~ Districts

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STANDARD USE CODE	LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Office/Limited Business 2	Light Industry	General Commercial	Neighborhood Business	Mixed Use: 8 Story	Neighborhood Mixed Use	Community Business	Mixed Use: 16 Story	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3
		PO	O	OLB	OLB 2	LI	GC	NB	MU8	NMU	CB	MU16	F1	F2	F3
	Secure Community Transition Facilities (16)														
	Rooming House (17)		P	P	P			P	P	P	P	P	P	P	P
	Senior Citizen Dwellings (4, 7)	P	P	P	P			P	P	P	P	P	P	P	P
13 15	Hotels and Motels			P	P				P	P	C	P	C	P	P
	Congregate Care Senior Housing (4, 7, 16)	P	P	P	P			P	P	P	P	P	P	P	P
6516	Nursing Home (7, 16)	C	P	P				C	P	P	P	P	P	P	P
	Assisted Living (4, 7)	C	P	C	P			C	P	P	P	P	P	C	C

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STD LAN D USE COD E REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Office/Limited Business 2	Light Industry	General Commercial	Neighborhood Business	<del>Mixed Use: 8 Story</del>	Neighborhood Mixed Use	Community Business	<del>Mixed Use: 16 Story</del>	Factoria Land Use District 1	<del>Factoria Land Use District 2</del>	Factoria Land Use District 3
		PO	O	OLB	OLB 2	LI	GC	NB	MU8	NMU	CB	MU16	F1	<del>F2</del>	F3
	Accessory Dwelling Unit (9)	S	S	S		S	S	S			S		S	<del>S</del>	S
	Supportive Housing (18)	C	P	P	P			<del>P</del>	<del>P</del>	<del>P</del> 11	P	<del>P</del>	P	<del>P</del>	P

...

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~~A – ADMINISTRATIVE CONDITIONAL USE (see Part 20.30E)~~

~~S – Permitted only as a subordinate use to a permitted or special use~~

**Notes: Uses in land use districts – Residential:**

~~(1) No more than 50 percent of the gross floor area of the structure shall be devoted to residential use in O Districts, unless Conditional Use Permit approval is obtained and the applicable Comprehensive Plan policies do not discourage multifamily uses. Intentionally deleted.~~

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~~(4) An agreement must be recorded with the King County Recorder's Office, or its successor agency, and filed with the Bellevue City Clerk, restricting senior citizen dwellings, congregate care senior housing, or assisted living to remain for the life of the project. Intentionally deleted.~~

...

~~(6) Multifamily development in Planning Districts A and B of the Crossroads Subarea is not allowed. Multifamily development in Planning District E of the Crossroads Subarea north of NE 8th Street may be allowed through a Council-approved development agreement that is consistent with Chapter 36.70B RCW and includes design guidelines that are consistent with the vision of Comprehensive Plan Policies S-CR-79 and S-CR-81 regarding the creation of mixed-use developments with pedestrian connections, park connections where appropriate, and public open space. Refer to the Crossroads Subarea Planning District Guidelines of the Comprehensive Plan for Planning Districts A, B and E. Intentionally deleted.~~

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~~(8) These residential uses are permitted in NB and NMU Districts only if located on the second floor and above the permitted ground floor nonresidential uses. Intentionally deleted.~~

...

~~(10) The allowable building height of any building located in PO, O, OLB, GC, NB, or CB Districts may be increased by 1 story, but not to exceed 15 feet, if basement parking for that building occupies a minimum of 75 percent of the building footprint. Intentionally deleted.~~

~~(11) Intentionally deleted. The Director may allow a departure from the requirement to provide ground floor neighborhood serving (nonresidential) uses in multifamily developments; provided, that the departure is necessary to mitigate an economic hardship that would preclude project viability. A departure may be granted where the applicant demonstrates that:~~

~~(a) The required neighborhood serving uses do not front on an arterial;~~

~~(b) Visual and physical access to the required neighborhood serving uses is limited by topography or other site specific obstacles;~~

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~~(c) The required neighborhood serving uses would not be visible from other development located in the NMU District, adjacent neighborhoods, nearby arterials or highways.~~

~~A departure may be allowed for all sides of the building or some portion thereof; provided, that the approved departure is consistent with the NMU Land Use District definition included in the Comprehensive Plan and LUC. If a departure is granted, ancillary residential uses such as a meeting room, leasing office, kitchen, daycare and work-live space are preferred over occupied residential living space.~~

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~~(21) Multiple dwelling units per structure are permitted on properties with an AH suffix when consistent with the requirements of LUC 20.20.128.I. Intentionally deleted.~~

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#### **Chart 20.10.440 Uses in land use districts**

##### Resources – Residential Land Use Districts

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Resources - ~~Nonresidential Districts~~ Commercial and Mixed-Use Land Use Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Office/Limited Business 2	Light Industry	General Commercial	Neighborhood Business	<del>Mixed Use: 8 Stories</del>	Neighborhood Mixed Use	Community Business	<del>Mixed Use: 16 Stories</del>	Factoria Land Use District 1	<del>Factoria Land Use District 2</del>	Factoria Land Use District 3
		PO	O	OLB	OLB 2	LI	GC	NB	MU8	NMU	CB	MU16	F1	<del>F2</del>	F3
...															
81	Agriculture, Production of Food and Fiber Crops, Dairies, Livestock and Fowl, Excluding Hogs	P1	P1	P1	<u>P1</u>	P1	P1	P1	<u>P1</u>	P1	P1	<u>P1</u>	P1	<u>P1</u>	P1
...															
8221	Veterinary Clinic and Hospital (5)	P	P	<u>P8</u>	P8	P	P	P3	<u>P</u>	P8	P	<u>P</u>	P		<u>P</u>
...															
83	Forestry, Tree Farms and Timber Production	C	C	C		C	C	C			C		C	<u>C</u>	C
85	Mining, Quarrying (Including Sand	C	C	C		C	C	C			C		C	<u>C</u>	C

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		PO	O	OLB	OLB 2	LI	GC	NB	MU8	NMU	CB	MU16	F1	<del>F2</del>	F3
	and Gravel), Oil and Gas Extraction														

...

~~Permitted uses in the Shoreline Overlay District are listed in LUC 20.25E.020.~~

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~~Permitted uses in the Eastgate Transit Oriented Development District (EG-TOD) are listed in LUC 20.25P.050.~~

**KEY:**

~~P~~ PERMITTED USE

~~C~~ CONDITIONAL USE (see Part 20.30B or Part 20.30C)

~~PD~~ PERMITTED subject to planned unit development only. (See Part 20.30D)

Housing Opportunities in Mixed-use Areas (HOMA) Strike Draft  
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~~A – ADMINISTRATIVE CONDITIONAL USE (see Part 20.30E)~~

~~S – Permitted only as a subordinate use to a permitted or special use~~

**Notes: Uses in land use districts – Resources:**

(1) In the R-2.5, R-3.5, R-4, R-5, R-7.5, R-10, R-15, R-20, R-30, NB, PO, O, OLB, ~~OLB 2~~, F1, ~~F2~~, F3, LI, GC, and CB Districts agriculture is limited to the production of food and fiber crops.

...

**Chart 20.10.440 Uses in land use districts**

Services – Residential Land Use Districts

...

~~Permitted uses in the Shoreline Overlay District are listed in LUC 20.25E.020.~~

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**Chart 20.10.440 Uses in land use districts**

Housing Opportunities in Mixed-use Areas (HOMA) Strike Draft  
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Services - ~~Nonresidential Districts~~ Commercial and Mixed-Use Land Use Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Office/Limited Business 2	Light Industry	General Commercial	Neighborhood Business (16)	Mixed Use: 8 Stories	Neighborhood Mixed Use	Community Business	Mixed Use: 16 Stories	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3
		PO	O	OLB	OLB 2	LI	GC	NB (16)	MU8	NMU	CB	MU16	F1	F2	F3
6	Services														
61	Finance, Insurance, Real Estate Services	P	P	P	P	P 1	P	P	P	P	P	P	P	P	P
62	Personal Services: Laundry, Dry Cleaning, Barber and Beauty, Photography Studio and Shoe Repair		P	SP	P	P 2	P	P	P	P	P	P	P	S	S
6241	Funeral and Crematory Services	C	C	C										C	C
6262	Cemeteries	C	C	C		C	C	C			C		C	C	C

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STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Office/Limited Business 2	Light Industry	General Commercial	Neighborhood Business <u>Mixed Use: 8 Stories</u>	Neighborhood Mixed Use	Community Business <u>Mixed Use: 16 Stories</u>	Factoria Land Use District 1	<del>Factoria Land Use District 2</del>	Factoria Land Use District 3
		PO	O	OLB	OLB 2	LI	GC	NB <del>(16)</del>	MU8	NMU	CB	MU16	F1
629	Child Care Services (3, 4)												
	Family Child Care Home in Residence (3)	P	P	P	<u>P</u>	P	P	P	<u>P</u>	<u>P</u>	P	<u>P</u>	P
	Child Day Care Center (3, 4)	P	P	P	P	P	P	<u>P</u>	P	P	<u>P</u>	P	<u>P</u>
63	Business Services, Duplicating and Blue Printing, Steno, Advertising (Except Outdoor), Travel Agencies and Employment	P	P	P	P	P	P	<u>P</u>	P	P	<u>P</u>	P	<u>P</u>
634	Building Maintenance and			<u>P 31</u>	P 31	P	P			P		P	<u>P</u>

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STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Office/Limited Business 2	Light Industry	General Commercial	Neighborhood Business	<del>MU8</del>	Neighborhood Mixed Use	Community Business	<del>MU16</del>	Factoria Land Use District 1	<del>Factoria Land Use District 2</del>	Factoria Land Use District 3
		PO	O	OLB	OLB 2	LI	GC	NB (16)		NMU	CB		F1	<del>F2</del>	F3
	Pest Control Services														
...															
639	Rental and Leasing Services: Cars, Trucks, Trailers, Furniture and Tools			S	<del>P</del>	P	P	A 18	<del>P</del>	P	P	<del>P</del>	P	<del>S</del>	S
641	Auto Repair and Washing Services (26)			<del>S</del>	<del>P</del>	P	P	A 19	<del>P</del>	P	P	<del>P</del>	P		
649	Repair Services: Watch, TV, Electrical, Upholstery			<del>P 31</del>	P 31	P	P	P	<del>P</del>	P 31	P	<del>P</del>	P		<del>P</del>
	Professional Services: Medical	P	P	P	P 30		P	P	<del>P</del>	<del>P-30</del>	P	<del>P</del>	P	<del>P</del>	P

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		PO	O	OLB	OLB 2	LI	GC	NB <i>(16)</i>	MU8	NMU	CB	MU16	F1	F2
	Clinics and Other Health Care Related Services													
	Professional Services: Other	P	P	P	P	P	P	P	P	P	P	P	P	P
	Pet Grooming and Day Care (29)		P	P	P			A	P	P	A	P	P	P
6513	Hospitals	C	C	C	C	C	C			C		C	C	C
...														
671	Governmental Services: Executive, Legislative, Administrative and Judicial Functions	C	C	C	A			C	A	A	C	A	C	C



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		PO	O	OLB	OLB 2	LI	GC	NB (16)	MU8	NMU	CB	MU16	F1	F2	F3
674 675	Military and Correctional Institutions (27)	C	C	C		C	C	C			C		C	C	C
...															
681	Education: Primary and Secondary (25, 27)	A	A	A	A	A	A	A	A	A	A	A	A	A	A
682	Universities and Colleges (27)	P	P	P	P	P	P	C	P	P	P	P	P	P	P
683	Special Schools: Vocational, Trade, Art, Music, Driving, Barber and Beauty Schools	P	P	P	P	P	P	P	P	P	P	P	P	P	P
691	Religious Activities (27)	P	P	P	P	P	P	C	P	P	P	P	P	P	P

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		PO	O	OLB	OLB 2	LI	GC	NB (16)	MU8	NMU	CB	MU16	F1
692 (A)	Professional and Labor Organizations Fraternal Lodge	C	C	P	P		P	C	P	P	P	P	P
692 (B)	Social Service Providers	C	C	P	P	P	P	P	P	P	P	P	P
	Administrative Office – General	P	P	P	P	P 5	P	P	P	P	P	P	P
	Computer Program, Data Processing and Other Computer- Related Services	P	P	P	P	P 5	P	P	P	P	P	P	P
	Research, Development and Testing Services	P	P	P	P	P 5	C	P	P	C	P	P	P

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		PO	O	OLB	OLB 2	LI	GC	NB (16)	MU8	NMU	CB	MU16	F1	F2	F3
...															
	Homeless Services Uses (32)		C	C	C		C		C	C	C	C	C	C	C

Permitted uses in the Shoreline Overlay District are listed in LUC 20.25E.020.

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Permitted uses in the Camp and Conference Center District (CCC) are listed in LUC 20.25N.040.

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**KEY:**

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C — CONDITIONAL USE (see Part 20.30B or Part 20.30C)

PD — PERMITTED subject to planned unit development only. (See Part 20.30D)

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~~A – ADMINISTRATIVE CONDITIONAL USE (see Part 20.30E)~~

~~S – Permitted only as a subordinate use to a permitted or special use~~

**Notes: Uses in land use districts – Services:**

...

~~(8) Auto repair and washing services are permitted only if washing services are a subordinate use to a permitted or special use in Downtown-MU Districts. Intentionally Deleted.~~

...

~~(12) Nonresidential uses are permitted in Downtown-R Districts only if developed in a building which contains residential uses. Intentionally Deleted.~~

~~(13) Drive-in facilities may be permitted through Design Review, Part 20.30E LUC, at any location in the Downtown-O-2 District, or within 200 feet of NE 4th Street or NE 8th Street in the Downtown-O-1 District; but only if all the following criteria are met: Intentionally Deleted.~~

~~(a) On-site capacity for vehicle stacking of 10 spaces for 1 drive-up station and 20 spaces for 2 or more drive-up stations must be provided.~~

~~(b) The design of the vehicular access is compatible with high volume pedestrian walkways and parking access. The vehicular access will not disrupt established retail or service frontages designed to serve pedestrians, nor can the vehicular access lanes be located between the street and the main pedestrian access to the buildings.~~

~~(c) The vehicle stacking lanes must be contained within a structured parking area, or be otherwise screened.~~

~~(d) Landscaping or screening must be provided to mitigate any adverse effects on nearby property. Perimeter walkways and sidewalks must conform to the requirements of LUC 20.25A.060.~~

~~(e) Walk-up banking service, whether manned or electronically activated customer service stations, must be provided on site during regular daytime business hours for pedestrian business when there is no interior banking service.~~

...

~~(16) Other than administrative office use, each individual service use in NB Districts is limited to 5,000 square feet. Administrative office use is limited as follows: When located on the first floor of a building, administrative office use is limited to 5,000 square feet or 25 percent of the first floor footprint, whichever is less; when located above the first floor of a building, administrative office use is allowed without a limit on total aggregate square footage, so long as each individual administrative office use is limited to 5,000 square feet. In no event may administrative office uses exceed more than 50 percent of the total building square footage. Administrative conditional use approval is required for hours of~~

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~~operation between 12:00 midnight and 6:00 a.m. The applicant must meet the decision criteria for an Administrative Conditional Use Permit set forth in Chapter 20.30E LUC, and must demonstrate that: (a) the use will meet the requirements of the Noise Control Ordinance, Chapter 9.18 BCC; and (b) the use will meet the lighting standards of the Community Retail Design District for all lighting fixtures on the premises that would be lit between the hours of 12:00 midnight and 6:00 a.m. Businesses operating between the hours of 12:00 midnight and 6:00 a.m. on the effective date of City of Bellevue Ordinance No. 4422 are exempt from the ACUP requirements. Intentionally Deleted.~~

~~(17) Only travel agencies are permitted in NB Districts. Intentionally Deleted.~~

...

**Chart 20.10.440 Uses in land use districts**

Transportation and Utilities – Residential Land Use Districts

...

~~Permitted uses in the Shoreline Overlay District are listed in LUC 20.25E.020.~~

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**Chart 20.10.440 Uses in land use districts**

Transportation and Utilities – ~~Nonresidential Districts~~ Commercial and Mixed-Use Land Use Districts

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STD LAN D USE COD E REF	LAND USE CLASSIFICATION N	Professional Office PO	Office O	Office/Limited Business OLB	Office/Limited Business 2 OLB 2	Light Industry LI	General Commercial GC	Neighborhood Business NB	<del>Mixed Use: 8 Story</del> MU 8	Neighborhood Mixed Use NM U	Community Business <del>Mixed Use: 16 Story</del> CB MU1 6	Factoria Land Use District 1 F1	<del>Factoria Land Use District 2</del> F2	Factoria Land Use District 3 F3
...														
41	Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops	C	C	C	<del>C</del>	C	C	C	<del>C</del>	C	C	<del>C</del>	C	C
42 4291	Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters					P	P			<del>PC</del>		P		
...														
43	Aircraft Transportation: Airports, Fields, Terminals, Heliports,	C 11	C 12	C 12	C 12	C 12	C 11	<del>C 11</del>	C 11	C 12	C 11	C 12	<del>C 12</del>	C 12

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		PO	O	OLB	OLB 2	LI	GC	NB	MU 8	NM U	CB	MU1 6	F1	F2	F3
	Storage and Maintenance														
...															
	Accessory Parking (6, 24)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
46	Auto Parking: Commercial Lots and Garages (24)			C	C 26	C	C			C	C	C	C	C	C
	Park and Ride (5, 24)	C	C	C	C	C	C	C	C	C	C	C	C	C	C
475	Radio and Television Broadcasting Studios	P	P	P	P	P 10	P 10	C	P	P	P	P	P	P	P
...															

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		PO	O	OLB	OLB 2	LI	GC	NB	MU 8	NM U	CB	MU1 6	F1	F2	F3
	Highway and Street Right-of-Way (24)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Utility Facility	C	C	C	C	C	C	C	C	C	C	C	C	C	C
	Local Utility System	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Regional Utility System	C	C	C	C	C	C	C	C	C	C	C	C	C	C
	On-Site Hazardous Waste Treatment and Storage Facility (7)			A	A	A	A	A			A		A	A	A
...															



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		PO	O	OLB	OLB 2	LI	GC	NB	MU 8	NM U	CB	MU1 6	F1	F2	F3
	Electrical Utility Facility (22)	A/ C 22	A/ C 22	A/C 22	A/C 22	A/ C 22	A/ C 22	A/C 22	<del>A/C</del> 22	A/C 22	A/ C 22	<del>A/C</del> 22	A/ C 22	<del>A/</del> C 22	A/ C 22

Permitted uses in the Shoreline Overlay District are listed in LUC 20.25E.020.

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~~A – ADMINISTRATIVE CONDITIONAL USE (see Part 20.30E)~~

~~S – Permitted only as a subordinate use to a permitted or special use~~

**Notes: Uses in land use districts – Transportation and Utilities\*:**

...

~~(4) The location of an off-site parking facility must be approved by the Director of the Development Services Department. See LUC 20.25A.050.H, Intentionally Deleted.~~

...

~~(13) Design Review approval, Part 20.30E LUC, or a Change of Use Permit is required to establish a commercial parking facility. Refer to LUC 20.25A.050.E for additional development requirements. Intentionally Deleted.~~

...

**Chart 20.10.440 Uses in land use districts**

Wholesale and Retail – Residential Land Use Districts

...

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**Chart 20.10.440 Uses in land use districts**

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Wholesale and Retail - ~~Nonresidential Districts~~ Commercial and Mixed-Use Land Use Districts

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STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Office/Limited Business 2	Light Industry	General Commercial	Neighborhood Business	Mixed Use: 8 Story	Neighborhood Mixed Use	Community Business	Mixed Use: 16 Story	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3
		PO	O	OLB	OLB 2	LI	GC	NB (5)	MU8	NMU	CB (36)	MU16	F1	<del>F2</del>	F3
...						P	P	P	P	P	P	P	P		
...	Recycling Centers					P	P	P	P	P	P	P	P		
...															
5251	Hardware, Paint, Tile and Wallpaper (Retail)		P	P	P	S 35	P	P	P	P	P	P	P		
...															
53	General Merchandise: Dry Goods, Variety and Dept. Stores (Retail)		P	P	P			A	P	P	P	P	P		P



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		PO	O	OLB	OLB 2	LI	GC	NB (5)	MU8	NMU	CB (36)	MU16	F1	F2	F3
58	Eating and Drinking Establishments (37)		P <del>13</del>	P <del>14</del>	P 28	P 15, 29, 35	P	P 16, 28	P <del>28</del>	P 28	P	P <del>28</del>	P	P <del>14</del>	P 14
59	Misc. Retail Trade: Drugs, Liquor, Antiques, Books, Sporting Goods, Jewelry, Florist, Photo Supplies, Video Rentals and Computer Supplies		P <del>17</del>	<del>SP</del>	P		P	P <del>19</del>	P	P	P	P	P	<del>S</del>	<del>SP</del>
	Adult Retail Establishments (31)			S							P		P	<del>S</del>	S

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STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Office/Limited Business 2	Light Industry	General Commercial	Neighborhood Business	Mixed Use: 8 Story	Neighborhood Mixed Use	Community Business	Mixed Use: 16 Story	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3
		PO	O	OLB	OLB 2	LI	GC	NB (5)	MU8	NMU	CB (36)	MU16	F1	F2	F3
59	Marijuana Retail Outlet					A 41, 42					A 41, 42		A 41, 42		A 41, 42
...															
5996	Garden Supplies, Small Trees, Shrubs, Flowers, Ground Cover, Horticultural Nurseries and Light Supplies and Tools					P 35	P	P 20			P 20		P 20		P 20
5999	Pet Shop (Retail and Grooming)		<u>P</u>	<u>P</u>	P	P 26, 26 35	P	P	<u>P</u>	P	P	<u>P</u>	P		<u>P</u>

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		PO	O	OLB	OLB 2	LI	GC	NB (5)	MU8	NMU	CB (36)	MU16	F1	F2	F3
	Computers and Electronics (Retail)		P	P	P	P 12, 35	P	P	P	P	P	P	P		P

...

Permitted uses in the Shoreline Overlay District are listed in LUC 20.25E.020.

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.

Permitted uses in the Office and Limited Business-Open Space District (OLB-OS) are listed in LUC 20.25L.020.

Permitted uses in the Medical Institution District are listed in LUC 20.25J.020.

Permitted uses in the BelRed District (BR) are listed in LUC 20.25D.070.

Permitted uses in the Camp and Conference Center District (CCC) are listed in LUC 20.25N.040.

Permitted uses in the Eastgate Transit-Oriented Development District (EG-TOD) are listed in LUC 20.25P.050.

**KEY:**

P— PERMITTED USE

C— CONDITIONAL USE (see Part 20.30B or Part 20.30C)

PD— PERMITTED subject to planned unit development only. (See Part 20.30D)

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~~A – ADMINISTRATIVE CONDITIONAL USE (see Part 20.30E)~~

~~S – Permitted only as a subordinate use to a permitted or special use~~

**Notes: Uses in land use districts – Wholesale and Retail:**

...

~~(5) Each individual wholesale and retail use in NB Districts, except retail food stores and miscellaneous retail trade, is limited to 5,000 square feet. Wholesale and retail uses intending to operate between the hours of 12:00 midnight and 6:00 a.m. must obtain administrative conditional use approval. The applicant must meet the decision criteria for an Administrative Conditional Use Permit set forth in Chapter 20.30E LUC, and must demonstrate that: (a) the use will meet the requirements of the Noise Control Ordinance, Chapter 9.18 BCC; and (b) the use will meet the lighting standards of the Community Retail Design District for all lighting fixtures on the premises that would be lit between the hours of 12:00 midnight and 6:00 a.m. Businesses operating between the hours of 12:00 midnight and 6:00 a.m. on the effective date of the ordinance codified in this chapter are exempt from the ACUP requirements. Intentionally Deleted.~~

**(6) Retail auto sales are permitted only in the following locations:**

~~(a) The west side of 116th Avenue NE between NE 8th Street and the SE 8th Street off-ramp from northbound I-405;~~

~~(ba) Along SE 36th Street west of the ravine located at the approximate alignment of 133rd Avenue SE and east of 132nd Avenue SE; and~~

~~(cb) Fronting on SE 37th Street in the NMU District where the subject property was zoned General Commercial prior to the adoption of Ordinance No. 6366 on August 15, 2017.~~

...

~~(13) Eating and drinking establishments are excluded in transition areas in O Districts. Intentionally Deleted.~~

~~(14) Eating and drinking establishments are permitted in the OLB, F2 and F3 Districts subject to the following criteria: Intentionally Deleted.~~

~~(a) Such uses are physically integrated within a structure primarily used as a hotel or motel; office building; charitable, social, professional and labor organization; fraternal lodge; recreational facility or institution such as a public assembly (indoor);~~

~~(b) Such uses do not exceed 20 percent of the gross floor area of the structure or structures;~~

~~(c) The entire site complex has a unity of design in terms of wall and roof materials, roof slopes and window patterns;~~

...

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~~(17) Other retail trade is limited to drugstores only in O Districts. Intentionally Deleted.~~

...

~~(19) Except for drugstores, all miscellaneous retail uses combined cannot exceed 10,000 square feet and each individual use cannot exceed 3,000 square feet. Intentionally Deleted.~~

...

~~(26) Only pet grooming is permitted in the LI and GC Districts. Intentionally deleted.~~

...

~~(36) Retail uses in CB Districts in the following subareas, as designated in the Comprehensive Plan, are limited in size to 100,000 gross square feet or less: Bridle Trails, Evergreen Highlands, Newcastle, North Bellevue, Northeast Bellevue, Richards Valley, South Bellevue, Southeast Bellevue, and Wilburton; provided, that in CB Districts in the Wilburton Subarea, retail uses may be allowed to exceed 100,000 gross square feet through a Council-approved development agreement that is consistent with Chapter 36.70B RCW and includes design guidelines that (a) address the potential impacts of that scale of retail use, and (b) are consistent with the vision of Comprehensive Plan Policy S-WI-3 regarding the creation of a "retail village" on the commercial area west of 120th Avenue NE.~~

...

**Reorganization of LUC 20.20.128 into a new Chapter 20.15 LUC:**

*To increase both the readability and usability of LUC 20.20.128, the HOMA LUCA proposes to reorganize LUC 20.20.128 into a new Chapter 20.15 LUC. The reorganization itself will not result in substantive changes to the requirements previously contained in LUC 20.20.128. If HOMA Option A is adopted, the substantive changes included below in red and flagged in the comments will be included in the new Chapter 20.15 LUC. If HOMA Option B is adopted, then these changes will not be included in the new Chapter 20.15 LUC. In each section of proposed Chapter 20.15 LUC, a comment is included with a cross reference to where the section is currently codified in LUC 20.20.128.*

**Chapter 20.15 LUC Affordable Housing**

**20.15.010 Purpose**

The purpose of this section is to promote the development of affordable housing by establishing requirements, incentives, and fees for new development.

**Commented [A1]:** Reorganization of LUC 20.20.128.A.1.

**20.15.020 Definitions**

- A. For the purposes of this chapter, development consists “entirely of affordable housing” even where the development also contains one or more manager’s units that do not constitute affordable housing so long as the manager’s units are reserved exclusively for occupancy of an on-site manager serving the project and said manager’s household.

**Commented [A2]:** Reorganization of LUC 20.20.128.B.

**20.15.030 Administration**

- A. The Director shall be responsible for administration of this chapter.
- B. Annual Adjustments for Inflation. The Director is both authorized and directed to annually increase or decrease the fees listed below by an adjustment necessary to reflect the then-current published annual change in the Seattle Consumer Price Index for Wage Earners and Clerical Workers:
  - 1. The in-lieu fees contained in Table 20.15.150.B;
  - 2. The in-lieu fee for nonresidential development contained in Chart 20.25Q.070.D.4; and
  - 3. The in-lieu fee for middle housing development contained in Table 20.15.080.B.2.b.

**Commented [A3]:** Reorganization of LUC 20.20.128.I.5 and LUC 20.20.128.A.5.

**20.15.040 Applicable Procedures**

- A. An application to utilize the provisions of this section shall be processed through the required land use review for the project. If a land use approval is not required for the project, then the application shall be processed through the Building Permit review.
- B. Prior to the issuance of any permit(s) or approval(s), the Director shall review, and must approve, any affordable housing required by operation of this title. The Director may approve the proposed affordable housing only if they are consistent with the affordable housing standards adopted by rule in accordance with LUC 20.15.060.A and with the affordable housing standards listed in LUC 20.15.060.B.

**Commented [A4]:** Reorganization of LUC 20.20.128.C and LUC 20.20.128.I.10.

**20.15.050 Modification of Certain Requirements**

- A. Modification of Amount of Payment or Performance. Pursuant to LUC 20.20.542, the Director may modify the amount of payment required under LUC 20.15.150 of this

**Commented [A5]:** Reorganization of LUC 20.20.128.J.8 and LUC 20.20.128.J.9. Added cross reference to LUC 20.25R.060.

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section or the amount of performance required under either LUC 20.15.120 or LUC 20.15.130 of this section.

- B. Downtown Land Use Districts (Part 20.25A LUC).
  - 1. Refer to LUC 20.25A.070.C for FAR exemptions and incentives applicable to affordable housing in Downtown land use districts.
- C. BelRed Land Use Districts (Part 20.25D LUC).
  - 1. Refer to LUC 20.25D.080 for FAR exemptions and incentives applicable to affordable housing in BelRed land use districts.
- D. Factoria 1 Land Use District (Part 20.25F1 LUC).
  - 1. Refer to LUC 20.25F1.120 for FAR exemptions and incentives applicable to affordable housing in the F1 land use district.
- E. Community Mixed-Use Design District (Part 20.25I LUC).
  - 1. Refer to LUC 20.25I.060 for FAR exemptions and incentives applicable to affordable housing the Community Mixed-Use Design District.
- F. Eastgate Transit Oriented Development Land Use District (Part 20.25P LUC).
  - 1. Refer to LUC 20.25P.060 for FAR exemptions and incentives applicable to affordable housing in the EG-TOD land use district.
- G. Mixed-Use Land Use Districts (Part 20.25R LUC).
  - 1. Refer to LUC 20.25R.050 for FAR exemptions and incentives applicable to affordable housing in Mixed-Use Land Use Districts.
  - 2. Refer to LUC 20.25R.060 for Catalyst Programs in Mixed-Use Land Use Districts. The provisions of the Catalyst Programs may modify the requirements of this chapter for certain development within Mixed-Use Land Use Districts.

**20.15.060 Affordable Housing Standards**

**Commented [A6]:** Reorganization of LUC 20.20.128.A.2, LUC 20.20.128.A.3, and LUC 20.20.128.A.4.

- A. The Director shall adopt by rule affordable housing standards to govern the construction, repair, modification, and operation of affordable housing created or regulated by operation of this title. Such standards shall be consistent with the requirements of this title. When adopting affordable housing standards, the Director shall consider each of the following:
1. Consistency with the City's Comprehensive Plan;
  2. Whether consistency with the City's other, non-Land-Use-Code-based affordable housing programs is beneficial to the City;
  3. Whether consistency with affordable housing standards adopted by neighboring jurisdictions is beneficial to the City;
  4. The impact on the City's affordable housing goals;
  5. The impact on the cost of development; and
  6. The impact on the quality of life of residents of affordable units.
- B. The following affordable housing standards shall apply to any affordable housing created or regulated by operation of this title. In the event of a conflict between a standard listed below and a standard included elsewhere in this title, the standard included elsewhere shall control.
1. The affordable housing shall be generally distributed throughout the residential portions of a development and, where market-rate dwelling units are provided, intermingled with market-rate dwelling units. The Director shall define by rule the terms "generally distributed" and "intermingled" for the purposes of this subsection.
  2. If all market-rate dwelling units in the development are for rent, then all affordable housing shall also be for rent.
  3. If all market-rate dwelling units in the development are for sale, then all dwelling units of affordable housing shall also be for sale.

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4. If the market-rate dwelling units in the development are a mix of dwelling units that are for rent and for sale, then the dwelling units of affordable housing shall be a proportionate mix of rental and for-sale units.
  5. The affordable housing shall consist of a mix of number of bedrooms that is in the same proportion as the bedroom mix of market-rate dwelling units in the overall development. The Director shall define by rule the term “bedroom” for the purposes of this subsection.
  6. The affordable housing shall be provided in a range of sizes comparable to the size of market-rate dwelling units in the development.
  7. The materials, finishes, design, amenities, and appliances of affordable housing shall have substantially the same functionality as, and be substantially comparable with, those of the other dwelling units in the development.
  8. The affordable housing shall remain affordable for the life of the project, which shall not be less than 50 years.
  9. The affordable housing shall be affordable to eligible households earning up to, and including, 80 percent of the area median income, but may be restricted to eligible households earning a lower area median income at the owner’s discretion or where required by project funding or applicable state or federal laws, regulations, or programs.
- C. Legal Agreement. Whenever affordable housing is created by operation of this title then, prior to issuance of a building permit for the development, the City and the owner of the site shall enter into an agreement, in a form approved by the Director. Once fully executed, the agreement shall be recorded, with the King County Recorder’s Office, on the title of the real property on which the development is located.
1. The agreement shall be a covenant running with the land and shall be binding on the assigns, heirs, and successors of the owner of the property.
  2. If affordable housing is later converted from being for rent to for sale, or for sale to for rent, then such dwelling units shall remain affordable to households at the same percentage area median income as required under the Director’s original approval; provided, that the Director may approve different percentage area median incomes. Where different percentage area median incomes are approved in relation to a

**Commented [A7]:** Currently, the definition of “Affordable Housing” contained in LUC 20.50.010 sets the general rule that Affordable Housing be affordable to 80% AMI. Through the reorganization of LUC 20.20.128 into Chapter 20.15 LUC, staff proposes to move this general rule into this section for clarity.

As stated in LUC 20.15.060.B, in the event that another provision of Title 20 LUC requires a lower AMI, that requirement shall govern over this general rule.

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conversion, the Director shall require the owner to execute and record a revised legal agreement reflecting the new percentage area median incomes.

3. The affordable housing shall remain affordable to households at the same percentage area median income as required under the Director's original approval for the life of the project, which shall not be less than 50 years.
4. Through the agreement, the Director may agree to subordinate the agreement for the purpose of enabling the owner to obtain financing for development of the property; provided, that such subordination is consistent with the applicable requirements of this title.
5. The agreement shall address price restrictions, home buyer or tenant qualifications, phasing of construction, monitoring of affordability, and any other topics applicable to the construction, maintenance, and operation of the affordable housing; provided, that the covenant shall be consistent with the applicable requirements of this title.

**20.15.070 Density Bonus – Mixed-Income Multifamily Development**

- A. Applicability. This section applies to development meeting all of the following requirements:
  1. The development is located within the LDR-2, LDR-3, MDR-1, or MDR-2 land use districts;
  2. The development consists of attached or detached multifamily dwellings; and
  3. The development includes both market rate and affordable housing dwelling units on site.
- B. Density Bonus. Development subject to this section may exempt 1 bonus market rate dwelling unit for each equivalent-sized dwelling unit of affordable housing provided, up to 15 percent above the maximum density allowed in the underlying land use district.
- C. Modification of Other Applicable Requirements. Development subject to this section may benefit from the following modifications to other applicable requirements:

**Commented [A8]:** Reorganization of LUC 20.20.128.D.1.a, LUC 20.20.128.E.1, LUC 20.20.128.F.1, and LUC 20.20.128.G.

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1. **Parking Requirements.** If necessary to accommodate the development of affordable housing on site, then the Director may increase the percent of compact parking stalls by up to 75 percent of the total required parking. Tandem parking stalls are permitted to the extent feasible to satisfy required parking ratios.
2. **Building Height.** Except in the Shoreline Overlay District, the maximum building height in the LDR-2, LDR-3, MDR-1, and MDR-2 land use districts may be increased by up to 12 feet for those portions of the building(s) at least 20 feet from any property line.
3. **Open Space.** The open and recreation space requirement within a residential planned unit development containing development subject to this section may be reduced to 35 percent of gross land area. All other requirements of LUC 20.30D.160 shall continue to apply.
4. **Dimensional Standard Modification.** Development subject to this section may replace the applicable dimensional requirements in Chart 20.20.010 for the LDR-2, LDR-3, MDR-1, and MDR-2 land use districts with those in Chart 20.15.070.C. All other applicable dimensional requirements that are included in Chart 20.20.010 but are not included in Chart 20.15.070.C shall continue to apply, including applicable footnotes.

<b>Land Use District</b>	<b>LDR-2</b>	<b>LDR-3</b>	<b>MDR-1</b>	<b>MDR-2</b>
<b>Dwelling Units per Acre</b>	11.5	17.3	23	34.5
<b>Maximum Impervious Surface (Percent)</b>	70	70	70	70

**20.15.080 Density Bonus - Middle Housing Development**

**Commented [A9]:** Reorganization of LUC 20.20.128.D.1.b, LUC 20.20.128.E.2, and LUC 20.20.128.G.

- A. **Applicability.** This section applies to middle housing development on a lot in any residential land use district where the maximum density would not otherwise allow six dwelling units as primary structures.
  
- B. **Density Bonus.** Middle housing development subject to this section may develop up to six dwelling units as primary structures where the applicant proposing the middle housing development complies with at least one of the following options:
  - 1. **Performance Option.** At least two of the dwelling units constituting primary structures are affordable to households as follows:
    - a. For dwelling units intended for rent, the dwelling unit shall be affordable to households earning up to, and including, 60 percent of the area median income.
    - b. For dwelling units intended for sale, the dwelling unit shall be affordable to households earning up to, and including, 80 percent of the area median income.
  - 2. **Payment Option.** The applicant provides a cash payment of an in-lieu fee to the City as follows:
    - a. In-lieu fees shall be both assessed and collected at building permit issuance.
    - b. The payment amount shall be calculated as a flat fee, in accordance with Table 20.15.080.B.2.b, per market rate dwelling unit that would otherwise be required to be affordable under the Performance Option.

**Table 20.15.080.B.2.b**

<b>Land Use District</b>	<b>In-Lieu Fee</b>
All residential land use districts	\$150,000 per dwelling unit

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- c. Compliance Through a Combination of Performance and Payment Options. To earn the density bonus under this section, the applicant may provide one dwelling unit of affordable housing by operation of the Performance Option and provide a cash payment in lieu of a second dwelling unit of affordable housing by operation of the Payment Option.
- C. Modification of Other Applicable Requirements. If the performance option described in subsection B.1 of this section is used, then middle housing development subject to this section may benefit from the following modifications of other applicable requirements:
- 1. Building Height. Except in the Shoreline Overlay District, the maximum building height for middle housing development in the LDR-2, LDR-3, MDR-1, and MDR-2 land use districts may be increased by up to 12 feet for those portions of the building(s) at least 20 feet from any property line.
  - 2. Open Space. The open and recreation space requirement within a residential planned unit development containing middle housing may be reduced to 35 percent of gross land area. All other requirements of LUC 20.30D.160 shall continue to apply.

**20.15.090 Density Bonus – Development Consisting Entirely of Affordable Housing**

- A. Applicability. This section applies to residential development consisting entirely of affordable housing in the locations, and with the qualifying ownership, listed in this subsection.
- 1. Owned or controlled by a religious organization at the time that the land use application is deemed complete and located in any of the following land use districts: LL-1, LL-2, SR-1, SR-2, SR-3, SR-4, or LDR-1.
  - 2. Owned or controlled by a religious organization, nonprofit organization, or public agency, except for Bellevue Parks Department, Bellevue Community Development Department, or any public utility entity, and located in all land use districts in which attached or detached multifamily dwellings are permitted, including property with an affordable housing suffix.
- B. Density Bonus. Residential development subject to this section may receive a bonus of 50 percent above the maximum density allowed in the underlying land use district.

**Commented [A10]:** Reorganization of LUC 20.20.128.D.1.c, LUC 20.20.128.E.3, LUC 20.20.128.F.2, and LUC 20.20.128.G.

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- C. Modification of Other Applicable Requirements. Residential development subject to this section may benefit from the following modifications of other applicable requirements:
1. Parking Requirements. If necessary to accommodate the development of affordable housing on site, then the Director may increase the percent of compact parking stalls by up to 75 percent of the total required parking. Tandem parking stalls are permitted to the extent feasible to satisfy required parking ratios.
  2. Building Height. Except in the Shoreline Overlay District, the maximum building height for residential development subject to this section on property with an affordable housing suffix or on property located in the LDR-2, LDR-3, MDR-1, and MDR-2 land use districts may be increased by up to 12 feet for those portions of the building(s) at least 20 feet from any property line.
  3. Open Space. The open and recreation space requirement within a residential planned unit development containing residential development subject to this section may be reduced to 35 percent of gross land area. All other requirements of LUC 20.30D.160 shall continue to apply.
  4. Dimensional Standard Modification. Residential development subject to this section may replace the applicable dimensional requirements in Chart 20.20.010 with those in Chart 20.15.090.C. All other applicable dimensional requirements that are included in Chart 20.20.010 but are not included in Chart 20.15.090.C shall continue to apply, including applicable footnotes.

**Chart 20.15.090.C**

Modified Dimensional Requirements for  
 Affordable Housing Development

Land Use District	LL-1	LL-2	SR-1	SR-2	SR-3	SR-4	LDR-1	LDR-2 (AH-1)	LDR-3 (AH-3)	MDR-1 (AH-3)	MDR-2 (AH-4)
Minimum Lot Area (Thousands of Sq. Ft.)	23.3	13.3	9.0	6.7	5.7	4.8	3.1				

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<b>Dwelling Units per Acre</b>	1.5	2.7	3.8	5.3	6.0	7.5	11.3	15.0	22.5	30.0	45.0
<b>Maximum Lot Coverage by Structures (percent)</b>	35	35	35	40	40	40	40	40	40	40	40
<b>Maximum Hard Surface Coverage (percent)</b>	75	75	75	75	80	80	90	90	90	90	90
<b>Maximum Impervious Surface (percent)</b>	45	45	45	55	55	55	65	70	70	70	70

**20.15.100 Affordable Housing Suffix Rezone**

**Commented [A11]:** Reorganization of LUC 20.20.128.D.2 and LUC 20.20.128.H.

- A. Purpose. The purpose of the affordable housing suffix is to allow the development of affordable housing consisting of attached or detached multifamily dwelling subject to the requirements of this section.
- B. Applicability.
  - 1. This section applies to real property meeting all of the following requirements:
    - a. Owned or controlled by a religious organization at the time that the land use application is deemed complete; and
    - b. Located in any of the following land use districts: LL-1, LL-2, SR-1, SR-2, SR-3, SR-4, LDR-1; and
    - c. Located within 500 feet of a land use district where commercial uses or attached or detached multifamily dwellings are permitted; and

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- d. The Director determines either that the property is located on an arterial street or located in one of the following locations:
  - i. Within 1/2 mile of a transit stop that receives service at least 4 times per hour for 12 or more hours per day; or
  - ii. Within one-half mile of a light rail or bus rapid transit station or a future light rail or bus rapid transit station scheduled to begin service within two years; or
  - iii. Within 1/4 mile of a transit stop that receives service at least 2 times per hour for 12 or more hours per day.
- 2. This section also applies to real property that does not meet all of the requirements listed in subsection B.1 of this section so long as the following requirements are satisfied:
  - a. The property is contiguous, and under common ownership, with real property meeting all of the requirements listed in subsection B.1 of this section; and
  - b. The property is not separated from the real property meeting all of the requirements listed in subsection B.1 of this section by public right-of-way.
- C. Rezone Criteria. Owners of property subject to this section may apply for a rezone, under Part 20.30A LUC, to append an affordable housing suffix to the property's existing Land Use District.
  - 1. Reference Land Use District. The affordable housing suffix shall be determined based on the eligible property's reference Land Use District. The reference Land Use District shall be the highest density land use district located within 500 feet of the eligible property.
  - 2. Suffix Available for Rezone. Chart 20.15.100.C identifies the affordable housing suffixes associated with reference Land Use Districts. The applicant may request up to the highest affordable housing suffix associated with the eligible property's reference Land Use District.

**Chart 20.15.100.C**

Affordable Housing Suffix Eligibility

Reference Land Use District	Associated Affordable Housing Suffix
LDR-2, PO	(AH-1)
LDR-3, NB	(AH-2)
MDR-1, O, GC	(AH-3)
MDR-2, BR-CR, BR-ORT, BR-RC, CB, DT (Any), EG-TOD, EM-TOD-L, EM-TOD-L, F1, F3, LI, NMU, OLB, OLB 2, NMU, UC, MU-H, MU-M, MUR-M, MU8, MU16	(AH-4)

D. Development with Suffix.

1. Increased Density. If the development on a property with an affordable housing suffix consists entirely of affordable housing, then the development may conform to the associated Land Use District identified in Chart 20.15.100.D, including associated dimensional standard modifications identified in Chart 20.15.090.C, instead of the underlying Land Use District.

**Chart 20.15.100.D**

Alternate Land Use Districts Associated with

Affordable Housing Suffixes

Affordable Housing Suffix	Associated Land Use District
(AH-1)	LDR-2

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(AH-2)	LDR-3
(AH-3)	MDR-1
(AH-4)	MDR-2

2. Religious Facilities. The Director may administratively consider, approve, or disapprove the redevelopment of an existing religious facility subject to the criteria set forth in Part 20.30E LUC for an Administrative Conditional Use, provided the following criteria can be met:
  - a. The proposed religious facility is part of a proposal that meets all requirements of this section; and
  - b. The gross square footage of the new religious facility is less than or equal to the existing gross square footage of the religious facility it will replace.

**20.15.110 Affordable Housing Program – General**

A. Applicability. This section applies to development meeting all of the following criteria:

1. The development contains either or both of the following:
  - a. 10 or more dwelling units, including any accessory dwelling unit permitted under LUC 20.20.120; or
  - b. More than 4,000 square feet of gross floor area.
2. The development is either fully or partially located within one of the following land use districts:
  - a. A Mixed-Use Land Use District (UC, MU-H, MU-M, or MUR-M).
  - b. A Community Mixed-Use Design District (O, OLB, OLB 2, NB, CB, NMU, MU8, MU16, or F3).

**Commented [A12]:** Reorganization of LUC 20.20.128.I.1 and LUC 20.20.128.I.11.

**Commented [A13]:** Currently, LUC 20.20.128.I.1 applies when “the multifamily or mixed-use *structure* contains 10 or more dwelling units.” The existing language has the unintended consequence of exempting townhouse development where no single structure contains 10 or more dwelling units.

Through the reorganization of LUC 20.20.128 into Chapter 20.15 LUC, this requirement is proposed to be modified to apply to developments, in the specified land use districts, containing 10 or more dwelling units, regardless of whether they are within the same structure.

**Commented [A14]:** Subsections A.2.b, .c, and .d will only be included if the City Council proceeds with HOMA Option A, which would adopt a mandatory affordable housing program applicable to the listed land use districts.

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c. The EG-TOD land use district.

d. The F1 land use district.

B. Exceptions. The following development is exempt from this section, even where it would otherwise meet the criteria listed in subsection A of this section:

1. Building additions that increase the gross floor area by less than 50 percent.

C. ~~Multifamily Residential~~ or Mixed-Use Development. ~~Multifamily Residential~~ or mixed-use development subject to the requirements of this section shall comply with at least one of the following:

1. The residential performance option under LUC 20.15.120;

2. The payment option under LUC 20.15.150;

3. A combination of the residential performance option and the payment option in accordance with LUC 20.15.160; or

4. The land transfer option under LUC 20.15.170.

D. Nonresidential Development. Nonresidential development subject to the requirements of this section shall comply with at least one of the following:

1. The nonresidential performance option under LUC 20.15.130;

2. The payment option under LUC 20.15.150;

3. A combination of the nonresidential performance option and the payment option in accordance with LUC 20.15.160; or

4. The land transfer option under LUC 20.15.170.

E. Acceptance and Deposit of Funds. If a development subject to the requirements of this section elects to comply with this section through the payment option under LUC 20.15.150, or a combination of the payment option and a performance option under LUC 20.15.160, then the Director is authorized to accept such payment from the

applicant. Funds shall be deposited into a special account and may be used by the City for the purposes authorized by RCW 36.70A.540.

**20.15.120 Affordable Housing Program – Performance Option – Residential**

**Commented [A15]:** Reorganization of LUC 20.20.128.J.2.

- A. Applicability. This section applies to ~~multifamily-residential~~ or mixed-use development that desires to comply with the requirements of LUC 20.15.110 through the residential performance option.
- B. Onsite Performance. ~~Multifamily-Residential~~ or mixed-use development complying with LUC 20.15.110 through the residential performance option shall provide affordable housing in an amount indicated below:
  - 1. For dwelling units intended for rent, one of the following:
    - a. At least 10 percent of all dwelling units shall be affordable to eligible households earning up to, and including, 80 percent of the area median income; or
    - b. At least 7 percent of all dwelling units shall be affordable to eligible households earning up to, and including, 60 percent of the area median income; or
    - c. At least 5 percent of all dwelling units shall be affordable to eligible households earning up to, and including, 50 percent of the area median income.
  - 2. For dwelling units intended for sale, one of the following:
    - a. At least 10 percent of all dwelling units shall be affordable to eligible households earning up to, and including, 100 percent of the area median income; or
    - b. At least 7 percent of all dwelling units shall be affordable to eligible households earning up to, and including, 80 percent of the area median income.
  - 3. If the operation of this section would result in a fractional requirement, and that fraction is 0.5 or greater, then the number of dwelling units of affordable housing required at the applicable area median income shall be equal to the next higher whole number. If that fraction is less than 0.5, then the number of dwelling units of affordable housing required at the applicable area median income shall be rounded down to the next lower whole number.

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4. Affordable housing may be provided on site, off site, or through a combination of on-site and off-site performance.
5. To satisfy the requirements of this section, any affordable housing located off site must comply with the requirements of LUC 20.15.140.

**20.15.130 Affordable Housing Program – Performance Option – Nonresidential**

**Commented [A16]:** Reorganization of LUC 20.20.128.I.3.

- A. **Applicability.** This section applies to nonresidential development that desires to comply with the requirements of LUC 20.15.110 through the nonresidential performance option.
- B. **On-site Performance.** Nonresidential development complying with LUC 20.15.110 through the nonresidential performance option shall provide affordable housing in an amount indicated below:
  1. For dwelling units intended for rent, one of the following:
    - a. For every 1,000 square feet of gross floor area, 1 dwelling unit shall be provided that is affordable to households earning up to, and including, 80 percent of the area median income; or
    - b. For every 3,000 square feet of gross floor area, 1 dwelling unit shall be provided that is affordable to households earning up to, and including, 60 percent of the area median income; or
    - c. For every 5,000 square feet of gross floor area, 1 dwelling unit shall be provided that is affordable to households earning up to, and including, 50 percent of the area median income.
  2. For dwelling units intended for sale, one of the following:
    - a. For every 1,000 square feet of gross floor area, 1 dwelling unit shall be provided that is affordable to households earning up to, and including, 100 percent of the area median income; or
    - b. For every 3,000 square feet of gross floor area, 1 dwelling unit shall be provided that is affordable to households earning up to, and including, 80 percent of the area median income.

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3. If the operation of this section would result in a fractional requirement, and that fraction is 0.5 or greater, then the number of dwelling units of affordable housing required at the applicable area median income shall be equal to the next higher whole number. If that fraction is less than 0.5, then the number of dwelling units of affordable housing required at the applicable area median income shall be rounded down to the next lower whole number.
4. Affordable housing may be provided on site, off site, or through a combination of on-site and off-site performance.
5. To satisfy the requirements of this section, any affordable housing located off site must comply with the requirements of LUC 20.15.140.

**20.15.140 Affordable Housing Program – Performance Option – Compliance through Offsite Performance**

**Commented [A17]:** Reorganization of LUC 20.20.128.I.7.

- A. Applicability. This section applies to development that desires to comply with the requirements of LUC 20.15.110 through a performance option and desires to provide affordable housing off-site.
- B. Off-site Performance. To satisfy the requirements of either LUC 20.15.120 or LUC 20.15.130, affordable housing located off site must be located both within the City limits and within one of the following tiers of locations. Any affordable housing must also meet all requirements applicable to that location tier.
  1. Tier 1 – Proximity to Light Rail or Bus Rapid Transit.
    - a. The affordable housing may be located within one-half mile of an existing or future station on a light rail system funded or expanded under the provisions of Chapter 81.104 RCW.
    - b. The affordable housing may be located within one-half mile of an existing or future station on a bus rapid transit line.
  2. Tier 2 – Proximity to Transit or Nonmotorized Facility.
    - a. The affordable housing may be located within 1/2 mile of an existing or future transit stop that receives service at least 4 times per hour for 12 or more hours per day; provided, that the unit is affordable to households earning up to, and

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including, 60 percent of the area median income for rental units and 100 percent of the area median income for ownership units.

- b. The affordable housing may be located within 1/2 mile of an existing or future transit stop that receives service at least 2 times per hour for 12 or more hours per day; provided, that the unit is affordable to households earning up to, and including, 50 percent of the area median income for rental units and 100 percent of the area median income for ownership units.
  - c. The affordable housing may be located on any lot that adjoins an access corridor containing a bike lane or a separated nonmotorized facility other than a sidewalk. However, the unit must be affordable to households earning up to, and including, 50 percent of the area median income for rental units and 100 percent of the area median income for ownership units.
3. Requirements Applicable to Both Tier 1 and Tier 2 Locations.
- a. If a physical impediment exists that would require pedestrians to walk more than one-half mile to the station or stop from the location of the affordable housing, then the Director may determine that the location does not meet the requirements of the applicable tier.
  - b. If an applicant selects a Tier 2 location, the amount of affordable housing required to be produced under LUC 20.15.120 or LUC 20.15.130 is not modified. Instead, the amount of affordable dwelling required by operation of LUC 20.15.120 or LUC 20.15.130 will apply, but, where required by operation of subsection B.2 of this section, the affordable housing must be affordable to a lower area median income bracket than what would otherwise be required under LUC 20.15.120 or LUC 20.15.130.
  - c. A certificate of occupancy for any market-rate dwelling unit or nonresidential gross floor area in the development shall not be issued until a certificate of occupancy has been issued for all affordable housing located off site, except if the applicant provides an assurance device in accordance with the following requirements:
    - i. The applicant may provide an assurance device, in a form acceptable to the Director pursuant to LUC 20.40.490.C, in an amount equal to the in-lieu fee that would otherwise be assessed for the development by normal operation of this section if no off-site affordable housing were constructed.

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- ii. The assurance device shall require that the off-site affordable housing are fully constructed and receive a final certificate of occupancy no later than 365 calendar days after the final certificate of occupancy is issued for market-rate dwelling units or for any nonresidential gross floor area in the development.
- iii. If a certificate of occupancy is not issued for all off-site affordable housing within this time frame, and no extension has been granted by the Director, then the Director shall collect the proceeds of the assurance device and deposit and use the funds in accordance LUC 20.15.110.E.
- iv. The Director may grant an extension, not to exceed a total of 180 additional calendar days, if: a written request for the extension is filed at least 30 calendar days before the expiration of the 365-calendar-day time limit; and the Director determines that unforeseen circumstances or conditions which are not the result of the voluntary actions of the applicant necessitate the extension; and the Director determines that the applicant has demonstrated reasonable diligence in attempting to meet the 365-calendar-day time limit.
- v. If a certificate of occupancy is issued for all off-site affordable housing within the required timeframe, the Director shall release the assurance device.

**20.15.150 Affordable Housing Program – Payment Option**

- A. Applicability. This section applies to development that desires to comply with the requirements of LUC 20.15.110 through the payment option.
- B. Payment Option. Development complying with LUC 20.15.110 through the payment option shall provide a cash payment to the City in lieu of on-site or off-site performance as follows:
  - 1. Assessment and Vesting of Fees.
    - a. In-lieu fees shall be assessed at the time a complete design review application is submitted for the applicable phase and shall be collected at the time of building permit issuance for the applicable phase.
    - b. Once assessed, the applicable phase shall vest to the in-lieu fee for a period of three years beginning at the time that the complete design review application was submitted.

**Commented [A18]:** Reorganization of LUC 20.20.128.I.4.

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- c. The Director may grant an extension, not to exceed one year, to the vesting period of the in-lieu fee for good cause.
  - d. If a complete building permit application is not submitted within the vesting period described in this subsection, as may be extended by the Director, then the in-lieu fee shall be reassessed at the then applicable rate.
2. Calculation of Payment Amount.
- a. The payment amount shall be calculated by multiplying the applicable per-square-foot fee specified in Table 20.15.150.B by the total square footage of new nonexempt gross floor area.
  - c. For the purposes of this section, nonexempt gross floor area refers to the portion of gross floor area that is included in the applicable Floor Area Ratio (FAR) calculation. Gross floor area that is excluded from the applicable FAR calculation includes parking, mechanical floors or areas, and other exempt floor area authorized under Part 20.25R LUC (Mixed Use Districts), including Active Uses (up to 1.0 FAR pursuant to LUC 20.25R.050.C.1), affordable commercial space, and affordable housing.
  - d. The applicable fees for development that is entirely nonresidential are listed in the second column of Table 20.15.150.B titled "Nonresidential Fee Per Square Foot of New Nonexempt Gross Floor Area."
  - e. The applicable fees for development that is either mixed-use or entirely residential are listed in the third column of Table 20.15.150.B titled "Residential and Mixed-Use Fee Per Square Foot of New Nonexempt Gross Floor Area."
  - i. Development that is mixed-use shall not be subject to separate in-lieu fee rates for the residential and nonresidential portions of such development.
  - ii. For the purposes of this subsection, phased development shall still be considered to be mixed-use even if one or more phases consist of buildings that are entirely nonresidential so long as some proportion of the first phase to be constructed is residential.

**Table 20.15.150.B**

**Commented [A19]:** The bottom two rows will only be included if the City Council proceeds with HOMA Option A, which would adopt a mandatory affordable housing program applicable to the listed land use districts.

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Land Use District	Nonresidential Fee Per Square Foot of New Nonexempt Gross Floor Area	Residential and Mixed-Use Fee Per Square Foot of New Nonexempt Gross Floor Area
UC, MU-H, MU-M, MUR-M	\$16.50	\$13.00
OLB 2, NMU, MU8, MU16, F1, F3, EG-TOD	\$16.50	\$13.00
O, OLB, NB, CB	\$16.50	\$10.00

**20.15.160 Affordable Housing Program – Compliance through a Combination of Performance and Payment Options**

**Commented [A20]:** Reorganization of LUC 20.20.128.I.6.

- A. Applicability. This section applies to development that desires to comply with the requirements of LUC 20.15.110 through a combination of performance and payment options.
- B. Compliance through Combination of Performance and Payment Options. Development complying with LUC 20.15.110 through a combination of the payment option under LUC 20.15.150 and the otherwise applicable performance option under either LUC 20.15.120 or LUC 20.15.130 shall use the following procedure:

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1. First, the total in-lieu fee for the development shall be calculated as if compliance would be achieved solely by operation of LUC 20.15.150.
  2. Then, the total number of dwelling units of affordable housing required to be created for the development shall be calculated as if compliance would be achieved solely by operation of LUC 20.15.120 or LUC 20.15.130, as would otherwise be applicable to the development.
  3. Then, the actual number of dwelling units of affordable housing proposed to be created for the development shall be divided by the result calculated in subsection B.2 of this section.
  4. Then, the result calculated in subsection B.3 of this section shall be subtracted from the number one.
  5. Then, the result calculated in subsection B.4 of this section shall be multiplied with the result calculated in subsection B.1 of this section.
  6. The result calculated in subsection B.5 of this section constitutes the actual in-lieu fee that shall be required to be paid; provided, that the actual number of dwelling units of affordable housing proposed to be created for the development is constructed, maintained, and operated in accordance with the requirements of this title.
- C. Example. The following is an example demonstrating application of the procedure described in subsection I.6.a of this section to a hypothetical mixed-use development:

<b>In-Lieu Fee Amount Required (Required Fee):</b>	\$1,500,000
<b>Affordable Housing Required (Required AH):</b>	100
<b>Actual Number of Dwelling Units of Affordable Housing Proposed (Proposed AH):</b>	10

<b>Actual In-Lieu Fee Amount Required to be Paid:</b>	\$1,350,000
<p>Required Fee x [1 - (Proposed AH/Required AH)]</p> <p><math>\\$1,500,000 \times [1 - (10/100)] = \\$1,350,000</math></p> <p>Compliance is achieved.</p>	

**20.15.170 Affordable Housing Program – Land Transfer Option**

**Commented [A21]:** Reorganization of LUC 20.20.128.j.5.

- A. Applicability. This section applies to development that desires to comply with the requirements of LUC 20.15.110 through the land transfer option.
- B. Land Transfer Option. As one means of complying with LUC 20.15.110, the City may, but is not required to, accept legal title to real property from an applicant for purposes relating to the construction, operation, maintenance, or acquisition of affordable housing. A proposed transfer of real property under this subsection shall be reviewed using the following procedure:
  - 1. Eligibility. The City will not consider a land transfer under this subsection unless the real property proposed to be transferred is located as follows:
    - a. If the development subject to LUC 20.15.110 is located within a Mixed-Use Land Use District subject to Part 20.25R LUC, then the real property proposed to be transferred must be located within a Mixed-Use Land Use District subject to Part 20.25R LUC.
    - b. If the development subject to LUC 20.15.110 is located within the OLB2, NMU, MU8, MU16, F1, F3, EG-TOD, O, OLB, NB, or CB land use districts, then the real property proposed to be transferred must be located within two miles of the development subject to LUC 20.15.110.

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2. Proposal Required. An applicant desiring to comply with the requirements of LUC 20.15.110 through the Land Transfer Option shall submit, in conjunction with a complete application for the required Master Development Plan or Design Review, a proposal containing the following information:
  - a. A feasibility analysis containing the following information:
    - i. Analysis demonstrating that, under applicable development regulations, site conditions on the real property proposed to be transferred would allow the construction of an amount of affordable housing equal to, or greater than, the number that would be required to be constructed under either LUC 20.15.120 or LUC 20.15.130, as would otherwise be applicable to the applicant's development;
    - ii. Analysis demonstrating that no legal agreements relating to, or legal interests in, the real property proposed to be transferred exist that would preclude the construction of an amount of affordable housing equal to, or greater than, the number that would be required to be constructed under either LUC 20.15.120 or LUC 20.15.130 of this section, as would otherwise be applicable to the applicant's development;
    - iii. Analysis demonstrating the maximum amount of affordable housing that could be constructed on the real property proposed to be transferred under applicable development regulations;
    - iv. Analysis demonstrating that adequate utility infrastructure exists to support the construction and operation of the amount of affordable housing identified in subsections B.2.a.i and B.2.a.iii of this section or, in the absence of adequate utility infrastructure, what utility infrastructure would be required to be constructed under applicable development regulations; and
    - v. The appraised value of the real property proposed to be transferred, as determined by an appraiser licensed under the laws of Washington State.
  - b. A survey of the real property proposed to be transferred, prepared by a surveyor licensed in the State of Washington, that depicts elevation, existing site conditions, all recorded easements, critical areas, critical area buffers, and critical area structure setbacks. The survey shall also include the legal description of the real property proposed to be transferred. The Director may further define what is required to be depicted on the survey by rule.

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3. Review Process.

- a. The City Manager, or designee, shall review the proposal. Where the following criteria are satisfied, the City Manager may, but is not required to, accept the transfer of real property and execute all documents necessary to effectuate the transfer:
  - i. Under applicable development regulations, site conditions on the real property proposed to be transferred would allow the construction of an amount of affordable housing equal to, or greater than, the number that would be required to be constructed under either LUC 20.15.120 or LUC 20.15.130, as would otherwise be applicable to the applicant's development;
  - ii. No legal agreements relating to, or legal interests in, the real property proposed to be transferred exist that would preclude the construction of a number of affordable dwelling units equal to, or greater than, the number that would be required to be constructed under LUC 20.15.120 or LUC 20.15.130, as would otherwise be applicable to the applicant's development; and
  - iii. The appraised value of the real property proposed to be transferred, as determined by an appraiser licensed under the laws of Washington State, is equal to, or greater than, the in-lieu fee that would be required under LUC 20.15.150.
- b. Recording Required. If the City Manager, or designee, accepts the transfer of real property, then the applicant shall record with the King County Recorder's Office all agreements and deeds necessary to effectuate the transfer and shall provide copies of the recorded documents to the Director.
- c. If the City Manager, or designee, declines the proposed transfer, then the applicant cannot satisfy the requirements of LUC 20.15.110 through the Land Transfer Option and must instead comply with the requirements of LUC 20.15.110 through another option listed in LUC 20.15.110.

**20.20 General Development Requirements**

**20.20.005 Chart of dimensional requirements described.**

~~Chart 20.20.010 sets forth the dimensional requirements for each land use district except: the Downtown Land Use Districts, the Evergreen Highlands Design District, the Evergreen~~

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~~Highlands Subarea Transportation Improvement Overlay District, the Medical Institution District, the OLB-OS Land Use District, and the BelRed Land Use Districts. All structures and activities in the City not located in the above districts shall conform to the dimensional requirements in Chart 20.20.010. Dimensional requirements for the Downtown Land Use Districts are found in LUC 20.25A.060. Dimensional requirements for the Evergreen Highlands Design District are found in Part 20.25F LUC. Dimensional requirements for the Evergreen Highlands Subarea Transportation Improvement Overlay District are found in Part 20.25G LUC. Dimensional requirements for the Medical Institution District are found in Part 20.25J LUC. Dimensional requirements for the OLB-OS Land Use District are found in LUC 20.25L.030. Dimensional requirements for the BelRed Land Use Districts are found in LUC 20.25D.080. Dimensional requirements for the Eastgate Transit-Oriented Development Land Use District are found in LUC 20.25P.060.A. Additional special dimensional requirements for designated areas of the City are contained in other parts of the Code as follows:~~

~~A. Chart 20.20.010 sets forth the dimensional requirements generally applicable to structures or development located in the following land use districts: residential land use districts, PO, O, OLB, OLB-2, LI, GC, NB, NMU, CB, F3, MU8, MU16, UC, MU-H, MU-M, and MUR-M. Other sections of Chapter 20.20 LUC may modify the dimensional requirements contained in Chart 20.20.010 or may provide, or otherwise specify, different dimensional requirements for certain types of structures or development.~~

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

~~A. Part 20.25B LUC – Transition Areas;~~

~~B. Part 20.25C LUC – OLB Districts;~~

~~1C. Part 20.25E LUC – Shoreline Overlay District;~~

~~2D. Part 20.25H LUC – Critical Areas Overlay District;~~

~~3E. Part 20.45A LUC – Platting and Subdivisions;~~

~~4F. Part 20.45B LUC – Short Plats and Short Subdivisions.~~

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C. Chapters 20.15 LUC and other sections of Chapter 20.20 LUC may modify the dimensional requirements contained in Chart 20.20.010 or may provide, or otherwise specify, different dimensional requirements for certain types of structures or development.

D. Chart 20.20.010 does not apply in the following land use districts:

1. Downtown Districts. Dimensional requirements for structures or development located in Downtown land use districts are listed in LUC 20.25A.060.
2. BelRed Districts. Dimensional requirements for structures or development located in BelRed land use districts are listed in LUC 20.25D.080.
3. Factoria 1 District. Dimensional requirements for structures or development located in the Factoria 1 land use district are listed in LUC 20.25F1.040
4. Medical Institution (MI) District. Dimensional requirements for structures or development located in the MI land use district are listed in LUC 20.25I.030.
5. Office and Limited Business-Open Space (OLB-OS) District. Dimensional requirements for structures or development located in the OLB-OS land use district are listed in LUC 20.25L.030.
6. Camp and Conference Center (CCC) District. Dimensional requirements for structures or development located in the CCC land use district are listed in LUC 20.25N.040.
7. Eastgate TOD District. Dimensional requirements for structures or development located in the Eastgate Transit Oriented Development land use district are listed in LUC 20.25P.060.
8. East Main TOD Districts. Dimensional requirements for structures or development located in East Main Transit Oriented Development land use districts are listed in LUC 20.25Q.060.

**20.20.010** ~~Uses in land use districts~~ **Dimensional requirements.**

**Chart 20.20.010**

~~Uses in land use districts~~ – **Dimensional Requirements** in Land Use Districts

...

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



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Minimum Setbacks of Structures (feet) Front Yard (18) (20)	3 0	<del>300</del> 0	<del>50</del> 0	0	1 5	1 5	<del>0</del> 0	<del>0</del> 0	0	<del>0</del> 0	<del>0</del> 0	5 0	<del>200</del>
Rear Yard <del>(17)</del> (18) (20)	2 5 (1 7)	<del>0/25</del> 0	<del>50</del> 0	0	(2 1 7)	(2 1 7)	<del>0</del> (2) 0	0	0	<del>0</del> (2) 0	<del>0</del> 0	3 0	<del>50</del>
Side Yard <del>(17)</del> (18) (20)	2 0 (1 7)	<del>020</del> 0	<del>03</del> 0	0	(2 1 7)	(2 1 7)	<del>0</del> (2) 0	0	0	<del>0</del> (2) 0	<del>0</del> 0	3 0	<del>50</del>
2 Side Yards <del>(17)</del> (18) (20)	4 0 (1 7)	<del>400</del> 0	<del>60</del> 0	0	(2 1 7)	(2 1 7)	<del>0</del> (2) 0	0	0	<del>0</del> (2) 0	<del>0</del> 0	6 0	<del>400</del>
Floor Area Ratio	(8 )	<del>1</del> (8, 50)	<del>1</del> (8)	<del>2</del> 4	(8 )	(8 )	<del>2</del> ( )	<del>3</del>	<del>41</del> (49)	<del>(8)</del> 2.5	<del>5</del>	<del>7</del> 5	<del>4</del>
Minimum Lot Area Acres (A) or Thousands of Sq. Ft. (3)			<del>2A</del>									2 A	<del>2A</del>

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Dwelling Units per Acre (15) (22) (53)	1 0 (2) 3)	<del>20</del> ( <del>23</del> ) )	<del>30</del> ( <del>23</del> ) )				<del>15</del> ( <del>23</del> )			<del>30</del> ( <del>23</del> ) )		<del>3</del> 0 ( <del>2</del> ) 3)	<del>30</del> ( <del>23</del> )
Minimum Dimensions (feet) Width of Street Frontage			<del>20</del> 0									<del>2</del> 0 0	<del>200</del>
Width Required in Lot (4)			<del>20</del> 0									<del>2</del> 0 0	<del>200</del>
Depth Required in Lot (4)													
Maximum in Building Height (feet) (10)	2 0	<del>30</del> <del>40</del> <del>55</del>	<del>45</del> <del>60</del> ( <del>6</del> <del>55</del> )	<del>75</del>	4 5 (9 )	3 0	<del>20</del> <del>45</del> <del>55</del>	<del>85</del>	<del>110</del> <del>75</del>	<del>60</del> <del>45</del> ( <del>46</del> )	<del>170</del>	<del>7</del> <del>5</del>	<del>75</del> 135 ( <del>33</del> <del>34</del> <del>5</del> )
Maximum Lot Coverage by Structures (percent) (13) (14) (16)	3 5 (2 4)	<del>35</del> ( <del>24</del> )	<del>35</del> ( <del>24</del> ) )	<del>35</del>	5 0		<del>35</del> ( <del>24</del> )		<del>35</del> ( <del>24</del> )			<del>3</del> <del>5</del> ( <del>2</del> 4)	<del>40</del> ( <del>24</del> )

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Maximum Hard Surface Coverage (percent) (37) (47)	8 5	9585	95 85	85	9 0	8 5	9580		85	95 85			8 5	85
Maximum Impervious Surface (percent) (35) (37)	6 0	8560	85 60	95 60	6 5	6 5	8560	95	956 9	85 65	95		6 0	956 0
Alternative Maximum Impervious Surface (percent) (35) (37) (39) (48)	8 0	80	80	80	8 5	8 5	80		80	85			8 0	80

- NOTE:** Dimensional Requirements for Downtown are found in Part 20.25A LUC.
- Additional dimensional requirements for Shoreline Overlay Districts are found in Part 20.25E LUC.
- Dimensional Requirements for Evergreen Highlands Design District (EH-A, EH-B, EH-C, EH-D) are found in Part 20.25F LUC.
- Dimensional Requirements for Office and Limited Business – Open Space (OLB-OS) are found in Part 20.25L LUC.
- Dimensional Requirements for Medical Institution District (MI) are found in Part 20.25J LUC.
- Dimensional Requirements for BelRed Land Use Districts are found in Part 20.25D LUC.

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~~Dimensional Requirements for Eastgate Transit Oriented Development District are found in Part 20.25F LUC.~~

**Notes: ~~Uses in land use districts – Dimensional requirements – Residential, Commercial, and Mixed-Use Land Use Districts~~:**

...

**(8)** Any office building or any office portion of a building in the PO, ~~O, OLB, LI, or 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.

~~(c) In an O District, north of Factoria Mall and directly adjacent to an F2 District, any office building or any office portion of a building may have a Floor Area Ratio greater than 0.50, not to exceed a Floor Area Ratio of 0.75 FAR. In this district, the sliding FAR scale does not apply.~~

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](#).

...

**(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 2 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. Intentionally deleted.~~

...

**(31)** ~~Any office building or any office portion of a building in the F2 District may not exceed a Floor Area Ratio of 0.75 FAR. Intentionally deleted.~~

**(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~~

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~~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. Intentionally deleted.~~

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

~~(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. Intentionally deleted.~~

...

~~(46) Maximum building height in CB Districts of the Wilburton Subarea that are located between 116th Ave NE and the BNSF Corridor is 75 feet. Intentionally deleted.~~

...

(49) Up to one FAR of floor area dedicated to on-site affordable housing shall not be counted for the purposes of calculating the FAR of a project; provided, that:

(a) ~~The ratio of affordable housing is 42.5 market rate units per market rate gross square foot to 1.0 affordable housing units per gross square foot at 80 percent AMI;~~

~~(b) The general development requirements contained in LUC 20.20.128 do not apply;~~

~~(c) The bedroom mix and exterior finishes shall be comparable to the market rate units, but interior design, unit size, amenities and interior finishes may vary; and~~

~~(d) An agreement in a form approved by the City will be executed by the applicant and recorded with the King County Record's Office, or its successor organization, requiring the affordable housing to remain for the life of the project. This agreement shall be a covenant running with the land, binding on assigns, heirs, and successors of the applicant.~~

...

(52) ~~See LUC 20.20.128.F20.15.070 for modified dimensional requirements for affordable housing when the requirements of LUC 20.20.128 are met that may be applicable when affordable housing is included in the development.~~

(54) ~~See LUC 20.25I for additional standards related to this land use district.~~

(55) ~~The alternative maximum building height shall only be allowed if at least 15 percent of the total dwelling units are dedicated to affordable housing. This requirement may be met through the payment of a fee-in-lieu equal to the applicable per-square-foot fee specified in Table 20.15.150.B multiplied by~~

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the total square footage of new nonexempt gross floor area equal to 15 percent of the total dwelling units contained in the building.

...

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

...

D. Any nonconforming lot used for a building site must meet the nonconforming site provisions of ~~LUC 20.20.560~~LUC 20.20.561, the building height requirements of subsection B of this section, and the applicable dimensional requirements of LUC 20.20.010 for the district in which it is located, unless a variance has been granted pursuant to Part 20.30G or 20.30H LUC or modification has been granted pursuant to LUC 20.25H.040.B.

...

**20.20.128 Affordable Housing**

*This section is repealed in its entirety and replaced with Chapter 20.15 LUC.*

...

**20.20.538 Middle housing.**

...

C. Standards.

...

(3) If development on a lot meets the requirements of ~~LUC 20.20.128.E.2~~LUC 20.15.080 relating to housing affordability, then up to six dwelling units are permitted on that lot.

...

**20.20.540 Multifamily play areas.**

A. New multifamily developments of 10 units or more shall be required, as a condition of Building Permit approval, to provide a minimum of 800 square feet of unpaved, usable open space with lawn or other soft surface for an outdoor children's play area, plus an additional 50 square feet of usable open space for each additional unit beyond the initial 10 units, up to a maximum of 10,000 square feet. This requirement does not apply to:

1. Multifamily development in Downtown or in Mixed-Use Land Use Districts established under LUC 20.10.020 and described in LUC 20.10.398;
2. Multifamily development devoted exclusively to senior citizen dwellings as defined in LUC 20.50.046; ~~or~~

3. Micro-apartments;

4. Multifamily development in the Community Mixed-Use Design District (O, OLB, OLB 2, NB, CB, NMU, MU8, MU16, or F3);

5. Multifamily development in the EG-TOD land use district; or

6. Multifamily development in the F1 land use district.

...

**20.20.542 Modification of certain development regulations.**

...

B. Applicability. This section only applies to the requirements of this title identified, described, and listed below:

1. The amount of performance required under LUC 20.15.120-LUC 20.20.128.I.2;

2. The amount of performance required under LUC 20.15.130-LUC 20.20.128.I.3; and

3. The amount of payment required under LUC 20.15.150-LUC 20.20.128.I.4.

...

**LUC 20.20.560 Nonconforming uses, structures, and sites – General.**

*This section is deleted in its entirety.*

**20.20.561 Nonconforming uses, structures, and sites –~~Mixed-Use Land Use Districts-~~**

A. Applicability.

1. General Applicability. Except as provided below, this section applies to nonconforming uses, nonconforming structures, and nonconforming sites located within any Land Use District established under LUC 20.10.020.

2. Exceptions.

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- a. Critical Areas Overlay District. If there is a conflict between the requirements of this section and the requirements contained in Part 20.25H LUC, then the requirements of Part 20.25H LUC shall control. If there is no such conflict, then the requirements of this section apply within the Critical Area Overlay District established under Part 20.25H LUC.
- b. Shoreline Overlay District. The provisions of this section do not apply to uses, structures, or sites nonconforming to the requirements of Part 20.25E LUC. Refer to LUC 20.25E.040 and 20.25E.065.I for the requirements for such nonconforming uses, structures, and sites.
- c. Existing Athletic Club and Accessory Hotel Uses in East Main Transit Oriented Development Land Use Districts. The provisions of this section shall not apply to existing athletic club and accessory hotel uses, as defined in LUC 20.25Q.040, located within any East Main Transit Oriented Development Land Use District.
- d. Redevelopment of Existing Buildings. The requirements of this section shall apply to the redevelopment of existing buildings under LUC 20.20.727 only as provided in LUC 20.20.727.
- e. Medical Institution District. The requirements of this section shall apply as normal in the MI land use district except as otherwise provided in LUC 20.25J.030 or LUC 20.25J.060.
- f. BelRed Land Use Districts. The provisions of this section do not apply to uses, structures, or sites located within a BelRed Land Use District established under LUC 20.10.020 and described in LUC 20.10.375. Refer to LUC 20.25D.060 for the requirements for such nonconforming uses, structures, and sites.
- g. Sign Code. The provisions of this section do not apply to signs governed by Chapter 22.10 BCC.

B. Documentation. The applicant shall submit documentation which shows that the nonconforming use, nonconforming structure, or nonconforming site was permitted when established and has been maintained over time. The Director shall determine based on subsections B.1 and B.2 of this section whether the documentation is adequate to support a determination that the use, structure, or site constitute a nonconforming use, nonconforming structure, or nonconforming site under the terms of this section. The Director may waive the requirement for documentation when a nonconforming use, nonconforming structure, or nonconforming site has previously been clearly established.

**Commented [A22]: 1/28/26 Update:** Clarifying that LUC 20.20.561 does not apply to signs nonconforming to the requirements of the City's sign code. Instead, such signs are governed by the City's sign code. Code & Policy is currently processing a Sign Code Update, which will renumber the City's Sign Code from Chapter 22B.10 BCC to Chapter 22.10 BCC.

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1. Use, Structure, or Site Permitted when Established. Documentation that the use, structure, or site was permitted when established includes, but is not limited to, the following:

a. Building, land use, or other development permits; and

b. Land Use Codes or Land Use District Maps.

2. Use, Structure, or Site Maintained Over Time. Documentation that the use, structure, or site was maintained over time, and not discontinued or destroyed as described in this section. Documentation may include, but is not limited to, the following:

a. Utility bills;

b. Income tax records;

c. Business licenses;

d. Listings in telephone or business directories;

e. Advertisements in dated publications;

f. Building, land use or other development permits;

g. Insurance policies;

h. Leases; and

i. Dated aerial photos.

C. Regulations Applicable to All Nonconforming Uses, Nonconforming Structures, and Nonconforming Sites.

1. Ownership. The status of a nonconforming use, nonconforming structure, or nonconforming site is not affected by changes in ownership.

2. Maintenance and Repair. Routine maintenance and routine repair associated with a nonconforming use, nonconforming structure, or nonconforming site is allowed.

a. "Routine maintenance" includes those usual acts to prevent decline, lapse, or cessation from a lawfully established condition. Routine maintenance includes, but is not limited to, alterations necessary to keep moisture or wind from entering or damaging a building. Routine maintenance does not increase the gross floor area of any building or increase the conditions that render the use, structure, or site nonconforming. Routine maintenance must conform to applicable development regulations.

b. "Routine repair" includes like-for-like restoration to a state comparable to its original condition within a reasonable period after decay has occurred. Routine repair includes, but is not limited to, the like-for-like replacement of windows, doors, roofing, or exterior cladding that have decayed and are near the end of their functional life. Routine repair does not increase the gross floor area of any building or increase the conditions that render the use, structure, or site nonconforming. Routine repair must conform to applicable development regulations.

D. Regulations Applicable to Nonconforming Uses.

1. Operations.

a. Nonconforming uses may continue to operate, subject to the provisions of this subsection D.

b. Nonconforming Uses – Hours of Operation. The hours of operation associated with a nonconforming use located in a land use district subject to this section that permits residential uses may only extend into the period of 9:00 p.m. to 6:00 a.m. subject to Administrative Conditional Use approval. Nonconforming uses which on [INSERT EFFECTIVE DATE], already operated between these hours may continue without such approval, as long as the hours of operation between 9:00 p.m. and 6:00 a.m. are not expanded.

2. Expansions. Nonconforming uses may expand under certain circumstances as described in this subsection:

a. Expansions of Nonconforming Structures. If a nonconforming structure containing a nonconforming use is expanded in accordance with the

requirements of this section, then the nonconforming use may expand in conjunction with, and in proportion to, the expansion of the nonconforming structure.

b. Expansions of Nonconforming Sites. If a nonconforming site containing a nonconforming use is expanded in accordance with the requirements of this section, then the nonconforming use may expand in conjunction with, and in proportion to, the expansion of the nonconforming site.

c. Limitation on Expansion. No expansion of hazards. No expansion in operations shall be permitted that increases the use or onsite quantity of flammable or hazardous constituents (e.g., compressed gases, industrial liquids, etc.), or that increases the amount of waste generated or stored that is subject to the Washington Hazardous Waste Management Regulations, RCW 70.105.210, as currently adopted or subsequently amended or superseded. The Director may, in consultation with the Fire Marshal, modify the requirements of this subsection if the Director determines that the expansion will not increase the threat to human health and the environment over the pre-expansion condition.

### 3. Loss of Nonconforming Use Status.

#### a. Discontinuance.

i. If a nonconforming use is discontinued for a period of 12 months with the intention of abandoning that use, any subsequent use shall thereafter conform to the regulations of the land use district in which it is located. Discontinuance of a nonconforming use for a period of 12 months or greater constitutes prima facie evidence of an intention to abandon.

ii. If a nonconforming use is discontinued due to new development on the site on which the nonconforming use previously operated, then the right to continue operation of the nonconforming use no longer applies and the nonconforming use may not be re-established.

b. Unanticipated Damage or Destruction. When a structure containing a nonconforming use is damaged or destroyed by fire or other causes beyond the control of the owner, the nonconforming use may be re-established in the same location within three years of the date that the damage or destruction occurred. When re-establishing a nonconforming use under this subsection, the

nonconforming use may not be expanded. The structure may be repaired or reconstructed in accordance with applicable City Codes.

c. Relinquishment. A nonconforming use is relinquished when the nonconforming use is replaced with a permitted or conditional use. Upon relinquishment, the right to continue operation of a nonconforming use no longer applies and the nonconforming use may not be re-established.

E. Regulations Applicable to Nonconforming Structures and Nonconforming Sites.

1. Right to Remain.

a. Nonconforming structures may remain unless specifically limited by the terms of subsection E of this section.

b. Nonconforming sites may remain unless specifically limited by the terms of subsection E of this section.

2. Alterations.

a. If the following requirements are satisfied, then alterations may be made to a nonconforming structure, a nonconforming site, or to both a nonconforming structure and nonconforming site:

i. The alterations conform to applicable development regulations; and

ii. If required under subsection E.3 of this section, improvements are made that satisfy the proportional compliance requirements contained in subsection E.3 of this section.

b. The following alterations shall not trigger the proportional compliance requirements contained in subsection E.3 of this section.

i. If the project consists of multiple phases, as shown on a Master Development Plan submitted under Chapter 20.30V LUC, then the transfer of Floor Area Ratio (FAR) from one phase to another phase in amount that does not exceed 50% of the total FAR available in the sending phase.

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(1).Exception: If unlimited FAR is available to all phases of the project, then the transfer of FAR in any amount between phases of the project shall not trigger the proportional compliance requirements contained in subsection E.3 of this section.

ii. "Routine maintenance" within the meaning provided in subsection C of this section or as permitted in a critical area or critical area buffer under LUC 20.25H.055.C.3.h.

iii. "Routine repair" within the meaning provided in subsection C of this section.

iv. The reconfiguration of existing parking lots within the existing hard surface area so long as the following requirements are met:

(1). The reconfiguration maintains a parking supply that either conforms to all applicable parking requirements under this code or maintains the parking supply existing prior to the reconfiguration; and

(2). The area of the existing parking lot containing hard surface does not increase.

v. New development consisting of a single phase, so long as the following requirements are met:

(1). If the new development occurs on a nonconforming site, then the nonconforming site shall be brought into compliance with all applicable development regulations.

(2). All structures shall conform to all applicable development regulations.

vi. In projects consisting of multiple phases, as shown on a Master Development Plan submitted under Chapter 20.30V LUC, any individual phase with a project limit that exclusively contains new development so long as the following requirements are met:

(1). If any portion of a nonconforming site is located within that project limit, then that portion of the nonconforming site shall be brought into compliance with all applicable development regulations.

**Commented [A23]: 1/28/26 Update:** Reworked language for greater clarity.

(2). All structures within the project limit of the phase exclusively containing new development shall conform to all applicable development regulations.

vii. Except as otherwise provided in this section, alterations to a nonconforming structure located on a nonconforming site shall not trigger the proportional compliance requirements contained in subsection E.3 of this section for the nonconforming site unless the alterations include permanent, nonstructural alterations to the landscape, above or below ground, of the nonconforming site. For the purposes of this section, the following shall not constitute permanent, nonstructural alterations to the landscape, above or below ground, of the nonconforming site:

(1). Ramps for ADA access;

(2). Replacement windows or sheathing;

(3). The addition of material enabling increased insulation;

(4). Structural features to improve safety;

(5). Additions required to comply with construction, energy codes, or building performance standards for residential conversion;

(6). Circulation features for fire and life safety;

(7). Mechanical equipment;

(8). Plumbing and ductwork; or

(9). Awnings and bays.

viii. Except as otherwise provided in this section, alterations to a nonconforming site shall not trigger the proportional compliance requirements contained in subsection E.3 of this section for any nonconforming structure located on the nonconforming site unless the alterations include permanent, structural alterations, above or below ground, to the nonconforming structure.

ix. Demolition of a vacant structure.

**Commented [A24]: 1/28/26 Update:** When a nonconforming structure is being altered, there are some alterations to a nonconforming site on which the nonconforming structure is located that may be required or desired. Clarifying that such alterations can be made without triggering full proportional compliance for the nonconforming site. This list mirrors the improvements allowed under LUC 20.20.727.A.3 for redevelopment of existing buildings.

**Commented [A25]: 1/28/26 Update:** New off-ramp. The act of demolishing a vacant structure, by itself, will not trigger proportional compliance.

ix. Environmental remediation of a nonconforming site or a nonconforming structure, either external or internal.

x. Any improvements required by operation of Title 14 BCC.

### 3. Proportional Compliance.

a. General Procedure. The following procedure shall be used to determine what improvements shall be required to be made in conjunction with alterations to a nonconforming structure, a nonconforming site, or to both a nonconforming structure and a nonconforming site:

i. Calculate the value of alterations in accordance with subsection E.3.b of this section.

ii. Determine if the value of alterations exceeds the threshold triggering required improvements under subsection E.3.c of this section.

(1). If yes, then proceed to subsection E.3.a.iii of this section.

(2). If no, then proportional compliance is not required.

iii. Determine the value of required improvements under subsection E.3.d of this section.

iv. Identify the list of required improvements for the applicable land use district contained in subsection E.3.e of this section.

v. Construct the required improvements on the applicable list in the order provided in subsection E.3.f of this section, as may be modified, up to the value of required improvements.

### b. Value of Alterations.

i. Projects consisting of a single phase. This subsection applies to projects consisting of a single phase.

**Commented [A26]: 1/28/26 Update:** New off-ramp. The act of undertaking environmental remediation of a nonconforming site or a nonconforming structure, by itself, will not trigger proportional compliance.

**Commented [A27]: 1/28/26 Update:** In circumstances where improvements are required to any development solely by operation of the City's Transportation Code, Title 14 BCC, such required improvements, by themselves, will not trigger proportional compliance.

- (1) Alterations made within the preceding three-years will be viewed as a single alteration for the purpose of determining the value of alterations.
  - (2) The value of alterations shall be determined based on all proposed alterations, except for those alterations listed in subsection 3.b.iii of this section, and not individual permits.
  - (3) The applicant shall use a construction cost estimator acceptable to the Director to estimate the value of alterations in accordance with subsection 3.b.i of this section.
  - (4) The applicant shall submit the estimate to the Director for approval. If the estimate, and the methodology used to produce the estimate, conform to the applicable requirements of this section, then the Director shall approve the estimate and accept it as the value of alterations for the development.
- ii. Projects consisting of multiple phases. This subsection applies to individual phases within a project consisting of multiple phases, as shown on a Master Development Plan submitted under Chapter 20.30V LUC, that have a project limit that either contains a nonconforming structure or is located, wholly or partially, on a nonconforming site.
- (1) For each individual phase, alterations made within the project limit of that phase within the preceding three-years will be viewed as a single alteration for the purpose of determining the value of alterations.
  - (2) For each individual phase, the value of alterations shall be determined for that phase by the Director based on all proposed alterations within the project limit of that phase, except for those alterations listed in subsection 3.b.iii of this section, and not individual permits.
  - (3) The applicant shall use a construction cost estimator acceptable to the Director to estimate the value of alterations within the project limit for each individual phase in accordance with subsection 3.b.ii of this section.
  - (4) The applicant shall submit the estimates for each individual phase to the Director for approval. If the estimate for a particular phase, and the methodology used to produce that estimate, conform to the applicable requirements of this section, then the Director shall approve the estimate

for that phase and accept it as the value of alterations for that particular phase.

iii. The following alterations or activities shall be excluded when calculating the value of alterations:

- (1) Alterations required as a result of a fire prevention inspection;
- (2) Alterations related to the removal of architectural barriers as required by the Americans with Disabilities Act, or the Washington State Building Code (Chapter 19.27 RCW);
- (3) Alterations required for the seismic retrofit of existing structures; and
- (4) Alterations required for onsite stormwater management facilities under Chapter 24.06 BCC.
- (5) The value of any routine maintenance or routine repair to be performed at the time of the alteration that triggers proportional compliance under subsection E.3 of this section.
- (6) The value of any reconfiguration of existing parking lots in a manner that meets the requirements of subsection E.2.b.iv of this section to be performed at the time of the alteration that triggers proportional compliance under subsection E.3 of this section.

c. Threshold Triggering Required Improvements.

i. General: The standards of this subsection shall be met when the value of alterations to a nonconforming structure, a nonconforming site, or to both a nonconforming structure and nonconforming site exceed the threshold established in LUC 20.25D.060.G.3.a, as may be, or has previously been, administratively adjusted.

ii. Exception:

- (1). In the LL-1, LL-2, SR-1, SR-2, SR-3, SR-4, and LDR-1 land use districts, the standards of this subsection shall be met when the value of alterations to a nonconforming structure, a nonconforming site, or to both a

**Commented [A28]: 1/28/26 Update:** Neither routine maintenance nor routine repair, when undertaken in isolation, will trigger proportional compliance. However, such activity may occur in conjunction with an alteration that does trigger proportional compliance. In this circumstance, the value of such work should not be include dint he value of alterations.

**Commented [A29]: 1/28/26 Update:** Reconfiguration of existing parking lots in a manner that meets the requirements of subsection E.2.b.iv of this section, when undertaken in isolation, will not trigger proportional compliance. However, such reconfiguration may occur in conjunction with an alteration that does trigger proportional compliance. In this circumstance, the value of such work should not be included in the value of alterations.

nonconforming structure and nonconforming site exceed the replacement value of all primary structures located on the site.

d. Value of Required Improvements.

i. General: The value of required improvements shall be equal to 20 percent of the value of alterations calculated under subsection E.3.b of this section.

ii. Exceptions:

(1). If all of the improvements that would otherwise be required under subsection E.3.f of this section have been constructed in a manner that complies with all currently applicable development regulations, then the value of required improvements shall be equal to the minimum amount necessary to bring the nonconforming structure or nonconforming site into full compliance with this Code.

(2). In the LL-1, LL-2, SR-1, SR-2, SR-3, SR-4, and LDR-1 land use districts, the value of required improvements shall be equal to the minimum amount necessary to bring the nonconforming structure or nonconforming site into full compliance with this Code.

e. Required Improvements.

i. If the value of alterations exceeds the applicable threshold specified in subsection E.3.c of this section, then improvements shall be constructed.

ii. What improvements are required depends on the land use district in which the nonconforming structure or nonconforming site is located.

(1). In the LL-1, LL-2, SR-1, SR-2, SR-3, SR-4, and LDR-1 land use districts, improvements are required to the extent necessary to bring the nonconforming structure or nonconforming site into full compliance with this Code.

(2). Required improvements for each other land use district are listed in subsection E.3.f of this section.

iii. If improvements are required to be constructed under subsection E.3.e in a land use district other than the LL-1, LL-2, SR-1, SR-2, SR-3, and LDR-1 land use districts, then they shall be constructed in the order provided in subsection 3.f of this section up to the value of required improvements calculated in subsection E.3.d of this section. The Director may approve a change in priority order for a specific development. The Director may only approve such a change when the applicant can demonstrate that the change in priority order is needed for one or more of the following reasons:

- (1) A change in priority order is necessary due to the value of required improvements specified under subsection E.3.d of this section is insufficient to construct the site improvement that would be required under the normal order of priority due to the existence of a unique site condition;
- (2) A change in priority order would allow a site improvement to be constructed that would close a gap in existing improvements, such as, but not limited to, a gap in an access corridor or frontage path; or
- (3) A change in priority order would allow the construction of a complete site improvement, rather than a partial site improvement, such as, but not limited to, a complete access corridor or frontage path.

iv. If the development both consists of multiple phases, as shown on a Master Development Plan submitted under Chapter 20.30V LUC, and the alteration occurs entirely within the project limit of only one phase, then no improvements shall be required by operation of this section within the project limit of any other phase.

v. If all of the improvements that would otherwise be required under subsection E.3.f of this section have been constructed in a manner that complies with all currently applicable development regulations, then the nonconforming structure or nonconforming site shall be brought into full compliance with this Code.

f. Required Improvements by Land Use District Established Under LUC 20.10.020:

i. LDR-2, LDR-3, MDR-1, and MDR-2 Land Use Districts (Part 20.20 LUC):

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- (1). Compliance with the tree retention and replacement requirements contained in LUC 20.20.900. For the sole purpose of applying this subsection, the alteration shall constitute “development activity” under LUC 20.20.900 for the purposes of applying the tree retention and replacement requirements.
- (2). If required for the site, then install or improve landscaping in a manner that meets the applicable requirements of LUC 20.20.520.
- (3). If the site contains impervious surface in an amount that exceeds what is allowed under LUC 20.20.460 and all applicable dimensional requirements, then removal of impervious surfaces in an amount that results in compliance with both LUC 20.20.460 and all applicable dimensional requirements.
- (4). If a critical area or critical area buffer exists, wholly or partially, on the site, then compliance with the requirements of Part 20.25H LUC.

ii. Downtown Land Use Districts (Part 20.25A LUC):

- (1). If required for the site under LUC 20.25A.175, then construction of the Grand Connection in a manner that meets the applicable requirements of LUC 20.25A.175.
- (2). If required for the site under LUC 20.25A.090, then the construction of walkways and sidewalks meeting the applicable requirements of LUC 20.25A.090.
- (3). If required for the site under LUC 20.25A.160, then the construction of through-block connections meeting the applicable requirements of LUC 20.25A.160.
- (4). If the site is located on an “A” Rights-of-Way under LUC 20.25A.170, then construction or installation of improvements necessary to meet the applicable requirements of LUC 20.25A.170.B.1 and LUC 20.25A.180.
- (5). If the site is located on a “B” Rights-of-Way under LUC 20.25A.170, then construction or installation of improvements necessary to meet the applicable requirements of LUC 20.25A.170.B.2 and LUC 20.25A.180.

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- (6). If the site is located on a "C" Rights-of-Way under LUC 20.25A.170, then construction or installation of improvements necessary to meet the applicable requirements of LUC 20.25A.170.B.3 and LUC 20.25A.180.
- (7). If the site is located on a "D" Rights-of-Way under LUC 20.25A.170, then construction or installation of improvements necessary to meet the applicable requirements of LUC 20.25A.170.B.4 and LUC 20.25A.180.
- (8). If the site is located on an "E" Rights-of-Way under LUC 20.25A.170, then construction or installation of improvements necessary to meet the applicable requirements of LUC 20.25A.170.B.5 and LUC 20.25A.180.
- (9). If the site is located on an alley with addresses under LUC 20.25A.170, then construction or installation of improvements necessary to meet the applicable requirements of LUC 20.25A.170.C and LUC 20.25A.180.
- (10). If required for the site under LUC 20.25A.175, then construction of major public open space meeting the applicable requirements of LUC 20.25A.175.
- (11). If required for the site under LUC 20.25A.075, then outdoor plaza space meeting the applicable requirements of LUC 20.25A.075.
- (12). If required for the site, then construction of a new gateway meeting the applicable requirements of LUC 20.25A.150.
- (13). If the site contains second-level active uses under LUC 20.25A.170, then construction or installation of improvements necessary to meet the applicable requirements of LUC 20.25A.170.D.
- (14). Install or improve landscaping in a manner that meets the applicable requirements of LUC 20.25A.110 and LUC 20.25A.120.
- (15). If the site contains any existing fences, then removal or modification of the existing fences as necessary to meet the applicable requirements of LUC 20.25A.110.D.

iii. Fatoria 1 Land Use District (Part 20.25F1 LUC):

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- (1). If the site is adjoining SE 38th Street, then construct a second mid-block pedestrian connection across SE 38th Street in accordance with LUC 20.25F1.060 and LUC 20.25F1.110.
- (2). If the site is adjoining SE 41st Place, then construct a mid-block pedestrian connection across SE 41st Place in accordance with LUC 20.25F1.060 and LUC 20.25F1.110.
- (3). If the site is adjoining the intersection of 127th Avenue SE and SE 40th Street or the intersection of 125th Avenue SE and SE 40th Street, then construct a major gathering place in the vicinity of that intersection in accordance with LUC 20.25F1.090 and LUC 20.25F1.110.
- (4). If the site is adjoining the mid-block pedestrian connection across 124th Ave SE providing connection to the Factoria Trail, then construction of pedestrian path to continue the Factoria Trail into the F1 Land Use District in accordance with LUC 20.25F1.070 and LUC 20.25F1.110.
- (5). If the site is adjoining an on-site street depicted in LUC 20.25F1.015, then construct weather protection in accordance with LUC 20.25F1.115.D.
- (6). If the site is adjoining the intersection of Factoria Boulevard and SE 38th Street, SE 40th Street, or SE 41st Place, then construct a new gateway at the intersection(s) adjoining the project limit in accordance with LUC 20.25F1.080 and LUC 20.25F1.110.
- (7). Install or improve landscaping in a manner that meets the applicable requirements of LUC 20.20.520 and LUC 20.25F1.050.
- (8). If the site contains impervious surface in an amount that exceeds what is allowed under LUC 20.20.460 and LUC 20.25F1.040, then removal of impervious surfaces in an amount that results in compliance with both LUC 20.20.460 and LUC 20.25F1.040.
- (9). If a critical area or critical area buffer exists, wholly or partially, on the site, then compliance with the requirements of Part 20.25H LUC.

v. Community Mixed-Use Design Districts (Part 20.25I LUC):

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- (1). If required for the site under LUC 20.25I.050.A, then pedestrian-oriented frontage meeting the requirements of LUC 20.25I.050.
- (2). If required for the site under LUC 20.25I.050.B, then transparency for the first story of any building fronting a public right-of-way meeting the requirements of LUC 20.25I.050.
- (3). If required for the site under LUC 20.25I.050.B, then transparency and weather protection for publicly accessible entrances fronting a public right-of-way meeting the requirements of LUC 20.25I.050.
- (4). Install or improve landscaping in a manner that meets the applicable requirements of LUC 20.20.520 and LUC 20.25I.050.C.
- (5). If parking structures or surface parking are located on the site, then compliance with the applicable requirements of LUC 20.25I.050.C.
- (6). If required for the site under LUC 20.25I.070, then compliance with transition standards under LUC 20.25I.070.
- (7). If the site contains impervious surface in an amount that exceeds what is allowed under LUC 20.20.460 and LUC 20.20.010, then removal of impervious surfaces in an amount that results in compliance with both LUC 20.20.460 and LUC 20.20.010.
- (8). If a critical area or critical area buffer exists, wholly or partially, on the site, then compliance with the requirements of Part 20.25H LUC.

vi. The MI Land Use District (Part 20.25J LUC):

- (1). If the site is adjoining the Eastrail Corridor, then construction of a pedestrian and bicycle connection from the site to Eastrail in a manner that meets the requirements of LUC 20.25J.080 and all other applicable city standards for pedestrian and bicycle connections.
- (2). If the site is adjoining NE 8th Street, NE 12th Street, NE 10th Street, or 116th Avenue NE, then construction of sidewalks meeting the requirements of LUC 20.25J.070.A and all other applicable city standards for sidewalks.

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- (3). If the site is adjoining NE 8th Street, NE 12th Street, NE 10th Street, or 116th Avenue NE, then installation of street trees and plantings in a manner that meets the requirements of LUC 20.25J.070.A.
- (4). If the site is adjoining the intersections of 116th Ave NE and NE 8th Street, NE 10th Street, or NE 12th Street, then construct a new gateway at the intersection(s) adjoining the project limit in accordance with LUC 20.25J.070.B and LUC 20.25J.080.
- (5). If the site is adjoining a transit facility, then construct weather protection and other pedestrian amenities meeting the requirements of LUC 20.25J.080.B and LUC 20.25J.080.C.
- (6). If the site contains or is adjoining a parking structure, then construct improvements to pedestrian connections between the parking structure and the principal use in a manner that meets the requirements of LUC 20.25J.050, improves pedestrian safety, and reduces conflict between motor vehicles and other means of transportation.
- (7). Install or improve landscaping in a manner that meets the applicable requirements of LUC 20.20.520 and LUC 20.25J.060.
- (8). If the site is located within DA2 or DA3, then improvements to any existing blank facades, as defined in LUC 20.25J.080.D, located on the perimeter of the MI land use district or on buildings that are highly visible from any public right-of-way in a manner that meets the requirements of LUC 20.25J.080.D.
- (9). If the site is located within DA2 or DA3, then construction of weather protection meeting the requirements of LUC 20.25J.080.D.
- (10). If the site is located within DA2 or DA3, then construct or improve ground floor building elements adjoining public right-of-way that meet the requirements of LUC 20.25J.080.D.
- (11). If a critical area or critical area buffer exists, wholly or partially, on the site, then compliance with the requirements of Part 20.25H LUC.

vii. The OLB-OS Land Use District (Part 20.25L LUC):

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- (1). Install or improve landscaping in a manner that meets the applicable requirements of LUC 20.20.520 and LUC 20.25L.040.
- (2). Removal of invasive or noxious species, as defined in LUC 20.20.900, from the open space required to be retained or developed under LUC 20.25L.010 in a manner that complies with all applicable requirements governing such removal.
- (3). Construct or improve weather protection at building entrances in a manner that meets the requirements of LUC 20.25L.040.
- (4). If the site contains impervious surface in an amount that exceeds what is allowed under LUC 20.20.460 and LUC 20.25L.030, then removal of impervious surfaces in an amount that results in compliance with both LUC 20.20.460 and LUC 20.25L.030.
- (5). If a critical area or critical area buffer exists, wholly or partially, on the site, then compliance with the requirements of Part 20.25H LUC.

viii. The CCC Land Use District (Part 20.25N LUC):

- (1). Install or improve landscaping in a manner that meets the applicable requirements of LUC 20.20.520 and LUC 20.25N.060.
- (2). If the site contains impervious surface in an amount that exceeds what is allowed under LUC 20.20.460 and all applicable dimensional requirements, then removal of impervious surfaces in an amount that results in compliance with both LUC 20.20.460 and all applicable dimensional requirements.
- (3). If a critical area or critical area buffer exists, wholly or partially, on the site, then compliance with the requirements of Part 20.25H LUC.

ix. Eastgate Transit Oriented Development Land Use District (Part 20.25P LUC):

- (1). If required for the site under LUC 20.25P.090, then construction or improvement of sidewalks meeting the requirements of LUC 20.25P.090.B.

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- (2). If required for the site under LUC 20.25P.085, then construction of ground floor wholesale, retail, and services uses in building frontages in a manner that meets the requirements of LUC 20.25P.085.
- (3). If required for the site under LUC 20.25P.080.C, then construction of ground floor habitable space within existing parking structures in a manner that meets the requirements of LUC 20.25P.080.C.
- (4). Install or improve landscaping in a manner that meets the applicable requirements of LUC 20.20.520 and LUC 20.25P.070.
- (5). If the site is adjoining an A street or B street on the figure in LUC 20.25P.090.A.3, then installation of street trees and plantings in a manner that meets the requirements of LUC 20.25P.070.B.
- (6). If the site contains any existing fences, then removal or modification of the existing fences as necessary to meet the requirements of LUC 20.25P.070.C.
- (7). If the site is adjoining the Eastgate Park and Ride, then construction of a pedestrian access connection to the Eastgate Park and Ride meeting the requirements of LUC 20.25P.100.
- (8). If the site is adjoining to a pre-existing pedestrian access connection to the Eastgate Park and Ride, then construction of an extension to the pre-existing connection to allow access from the site to the Eastgate Park and Ride in a manner that meets the requirements of LUC 20.25P.100.
- (9). If the site is adjoining to a gateway location, as shown in the street diagram contained in LUC 20.25P.090.A.3, then construction of a new gateway at that location meeting the requirements of LUC 20.25P.100.
- (10). Construction of weather protection meeting the requirements of LUC 20.25P.100.
- (11). If the site contains impervious surface in an amount that exceeds what is allowed under LUC 20.20.460 and LUC 20.25P.060, then removal of impervious surfaces in an amount that results in compliance with both LUC 20.20.460 and LUC 20.25P.060.

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(11). If a critical area or critical area buffer exists, wholly or partially, on the site, then compliance with the requirements of Part 20.25H LUC.

x. East Main Transit Oriented Development Land Use Districts (Part 20.25Q LUC):

(1). If required for the site under LUC 20.25Q.100, then construction or improvement of sidewalks in a manner that meets the requirements of LUC 20.25Q.100.A.

(2). If required for the site under LUC 20.25Q.100, then construction of a pedestrian and bicycle route to connect 112<sup>th</sup> Avenue SE to 114<sup>th</sup> Avenue SE in a manner that meets the requirements of LUC 20.25Q.100.B.

(3). If a building exists on the site, then the construction of a six-foot-wide walkway from the nearest public sidewalk or street right-of-way to the main building entrance, unless the Director determines the walkway is not needed to provide safe pedestrian access to the building. The Director may allow modification to the width of walkways so long as safe pedestrian access to the Building is still achieved.

(4). If required for the site under LUC 20.25Q.080, then installation of street trees and landscaping in a manner meeting the requirements of LUC 20.25Q.080.A.

(5). Install or improve landscaping in a manner that meets the applicable requirements of LUC 20.20.520 and LUC 20.25Q.080.B.

(6). If the site contains any existing fences, then removal or modification of the existing fences as necessary to meet the requirements of LUC 20.25Q.080.C.

(7). If required for the site under LUC 20.25Q.130.D, the construction of a new gateway in a manner that meets the requirements of LUC 20.25Q.130.D.

(8). If a critical area or critical area buffer exists, wholly or partially, on the site, then compliance with the requirements of Part 20.25H LUC.

xi. PO, LI, and GC Land Use Districts:

- (1). Compliance with the tree retention and replacement requirements contained in LUC 20.20.900. For the sole purpose of applying this subsection, the alteration shall constitute “development activity” under LUC 20.20.900 for the purposes of applying the tree retention and replacement requirements.
- (2). If required for the site, then Install or improve landscaping in a manner that meets the applicable requirements of LUC 20.20.520.
- (3). If the site contains impervious surface in an amount that exceeds what is allowed under LUC 20.20.460 and LUC 20.20.010, then removal of impervious surfaces in an amount that results in compliance with both LUC 20.20.460 and LUC 20.20.010.
- (4). If a critical area or critical area buffer exists, wholly or partially, on the site, then compliance with the requirements of Part 20.25H LUC.

xii. UC, MU-H, MU-M, and MUR-M Land Use Districts (Part 20.25R LUC):

- (1). If required for the site under LUC 20.25R.020.C, then non-motorized access to Eastrail meeting the requirements of LUC 20.25R.020.
- (2). If required for the site under LUC 20.25R.020.C, then emergency vehicle access to the Eastrail corridor meeting the requirements of LUC 20.25R.020.
- (3). If required for the site under LUC 20.25R.030.C, then major public open space meeting the requirements of LUC 20.25R.030.C.
- (4). If required for the site under LUC 20.25R.030.G., then frontage paths along the Eastrail corridor meeting the requirements of LUC 20.25R.030.G.
- (5). If required for the site under LUC 20.25R.020.B, then access, block, and circulation required under LUC 20.25R.020.B.

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(6). Landscaping meeting the requirements of LUC 20.25R.030.C and LUC 20.20.520.

(7). If required for the site under LUC 20.25R.030.G, then active uses along the Eastrail corridor meeting the requirements of LUC 20.25R.030.G.

(8). If required for the site under LUC 20.25R.030.G, then active uses along the Grand Connection meeting the requirements of LUC 20.25R.030.G.

(9). If required for the site under LUC 20.25R.030.E, then weather protection meeting the requirements of LUC 20.25R.030.E.

(10). If required for the site under LUC 20.25R.030.G, then a landscape buffer from the property line adjoining Interstate 405 meeting the requirements of LUC 20.25R.030.E.

4. Unanticipated Damage or Destruction of a Nonconforming Structure or a Nonconforming Site.

a. When a nonconforming structure or a nonconforming site is damaged by fire or other causes beyond the control of the owner, the nonconforming structure or the nonconforming site may be repaired to its condition prior to the damage, provided that such repair shall be commenced within one year of the date of damage and diligently pursued. Changes to the footprint or exterior proposed as part of the repair must conform to this code. If repair is not commenced within one year of the date of damage, then the repair must conform to this code.

b. When a nonconforming structure or a nonconforming site is destroyed by fire or other causes beyond the control of the owner, the nonconforming structure or the nonconforming site may be reconstructed in its original configuration, provided that such reconstruction shall be commenced within two years of the date of destruction and diligently pursued. Changes to the footprint or exterior proposed as part of the reconstruction must conform to this code. If reconstruction is not commenced within two years of the date of destruction, then the reconstruction must conform to this code.

F. Relationship to Title 14 BCC. The requirements of this section operate independently from the requirements of Title 14 BCC. In relation to the same development, the operation of the requirements of this section may result in no required improvements while the operation of the requirements of Title 14 BCC may require improvements.

**Commented [A30]: 1/28/26 Update:** Clarifying the time periods in which the repairs or reconstruction needs to commence.

...

**20.20.590 Parking, circulation, and walkway requirements.**

...

**B. Applicability.**

1. Number of Parking Stalls. The requirements of this section for the number of parking stalls apply to each new use and to each new tenant, ~~except as provided in LUC 20.20.560.D for changes to a nonconforming use.~~ See Part 20.25A LUC for the number of required parking stalls in Downtown Districts.

...

**D. Required Review.**

The Director ~~of the Development Services Department~~ shall review the proposed parking, circulation and walkways and may approve the proposed structure, substantial remodel, site development, use or occupancy only if the requirements of this section are met, subject to the provisions of ~~LUC 20.20.560~~ LUC 20.20.561 for nonconforming uses, structures, and sites.

...

**H. Existing Parking Exceeding Maximum Allowed.**

...

**2. Other Spaces.**

- a. General. ~~Notwithstanding LUC 20.20.560, any~~ Any other parking spaces in excess of the maximum number allowed may remain until there is a substantial remodel of the structure for which the parking is provided. At the time of a substantial remodel, the number of parking stalls must conform to the requirements of this section and the design of all new or modified parking and circulation areas must conform to the requirements of this section. ~~This requirement does not affect the need to comply with site development standards pursuant to LUC 20.20.560.~~
- b. Exception. ~~Notwithstanding LUC 20.20.560, if~~ a substantial remodel results in a total gross floor area for the entire development of 10,000 square feet or less, parking spaces in excess of the maximum allowed may remain.
- c. In the event of a conflict between subsection H.2 of this section and LUC 20.20.561, subsection H.2 shall control.

...

**L. Minimum Parking for Residential Uses with Frequent Transit Service.**

1. Applicability.

a. For affordable housing, frequent transit service shall be defined as:

...

ii. Within one-half mile of a transit stop that receives transit service at least 4 times per hour for 12 or more hours per day; ~~or~~

iii. Within one-half mile of a ~~future~~ light rail or bus rapid transit station ~~scheduled to begin service within 2 years; or~~

iv. Within one-half mile of a future light rail or bus rapid transit station scheduled to begin service within 2 years.

b. For market rate multifamily dwellings and senior housing, frequent transit service shall be defined as:

i. Within one-half mile of a transit stop that receives transit service at least 4 times per hour for 12 or more hours per day; ~~or~~

ii. Within one-half mile of a ~~future~~ light rail or bus rapid transit station ~~scheduled to begin service within two years; or~~

iii. Within one-half mile of a future light rail or bus rapid transit station scheduled to begin service within 2 years.

...

2. Standards.

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Use	Minimum Number of Parking Spaces Required
Affordable Housing <del>with Frequent Transit Service</del> (Transit service at least two times per hour)	0. <del>75</del> 5:unit
Affordable Housing (Transit <del>s</del> Service at least four times per hour <del>or current or future light rail or bus rapid transit</del> )	0. <del>50</del> :unit ( <del>1</del> )
Market Rate Multifamily Dwelling	0. <del>75</del> :unit
Senior Housing	0:bed or unit ( <del>1</del> <sub>2</sub> )

~~(1) The minimum requirement for up to and including one-bedroom apartment units available to households earning 60 percent or less of the median income as determined by the United States Department of Housing and Urban Development for the Seattle Metropolitan Statistical Area is 0.25 spaces per unit. An agreement in a form approved by the City shall be executed by the applicant and recorded with the King County Recorder's Office, or its successor organization, requiring the affordable housing to remain for the life of the project. This agreement shall be a covenant running with the land, binding on the assigns, heirs, and successors of the applicant.~~

(12) Parking shall be required only for staff and visitors per the existing use standards of the specific land use district. The Director of the Development Services Department may consider the criteria in LUC [20.20.590.F.2.a](#) through [c](#) in establishing alternative parking requirements for staff and visitors.

**M. Required Bicycle Parking.**

1. Bicycle parking. Developments shall provide bicycle parking as follows:

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a. Required amount.

i. Nonresidential uses over 20,000 net square feet.: one (1) space per 10,000 net square feet.

ii. Residential uses: one (1) space per five (5) dwelling units.

iii. Hotels, motels, and transient lodging: one (1) space per twenty (20) rooms.

b. Location.

i. Short-term bicycle parking. At least 15 percent of the required bicycle parking areas shall be provided as outdoor bicycle parking located within 25 feet of building entries.

ii. Long-term bicycle parking. Bicycle parking for residential tenants or commercial employees of a development shall be provided as follows:

(1) Bicycle parking areas shall be located on the same floor level as a primary building entry for pedestrians and must be accessible from a primary building entry for pedestrians;

(2) Bicycle parking areas shall be in an enclosed, secure area that can be locked from the outside, or within individual lockers that can completely conceal and enclose a bicycle;

(3) Bicycle parking areas may be in parking garages, provided it is on a ground level with direct access outdoors, and so that bicycle users may access the bicycle parking without crossing vehicular circulation areas or using vehicular garage entries. The Director may allow for an alternative parking location within a parking garage if the alternate location is accessible for cyclists, with clear signage and ramps that can accommodate bikes.

c. Size requirements. Each required bicycle parking space shall be accessible without moving another bicycle.

d. Charging options for battery operated or assisted bicycles shall be provided in the bicycle storage area. This amount will be provided at a rate determined by owner based on site context.

...

**20.20.727    Redevelopment of existing buildings.**

...

B. For development applications meeting all of the requirements of subsection A of this section, the normal requirements of this Code shall apply during the land use or building permit review required for the application except as such requirements are modified below by this subsection:

...

5. The following sections of the Land Use Code, now or as hereafter amended, do not apply:

...

c. ~~LUC 20.20.560~~LUC 20.20.561 (Nonconforming structures, uses and sites);

...

7. Nonconforming Uses, Structures and Sites. Except in any BelRed Land Use District, any nonconforming use, nonconforming structure, or nonconforming site may continue when all of the requirements of subsection B.7.a of this section are met. However, once a final certificate of occupancy is issued, such nonconformities may continue only to the extent allowed by ~~LUC 20.20.560, 20.25A.040, or 20.25Q.040, whichever is applicable given the location of the development~~LUC 20.20.561.

...

**20.20.900    Tree retention and replacement.**

...

B. Applicability.

...

4. This section is inapplicable in the following circumstances.

...

h. This section does not apply to Development Activity in the F1 Land Use District established under LUC 20.10.020 and described in LUC 20.10.395.

...

E. Minimum Tree Density

...

2. Minimum Tree Credits by Land Use District. Minimum tree credits are determined based on the Land Use District, Land Use, and Tree Canopy Site Area. The minimum tree credits required are calculated by dividing the Tree Canopy Site Area, measured in square feet, by 1,000 then multiplying by the applicable rate identified in Table 20.20.900.E.1. If this calculation would result in a fractional requirement, and that fraction is 0.5 or greater, then the number of required tree credits shall be equal to the next higher whole number. If that fraction is less than 0.5, then the number of required tree credits shall be equal to the next lower whole number.

**Table 20.20.900.E.1. Minimum Tree Credits per 1,000 Square Feet of Tree Canopy Site Area**

Land Use District	One Dwelling Unit per Lot	Two or More Dwelling Units per Lot	<u>Mixed Use,</u> Commercial, Office, Light Industrial, and All Other Nonresidential Land Uses
LL-1 LL-2 SR-1	5	4	1
SR-2 SR-3 SR-4	2	1.5	0.75

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Land Use District	One Dwelling Unit per Lot	Two or More Dwelling Units per Lot	<u>Mixed Use</u> , Commercial, Office, Light Industrial, and All Other Nonresidential Land Uses
All Other Land Use Districts	1	0.75	0.5

...

5. Dimensional Standard Modification for Tree Retention.

...

- b. Front and Rear Yards. Subject to street intersection sight obstruction requirements, BCC 14.60.240, development may extend into up to 50 percent of the required front yard or 5 feet into the rear yard in the following circumstances:

...

- iii. The proposal is for affordable housing development provided under ~~LUC 20.20.128~~Chapter 20.15 LUC and will exceed the required minimum tree density.

- c. Building Height. Except in transition areas and for proposals of 1 dwelling unit per lot, the maximum building height may be increased by up to 12 feet for those portions of the building(s) at least 20 feet from any property line in the following circumstances:

...

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- iii. The proposal is for affordable housing development provided under ~~LUC 20.20.128~~ Chapter 20.15 LUC and will exceed the required minimum tree density.

...

**Part 20.25A Downtown**

**20.25A.010 General.**

- A. Applicability of Part 20.25A LUC.

...

- 3. Land Use Code Sections Not Applicable in Downtown. The following sections of the Land Use Code, ~~BCC Title 20~~, now or as hereafter amended, do not apply in Downtown. Unless specifically listed below, all other sections apply.

...

~~g. LUC 20.20.128;~~

~~gh. LUC 20.20.135 and 20.20.140;~~

~~hi. LUC 20.20.190 and 20.20.192;~~

~~ij. LUC 20.20.250;~~

~~jk. LUC 20.20.400;~~

~~kl. LUC 20.20.540;~~

~~lm. LUC 20.20.525;~~

~~n. LUC 20.20.560;~~

~~me. LUC 20.20.700 and 20.20.720;~~

~~np. LUC 20.20.750 through 20.20.800; and~~

~~oq.~~ LUC ~~20.20.890 and~~ 20.20.900.

**B. Organization of Part 20.25A LUC.**

...

2. Land Use Districts. Each parcel of land in Downtown is classified to determine uses, dimensional requirements (including Floor Area Ratio), and requirements for participation in the Amenity Incentive System. Specific sections of the Downtown code, Part 20.25A LUC, apply to the following Land Use Districts. See Figure 20.25A.060.A.2 for a map of the Downtown Land Use Districts.

...

- b. Downtown-Office 2 (DT-O-2). The purpose of the Downtown-O-2 District is to provide an area for intensive business, financial, retail, hotel, entertainment, institutional, and urban residential uses and to serve as a transition between the more intensive Downtown-O-1 District and the less intensive Downtown-Mixed Use District. The Downtown-O-2 District includes different maximum building heights for areas north of NE 8th Street, east of 110th Avenue NE, west of Bellevue Way NE, and south of NE 4th Street based on proximity to the Downtown Core and access to the regional freeway system and transit, creating the Downtown O-2 Districts North, East, West, and South (DT-O-2 North, DT-O-2 East, and DT-O-2 South and West).

...

**20.25A.020 Definitions.**

**A. Definitions Specific to Downtown.**

...

~~**DT – Project Limit:** A lot, portion of a lot, combination of lots, or portions of combined lots treated as a single development parcel for purposes of the Land Use Code.~~

...

~~**DT – Tower:** Any building with a minimum height of 100 feet or greater.~~

...

~~**DT – Transparency:** Ability to see through a window or door at the pedestrian eye level. The pedestrian eye level is 30 inches to eight feet up from the sidewalk, following the adjacent sidewalk slope.~~

...

~~**DT – Weather Protection:** A continuously covered area projecting from a building that functions as weather protection or a canopy projecting from the elevation of the building that is designed to provide pedestrians protection from the elements. Weather protection includes, but is not limited to, marquees and awnings that are made of durable materials.~~

**B. General Definitions Not Applicable to Downtown.**

The general definitions contained in Chapter [20.50](#) LUC apply unless specifically listed below as inapplicable to Downtown.

...

~~**Grand Connection.** [LUC 20.50.022.](#)~~

...

~~**Project Limit.** [LUC 20.50.040.](#)~~

...

**20.25A.040 Nonconforming uses, structures and sites.**

*This section is deleted in its entirety.*

**20.25A.060 Dimensional charts.**

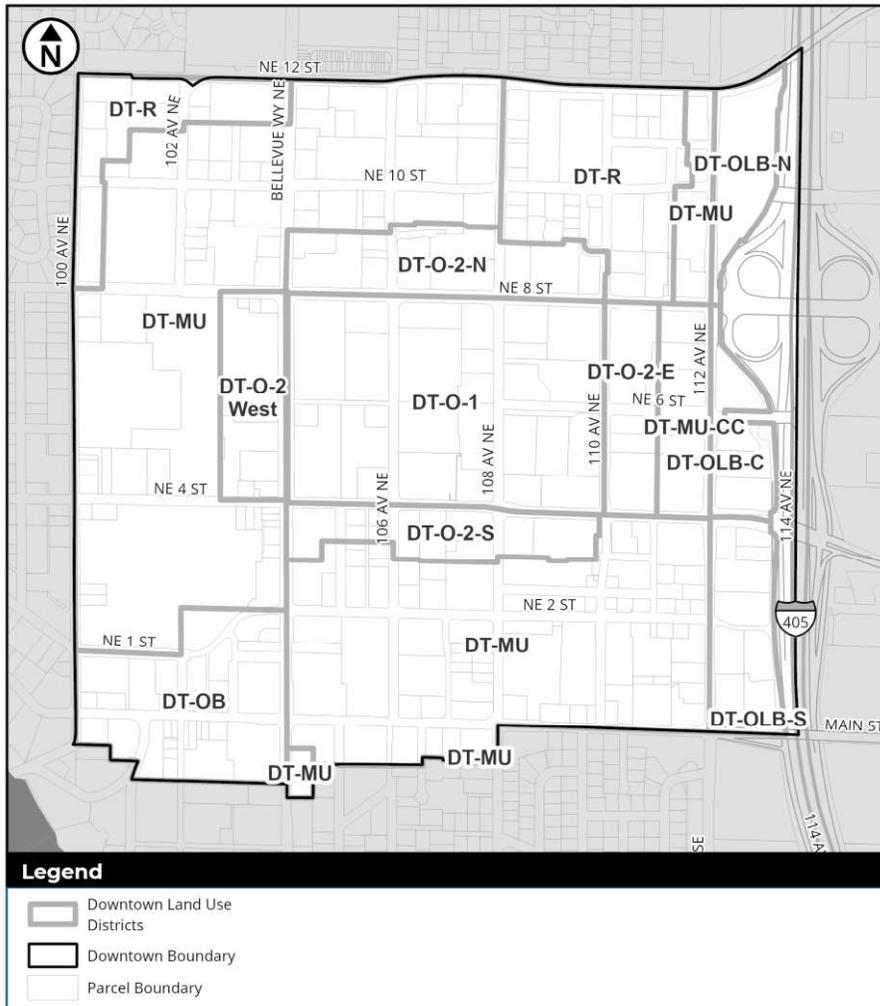
A. Dimensional Requirements in Downtown Land Use Districts.

...

2. Land Use District Map. Figure 20.25A.060.A.2 illustrates the locations of the Downtown Land Use Districts. The Land Use District Map should be viewed together with the Perimeter Overlay Map below for a complete overview of the zoning



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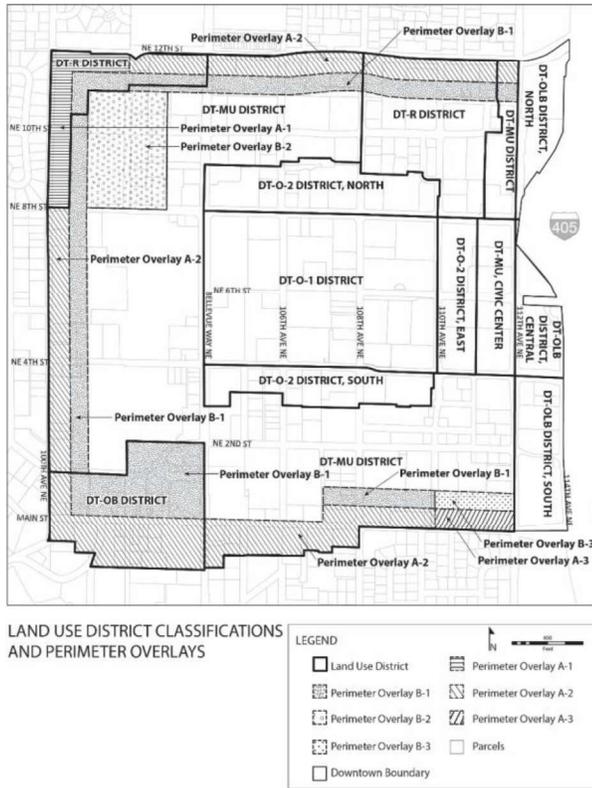
Date: 11/13/2025 File Name: V:\Development\ArcGISPro\HOMA\_LUCA\_Rezone\DowntownSubarea\_Zon\_Perimeter.aprx

- Perimeter Overlay Map. Figure 20.25A.060.A.3 illustrates the locations of the Downtown Perimeter Overlays in relationship to the Downtown Land Use Districts. The Perimeter Overlay Map should be viewed together with the Land Use District Map above for a complete overview of the zoning applicable on a site. In addition to the applicable Land Use District, a site may be governed partially or entirely by a

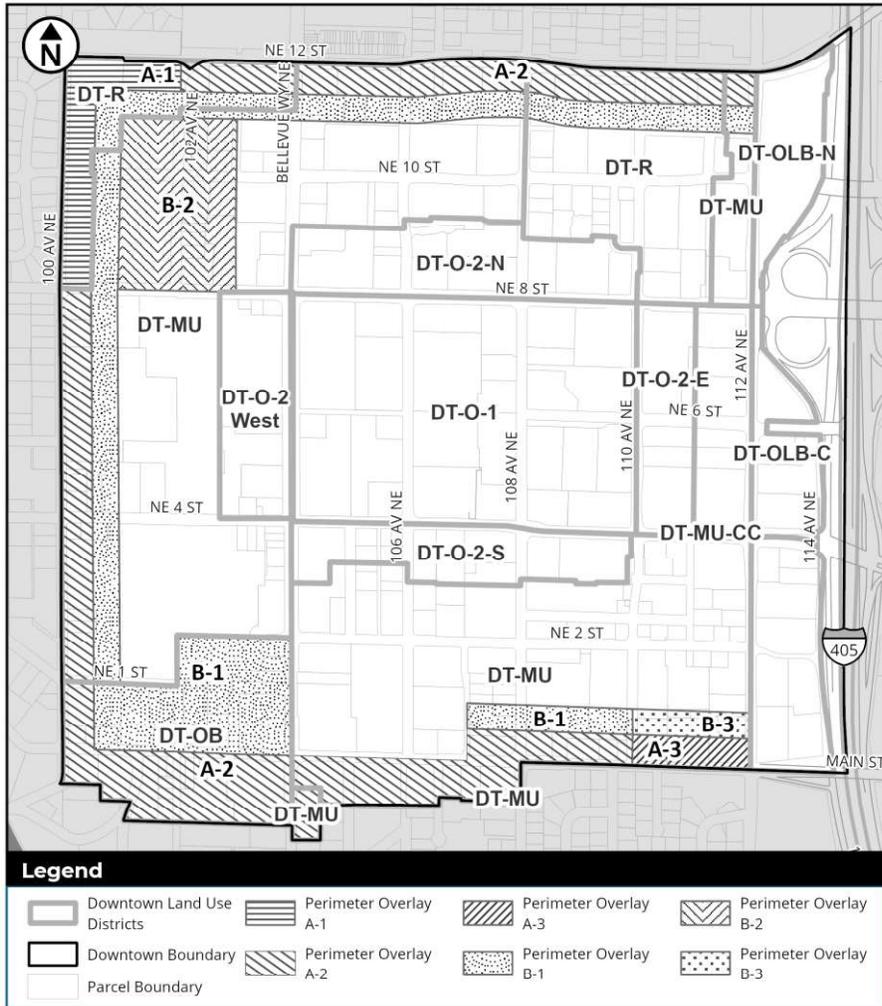
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Perimeter Overlay.

**Figure 20.25A.060.A.3**



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4. Dimensional Chart. Chart 20.25A.060.A.4 sets forth the dimensional requirements applicable to each Land Use District and Perimeter Overlay that is mapped in Figures

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20.25A.060.A.2 and 20.25A.060.A.3.

Note: For the purposes of this dimensional chart, the DT-O-2, DT-MU, and DT-OLB are divided into smaller areas. The rest of this Part [20.25A](#) LUC does not divide these districts into smaller areas.

**Chart 20.25A.060.A.4 Dimensional Requirements in Downtown Land Use Districts**

Downtown Land Use District	Building Type (2)(5)	Minimum Tower Setback above 80' Where Building Exceeds 100'	Maximum Floor Plate Above 40' (4)(22)	Maximum Floor Plate Above 80' (4)(22)	Maximum Lot Coverage (13)	Maximum Building Height /Maximum Building Height with Mechanical Equipment (17)	Floor Area Ratio: Base/Maximum (3)	Tower Separation Above 80' Where Building Exceeds 100'	Base Building Height	Trigger for Additional Height
....										
<b>DT-O-2 South of NE 4<sup>th</sup> and West</b>	Nonresidential	20' (14)	24,000 gsf/f	24,000 gsf/f	100%	345'3 65' (18)	5.4/6.0	60' (14)	288'	288' (7)
	Residential	20' (14)	22,000 gsf/f	13,500 gsf/f	100%	345'3 65' (18)	5.4/6.0	60' (14)	288'	288'

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<b>of Bellevue Way NE</b>	Above-Grade Parking	20' (14)	20,000 gsf/f	20,000 gsf/f	100%	100' (9)/100'	NA	60' (14)	N/A	N/A (10)
...										

**Notes: Dimensional Requirements in Downtown Land Use Districts and Perimeter Overlays:**

...

(22) Nonresidential buildings providing affordable housing or the associated fee-in-lieu through the Amenity Incentive System (see: LUC 20.25A.070.D.4) may exceed the maximum floorplate square footage by up to 3 percent. Such square footage is FAR exempt and shall not be counted towards the overall gross square footage of a development.

...

**B. Exceptions to Dimensional Requirements.**

...

3. Perimeter Overlay FAR Flexibility.

a. Unutilized FAR from land area in a Downtown perimeter overlay may be utilized for development outside of the perimeter overlay in another perimeter overlay or in the DT-MU Land Use District, provided that all of the following conditions are met:

- i. The land area of the available FAR in a Downtown perimeter overlay and the development utilizing the FAR in the DT-MU are within a single project limit;
- ii. The available FAR from land area in the perimeter overlay may be utilized for development in another perimeter overlay or in the DT-MU only if the areas within the sending perimeter overlay are developed as residential uses;
- iii. -The utilization of available FAR from a sending perimeter overlay in a receiving perimeter overlay is only permitted when such utilization does not exceed the applicable maximum FAR in anythe receiving perimeter overlay;

iv. Utilization of available FAR as provided in this Section shall count towards the maximum FAR for the single project limit, except that: dDevelopment in DT-MU may exceed the maximum FAR for DT-MU in LUC 20.25A.060.A.4 provided that the additional FAR for the project limit is utilized consistent with this section; and

v. If the utilization of available FAR under subsection B.3 of this section results in development exceeding the base FAR for the DT-MU, then the development must participate in the Amenity Incentive Program and earn amenity incentive points equal to the square footage above the applicable base FAR in accordance with the procedures for calculating amenity incentive points under LUC 20.25A.070.

**20.25A.070 Amenity incentive system and floor area ratio.**

...

**C. FAR Exemptions, Special Dedications, and Conversion of Previously Approved Exempt Retail Activity Space.**

...

2. Affordable Housing Development Flexibility. ~~A maximum of 1.0 FAR of floor area may be exempted to support the provision of affordable housing, minimum parking may be reduced,~~ and additional development flexibility allowed, as provided below.

a. For every gross square foot of affordable housing provided on-site, a development may exempt four gross square feet of market-rate housing, up to a maximum of 50 percent of the base FAR in the land use district in which the building containing the exempted market-rate housing is located. 1.0 FAR of floor area dedicated to supporting the creation of on-site affordable housing shall not be counted for the purposes of calculating the FAR of a project; provided that:

~~b. Reduced Minimum Parking Ratio for Affordable Units. Affordable studio and one-bedroom units located in projects meeting the requirements of subsection C.2.a of this section shall have a minimum parking ratio of 0.5 stalls per unit.~~

b. Additional Development Flexibility. Projects that provide 0.5 FAR or greater of the exempt floor area earned through the provisions of on-site affordable housing may:

i. Increase the maximum lot coverage by five percent in Perimeter Overlay Districts A-1, A-2, A-3, B-1, and B-2; ~~and~~

- ii. For buildings that are not located in the Perimeter Overlay, decrease the upper-level stepbacks required under LUC 20.25A.075.C by a maximum of five feet; and
- iii. For buildings that are both less than 100 feet in height and located within the Perimeter Overlay, other than facades fronting Main Street between 100<sup>th</sup> Ave. NE and Bellevue Way NE, decrease the upper-level stepbacks required under LUC 20.25A.075 by a maximum of fifteen feet;
- iv. For buildings located within the Perimeter Overlay, increase maximum building heights listed in Chart 20.25A.060.A.4 by 25 feet; and
- v. Exempt buildings that are both less than 85 feet in height and located in the Perimeter Overlay from the maximum floor plate above 40 feet requirements listed in Chart 20.25A.060.A.4.

...

#### D. Specific Amenity Incentive System Requirements.

...

2. Development within a project limit may only exceed its base FAR or base building height by providing amenities as described in Chart 20.25A.070.D.4 and this subsection.

...

- b. Allocation of Amenities. The Amenity Incentive System has a focus on affordable housing and public open space features.
  - i. It is required that the first 25 percent of a project's amenity points shall be earned from the provision of on-site affordable housing. In-lieu fees may also be utilized to meet this requirement.
  - ii. It is required that 5075 percent ~~or more~~ of a project's amenity points shall be earned from one or more of the following amenities: Grand Connection and Major Public Open Space, Outdoor Plaza, Donation of Park Property, Improvement of Public Park Property, Enhanced Streetscape, Active Recreation Area, Enclosed Plaza or Alleys with Addresses.
  - iii. The remaining 25 percent of a project's required amenity points may be earned from any ~~other~~ amenity on the amenity list.
  - iv. Exception: DT-Small Sites may utilize any combination of amenity incentive points from the standard list to earn all required amenity points.

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- c. In-Lieu Fees. In-lieu fees may be used for up to 50 percent of a project’s required amenity incentive points. ~~The in-lieu fee as of October 24, 2017, is \$28.00 per amenity point. In-lieu fees shall be assessed and collected at building permit issuance.~~ In-lieu fees collected by the City shall be placed in a dedicated account and used exclusively for the provision of affordable housing or the acquisition or improvement of publicly accessible open space within, adjacent to, or connected to Downtown as determined by the Parks and Community Services Director. The amenity incentive system in-lieu fee rate, published in the City’s fee rate schedule, shall be reviewed annually, and, effective January 1st of each year, may be administratively increased or decreased by an adjustment to reflect the current published annual change in the Seattle Consumer Price Index for Wage Earners and Clerical Workers as needed in order to maintain accurate costs for the region. In-lieu fees shall be assessed as follows:
  - i. As of [Insert Effective Date of Ordinance], the fee shall be \$13.00 per amenity point for affordable housing.
  - ii. As of [Insert Effective Date of Ordinance], the fee shall be \$38.65 per amenity point for all amenities other than affordable housing.

...

4. Amenity Incentive System.

**Chart 20.25A.070.D.4 Amenity Incentive System**

LIST OF BONUSABLE AMENITIES	APPLICABLE NEIGHBORHOODS AND BONUS RATIOS						
	Northwest Village	City Center North	Ashwood	Eastside Center	Old Bellevue	City Center South	East Main
<b>PUBLIC OPEN SPACE FEATURE AMENITIES</b>							
...							
<b>2. Outdoor Plaza:</b> A publicly accessible, continuous open space, predominantly open from above, and	9.3:1	9.3:1	8.4:1	9.3:1	8.4:1	8.4:1	8.4:1
	8.4 bonus points per square foot of outdoor plaza in Priority Neighborhoods; 9.3 bonus points per square foot in High Priority Neighborhoods.						
	<b>DESIGN CRITERIA:</b>						

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designed to relate to the surrounding urban context. Outdoor plazas prioritize pedestrian use and serve as opportunities to activate Downtown for residents and users.

1. Minimum plaza size is 3,000 square feet with a maximum bonusable area of 20 percent of the gross lot area; provided, that the minimum plaza size for a DT-Small Site is 1,500 square feet. Plazas larger than 10,000 square feet may earn 10 percent additional bonus points if they are designed in a manner to provide for activities to promote general public assembly.
2. Minimum plaza size may be met through the linking of smaller plaza spaces in a cohesive, logical manner with a strong design narrative.
3. Minimum seating provided shall be one linear foot of seating space per 30 square feet of plaza space.
4. A minimum of 20 percent of the area eligible for bonus amenity points in the plaza shall be landscaped.
5. Plaza amenities to enhance the users' experience shall be provided, e.g., art and water elements.
6. To ensure visual and physical connectivity into the plaza from the adjacent right-of-way, at least one plaza entrance shall abut and be located within 30 inches in elevation of the adjacent sidewalk grade, and shall provide physical and visual access from the adjacent right-of-way. The elevation of the rest of the plaza may vary, provided a minimum of one access point meets this requirement.
7. Provide for sense of security to users through well-lit and

	<p>visible spaces.</p> <p>8. Directional signage shall be provided to identify circulation routes for all users and inform the public that the space is accessible to the public at all times. The signage shall be visible from all points of access. The Director shall require signage as provided by the City of Bellevue Transportation Department Design Manual. If the signage requirements are not feasible, the applicant may propose an alternative that is consistent with this provision and achieves the design objectives for the building and the site may propose an alternative that is consistent with this provision and achieves the design objectives for the building and the site.</p> <p>9. Plazas shall be open to the public at all times and require an easement for public right of pedestrian use in a form approved by the City.</p> <p>10. Plazas shall meet all design criteria for design standards for public open spaces.</p> <p>11. Square footage for purposes of calculating amenity points shall not include vehicle or loading drive surfaces.</p>
<p>...</p>	
<p><b>17. Sustainability Certification:</b> The City has a vested interest in supporting sustainable building practices and provides amenity bonus points</p>	<p>Tier 1: Living Building Net Zero Energy; Built Green 5-Star; or LEED Platinum; 0.25 FAR Bonus.</p> <p>Tier 2: Passivhaus PHIUS+2015 Verification; Built Green 4-Star; or LEED Gold; 0.2 FAR Bonus.</p> <p>Note: Other Sustainability Certifications with an expected public benefit equal to or in excess of Tier 1 or Tier 2 may be pursued under the Flexible Amenity provisions.</p> <hr/> <p><b>DESIGN CRITERIA:</b></p>

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<p>commensurate with the level of sustainability provided in each building. Bonus FAR points shall be earned according to the level of rating an applicant completes. Building practices are rapidly evolving and sustainability features are becoming mainstream. The purpose of this amenity is to incentivize performance significantly above the industry norm.</p>	<p>1. Buildings shall meet minimum criteria for LEED, Built Green, or Living Building Challenge certification in the chosen category.</p> <p>2. <del>A performance bond equivalent to the value of the bonus shall be provided to the City by the developer. In the event the project does not achieve the planned rating within 18 months of project completion, the bonded fund shall be used for environmental improvements within Downtown identified by the City. An assurance device consistent with LUC 20.20.420.C shall be provided to the City by the developer.</del></p>						
<p>...</p>							
<p><b>AFFORDABLE HOUSING AMENITY</b></p>							
<p><b>19. Affordable Housing:</b> <u>The provision of housing meeting the definition of affordable housing in LUC 20.50.010.</u></p>	<p><u>4:1</u></p>	<p><u>4:1</u></p>	<p><u>4:1</u></p>	<p><u>4:1</u></p>	<p><u>4:1</u></p>	<p><u>4:1</u></p>	<p><u>4:1</u></p>
<p><u>4:1 bonus points per square foot of affordable housing provided within a single project limit.</u></p>							

...

**20.25A.075 Downtown tower requirements and upper-level setbacks.**

A. Requirements for Additional Height.

...

3. Outdoor Plaza Space Requirement. Buildings with heights that exceed the trigger for additional height shall provide outdoor plaza space in the amount of ~~10-7~~ percent of the site; provided:

- a. ~~That the outdoor plaza space shall be no less than 3,000 square feet in size (or 1,500 square feet on DT-Small Sites). In no event shall the outdoor plaza space be required by the Director to exceed one acre in size. The open space shall be provided within 30 inches of the adjacent sidewalk and shall comply with the requirements for outdoor plazas in the Amenity Incentive System of LUC 20.25A.070.D.2. Vehicle and loading drive surfaces shall not be counted as outdoor plaza space.~~

- b. ~~That to ensure visual and physical connectivity into the plaza from the adjacent right-of-way, at least one plaza entrance shall abut and be located within 30 inches in elevation of the adjacent sidewalk. The elevation of the rest of the plaza may vary, provided a minimum of one access point meets this requirement.~~

- c. ~~Modification of the Plaza Size With Criteria. The Director may approve a modification to the 10 percent requirement for outdoor plaza space through an Administrative Departure pursuant to LUC 20.25A.030.D.1; provided, that the following minimum criteria are met:~~

- i. ~~The outdoor plaza is not less than 3,000 square feet in size or 1,500 square feet on a DT-Small Site;~~

- ii. ~~The outdoor plaza does not contain isolated unusable fragments;~~

- iii. ~~The outdoor plaza meets the design criteria for outdoor plazas in the floor area ratio and Amenity Incentive System Chart, LUC 20.25A.070.D.4; and~~

- iv. ~~The size of the plaza is roughly proportional to the additional height requested.~~

### C. Upper-Level Stepbacks.

1. Upper-Level Stepback. Each building façade depicted in Figure 20.25A.075.C.2 ~~other than those facades fronting Main Street between 100<sup>th</sup> Ave. NE and Bellevue Way NE~~ shall incorporate a minimum 15- or 20-foot-deep stepback at a height ~~between 25 feet and the level of the first floor plate above 40 feet~~ ~~no greater than the first full building story above 110 feet in facade height.~~ ~~Facades fronting Main Street~~

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between 100<sup>th</sup> Ave. NE and Bellevue Way NE shall incorporate a 15-foot-deep stepback between 25 feet and the level of the first floor plate above 40 feet. The required depth of the stepback is shown in Figure 20.25A.075.C.2. This required stepback may be modified or eliminated if the applicant demonstrates through Design Review (Part 20.30F LUC) that:

- ...
- b. The modification is necessary to achieve design elements or features in the design standards of LUC 20.25A.140 through 20.25A.180, and the modification does not interfere with preserving view corridors. ~~Where a modification has been granted under LUC 20.25A.060.B.2.c, the upper level stepback may be incorporated between 25 feet and the level of the first floor plate above 45 feet;~~  
~~or~~

...

**20.25A.080 Parking standards.**

...

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

This subsection supersedes LUC [20.20.590.F.1](#). Subject to LUC [20.20.590.G](#), [20.20.590.H](#), and [20.20.590.L](#), the property owner shall provide at least the minimum and may provide no more than the maximum number of parking stalls as indicated below unless modified pursuant to applicable departure allowances contained in this section:

**Downtown Parking Requirements**

		Downtown Land Use Districts			
Land Use	Unit of Measure	-O-1, -O-2		-R, -MU, -OB, -OLB	
		Min.	Max.	Min.	Max.
...					
k. Residential (6) (8)	per unit	0	2.0	<del>1.0</del> 0.5 (5) (7)	2.0
...					

nsf = net square feet (see LUC [20.50.036](#))

**Notes to Parking Requirements:**

...

(5) ~~There is no minimum requirement for for studio apartment units available to persons earning 60 percent or less than the median income as determined by the United States Department of Housing and Urban Development for the Seattle Metropolitan Statistical Area, is 0.25 stalls per unit, affordable housing.~~

(6) Visitor parking shall be provided in residential buildings at a rate of one stall per 20 units, but in no case shall the visitor parking be less than one stall. For affordable housing and market rate multifamily dwelling uses with frequent transit service, the required visitor parking per unit shall be proportionately reduced for a combined number of resident and visitor parking per unit to not exceed a parking ratio of 0.75:unit.

...

F. Parking Area Improvements and Design

...

2. Compact Parking. This subsection F.2 supersedes LUC 20.20.590.K.9. The ~~Director may approve through an Administrative Departure pursuant to LUC 20.25A.030.D.1, property owner may~~ the design and ~~designation-construct-of~~ up to 65 percent of the parking spaces in accordance with the dimensions for compact stalls provided in LUC 20.20.590.K.11, for use by compact cars.

...

**20.25A.110 Landscape development.**

...

B. On-site landscaping.

...

2. Site perimeter and parking structure landscaping shall be provided in Downtown Land Use Districts and Perimeter Overlays according to the following chart, Landscape Development Requirements. In addition, street trees may be required by LUC 20.25A.110.A.1.

**Chart 20.25A.110 Landscape Development Requirements**

Land Use District/Overlay	Location On-Site		
	Street Frontage	Rear Yard	Side Yard
DT-O-1 DT-O-2 DT-OB	If buffering a parking area – 8' Type III (1)	None Required	None Required
DT-MU DT-R DT-OLB Perimeter Overlay	If buffering a parking area – 8' Type III (1)	<del>None Required</del> <del>If buffering a surface vehicular access or parking area – 5' Type III</del>	<del>None Required</del> <del>If buffering a surface vehicular access or parking area – 5' Type III</del>

...

**20.25A.120 Green and sustainability factor.**

...

A. General

...

4. Divide the Green and Sustainability Factor numerator by the lot area to determine the Green and Sustainability Factor score. Required vehicular travel and parking areas, dedicated emergency vehicular access, critical areas and buffers, and traffic circulation may be deducted from the lot area for the purpose of calculating the Green and Sustainability Factor. A development shall achieve a minimum score of 0.3. On DT-Small Sites, a development shall achieve a minimum score of 0.25.

...

**20.25A.135 Downtown neighborhood specific standards.**

...

**B. Downtown – Old Bellevue Neighborhood.**

1. Development Requirements. Development within the Old Bellevue Neighborhood shall comply with the following if the property abuts the named streets:

...

- b. ~~Pedestrian-oriented~~Active use frontage shall include display windows having mullions that are spaced two to six feet apart.

...

~~**Part 20.25C Office and Limited Business (OLB) and Office and Limited Business 2 (OLB 2) Districts**~~

*Part 20.25C is deleted in its entirety. Elements of this part have been consolidated into LUC 20.25I.*

**Part 20.25D BelRed**

**20.25D.010 General.**

- A. Applicability.

...

2. The following general development requirements of Chapter 20.20 LUC do not apply in the BelRed land use districts:

...

~~k. LUC 20.20.128;~~

~~kl. LUC 20.20.135;~~

~~lm. LUC 20.20.190;~~

~~ma. LUC 20.20.250;~~

~~ne. LUC 20.20.400;~~

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~~op.~~ LUC 20.20.520;

~~pq.~~ LUC 20.20.561~~0~~;

~~qf.~~ LUC 20.20.720;

~~rs.~~ LUC 20.20.760;

~~st.~~ LUC 20.20.800; and

~~u.~~ ~~LUC 20.20.890~~; and

~~tv.~~ LUC 20.30V.170.

...

**20.25D.060 Existing Conditions.**

...

C. Applicability.

...

2. The nonconforming provisions of LUC 20.20.070 and ~~20.20.560~~20.20.561 do not apply within the BelRed land use districts.

...

**20.25E Shoreline Overlay District**

**20.25E.040 Nonconforming shoreline conditions.**

...

C. Applicability.

...

4. The nonconforming provisions of LUC 20.20.070 and ~~20.20.560~~20.20.561 do not apply within the Shoreline Overlay District.

...

**20.25E.065 Residential shoreline regulations.**

...

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I. Nonconforming Residential Development.

...

2. Applicability.

...

- c. The nonconforming provisions of LUC 20.25E.040 do not apply to residential development located within the Shoreline Overlay District. The nonconforming provisions of ~~LUC 20.20.560~~LUC 20.20.561 apply only to General Development Requirements of Chapter 20.20 LUC that are applicable Citywide and are not part of the SMP.

...

**~~Part 20.25F – Evergreen Highlands Design District~~**

~~Section deleted in its entirety. The remaining parcels in the Evergreen Highlands Design District are proposed to be rezoned as Neighborhood Mixed Use and will be subject to the requirements of LUC 20.25I.~~

**Part 20.25F1 Factoria 1**

...

**20.25F1.015 Street Designations**

...

~~Area IV portions of Factoria Boulevard 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.~~

**~~20.25F1.030 – Development intensity and phasing of required improvements.~~**

**~~A. – District-Wide Intensity Limitation.~~**

~~The development limitations set forth in this section 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, II and III shall not exceed 681,100 gross square feet. Square footage~~

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~~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, II and 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, II and III.~~

**~~AC. 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 Part 20.30V LUC.~~

**20.25F1.040 Dimensional requirements ~~(1)(2).~~**

F1 Land Use District	Minimum Setback <del>(23)(34)(45)</del>			Building Height <del>(6)</del>	FA R	Maximum Impervious Surface	Stepback		
	Type A Street	Type B Street	Type C Street				Type A Street	Type B Street	Type C Street
DA I	N/A	N/A	<del>N/A</del> 30'	170'60'	5	85%	N/A	N/A	10' <del>(4)</del>

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F1 Land Use District	Minimum Setback (23)(34)(45)			Building Height (6)	FA R	Maximum Impervious Surface	Stepback		
	Type A Street	Type B Street	Type C Street				Type A Street	Type B Street	Type C Street
DA II	10'	N/A	10'	<del>40'</del> 75' <del>8</del> 0' (7)	3	85%	N/A	N/A	<del>10'</del> (8)N/ A
DA III	N/A	<del>N/A</del> 10' <del>0</del> ' (9)	<del>N/A</del> 10' '	170' <del>75'</del>	5	85%	N/A	<del>N/A</del> 0' <del>10</del> ' (10)	10' (4)
DA IV	<del>(11)</del>	<del>(11)</del>	<del>(11)</del>	170' <del>45'</del>	5	85%	N/A	N/A	N/A

**Footnotes:**

~~(1) Footnote (8) of the dimensional requirements contained in LUC 20.20.010 controls.~~

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

~~(31) Minimum setbacks are subject to development of required landscaping pursuant to LUC 20.25F1.050.~~

~~(42) Measured from the property line.~~

~~(53) 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 percent of the street frontage may be developed with buildings whose height exceeds four stories or 40 feet above the sidewalk grade adjacent to the building front, whichever is less. For the purposes of this requirement, building height is measured to a depth of 20 feet.~~

~~(8) At a height no greater than 11030 feet above the sidewalk grade adjacent to the building front. No setback is required for portions of buildings limited to 40 feet 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 setback is required if landscape setback is provided pursuant to LUC 20.25F1.050.~~

~~(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:

...

**20.25F1.070 Sidewalks and pedestrian paths.**

...

C. Pedestrian Paths

1. Minimum Width. The minimum width of pedestrian paths shall be ~~12~~14 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.

...

**20.25F1.110 Design Review Criteria**

...

**B. Site Design.**

1. Connectivity and Site Circulation.

...

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.

...

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

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

...

**C. Building Design.**

...

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

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

8. Parking Structures.

...

d. Limit visual exposure from perimeter streets to the interior of retail parking garages located in DA III and IV to 50 percent 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.

...

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

...

~~h. Provide handicapped accessibility.~~

...

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

...

**C. Perimeter Street Standards.**

...

2. Type B – Retail Street with Moderate Pedestrian Orientation.

...

b. Standards.

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

...

~~(2) In mixed use buildings, provide a 10-foot setback at a height of 30 feet above the sidewalk grade or at the first floor that the mix of uses changes between parking or retail and residential above, whichever is less.~~

(23) Avoid blank facades. A blank facade 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 the addition of planting, modulation, materials variation, artwork or other features that would cover at least 50 percent of the blank facade area.

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

~~(1) 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.~~

~~(2) Provide weather protection at gathering places through use of sheltered walkways or sidewalks.~~

...

3. Type C – Neighborhood Streets.

...

b. Standards.

...

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~~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 the sidewalk.~~

...

20.25F1.120 FAR Exemptions.

The following uses shall be exempt from a development's total FAR calculation, provided all applicable Land Use Code requirements are satisfied:

A. Exempt Uses. 100 percent of the floor area reserved for the following exempted uses.

The applicant shall execute an agreement in a form approved by the City which shall be recorded with the King County Recorder's Office requiring that the space be exclusively reserved and utilized for the exempted use listed in subsection A.1 through A.3 of this section for the life of the building. This agreement shall be a covenant running with the land, binding on assigns, heirs, and successors of the applicant.

1. Child care services.

2. Non-profit organizations.

3. Affordable commercial space that, if located in a Mixed-Use Land Use District, would meet the requirements to earn bonus points under LUC 20.25R.050.D.2.h.

B. Grocery stores. 100 percent of the floor area reserved for grocery store uses is exempt from a development's total FAR calculation. The applicant shall execute an agreement, in a form approved by the City which shall be recorded with the King County Recorder's Office, requiring that the space be exclusively reserved and utilized for the exempted use for a period of no less than 25 years. Upon written agreement between the City and the owner of the property, and after a period of no less than 25-years subsequent to the recording of the original covenant, the owner may replace the grocery store use with another use that fulfills the requirements of this section or, as an alternative, pay the then-applicable affordable housing fee-in-lieu. The use replacing the grocery store use, or amount of affordable housing fee-in-lieu paid, must qualify for equivalent or greater exempt FAR than was granted upon recording of the original covenant.

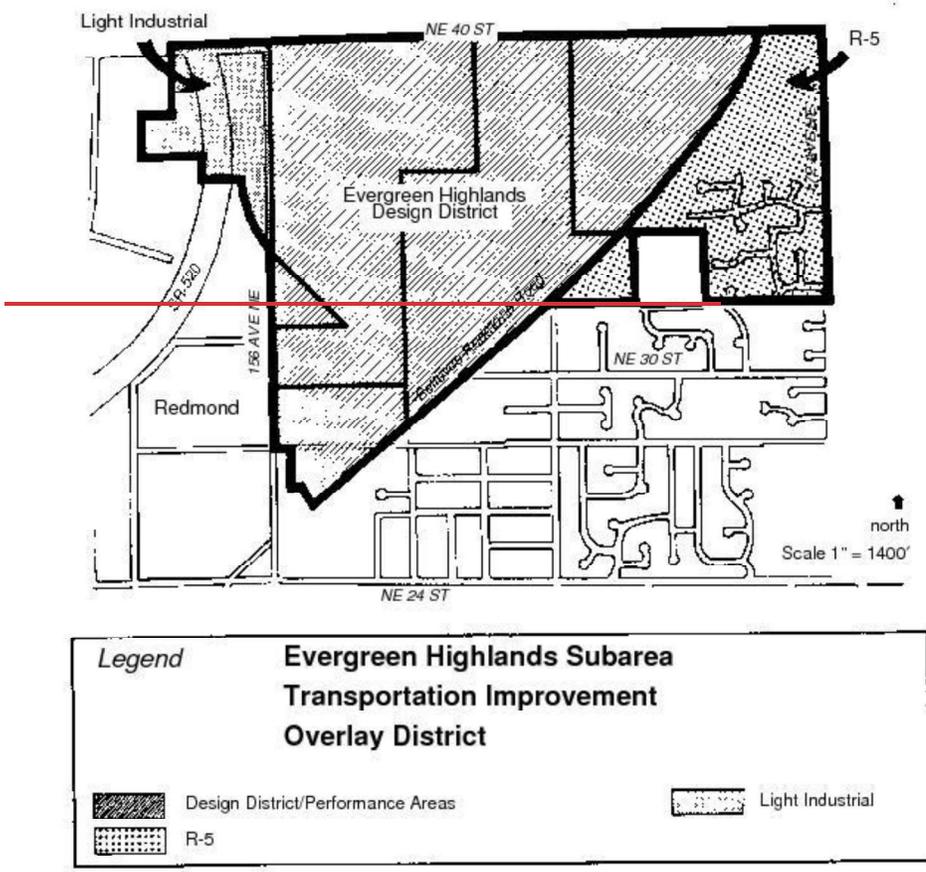
C. Affordable Housing. For every one square foot reserved for permanent affordable housing four square feet of market rate housing is exempt from a development's total FAR calculation, up to a maximum of one FAR exempt square footage.

D. Open Space. For every one square foot of open space provided exceeding 30 percent of the total lot area, one square foot of residential FAR can be exempted from the development's total FAR calculation, up to a maximum of 0.25 FAR exempt square footage.

**Part 20.25G—Evergreen Highlands Subarea Transportation Improvement Overlay District**

**20.25G.010—Purpose and creation.**

The Evergreen Highlands Subarea Transportation Improvement Overlay District is established for the area delineated on the following map for the purpose of implementing phased transportation improvements to mitigate the adverse impacts of development on the pre-existing circulation system. Phased development with associated transportation improvements and limited access to NE 40th Street, Bellevue-Redmond Road and 156th Avenue NE will result in an efficient transportation system for the subarea and surrounding properties. (Policies 21.V.9.070-083)



**20.25G.020 — Required improvements — General.**

Each development within the Evergreen Highlands Subarea Transportation Improvement Overlay District shall either:

- A. Provide for individual improvements as required by LUC 20.25G.030; or
- B. Provide an irrevocable commitment from a sufficient number of property owners to insure a Local Improvement District can proceed for the design and construction of

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~~improvements 1 through 11 as defined in LUC 20.25G.030 prior to the issuance of any Clearing and Grading Permit, Building Permit or other permit authority construction or site modification of any kind.~~

**20.25G.030 — Improvement phasing option.**

~~A. If the applicant chooses to develop and provide individual transportation improvements pursuant to LUC 20.25G.020.A, the following phasing schedule must be met:~~

**Evergreen Highlands Transportation  
 Improvement Phasing**

<b>Location</b>	<b>Percentage of Development Allowed (9)</b>	<b>Arterial Connection</b>	<b>Necessary Improvements by Section to Arterial System Before Occupancy Allowed (see Transportation Improvement Phasing Map)</b>
EH-A	50%	NE 40th (1)	1,2,4
	50%	Bel Red Road (1)	5,6
EH-B	40%	NE 40th (1)	1,2,3,4

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**Evergreen Highlands Transportation  
Improvement Phasing**

<b>Location</b>	<b>Percentage of Development Allowed (9)</b>	<b>Arterial Connection</b>	<b>Necessary Improvements by Section to Arterial System Before Occupancy Allowed (see Transportation Improvement Phasing Map)</b>
EH-C	40%	Bel Red Road (1, 3)	5,6
	20%	38th St. off-ramp (4)	11
	40%	NE 40th (1)	1,2,3,4
	40%	156th Ave. NE (2, 5)	1,2,3,7,8,9,10
	20%	38th St. off-ramp (4)	11
EH-D	40%	Bel Red Road (1, 6)	6,7
	40%	156th Ave. NE (1, 6)	7,8,9
	20%	38th St. off-ramp (4)	11

**Evergreen Highlands Transportation  
Improvement Phasing**

<b>Location</b>	<b>Percentage of Development Allowed (9)</b>	<b>Arterial Connection</b>	<b>Necessary Improvements by Section to Arterial System Before Occupancy Allowed (see Transportation Improvement Phasing Map)</b>
East of Bel-Red Rd.	100%	None	None
Between 156th Ave. NE and SR 520	80%	156th Ave. NE (2, 7)	1, 2, 9, 10
	20%	38th St. off-ramp (4)	11
West of SR 520	100%	NE 40th Street (1, 8)	1

**Improvement Phasing Option – Notes:**

- ~~(1) Only one access from the location is permitted from the named street.~~
- ~~(2) No more than two accesses from the location are permitted from the named street.~~

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~~(3) Must be located north of the intersection of NE 30th Street and Bellevue-Redmond Road.~~

~~(4) This requirement does not apply if a City petition for an off-ramp is rejected by the State Highway Commission.~~

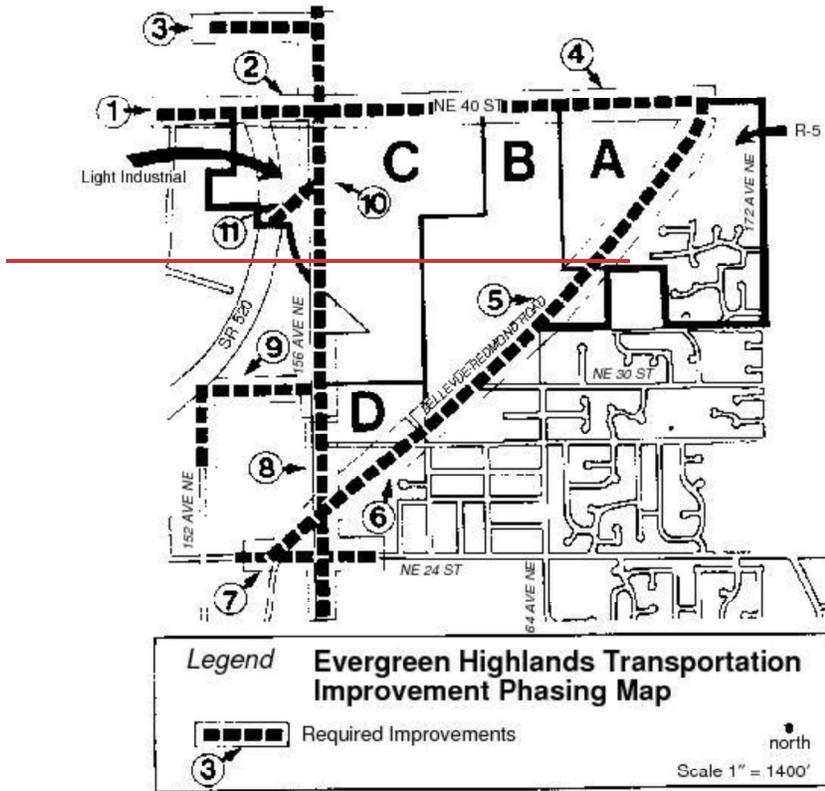
~~(5) Access points must be aligned with NE 31st Street and the proposed off-ramp from SR 520.~~

~~(6) Additional access points may be allowed if in the judgment of the Transportation Director connection to a single major access point cannot be developed.~~

~~(7) All development must be compatible with the future construction of improvement # 11. Minimum setback from the future right-of-way is at least 50 feet.~~

~~(8) Development must be consistent with the future development of an on-ramp from approximately NE 40th Street to SR 520 (westbound) and a minimum setback of 50 feet from such necessary right-of-way.~~

~~(9) Measured in allowable floor area or number of dwelling units.~~



**~~B. Improvement Commitment Required.~~**

~~No Clearing and Grading Permit, Building Permit or other permit authorizing construction or site modification may be issued until:~~

- ~~1. A Local Improvement District has been successfully formed for each required improvement; or~~
- ~~2. A construction contract has been signed and filed with the City for each required improvement.~~

**~~C. Construction Completion Requirement.~~**

~~No Certificate of Occupancy or Temporary Certificate of Occupancy may be issued for a structure on the subject property until all improvements required for that development have been completed and approved by the Transportation Director or other appropriate department head.~~

**~~20.25G.040 — Exempt development.~~**

~~No construction or provision for transportation improvements pursuant to this part, other than participation in a Local Improvement District formed pursuant to LUC 20.25G.020.B, is required if the subject property:~~

- ~~A. Is less than two acres; and~~
- ~~B. Existed as a separate lot on the effective date of this provision; and~~
- ~~C. Is not part of a contiguous ownership of two or more acres.~~

**Part 20.25H Critical Areas Overlay District**

**20.25H.065 Nonconforming uses, structures, and sites – Critical Areas, Critical Area Buffers, and Critical Area Structure Setbacks**

A. Applicability. ~~This section applies to uses, structures, and sites legally established, wholly or partially, within the critical area, critical area buffer, or critical area setback prior to [INSERT EFFECTIVE DATE OF ORDINANCE]. This section applies to nonconforming uses, nonconforming structures, and nonconforming sites located, wholly or partially, within a critical area, critical area buffer, or critical area structure setback.~~

B. Nonconforming Uses. ~~Nonconforming uses shall be regulated by LUC 20.20.561, LUC 20.25D.060, or LUC 20.25E.040, whichever is applicable to the nonconforming use by normal operation of this title.~~

- ~~1. A use legally established, wholly or partially, within a critical area, critical area buffer, or critical area structure setback prior to [INSERT EFFECTIVE DATE OF ORDINANCE] but could not legally be established in the same location today shall be considered a nonconforming use.~~
- ~~2. Nonconforming uses shall be regulated by LUC 20.20.560, LUC 20.20.561, LUC 20.25A.040, LUC 20.25D.060, LUC 20.25E.040, or LUC 20.25Q.040, as would be applicable to the nonconforming use by normal operation of this title.~~

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C. Nonconforming Structures.

~~1. Nonconforming structures shall be regulated by LUC 20.20.561, LUC 20.25D.060, or LUC 20.25E.040, whichever is applicable to the nonconforming structure by normal operation of this title.~~

~~1. A structure legally constructed, wholly or partially, within a critical area, critical area buffer, or critical area structure setback prior to [INSERT EFFECTIVE DATE OF ORDINANCE] but could not legally be constructed in the same location today shall be considered a nonconforming structure.~~

~~2. Nonconforming structures may remain unless specifically limited by the terms of subsection C of this section.~~

~~3. Nonconforming structures may be altered, subject to the following requirements:~~

~~a. The alteration must conform to all applicable development regulations;~~

~~b. If the alteration triggers proportional compliance under LUC 20.20.560, LUC 20.20.561, LUC 20.25A.040, LUC 20.25D.060, LUC 20.25E.040, or LUC 20.25Q.040, then improvements must be made that satisfy the applicable proportional compliance requirements; and~~

~~c. If operation of LUC 20.20.560, LUC 20.20.561, LUC 20.25A.040, LUC 20.25D.060, LUC 20.25E.040, or LUC 20.25Q.040 requires that the structure be brought into full compliance with existing Land Use Code requirements, then the structure must be brought into full compliance with existing Land Use Code requirements.~~

~~4. A Critical Area Land Use Permit is not required for alterations to a nonconforming structure constructed, wholly or partially, within a critical area or critical area buffer in the following circumstances and when all of the following requirements criteria are met:~~

...

~~53.~~ An alteration to a nonconforming structure may result in an expansion into a critical area structure setback, but only as may be allowed under LUC 20.25H.035 and LUC 20.25H.055.B.

D. Nonconforming Sites. Nonconforming sites shall be regulated by LUC 20.20.561, LUC 20.25D.060, or LUC 20.25E.040, whichever is applicable to the nonconforming site by normal operation of this title.

~~3.~~ A site containing nonstructural alterations to the natural landscape, above or below ground, legally performed, wholly or partially within a critical area, critical area buffer, or critical area setback prior to ~~[INSERT EFFECTIVE DATE OF ORDINANCE]~~ but could not legally occur in the same location today shall be considered a nonconforming site.

~~4.~~ Nonconforming sites may be altered, subject to the following requirements:

~~1.~~ The alteration must conform to all applicable development regulations;

~~2.~~ If the alteration triggers proportional compliance under LUC 20.20.560, LUC 20.20.561, LUC 20.25A.040, LUC 20.25D.060, LUC 20.25E.040, or LUC 20.25Q.040, then improvements must be made that satisfy the applicable proportional compliance requirements; and

~~3.~~ If operation of LUC 20.20.560, LUC 20.20.561, LUC 20.25A.040, LUC 20.25D.060, LUC 20.25E.040, or LUC 20.25Q.040 requires that the site be brought into full compliance with existing Land Use Code requirements, then the site must be brought into full compliance with existing Land Use Code requirements.

~~5.3.~~ Alterations to a nonconforming structure allowed under subsection C of this section do not constitute alterations to a nonconforming site under subsection D of this section unless the alterations include permanent, nonstructural alterations to the landscape, above or below ground, of the nonconforming site.

## **Part 20.25I            Community ~~Retail-Mixed-Use~~ Design District**

### **20.25I.010    Purpose.**

The purpose of the Community ~~Retail-Mixed-Use~~ Design District (CMURDD) is to ensure that development within the retail districts outside the Downtown exhibits a high quality of

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design in support of their role as the retail/service centers of the surrounding residential areas. Development in the district should incorporate architectural, landscape and pedestrian features, which are compatible with and provide identification for the surrounding area.

**20.251.020 Community ~~Retail Mixed-Use~~ Design District defined.**

The Community ~~Retail Mixed-Use~~ Design District includes all properties located within the Community Business ~~Districts~~, all Neighborhood Mixed Use ~~Districts~~, Office and Limited Business, Office and Limited Business 2, Office, Mixed Use: 8 Story, Mixed Use: 16 Story, Factoria 3, and all properties within Neighborhood Business ~~Land Use~~ Districts.

**20.251.030 ~~Design~~ Review required.**

A. Applicable Criteria and Standards.

The Director shall use this Part 20.251 LUC and all applicable provisions of Chapter 20.10 LUC and Chapter 20.20 LUC in reviewing an application for a Master Development Plan or Design Review approval for development in the Community Mixed-Use Design District.

B. Master Development Plan.

1. When Required. An applicant for a project with multiple buildings proposed to be constructed at different times within a single project limit shall submit a Master Development Plan for approval by the Director, pursuant to Part 20.30V LUC. An applicant for a single building project shall submit a Master Development Plan for approval by the Director pursuant to Part 20.30V LUC when building construction is proposed to be phased.
2. Scope of Approval. Master Development Plan review (Part 20.30V LUC) is a mechanism by which the City shall ensure that the site development components of a multiple building meet all applicable development standards. Design, architecture, and amenity standards and guidelines shall be met as a component of the Design Review (Part 20.30F LUC). Master Development Plan approvals required pursuant to subsection B of this section shall identify proposed building placement within the

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project limit and demonstrate compliance with all applicable dimensional standards and development regulations.

3. An approved Master Development Plan may be modified pursuant to LUC 20.30V.160.

C. Design Review. All development activity within the Community ~~Retail-Mixed-Use~~ Design District must be reviewed by the Director of the Development Services Department using the Design Review process, Part 20.30F LUC.

D. Procedural Merger. Within the Community Mixed-Use Design District, any administrative decision required by this Part 20.25I or by this Code, including but not limited to the following, may be applied for and reviewed as a single Process II Administrative Decision, pursuant to LUC 20.35.200 through 20.35.250:

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

**20.251.050 Design standards.**

**A. ~~Special Corner Feature.~~ Ground Floor Use Requirements.**

1. The following requirements shall apply to the ground floor of sites in the NB, CB, MU8, NMU, and MU16 land use districts:
  - a. In the NB and CB districts, pedestrian-oriented use shall be provided along at least 50 percent of the total linear footage of any public right-of-way.
  - b. In the MU8, NMU, and MU16 land use districts, pedestrian-oriented use shall be provided along at least 66 percent of the total linear footage of any public right-of-way.

c. Pedestrian-oriented use required by this section shall be no more than 10 feet from the back of the sidewalk. This requirement may be waived by the Director if the construction of a building is impossible in this location due to a physical impediment which exists on the site and so long as the physical impediment did not come into existence due to the actions or omissions of any current or prior owner of the property.

d. Pedestrian-oriented use requirements shall not apply to lots with a square footage of less than 20,000 square feet.

## 2. Design Flexibility

a. Up to 15 percent of the required pedestrian-oriented uses may be located to the interior of the site rather than within 10 feet of the sidewalk if all of the following conditions are met:

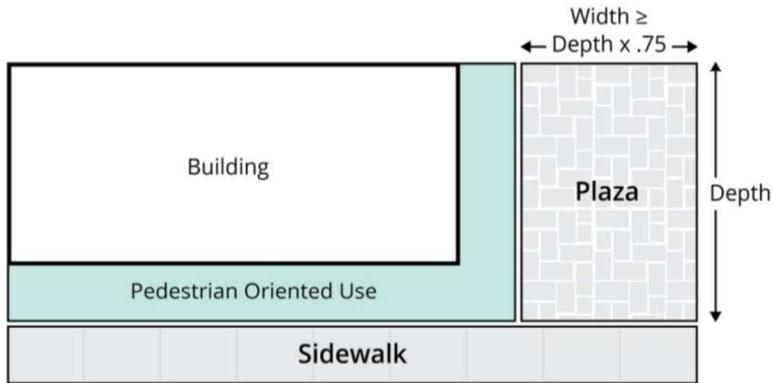
i. The pedestrian-oriented use must be located directly adjacent to an outdoor plaza meeting the requirements of this section;

ii. The plaza must be located directly adjacent to, accessible to, and at the same grade as the adjacent sidewalk;

iii. All required pedestrian-oriented uses must be visible to a pedestrian from the adjacent sidewalk or public right-of-way; and

iv. The width of the plaza must be no less than  $\frac{3}{4}$  of the linear distance of the depth of the plaza measured from the back of the sidewalk to the entrance of the furthest required pedestrian-oriented use from the sidewalk. (e.g.: If the furthest pedestrian-oriented use is 45 feet from the back of the sidewalk, then the plaza must be no less than 30 feet in width.)

Figure 20.25I.A.2.



### 3. Departure

- a. The Director may allow a departure from the requirement to provide pedestrian-oriented uses in multifamily developments; provided, that the departure is necessary to mitigate an economic hardship that would preclude project viability. A departure may be granted where the applicant demonstrates that:
  - i. The required pedestrian-oriented uses do not front on a major or minor arterial; and
  - ii. Visual and physical access to the required pedestrian-oriented uses is limited by topography or other site-specific obstacles.
- b. The Director may grant a departure from the requirement to provide pedestrian-oriented uses in multifamily developments where the applicant demonstrates that:
  - i. The use is within a building and supports pedestrian activity;
  - ii. The use promotes a high degree of visual and physical interaction between the building interior and the adjacent public realm; and

iii. No greater than 50 percent of the residential units within the project limit are townhouses.

c. A departure may be allowed for all sides of the building or some portion thereof; provided, that the approved departure is consistent with Part 20.251 LUC. If a departure is granted, ancillary residential uses such as a meeting room, leasing office, kitchen, and work-live space are preferred over occupied residential living space.

~~If the property is located at the intersection of two arterial streets, the site development shall incorporate a corner feature at the corner of the site. A corner feature can be a landscape feature, seasonal color planting area, sculpture, or water feature. The feature should provide a visual landmark and some amount of seating area. If the property is not located at an intersection, a similar feature should be considered in conjunction with a transit stop or at the primary access point to the site.~~

**B. Building Design Standards.**

- ~~1. Uses in any required pedestrian-oriented frontage shall have publicly accessible entrances accessible from the public right-of-way. The sides of a building facing a public street shall include public entrances to the building and windows to provide visual access to the activity within the building.~~
- ~~2. A minimum of 50 percent of the first story of any building fronting a public right-of-way shall provide transparency to pedestrians.~~
- ~~3. The sides of a building facing an adjoining property, but not a public street, shall include elements such as windows, doors, color, texture, landscaping or wall treatment to prevent the development of a long continuous blank wall.~~
- ~~4. Publicly accessible entrances fronting a public right-of-way shall provide transparency and weather protection.~~
- ~~5. Except for mass timber construction, a 15-foot stepback shall apply to the first full building story above 110 feet in facade height facing any public right-of-way.~~
- ~~3. Building design shall provide for architecturally integrated signage. Signs shall be in proportion to the development and oriented to the main direction access and to pedestrian movement. Signs shall meet the requirements of Chapter 22B.10 BCC, Sign Code.~~

**C. Site Design Standards.**

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1. Where a perimeter landscape area required under LUC 20.20.520.F may be relocated under Note (1) of that section, some or all of the relocated area shall be used to provide a landscaped courtyard. Any relocated landscape area shall be visible from the public street. The courtyard should be protected from wind on two sides and in sun during part of the day. Seating shall be provided.
2. The landscape design for the site shall include plantings which emphasize the major points of pedestrian and vehicular access to the site.

3. The Natural Environment.

- a. The following existing natural environments and connections shall be protected and incorporated into new development or redevelopment:
  - i. Active and passive gathering places and walkways oriented toward parks and open, natural spaces.
  - ii. Clear and direct public access to open space amenities.
  - iii. All Open spaces and any public access points to local and regional trails, where feasible.
  - iv. The minimum landscape development requirements of LUC 20.20.520 apply, and site development shall maximize the retention of existing vegetation.

~~3.4.~~ Site features such as fences, walls, refuse and recycle enclosures, and light fixtures shall be designed to be consistent with the scale and architectural design of the primary structure(s). Such site features shall be designed and located to contribute to the pedestrian environment of the site development

~~4.5.~~ Loading areas shall not be located between the building and the street unless there is no alternative location possible. Loading areas, if located between the building and the street, shall be oriented away from the street and screened to minimize views of the loading area from the street and sidewalk. Loading areas shall not be located on the side of a building which faces a neighboring residential use.

~~5.6.~~ In multiple-building complexes, buildings shall be located to facilitate safe and comfortable pedestrian movement between buildings. On sites which are adjacent to other properties within the Community Mixed-Use Design District, building location shall be chosen to facilitate pedestrian and vehicular connections to buildings on those adjacent properties.

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~~6.7.~~ Provide safe, convenient, and pleasant pedestrian connections to existing transit facilities. Where needed, shelters and lay-bys for transit vehicles shall be incorporated into the site development.

~~8. At-grade or rooftop mechanical equipment shall be sight-screened from adjoining properties and public rights-of-way.~~

~~9. Outdoor display or storage of vehicles for retail auto sales uses shall meet the following requirements:~~

~~a. Auto display areas shall meet the Type V landscaping requirements of LUC 20.20.520.F~~

~~b. Vehicle storage yards shall meet the requirements of LUC 20.20.520.F.2.c.~~

~~c. Auto display areas and vehicle storage yards shall not be located between the building façade closest to the public right-of-way and the public right-of-way.~~

~~10. Fences.~~

~~a. No fences shall be allowed along the street frontage.~~

~~b. Prohibited Fences. The following types of fences are prohibited:~~

~~i. Barbed wire.~~

~~ii. Electric fences.~~

~~c. Chain link fences are not permitted on any street frontage except as follows:~~

~~i. To secure a construction site or area during the period of construction, site alteration, or other modification; or~~

~~ii. In connection with any approved temporary or special event use~~

~~11. Build Compatible Parking Structures and Lots.~~

~~a. Intent. Guideline. Parking structures should be designed so that their streetscape interface has a consistent form, massing and use of materials with the vision for the area. Preference is given to parking structures that do not face public sidewalks. However, if due to site constraints, there are sidewalk-facing parking structures, those frontages facing the sidewalk should be designed to appear like other occupied buildings in the area. The horizontal garage form can be broken down by adding more wall surface and usable retail space, while retaining adequate garage ventilation.~~

~~b. Standards.~~

- i. Surface parking shall not be located between the front façade of the building closest to the public right-of-way and the public right-of-way
- ii. Surface parking shall be accessible via an internal street, alley, or shared driveway to minimize curb cuts.
- iii. Parking structures shall feature the following elements:
  - (1) All above-grade floors shall be horizontal with a floor-to-ceiling height of at least 10 feet to accommodate future adaptive reuse of the space, except for ramps providing circulation between floors.
  - (2) Any façade of the parking garage facing a public right of way shall screen views of parked automobiles through building design, public art, green walls, windows, or other forms of screening deemed appropriate by the Director.
- iv. Parking areas shall be designed to minimize conflicts between pedestrian and vehicular movements. Parking area landscaping should be used to define and separate parking, vehicular access, and pedestrian areas within parking lots.
- v. Parking lot landscaping shall meet LUC 20.20.520 requirements for Type V landscaping. Any parking areas located along a street or pathway should be buffered by five feet of Type III landscaping per LUC 20.20.520.
- vi. Internal parking lot landscaping shall meet LUC 20.20.520.F requirements for Type V landscaping.
- vii. Parking areas located along a street or pathway shall be buffered by five feet of Type III landscaping per LUC 20.20.520.F.

**D. Internal Walkways.**

The following design standards apply within the Community Retail Design District:

- ~~1. Walkways, of six feet in width minimum, shall be provided from the public sidewalk or right-of-way to the building. At a minimum, walkways shall be located to connect focus points of pedestrian activity such as transit stops and street crossings to the major building entry points.~~
- ~~2. Walkways shall be provided to connect with walkways or potential walkway locations on adjoining properties in the district to create an integrated internal walkway system along the desired lines of pedestrian travel. The width of the walkway shall be six feet unless otherwise approved by the Director.~~

~~On the sides of the building which provide public access into the building, the walkway shall be wide enough to allow for sidewalk seating area or window gazing as well as pedestrian travel. Weather protection of the building walkway shall be provided at the entrance area and along the entire building walkway.~~

- ~~3. Internal walkway surfaces shall be designed to be distinguishable from driving surfaces by using durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort.~~

~~E. Other Development Standards.~~

- ~~1. Rooftop equipment shall be visually screened pursuant to LUC 20.20.525. The design and color of rooftop mechanical equipment should be integrated with the building architectural style.~~
- ~~2. The outdoor display of building materials and similar bulky products shall be screened from view from the public street, sidewalk, and properties outside the district with a durable, solid wall or fence, or an evergreen hedge or a combination of the above. The screening requirement does not apply to the display of seasonal products of a decorative nature such as bedding plants, Halloween pumpkins, and holiday greens.~~
- ~~3. Bicycle racks shall be provided on site. Facilities for a minimum of 10 bicycles shall be provided for developments having 100 or fewer parking stalls. For each 100 additional stalls, facilities for 5 additional bicycles shall be provided.~~

~~**20.251.060 — Additional design guidelines for the Neighborhood Mixed Use District.**~~

~~The following design guidelines apply to development in the Neighborhood Mixed Use (NMU) District in addition to the CRDD guidelines contained in LUC 20.251.040 and the standards contained in LUC 20.251.050:~~

~~A. Site Development Guidelines.~~

~~Purpose. These site development guidelines address the qualities that make the Neighborhood Mixed Use District unique. They describe what makes an area a special, distinct place, not simply a group of individual buildings and streets.~~

- ~~1. Integrate the Natural Environment.~~

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~~a.—Intent. Integrate new landscape areas, natural drainage/LID features, sustainable design elements and green open spaces. Reinforce existing linkages and orient buildings to the existing natural and landscaped features of the surrounding neighborhood.~~

~~b.—Guideline. Site and building design should capitalize on existing significant elements of the natural environment, such as parks and open spaces, trails, riparian corridors and wetlands. Designs should also integrate new natural features, such as street trees, natural drainage systems and open space amenities for residents, employees and visitors. Depending on the location, this may be accomplished through integration of the natural environment with new development or providing a smooth transition between the natural and built environments.~~

~~c.—Recommended.~~

~~i.—The following existing natural environments and connections should be protected and incorporated into new development or redevelopment:~~

~~(1) Active and passive gathering places and walkways oriented toward parks and open, natural spaces.~~

~~(2) Clear and convenient public access to open space amenities.~~

~~(3) Open spaces and/or access points to local and regional trails.~~

~~ii.—The minimum landscape development requirements of LUC 20.20.520 apply, and site development should maximize the retention of existing vegetation.~~

~~iii.—Where a perimeter landscape area required under LUC 20.20.520.F may be relocated under Note (1) of that section, some or all of the relocated area should be used to provide a landscaped courtyard. Any relocated landscape area should be visible from the public street. The courtyard should be protected from wind on two sides and in sun during part of the day. Seating should be provided.~~

~~iv. Developments and design features that promote environmental sustainability such as natural drainage techniques, preservation and enhancement of critical areas, green walls and green roofs are encouraged.~~

~~2. Promote Community Gathering.~~

~~a. Intent. A comfortable, well-designed site provides an inviting and attractive area for community gathering.~~

~~b. Guideline. Gathering spaces are well-defined, inviting, secure, and attractive. They provide space for both active use and areas of respite for employees, general public and visitors to the site. All areas should be welcoming to pedestrians and provide space for special events.~~

~~c. Recommended.~~

~~i. Outdoor gathering spaces should be incorporated into areas near active ground floor uses to provide opportunity for a variety of activities as well as areas for stopping, sitting, and viewing. Spaces should be accessible, safe, and usable in all seasons.~~

~~ii. Trees, shrubs, and plants should define walkways, gathering spaces, and amenities.~~

~~iii. Site features such as fences, walls, and light fixtures should be designed and located to contribute to the pedestrian environment and community gathering spaces. Refuse and recycling enclosures should be designed in a manner consistent with the architecture of the adjacent buildings, and not be located adjacent to public gathering spaces or walkways.~~

~~iv. Incorporate public art the design of which:~~

~~(1) Responds or relates to the unique characteristics of the surrounding area;~~

~~(2) Utilizes durable, vandal-resistant materials; and~~

~~(3) Ensures that the art will age well.~~

~~3. Build Compatible Parking Structures and Lots.~~

~~a. Intent. Use design elements to enhance the compatibility of parking structures with the urban streetscape.~~

~~b. Guideline. Parking structures should be designed so that their streetscape interface has a consistent form, massing and use of materials with the vision for the area. Preference is given to parking structures that do not face public sidewalks. However, if due to site constraints, there are sidewalk-facing parking structures, those frontages facing the sidewalk should be designed to appear like other occupied buildings in the area. The horizontal garage form can be broken down by adding more wall surface and usable retail space, while retaining adequate garage ventilation.~~

~~c. Recommended.~~

~~i. Parking structures should include space at the street level to accommodate uses when located adjacent to pedestrian walkways or public open space. In other areas, active ground floor uses facing streets or walkways are strongly encouraged.~~

~~ii. Surface parking must be located behind the building and accessible via an internal street, alley or shared driveway to minimize curb cuts.~~

~~iii. Parking structures should feature the following elements:~~

~~(1) Small openings that may be glazed to function as windows;~~

~~(2) Stairways, elevators and parking entries and exits that occur at mid-block;~~

~~(3) Single auto exit/entry control point to minimize number and width of driveway openings (entry and exit points may be separated);~~

~~(4) Vertical expression of building structure; and~~

~~(5) Cladding to disguise sloped floors from the outside view.~~

~~iv. Parking areas should be designed to minimize conflicts between pedestrian and vehicular movements. Parking area landscaping should be used to define and separate parking, vehicular access, and pedestrian areas within parking lots.~~

~~v. Parking lot landscaping should meet LUC 20.20.520 requirements for Type V landscaping. Any parking areas located along a street or pathway should be buffered by five feet of Type III landscaping per LUC 20.20.520.~~

**DB.** Pedestrian Emphasis Standards.

...

1. The Pedestrian System.

...

b. Standards.

i. The pedestrian network shall **include**:

(1) Minimize curb cuts along pedestrian routes for pedestrian safety and comfort; internal drives between sites should be continuous; and

...

vi. Internal streets shall meet the following requirements:

(1) Landscaping allows visibility and access and does not block pathways.

...

**EC.** Architectural Standards.

Purpose. The architectural standards promote high-quality development while reinforcing the area's sense of place ~~by encouraging innovative design, construction techniques, and materials.~~

...

2. Residential Entries.

...

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b. Standards.

- i. ~~Ground-related individual unit entries shall be provided on ground floor space not used by storefronts or a multifamily lobby.~~ Where there are ground-related level individual residential entries, a clear transition between public, semi-private, and private space shall be delineated with one or more of the following techniques:
  - ~~(1) Moderate change of grade (two to five feet is preferred) from sidewalk level to entry.~~
  - (12) Provision of a porch or deck at least six feet wide by four feet deep. A covered porch is preferred;
  - (23) Private open space at least 10 feet wide;
  - (34) A low fence, rail, or planting two to four feet high. (This option is recommended in combination with any of the above.); or
  - (45) Other transition design measure(s) that adequately protects the privacy and comfort of the residential unit and the attractiveness and usefulness of the pathway at least as effectively as a combination of the above, as determined by the Director.

...

~~3. Retail and Commercial Entries.~~

- ~~a. Intent. Design retail and commercial entries should create an open atmosphere that draws customers inside. Primary entries to retail and commercial establishments should be frequent and transparent, allowing pedestrians to see the activity within the building and bring life and vitality to the street. Architectural detail should be used to help emphasize the building entry.~~

~~c. Standards.~~

- ~~i. The sides of a building facing a public street shall include public entrances to the building.~~
- ~~ii. Entrances shall one or more of the following elements:
  - ~~(1) Doors with a minimum of 50 percent window area; or~~
  - ~~(2) Building lighting that emphasizes entrances.~~~~

~~4. Ground Floor Retail and Commercial Windows.~~

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~~a. Intent. Use transparency to enhance visual interest and to draw people into retail and commercial uses, and provide views inside and outside.~~

~~†~~

~~b. Standard. Clear window glazing that provides visual access to the activity within the building shall be provided on ground floor facades.~~

...

**20.251.060 FAR exemptions.**

The following uses shall be exempt from a development's total FAR calculation, provided all applicable Land Use Code requirements are satisfied:

A. Exempt Uses. 100 percent of the floor area reserved for the following exempted uses.

The applicant shall execute an agreement in a form approved by the City which shall be recorded with the King County Recorder's Office requiring that the space be exclusively reserved and utilized for the exempted use listed in subsection A.1 through A.3 of this section for the life of the building. This agreement shall be a covenant running with the land, binding on assigns, heirs, and successors of the applicant.

1. Child care services.

2. Non-profit organizations.

3. Affordable commercial space that, if located in a Mixed-Use Land Use District, would meet the requirements to earn bonus points under LUC 20.25R.050.D.2.h.

B. Grocery stores. 100 percent of the floor area reserved for grocery store uses is exempt from a development's total FAR calculation. The applicant shall execute an agreement, in a form approved by the City which shall be recorded with the King County Recorder's Office, requiring that the space be exclusively reserved and utilized for the exempted use for a period of no less than 25 years. Upon written agreement between the City and the owner of the property, and after a period of no less than 25-years subsequent to the recording of the original covenant, the owner may replace the grocery store use with another use that fulfills the requirements of this section or, as an alternative, pay the then-applicable affordable housing fee-in-lieu. The use replacing the grocery store use, or amount of affordable housing fee-in-lieu paid, must qualify for equivalent or greater exempt FAR than was granted upon recording of the original covenant.

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B. Affordable Housing. For every one square foot reserved for permanent affordable housing four square feet of market rate housing is exempt from a development's total FAR calculation, up to a maximum of one FAR exempt square footage.

C. Open Space. For every one square foot of open space provided exceeding 30 percent of the total lot area, one square foot of residential FAR can be exempted from the development's total FAR calculation, up to a maximum of 0.25 FAR exempt square footage.

**20.251.070 Transition standards.**

A. Intent. Transition standards provide a buffer between residential uses in a residential land use district and commercial uses in mixed-use land use districts which permit development of higher intensity.

B. Applicability. Applies to all properties within the CMUDD that directly abut a residential land use district unless there are no non-residential uses within 150 feet of the abutting property line.

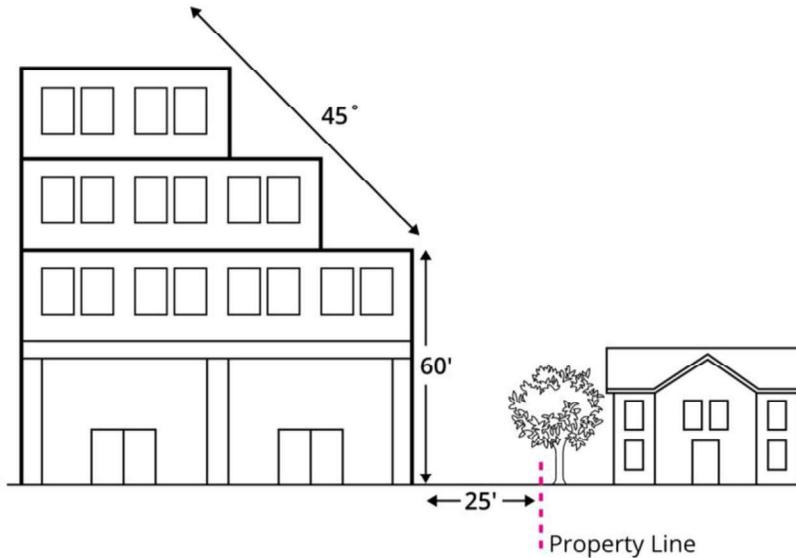
C. Standards.

1. Where side or rear property lines directly abut properties in a residential land use district the following shall be required:

a. A 25-foot landscape buffer meeting the requirements of this section.

b. Beginning at 25 feet from any property line abutting a residential land use district and 60 feet above grade, a 45-degree daylight plane shall apply to all structures.

Figure 20.25I.070.C.1. Daylight Plane Requirements



## 2. Landscape Buffer Requirements

- a. All landscaping shall comply with the applicable standards set forth in LUC 20.20.520. The provisions of 20.20.520] are applicable to this section.
- b. All significant trees within 15 feet of the abutting property line shall be retained.
- c. The buffer shall be planted with the following, and shall include at least 50 percent native species in the required plantings:
  - i. Evergreen and deciduous trees, of which no more than 40 percent can be deciduous. There shall be a minimum of 5 trees per 1,000 square feet of buffer area, which shall be a minimum of 10 feet high at planting, along with the evergreen shrubs and living groundcover as described in subsections C.2.c.ii and iii of this section to effectively buffer development from adjacent residential properties;
  - ii. Evergreen shrubs, a minimum 42 inches in height at planting, at a spacing no greater than 3 feet on center; and
  - iii. Living groundcover planted to cover the ground within three years.

d. Patios and other similar ground level features and trails may be incorporated into the buffer area, except that no more than 20 percent of the area may be used for such features. Patios shall not be located within 10 feet of the property line.

**20.25I.080 Phased parking.**

A. Parking spaces may be provided in phases pursuant to a phasing plan approved during the review of a master development plan under Part 20.30V LUC. Each phased parking installation must include the approved minimum to meet the parking requirements for the completed phases of the development for which the parking is provided. The phasing schedule must specifically indicate when all required parking will be completed.

1. Location. Phased parking may be located off-site if the criteria of Section 20.20.590.J are met.

2. Assurance Device. The Director may require an assurance device pursuant to LUC 20.40.490 to ensure compliance with the requirements and intent of this section.

**Part 20.25J Medical Institution District**

**20.25J.030 Dimensional requirements.**

...

**Footnotes:**

...

(7) If the Medical Institution District property line is modified as a result of expansion associated with widening of I-405 ~~and/or~~ associated access ramps, then the setback from I-405 and I-405 access ramps will continue to be measured from the property line established as of the effective date of the Master Development Plan that predated the freeway widening. Development complying with this Note is conforming as to the I-405 setback and is not subject to the nonconforming provisions of ~~LUC 20.20.560~~LUC 20.20.561.

...

**20.25J.060 Landscape requirements.**

...

**Footnotes:**

...

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(2) Required landscaping displaced as a result of expansion associated with widening of I-405 ~~and/or~~ associated access ramps is not subject to the nonconforming provisions of ~~LUC 20.20.560~~ LUC 20.20.561.

**Part 20.25K Factoria**

*Section deleted in its entirety. Elements of this section have been consolidated into LUC 20.25I.*

**Part 20.25N Camp and Conference Center District**

**20.25N.020 Master Development Plan Review required.**

...

B. Standards and Requirements.

...

1. At a minimum, the MDP shall depict the following:

a. Existing conditions, including:

...

ii. The proposed continuation of existing conditions, including uses and structures and their current locations, which are not permitted in a CCC District. ~~The nonconforming provisions of LUC 20.20.560 and/or the temporary use provisions of Part 20.30M LUC apply to these existing conditions.~~

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**Part 20.25P Eastgate Transit Oriented Development Land Use District**

**20.25P.010 General.**

A. Applicability.

...

2. The following general development requirements of Chapter 20.20 LUC do not apply in the EG-TOD:

...

k. LUC 20.20.125;

~~l. LUC 20.20.128;~~

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~~l~~m. LUC 20.20.135;

~~m~~n. LUC 20.20.400; and

~~o~~. ~~Part 20.25B LUC;~~

~~p~~. ~~Part 20.25I LUC;~~ and

~~n~~q. LUC 20.30V.170.

...

**20.25P.020 Review required.**

**A. Applicable Review and Guidelines.**

The Director shall use this Part 20.25P LUC ~~as currently adopted or subsequently amended or superseded~~ in reviewing an application for a Master Development Plan or Design Review approval in the EG-TOD.

**B. Master Development Plan.**

1. Scope of Approval. Master Development Plan review (Part 20.30V LUC) is a mechanism by which the City shall ensure that the site development components of a multiple-building or phased single-building proposal are consistent with the Comprehensive Plan and meet all applicable site development standards. Design, architecture, and amenity standards shall be met as a component of the Design Review (Part 20.30F LUC). Master Development Plan approvals required pursuant to subsection B.2 of this section shall identify proposed building location(s) within the project limit and demonstrate compliance with the following site development, standards:
  - a. Residential Requirement in EG-TOD. The Master Development Plan shall establish a residential phasing requirement for the project limit to ensure that the intended housing emphasis of the EG-TOD area is met. The residential phasing requirements shall provide that no office development in excess of 600,000 square feet may be approved in the EG-TOD until at least 100 residential dwelling units are under construction.

~~b. Phasing.~~

~~i. The first phase of any Master Development Plan for the EG-TOD shall include the pedestrian street required to support that phase; a minimum of 20,000 square feet of retail, services, and financial service uses fronting on the pedestrian street; and a maximum of 600,000 square feet of office development; and~~

~~ii. The second phase of any Master Development Plan for the EG-TOD shall include a minimum of 300 units of multifamily housing;~~

~~b.e.~~ Dimensional requirements pursuant to LUC 20.25P.060 as listed below:

...

~~c.d.~~ Landscape development pursuant to LUC 20.25P.070;

~~d.e.~~ Parking, circulation, and internal walkway requirements pursuant to LUC 20.25P.080;

~~e.f.~~ EG-TOD street development standards pursuant to LUC 20.25P.090; and

~~f.g.~~ Site development standards pursuant to LUC 20.25P.100.B.

...

~~20.25P.040 — Reserved.~~

**20.25P.050 Land Use Chart.**

The following charts apply to EG-TOD. The use charts contained in LUC 20.10.440 do not apply within the EG-TOD.

...

**Chart 20.25P.050 Recreation Uses in Eastgate Transit Oriented Development Land Use District**

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STD LAND USE CODE REF	Recreation – Eastgate Transit Oriented Development Land Use District	Eastgate Transit Oriented Development Land Use District
	LAND USE CLASSIFICATION	EG-TOD
7	Cultural Entertainment and Recreation	P
...		

...

**Chart 20.25P.050 Residential Uses in Eastgate Transit Oriented Development Land  
Use District**

STD LAND USE CODE REF	Residential – Eastgate Transit Oriented Development Land Use District	Eastgate Transit Oriented Development Land Use District
	LAND USE CLASSIFICATION	EG-TOD
...		
6516	Nursing Home	P
...		

...

**Chart 20.25P.050 Service Uses in Eastgate Transit Oriented Development Land Use  
District**

STD LAND USE CODE REF	Services – Eastgate Transit Oriented Development Land Use District (9)	Eastgate Transit Oriented Development Land Use District
	LAND USE CLASSIFICATION	EG-TOD
...		
624410	Family Child Care Home in Residence	P
...		

**Chart 20.25P.050 Wholesale and Retail in Eastgate Transit Oriented**

Development Land Use District

STD LAND USE CODE REF	Wholesale and Retail – Eastgate Transit Oriented Development Land Use District (1)	Eastgate Transit Oriented Development Land Use District
	LAND USE CLASSIFICATION	EG-TOD
...		
5251	Hardware, Paint, Tile and Wallpaper (Retail)	P
...		

**20.25P.060 Dimensional requirements.**

A. **General.**

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This subsection (Chart 20.25P.060.A, Dimensional Requirements in Eastgate Transit Oriented Development Land Use District) sets forth the dimensional requirements for the district. The Dimensional Requirements of Chart 20.20.010 do not apply in the EG-TOD. Each structure, development, or activity in the EG-TOD shall comply with these requirements except as otherwise provided in this section. If a number appears in a box at the intersection of a column and a row, the dimensional requirement is subject to the special limitation indicated in the corresponding note.

**Chart 20.25P.060.A Dimensional Requirements in Eastgate Transit Oriented Development District**

	<b>Eastgate Transit Oriented Development Land Use District</b>
<b>LAND-USE CLASSIFICATION DIMENSIONS</b>	<b>EG-TOD</b>
<b>DIMENSIONS</b>	<b>(<sup>4</sup>)</b>
<del>Front Yard</del> Minimum Setbacks of Structures (feet)	0 ( <sup>2</sup> ) ( <sup>3</sup> ) ( <sup>4</sup> )
Minimum Façade Separation (feet) (setback/stepback)	10 ( <sup>4b</sup> )
Rear Yard <u>Minimum Setback of Structures</u> (feet)	<del>5-0</del> ( <sup>2</sup> ) ( <sup>3</sup> ) ( <sup>4</sup> )
Side Yard <u>Minimum Setback of Structures</u> (feet)	<del>5-0</del> ( <sup>2</sup> ) ( <sup>3</sup> ) ( <sup>4</sup> )
2 Side Yards <u>Minimum Setback of Structures</u> (feet)	<del>0</del> ( <sup>2</sup> ) ( <sup>3</sup> )
Floor Area Ratio	<del>42.0</del> ( <sup>1</sup> )
Maximum in Building Height (feet)	160/ <del>55</del> ( <sup>2b</sup> )

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	<b>Eastgate Transit Oriented Development Land Use District</b>
<b>LAND-USE CLASSIFICATION DIMENSIONS</b>	<b>EG-TOD</b>
<b>DIMENSIONS</b>	<b>(<sup>1</sup>)</b>
Maximum Lot Coverage by Structures (percent) ( <del><sup>7</sup></del> ) ( <del><sup>8</sup></del> ) ( <del><sup>9</sup></del> ) ( <sup>14</sup> )	35
Maximum Hard Surface Coverage (percent) ( <sup>117</sup> ) ( <sup>128</sup> )	10085
Maximum Impervious Surface (percent) ( <sup>106</sup> ) ( <sup>117</sup> )	8560
Alternative Maximum Impervious Surface (percent) ( <del><sup>106</sup></del> ) ( <sup>117</sup> ) ( <del><sup>128</sup></del> )	80

**Notes:** Chart 20.25P.060.A Dimensional Requirements in Eastgate Transit Oriented Development Land Use District

**(1)** See LUC 20.25H.045 for calculation of density/intensity on sites in the Critical Areas Overlay District. Underground buildings as defined in LUC 20.50.050 are excluded from gross floor area when calculating FAR.

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

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

~~**(4)** 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.~~

**(45) Façade Separation:** Where building height exceeds 11045 feet, the façade of any building that fronts on the streets shown on the figure in LUC 20.25P.090.A.3 shall have a minimum façade separation of 10 feet that shall be measured from the back of the required sidewalk dimension to all portions of the building located above 11040 feet.

~~(56)~~ Standalone parking garages shall have a maximum building height of 55 feet.

~~(7)~~ Lot coverage is calculated after subtracting all critical areas and stream critical area buffers; provided, that coal mine hazards (LUC 20.25H.130) and habitat associated with species of local importance (LUC 20.25H.150) shall not be subtracted.

~~(8)~~ Maximum lot coverage by structures is determined after public right-of-way and private roads are subtracted from the gross land area.

~~(9) 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.

~~(610)~~ See LUC 20.20.460 for exceptions and performance standards relating to impervious surface.

~~(711)~~ Maximum hard surface ~~and~~, 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 are excepted under LUC 20.20.460.~~ All areas of impervious surface coverage shall be included in the calculation of total maximum hard surface.

~~(812)~~ See LUC 20.20.425 for exceptions and performance standards relating to hard surfaces.

~~(913)~~ Maximum impervious surface limit only for sites where the use of permeable surfacing techniques is determined to be infeasible according to the criteria in the 2014 Department of Ecology Stormwater Management Manual for Western Washington, now or as hereafter amended.

~~(14)~~ Lot coverage within EG-TOD Districts may be increased to 50 percent for mixed use development which includes residential uses comprising at least 1/2 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.

**B. Exceptions to Dimensional Requirements.**

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~~1. Impervious Surface. See LUC 20.20.460 for exceptions and performance standards relating to impervious surface.~~

~~12. Exempted Floor Area Ratio. A maximum of 1.0 FAR (floor area ratio) may be exempted for affordable housing, public restrooms, open space, and special dedications as provided below. Provided, neither the combination nor the singular use of any of these methods shall exceed an exception of 1.0 FAR. Underground buildings as defined in LUC 20.50.050 are not structures for the purpose of calculating floor area. In the EG-TOD land use district, the FAR dedicated to the following amenities shall be exempt from a development's total FAR calculation, provided both all applicable Land Use Code requirements are satisfied and no more than a total of 2.0 FAR is exempted by operation of this subsection:~~

~~a. In the EG-TOD land use district, up to 1.0 FAR of floor area dedicated to on-site affordable housing shall not be counted for the purposes of calculating the FAR of a project, provided, that:~~

~~i. The affordable housing is provided at a ratio of 2.54 market rate units to 1 affordable housing unit; and~~

~~ii. The affordable housing meets all applicable requirements of Chapter 20.15 LUC.~~

~~ii., The bedroom mix and exterior finishes shall be comparable to the market rate units, but interior design, unit size, amenities and interior finishes may vary.~~

~~b. In the EG-TOD Land Use District, up to 1.0 FAR of floor area dedicated to on-site public restrooms shall not be counted for the purposes of calculating FAR of a project, provided, that:~~

~~i. The FAR dedicated for use a public restrooms shall be reserved exclusively for such use for the life of the project;~~

~~ii. At a minimum, the restrooms are open to the public during regular business hours from 8 AM to 5 PM, Monday through Friday; and.~~

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~~iii. The applicant shall execute and record a legal agreement in accordance with subsection B.2 of this section. An agreement in a form approved by the City will be executed by the applicant and recorded with the King County Recorder's Office, or its successor organization, requiring the public restrooms to remain for the life of the project. This agreement shall be a covenant running with the land, binding on assigns, heirs, and successors of the applicant.~~

~~c. Up to 1.0 FAR dedicated to on-site grocery stores, provided that:~~

~~i. The applicant shall execute an agreement, in a form approved by the City which shall be recorded with the King County Recorder's Office, requiring that the space be exclusively reserved and utilized for the exempted use for a period of no less than 25 years. Upon written agreement between the City and the owner of the property, and after a period of no less than 25-years subsequent to the recording of the original covenant, the owner may replace the grocery store use with another use that fulfills the requirements of this section or, as an alternative, pay the then-applicable affordable housing fee-in-lieu. The use replacing the grocery store use, or amount of affordable housing fee-in-lieu paid, must qualify for equivalent or greater exempt FAR than was granted upon recording of the original covenant.~~

~~d. Up to 1.0 FAR of floor area dedicated to on-site child care services, provided that:~~

~~i. The FAR dedicated for child care services shall be reserved exclusively for such use for the life of the project; and~~

~~ii. The applicant shall execute and record a legal agreement in accordance with subsection B.2 of this section.~~

~~e. Up to 1.0 FAR dedicated to non-profit uses, provided that:~~

~~i. The FAR dedicated for non-profit use shall be reserved exclusively for such use for the life of the project; and~~

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ii. The applicant shall execute and record a legal agreement in accordance with subsection B.2 of this section.

f. Up to 1.0 FAR dedicated to affordable commercial space, as defined under LUC 20.25R.050.D.2.h., provided, that:

i. The FAR dedicated for use as affordable commercial space, as defined under LUC 20.25R.050.D.2.h, shall be reserved exclusively for such use for the life of the project; and

ii. The applicant shall execute and record a legal agreement in accordance with subsection B.2 of this section.

g€. Floor Area Earned from Special Dedications and Transfers.

i. General. Land that is dedicated to the City of Bellevue for right-of-way or to accommodate the linear alignment of an RLRT system, or open space, without compensation to the owner, may be used for the purpose of computing maximum FAR notwithstanding the definition of floor area ratio in LUC 20.50.020; provided, that the requirements of subsection B.1.g.ii or B.1.g.iii~~B.2.c.ii or iii~~ of this section are met. The Director shall calculate the amount of square footage earned for transfer. Transferable floor area shall only be used in the EG-TOD.

ii. Right-of-Way and Linear Alignment of an RLRT System – Special Dedications. The special dedication provisions of LUC 20.30V.170.B do not apply in the EG-TOD.

...

(3). Floor Area Earned. The floor area available to transfer shall be equal to maximum FAR limits that apply to the square footage of the area to be dedicated in conformance with this subsection B.1.g.ii ~~B.2.c.ii~~ and shall be included in the project limit for the purpose of computing maximum FAR. The transfer FAR shall be calculated based on applicable land use district regulations for the dedication area.

iii. Open Space Transfers.

...

(2). Floor Area Earned. The floor area available to transfer shall be equal to that permitted through the FAR limits that apply to the square footage of the area to be dedicated in conformance with this subsection B.1.g.iiiB.2.c.iii and shall be added to the allowed floor area of the project for the purpose of computing maximum FAR. The transfer FAR shall be calculated based on applicable land use district regulations for the dedication area.

2. Legal Agreement. Where a legal agreement is required by operation of subsections B.1.b through B.1.f of this section, the legal agreement shall be in a form acceptable to the Director. Once fully executed, the applicant shall record the agreement with the King County Recorder's Office on the title of the real property on which the development is located. The agreement shall include, but is not limited to, the following terms and conditions:

- a. The agreement shall be a covenant running with the land and shall be binding on the assigns, heirs, and successors of the owner of the property;
- b. That the FAR dedicated for a particular use shall be reserved exclusively for such use for the applicable time period stated in subsections B.1.b through B.1.f of this section; and
- c. Any other terms and conditions that are reasonably necessary to ensure the dedicate FAR is used in accordance with the requirements of this section.

**20.25P.070 Landscape development and fence standards.**

...

~~C. Interior Property Line Development.~~

~~1. Purpose/Intent. The landscape development required by this section is necessary to provide visual separation of uses so as to soften the appearance of parking areas and building elevations.~~

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~~2. Where Required. A 10-foot landscape buffer shall be provided along an interior property not regulated elsewhere.~~

~~3. Applicable Standard.~~

~~a. Evergreen and deciduous trees, with no more than 50 percent being deciduous, a minimum of 6 feet in height, and planted at intervals no greater than 30 feet on center; and~~

~~b. If planted to buffer a building elevation, shrubs, a minimum of three and one-half feet in height, and living ground cover planted so that the ground will be covered within three years; or~~

~~c. If planted to buffer a parking area, access, or site development other than a building, any of the following alternatives may be used unless otherwise noted:~~

~~i. Shrubs, a minimum of three and one-half feet in height, and living ground cover must be planted so that the ground will be covered within three years.~~

~~ii. Earth mounding, an average of three and one-half feet in height, planted with shrubs or living ground cover so that the ground will be covered within three years.~~

~~iii. A combination of earth mounding and shrubs to produce a visual barrier at least three and one-half feet in height.~~

~~D. Tree Retention and Replacement.~~

~~LUC 20.20.900.A, B, C, D and F shall apply in the EG-TOD.~~

~~EC. Fences.~~

...

**20.25P.085 Required ground floor uses.**

**A. Required Ground Floor Uses.**

...

3. Applicable Standards for Ground Floor Uses.

...

- b. Continuous retail storefronts shall be provided for ~~100-75~~ percent of the building frontage on a designated street except as provided in subsection A.3.c of this section.

...

**20.25P.100 Design standards.**

**A. Introduction.**

The Eastgate design standards implement the community vision described in the Eastgate Subarea Plan that is part of the City's adopted Comprehensive Plan. The design standards are a tool for quality and innovative development. Each standard must be met, but there are many ways to achieve the outcome intended by a particular standard.

Each standard provides the following detail:

1. Intent. Explanatory text describing the objective of the standard.
2. Standards. Requirements for development consistent with the intent.

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

**B. Site Standards.**

...

2. The Pedestrian System.

...

- b. Standards.

...

iv. Pedestrian walkways shall meet the following requirements:

...

(2) Walkways shall be paved with high-quality, durable materials, such as concrete, brick, or stone.

...

### C. Pedestrian Emphasis Standards.

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

1. Define the Pedestrian Environment.

...

b. Standards.

i. The following design elements shall be incorporated into buildings that front on required local streets. Refer to the figure in LUC 20.25P.090.A.3.

...

(2) At least 50% transparencyt\_ windows or window displays at the street level.

...

## 20.25Q East Main Transit Oriented Development Land Use District

### 20.25Q.010 General.

A. Applicability.

...

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3. Land Use Code Sections Not Applicable in EM-TOD Districts. The following general sections of the Land Use Code, Title 20 Bellevue City Code, now or as hereafter amended, do not apply in EM-TOD Districts. Unless specifically listed below, all other sections apply.

...

~~f. LUC 20.20.128;~~

~~fg. LUC 20.20.135 and 20.20.140;~~

~~gh. LUC 20.20.190 and 20.20.192;~~

~~hi. LUC 20.20.250;~~

~~ij. LUC 20.20.400;~~

~~jk. LUC 20.20.525;~~

~~l. LUC 20.20.560;~~

~~km. LUC 20.20.700 and 20.20.720;~~

~~ln. LUC 20.20.750 through 20.20.800; and~~

~~mo. LUC 20.20.890 and 20.20.900.~~

...

**20.25Q.040 ~~Nonconforming uses, structures, and sites and exceptions Expansions~~  
~~offer existing athletic club and accessory hotel uses.~~**

~~A. Nonconforming Uses.~~

- ~~1. A Nonconforming Use may be continued by successive owners or tenants, except where the use has been abandoned. No change to a different use classification shall be made unless that change conforms to the regulations of this Code.~~
- ~~2. If a Nonconforming Use of a Structure or Land is discontinued for a period of 12 months with the intention of abandoning that use, any subsequent use shall thereafter conform~~

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~~to the regulations of the Land Use district in which it is located. Discontinuance of a Nonconforming Use for a period of 12 months or greater constitutes prima facie evidence of an intention to abandon.~~

~~3. A Nonconforming Use may be expanded pursuant to an Administrative Conditional Use Permit.~~

~~B. Nonconforming Structures.~~

~~1. A Nonconforming Structure may be repaired or remodeled, provided there is no Expansion of the Building; and provided further, that the remodel or Repair shall not increase the existing Nonconforming condition of the Structure.~~

~~2. A Nonconforming Structure may be expanded; provided, that the Expansion conforms to the provisions of the Land Use Code, except that the requirements of LUC 20.25Q.130 through 20.25Q.160 shall be applied as described in subsections B.3 and B.4 of this section.~~

~~3. For Expansions made within any 3-year period, which together do not exceed 50 percent of the Gross Floor Area of the previously existing Structure, the following shall apply:~~

~~a. Where the property abuts SE 6th Street, SE 8th Street, 114th Avenue SE, or 112th Avenue SE (south of SE 6th Street) the Expansion is not required to comply with LUC 20.25Q.130 through 20.25Q.160.~~

~~b. Where the property abuts Main Street or 112th Avenue SE (north of SE 6th Street) the Expansion shall be in the direction of Main Street or 112th Avenue SE (north of SE 6th Street) so as to reduce the nonconformity of the Structure, except that an Expansion, which is no greater than 300 square feet in floor area and which is for the purpose of loading or storage, is exempted from this requirement.~~

~~4. For Expansions made within any 3-year period, which together exceed 50 percent of the Gross Floor Area of the previously existing Structure, the Structure shall be brought into conformance with LUC 20.25Q.130 through 20.25Q.160.~~

~~5. If a Nonconforming Structure is destroyed by fire, explosion, or other unforeseen circumstances to the extent of 100 percent or less of its Replacement Value, it may be reconstructed consistent with its previous nonconformity; provided, that the reconstruction may not result in an Expansion of the Building, nor an increase in the preexisting Nonconforming condition of the Structure.~~

~~C. Nonconforming Sites.~~

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- ~~1. A Nonconforming Site may not be changed unless the change conforms to the requirements of this Code, except that parking Lots may be reconfigured within the existing paved surface, except that this subsection shall not be construed to allow any parking Lot reconfiguration that would result in a parking supply that does not conform to the minimum/maximum parking requirements for East Main, LUC 20.25Q.090.~~
  - ~~2. A Structure located on a Nonconforming Site may be repaired or remodeled, provided there is no Expansion of the Building; and provided further, that the remodel or Repair shall not increase the existing Nonconforming condition of the Site.~~
  - ~~3. For Expansions of a Structure or additions of new Structures on a Nonconforming Site made within any 3-year period, which together exceed 20 percent of the Replacement Value of the previously existing Structures on the Site:
    - ~~a. Easements for public Sidewalks shall be provided, unless the Director of the Department of Transportation determines such Easements are not needed; and~~
    - ~~b. A six-foot-wide Walkway shall be provided from the public Sidewalk or street right-of-way to the main Building entrance, unless the Director determines the Walkway is not needed to provide safe pedestrian access to the Building. The Director may allow modification to the width of Walkways so long as safe pedestrian access to the Building is still achieved.~~~~
  - ~~4. Expansions of a Structure or additions of new Structures located on a Nonconforming Site, made within any 3-year period, which together do not exceed 50 percent of the previously existing Gross Floor Area, do not require any increase in conformance of the existing and unaffected portions of the Site with the Site Development regulations of this Code, except as otherwise provided in subsection B.3 of this section.~~
  - ~~5. Expansion of a Structure or additions of new Structures located on a Nonconforming Site made within any 3-year period, which together exceeds 50 percent of the Gross Floor Area of the previously existing Structure, the Site shall conform to the Site Development regulations of this Code.~~
- ~~D. Exceptions for Existing Athletic Club and Accessory Hotel Use.~~

A1. Purpose. The purpose of this section is to allow Expansions of existing Athletic Club and accessory Hotel use without requiring certain East Main District-specific requirements, standards, and guidelines in this Part 20.25Q LUC.

2B. Definition. A Development shall be considered an existing Athletic Club and accessory Hotel use when meeting the following conditions:

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- a1. An existing Athletic Club and accessory Hotel use shall be legally established as an Athletic Club and accessory Hotel Development as of January 1, 2021, and shall not have been abandoned, discontinued, or destroyed for any period of 12 months or more. The status of an existing Athletic Club and accessory Hotel use is not affected by changes in ownership;
  - b2. The boundary and size of an existing Athletic Club and accessory Hotel use shall be the extent of the legally established Lot or Lots as of January 1, 2021, upon which the existing Athletic Club and accessory Hotel use is located. Any changes to the boundary and/or size of the Lot or Lots, through a Subdivision, Short Subdivision, or other means of land division, a Boundary Line Adjustment, definition of Project Limit, or any other adjustment or agreement shall not add to the size or Development capacity of the Lot or Lots for the existing Athletic Club and accessory Hotel use.
  - c3. An existing Athletic Club and accessory Hotel use has a primary use as an Athletic Club pursuant to LUC 20.50.010, with an Accessory or Secondary Hotel Use; and
  - d4. The applicant shall submit documentation which shows that the existing Athletic Club and accessory Hotel use was permitted when established and has been maintained over time. The Director shall determine whether the documentation is adequate to support a determination that the Development constitute an existing Athletic Club and accessory Hotel use as defined in this subsection. The Director may waive the requirement for documentation when an existing Athletic Club and accessory Hotel use has been clearly established.
- 3C. Applicability. The provisions in this ~~subsection D~~section apply only to existing Athletic Club and accessory Hotel use as defined in subsection ~~D.2B~~ of this section.
- 4D. Applicable Regulations.
- a1. ~~The Nonconforming provisions in subsection A, B, and C of this section~~LUC 20.20.561 shall not apply to existing Athletic Club and accessory Hotel use as defined in subsection ~~D.2B~~ of this section and when the applicant is proposing to utilize the provisions in this subsection;
  - b2. Routine maintenance and Repair associated with an existing Athletic Club and accessory Hotel use is allowed outright and shall not be required to meet requirements, standards, and guidelines in this Part 20.25Q LUC, but shall comply with all other applicable requirements of the LUC and other City Codes. "Routine maintenance" includes those usual acts to prevent decline, lapse, or cessation from a lawfully established condition. "Routine Repair" includes in-kind

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restoration to a state comparable to its original condition within a reasonable period after decay has occurred;

- ~~e~~3. An existing Athletic Club and accessory Hotel use may be expanded as follows:
  - ~~i~~a. An existing Athletic Club and accessory Hotel use may be expanded with additional floor area consisting of Athletic Club use and Hotel as an accessory use, up to the base FAR for nonresidential allowed in this Code, Part 20.25Q LUC;
  - ~~ii~~b. Exterior improved areas associated with and supporting an existing Athletic Club and accessory Hotel use may be expanded into any unimproved land within the legally established Lot or Lots as defined in subsection ~~D-2-b~~B.2 of this section; and
  - ~~iii~~c. Expansions as provided in subsection ~~D-4-d~~B.4 of this section shall be exempt from all requirements ~~and~~ standards in this Part 20.25Q LUC, except for:
    - ~~i(1)~~ LUC 20.25Q.030, Review required;
    - ~~ii(2)~~ LUC 20.25Q.060, Dimensional requirements, only for maximum Building Height, Tower Setback, and Tower Separation. An existing Athletic Club and accessory Hotel use may be built above the base Building Height up to the maximum Building Height, without participation in the amenity incentive program;
    - ~~iii(3)~~ LUC 20.25Q.080, Landscape development, except that landscape development requirements along 112th Avenue SE are not applicable;
    - ~~iv(4)~~ LUC 20.25Q.090, Parking and circulation;
    - ~~v(5)~~ LUC 20.25Q.130, Design standards;
    - ~~vi(6)~~ LUC 20.25Q.150, Streetscape and public realm, only where applicable and feasible; and
    - ~~vii(7)~~ LUC 20.25Q.160, Building design (base, middle, and top).
- ~~d~~4. An existing Athletic Club and accessory Hotel use may be expanded with additional floor area consisting of Athletic Club use, and Hotel as an accessory use, beyond the base FAR up to maximum FAR for nonresidential allowed in this Code, Part 20.25Q LUC, and be exempted from the requirements, standards and guidelines in this Part 20.25Q LUC, as listed in subsection ~~D-4.c.iii~~D.3 of this

section, through a Development Agreement, as provided in LUC 20.25Q.030.F; and

- e5. Maintenance, Repair, and Expansions of an existing Athletic Club and accessory Hotel use shall comply with all applicable requirements of Part 20.25H LUC, Critical Areas Overlay District. In the event of a conflict between this Part 20.25Q LUC and Part 20.25H LUC, the requirements of Part 20.25H LUC, Critical Areas Overlay District, shall control.

...

## **20.25R Mixed-Use Land Use Districts**

### **20.25R.060 Catalyst Programs for Mixed-Use Land Use Districts**

- A. Residential Catalyst Program.

...

#### 2. Applicability

- a. Until the Residential Catalyst Program expires, the provisions of the program shall apply to proposed multifamily or mixed-use development, either fully or partially located within a Mixed-Use Land Use District established under LUC 20.10.020 and described in LUC 20.10.398, that is subject to the requirements of ~~LUC 20.20.128~~ LUC 20.15.110.
- b. When the Residential Catalyst Program expires, the provisions of the program shall no longer apply to any development. Upon expiration of the Residential Catalyst Program, any proposed multifamily or mixed-use development, either fully or partially located within a Mixed-Use Land Use District, as established under LUC 20.10.020 and described in LUC 20.10.398, shall comply with the requirements of ~~LUC 20.20.128~~ LUC 20.15.110 as normal. Nothing in this subsection affects any vested rights established under LUC 20.40.500 or state law.

...

#### 4. First Phase.

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- c. If an applicant submits a land use application while the First Phase is in effect and establishes vested rights under LUC 20.40.500, then the applicant must submit a complete building permit application for the development within 2 years (i.e., 730 calendar days) of the date that vested rights were first established under LUC 20.40.500 for the development. If the applicant fails to do so, then the First Phase of the Residential Catalyst Program shall not apply to the development and ~~LUC 20.20.128~~Chapter 20.15 LUC shall apply as normal to the development.
- d. Until the First Phase expires, ~~LUC 20.20.128~~Chapter 20.15 LUC shall be modified as follows. Any subsection of ~~LUC 20.20.128~~Chapter 20.15 LUC not explicitly modified below shall remain in effect during the First Phase and, where applicable, shall apply as normal.
  - i. For the duration of the First Phase, the Residential and Mixed-Use Fee Per Square Foot of New Nonexempt Gross Floor Area contained in ~~Table 20.15.150.B~~Table 20.20.128.I.4 for the UC, MU-H, MU-M, and MUR-M land use districts shall not be adjusted as provided in ~~LUC 20.20.128.A.5~~LUC 20.15.030.
  - ii. ~~LUC 20.20.128.I.4.a~~LUC 20.15.150.B.1 shall not apply to residential or mixed-use development in the UC, MU-H, MU-M, and MUR-M land use districts. Instead, in-lieu fees shall be assessed on the date that vested rights are first established for the residential or mixed-use development under LUC 20.40.500; provided, that if the development consists of multiple phases, then for each phase the in-lieu fee shall be assessed at the time the associated Design Review for that phase vests under LUC 20.40.500. In-lieu fees shall then be collected prior to building permit issuance.
  - iii. ~~LUC 20.20.128.I.2.a~~LUC 20.15.120.B.1.a shall not apply. Instead, for dwelling units intended for rent, at least 5 percent of all dwelling units shall be affordable to households earning up to, and including, 80 percent of the area median income.
  - iv. ~~LUC 20.20.128.I.2.b~~LUC 20.15.120.B.2.a shall not apply. Instead, for dwelling units intended for sale, at least 5 percent of all dwelling units shall be affordable to households earning up to, and including, 100 percent of the area median income.

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- v. The Residential and Mixed-Use Fee Per Square Foot of New Nonexempt Gross Floor Area contained in ~~Table 20.15.150.B for the UC, MU-H, MU-M, and MUR-M land use districts~~ ~~Table 20.20.128.I.4~~ shall be reduced by 25 percent.

5. Second Phase.

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- c. If an applicant submits a land use application while the Second Phase is in effect and establishes vested rights under LUC 20.40.500, then the applicant must submit a complete building permit application for the development within 2 years (i.e., 730 calendar days) of the date that vested rights were first established under LUC 20.40.500 for the development. If the applicant fails to do so, then the Second Phase of the Residential Catalyst Program shall not apply to the development and ~~LUC 20.20.128~~ ~~Chapter 20.15 LUC~~ shall apply as normal to the development.
- d. Until the Second Phase expires, ~~LUC 20.20.128~~ ~~Chapter 20.15 LUC~~ shall be modified as follows. Any subsection of ~~LUC 20.20.128~~ ~~Chapter 20.15 LUC~~ not explicitly modified below shall remain in effect during the Second Phase and, where applicable, shall apply as normal.
  - i. For the duration of the Second Phase, the Residential and Mixed-Use Fee Per Square Foot of New Nonexempt Gross Floor Area contained in ~~Table 20.15.150.B~~ ~~Table 20.20.128.I.4 for the UC, MU-H, MU-M, and MUR-M land use districts~~ shall not be adjusted as provided in ~~LUC 20.15.030~~ ~~LUC 20.20.128.A.5~~.
  - ii. ~~LUC 20.15.150.B.1~~ ~~LUC 20.20.128.I.4.a~~ shall not apply to residential or mixed-use development ~~in the UC, MU-H, MU-M, and MUR-M land use districts~~. Instead, in-lieu fees shall be assessed on the date that vested rights are first established for the residential or mixed-use development under LUC 20.40.500; provided, that if the development consists of multiple phases, then for each phase the in-lieu fee shall be assessed at the time the associated Design Review for that phase vests under LUC 20.40.500. In-lieu fees shall then be collected prior to building permit issuance.

- 6. Calculation of Dwelling Unit Thresholds. The Director shall calculate the 250, 500, and 1,000 dwelling unit thresholds described in subsections A.4.b and A.5.b of this

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section, and by extension determine which phase of the Residential Catalyst Program is applicable to a development, in accordance with the following:

- a. All proposed dwelling units contained in new multifamily or mixed-used development subject to ~~LUC 20.20.128~~LUC 20.15.110 shall be counted toward the threshold, regardless of affordability; provided, that all dwelling units contained in development consisting entirely of affordable housing shall not be counted toward the thresholds. For the purposes of this subsection, development consists entirely of affordable housing even where the development also contains one or more manager's units; provided, that each manager's unit is reserved exclusively for occupancy of an on-site manager serving the project and said manager's household.

...

B. Commercial Catalyst Program.

...

2. Applicability.

- a. Until the Commercial Catalyst Program expires, the provisions of the program shall apply to proposed nonresidential development, either fully or partially located within a Mixed-Use Land Use District established under LUC 20.10.020 and described in LUC 20.10.398, that is subject to the requirements of ~~LUC 20.20.128~~LUC 20.15.110.
- b. When the Commercial Catalyst Program expires, the provisions of the program shall no longer apply to any development. Upon expiration of the Commercial Catalyst Program, any proposed nonresidential development, either fully or partially located within a Mixed-Use Land Use District, as established under LUC 20.10.020 and described in LUC 20.10.398, shall comply with the requirements of ~~LUC 20.20.128~~LUC 20.15.110 as normal. Nothing in this subsection affects any vested rights established under LUC 20.40.500 or state law.

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4. First Phase.

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- c. If an applicant submits a land use application while the First Phase is in effect and establishes vested rights under LUC 20.40.500, then the applicant must submit a complete building permit application for the development within 2 years (i.e., 730 calendar days) of the date that vested rights were first established under LUC 20.40.500 for the development. If the applicant fails to do so, then the First Phase of the Commercial Catalyst Program shall not apply to the development and ~~LUC 20.20.128~~Chapter 20.15 LUC shall apply as normal to the development.
- d. Until the First Phase expires, ~~LUC 20.20.128~~Chapter 20.15 LUC shall be modified as follows. Any subsection of ~~LUC 20.20.128~~Chapter 20.15 LUC not explicitly modified below shall remain in effect during the First Phase and, where applicable, shall apply as normal.
  - i. For the duration of the First Phase, the Nonresidential Fee Per Square Foot of New Nonexempt Gross Floor Area contained ~~Table 20.15.150.B in Table 20.20.128.I.4~~for the UC, MU-H, MU-M, and MUR-M land use districts shall not be adjusted as provided in ~~LUC 20.15.030~~LUC 20.20.128.A.5.
  - ii. ~~LUC 20.20.128.I.4.a~~ LUC 20.15.150.B.1 shall not apply to nonresidential development ~~in the UC, MU-H, MU-M, and MUR-M land use districts~~. Instead, in-lieu fees shall be assessed on the date that vested rights are first established for the nonresidential development under LUC 20.40.500; provided, that if the development consists of multiple phases, then for each phase the in-lieu fee shall be assessed at the time the associated Design Review for that phase vests under LUC 20.40.500. In-lieu fees shall then be collected prior to building permit issuance.
  - iii. Except as provided in subsection B.4.d.iv of this section, the Nonresidential Fee Per Square Foot of New Nonexempt Gross Floor Area contained in ~~Table 20.15.150.B~~~~Table 20.20.128.I.4~~ for the UC, MU-H, MU-M, and MUR-M land use districts shall be reduced by 25 percent for all nonresidential development.
  - iv. If vested rights are first established under LUC 20.40.500 for nonresidential development containing life science uses or medical office uses prior to 12:00 a.m. on June 1, 2028, then the Nonresidential Fee Per Square Foot of New Nonexempt Gross Floor Area contained in ~~Table 20.15.150.B~~~~Table 20.20.128.I.4~~ shall be reduced by 50 percent for such development. This reduction does not stack with the 25 percent reduction described in subsection B.4.d.iii of this section.

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5. Second Phase.

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- c. If an applicant submits a land use application while the Second Phase is in effect and establishes vested rights under LUC 20.40.500, then the applicant must submit a complete building permit application for the development within 2 years (i.e., 730 calendar days) of the date that vested rights were first established under LUC 20.40.500 for the development. If the applicant fails to do so, then the Second Phase of the Commercial Catalyst Program shall not apply to the development and ~~LUC 20.20.128~~Chapter 20.15 LUC shall apply as normal to the development.
- d. Until the Second Phase expires, ~~LUC 20.20.128~~Chapter 20.15 LUC shall be modified as follows. Any subsection of ~~LUC 20.20.128~~Chapter 20.15 LUC not explicitly modified below shall remain in effect during the Second Phase and, where applicable, shall apply as normal.
  - i. For the duration of the Second Phase, the Nonresidential Fee Per Square Foot of New Nonexempt Gross Floor Area contained in ~~Table 20.15.150.B~~ ~~Table 20.20.128.I.4~~ for the UC, MU-H, MU-M, and MUR-M land use districts shall not be adjusted as provided in LUC 20.20.128.A.5.
  - ii. ~~LUC 20.15.150.B.1~~ ~~LUC 20.20.128.I.4.a~~ shall not apply to nonresidential development. Instead, in-lieu fees shall be assessed on the date that vested rights are first established for the nonresidential development under LUC 20.40.500; provided, that if the development consists of multiple phases, then for each phase the in-lieu fee shall be assessed at the time the associated Design Review for that phase vests under LUC 20.40.500. In-lieu fees shall then be collected prior to building permit issuance.
  - iii. If vested rights are first established under LUC 20.40.500 for nonresidential development containing life science uses or medical office uses prior to 12:00 a.m. on June 1, 2028, then the Nonresidential Fee Per Square Foot of New Nonexempt Gross Floor Area contained in ~~Table 20.15.150.B~~ ~~Table 20.20.128.I.4~~ for the UC, MU-H, MU-M, and MUR-M land use districts shall be reduced by 50 percent for such development.

6. Third Phase.

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- e. If an applicant submits a land use application while the Third Phase is in effect and establishes vested rights under LUC 20.40.500, then the applicant must submit a complete building permit application for the development within 2 years (i.e., 730 calendar days) of the date that vested rights were first established under LUC 20.40.500 for the development. If the applicant fails to do so, then the Third Phase of the Commercial Catalyst Program shall not apply to the development and ~~LUC 20.20.128~~Chapter 20.15 LUC shall apply as normal to the development.
- f. Until the Third Phase expires, ~~LUC 20.20.128~~Chapter 20.15 LUC shall be modified as follows. Any subsection of ~~LUC 20.20.128~~Chapter 20.15 LUC not explicitly modified below shall remain in effect during the Third Phase and, where applicable, shall apply as normal.
  - i. For the duration of the Third Phase, the Nonresidential Fee Per Square Foot of New Nonexempt Gross Floor Area contained in ~~Table 20.15.150.B for the UC, MU-H, MU-M, and MUR-M land use districts~~ ~~Table 20.20.128.I.4~~ shall not be adjusted as provided in ~~LUC 20.15.030~~~~LUC 20.20.128.A.5~~.
  - ii. ~~LUC 20.15.150.B.1~~ ~~LUC 20.20.128.I.4.a~~ shall not apply to nonresidential development containing life science uses or medical office uses. Instead, the Nonresidential Fee Per Square Foot of New Nonexempt Gross Floor Area contained in ~~Table 20.15.150.B for the MU-H, MU-M, and MUR-M land use districts~~~~Table 20.20.128.I.4~~ shall be assessed on the date that vested rights are first established for the development containing life science uses or medical office uses under LUC 20.40.500; provided, that if the development consists of multiple phases, then for each phase the in-lieu fee shall be assessed at the time the associated Design Review for that phase vests under LUC 20.40.500. In-lieu fees shall then be collected prior to building permit issuance.
  - iii. If vested rights are first established under LUC 20.40.500 for nonresidential development containing life science uses or medical office uses prior to 12:00 a.m. on June 1, 2028, then the Nonresidential Fee Per Square Foot of New Nonexempt Gross Floor Area contained in ~~in Table 20.15.150.B for the MU-H, MU-M, and MUR-M land use districts~~~~Table 20.20.128.I.4~~ shall be reduced by 50 percent for such development.

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8. Assurance Device for Nonresidential Development Containing Life Science Uses or Medical Office Uses.
  - a. To benefit from any phase of the Commercial Catalyst Program, an applicant proposing nonresidential development containing life science uses or medical office uses must submit, in conjunction with the land use application securing a benefit under any phase of the Commercial Catalyst Program, an assurance device in a form acceptable to the Director under LUC 20.40.490.C.
  - b. The amount of the assurance device shall be equal to ten percent of the following amount: the full in-lieu fee amount that would be assessed for the development by the normal operation of ~~LUC 20.20.128~~Chapter 20.15 LUC as may be modified by operation of the applicable phase of the Commercial Catalyst Program.
  - c. To apply for release of the assurance device, the applicant shall provide documentation to the City, in a form acceptable to the Director, that 90 percent of the development has been leased, transferred, or otherwise conveyed to life science uses or medical office uses. The Director shall release the assurance device only upon certification that 90 percent of the development has been leased, transferred, or otherwise conveyed to life science uses or medical office uses.
  - d. The assurance device shall require that 90 percent of the development has been leased, transferred, or otherwise conveyed to life science uses or medical office uses within 2 years (i.e., 730 calendar days) of the date that the first certificate of occupancy is issued for the development. If 90 percent of the development has not been so leased, transferred, or otherwise conveyed within that time period, then the City shall obtain the proceeds of the device and shall deposit and use the proceeds as provided in ~~LUC 20.20.128.1.11~~LUC 20.15.110.
9. Legal Agreement for Nonresidential Development Containing Life Science Uses or Medical Office Uses.
  - a. To benefit from any phase of the Commercial Catalyst Program, an applicant proposing nonresidential development containing life science or medical office uses must fully execute and submit, in conjunction with the land use application

securing a benefit under any phase of the Commercial Catalyst Program, a legal agreement.

- b. The legal agreement shall be in a form acceptable to the Director. Once fully executed, the applicant shall record the agreement with the King County Recorder's Office on the title of the real property on which the development is located. The agreement shall include, but is not limited to, the following terms and conditions:
  - i. The agreement shall be a covenant running with the land and shall be binding on the assigns, heirs, and successors of the owner of the property.
  - ii. If 90 percent of the development has not been leased, transferred, or otherwise conveyed to life science uses or medical office uses within 2 years (i.e., 730 calendar days) of the date that the first certificate of occupancy is issued for the development, then the agreement shall require the owner of the property to make a cash payment to the City totaling 90 percent of the following amount: the full in-lieu fee amount that would be assessed for the development by the normal operation of ~~LUC 20.20.128~~Chapter 20.15 LUC as may be modified by operation of the applicable phase of the Commercial Catalyst Program. Upon receipt of the payment, the City shall deposit and use the proceeds as provided in ~~LUC 20.20.128.I.11~~LUC 20.15.110.

**Part 20.30B Conditional Use Permit**

**20.30B.175 Modification or addition to an approved project or decision.**

...

B. General.

Except as provided in subsections C and D of this section or as provided in ~~LUC 20.20.128.H.4.b~~LUC 20.15.100.D.2, an amendment of a previously approved project or decision is treated as a new application.

...

**Chapter 20.50 DEFINITIONS**

**20.50.010 A definitions.**

...

**Affordable.** In the context of Affordable Housing, “affordable” means that housing expenses are no greater than 30 percent of the applicable percentage of area median income specified in this title for the affordable housing, as adjusted for household size.

**Affordable Housing.** Housing Dwelling units that are affordable, reserved for occupancy by eligible households as a primary residence, used as the primary residence of and that meet the affordable housing standards listed or referenced in LUC 20.15.060, an affordable housing qualified household. Unless otherwise specified, the price of affordable units is based on that amount a household can afford to pay for housing, when household income is less than 80 percent of the median annual income, adjusted for household size, as determined by the United States Department of Housing and Urban Development for the Seattle Metropolitan Statistical Area, and when the household pays no more than 30 percent of household income for housing expenses. Households with income up to and including 80 percent of the median annual income, adjusted for household size, may purchase or rent these affordable units.

**Affordable Housing Suffix.** A suffix consisting of AH and a number, enclosed in parentheses and appended to the Land Use District classification applied to a property. These suffixes correspond to alternate Land Use Districts where attached or detached multifamily dwellings are permitted which are applicable to affordable housing development when consistent with the requirements of LUC 20.15.100.

...

**Area Median Income.** The median income for the Seattle-Bellevue, WA Housing and Urban Development Metro Fair Market Rent Area (“Seattle-Bellevue FMR AREA”) as most recently published by the United States Department of Housing and Urban Development (“HUD”). In the event that HUD no longer publishes median family income figures for Seattle-Bellevue FMR AREA or King County, the director may estimate the applicable median income, in such manner as the director shall determine by rule.

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**20.50.016 D definitions.**

**Daylight Plane.** A daylight plane is an inclined plane, beginning at grade or a stated height above grade at a specified property line, and extending into the site at a stated upward angle to the horizontal, which may limit the height or horizontal extent of structures at any specific point on the site where the daylight plane is more restrictive than the height limit

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~~applicable at such point on the site. height limitation that, when combined with the maximum height limit, defines the building envelope. A daylight plane shall begin at a horizontal line at 10 feet directly above grade as measured at the side property line of each lot and shall slope inward at a 45-degree angle or less~~

...

**20.50.018 E definitions.**

...

~~**Eligible Households.** Households that are eligible to rent or own affordable housing under all applicable requirements governing the occupancy of the affordable housing.~~

...

**20.50.020 F definitions.**

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~~**Factoria Land Use District 1 (F1).** The following described property shall be known as the F1 Land Use District:~~

~~That portion of Sections 9 and 16, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:~~

~~Beginning at the intersection of the South line of said Section 9 and the LW-Line, as shown on the S.R. 405, Bagley Lane to Wilburton Right of Way Plans, sheet 3 of 7, dated March 31, 1959 and the S.R. 90, East Channel Bridge to Richards Road Right of Way Plans, sheet 5 of 20, dated August 17, 1965; thence Northerly along said LW-Line to the Northwesterly extension of the centerline of S.E. 38th Street; thence Southeasterly along said Northwesterly extension and centerline to the centerline of 128th Avenue S.E.; thence Southerly along the centerline of 128th Avenue S.E. to the Easterly extension of the Northerly margin of S.E. 41st Street; thence Westerly along said Easterly extension, Northerly margin and the Westerly extension thereof to the Westerly margin of 124th Avenue S.E.; thence Northerly along said Westerly margin to the South line of said Section 9; thence Westerly along said South line to the Point of Beginning.~~

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**Factoria Land Use District 2 (F2).** The following described property shall be known as the F2 Land Use District:

That portion of the Southeast quarter of Section 9, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Commencing at the Northeast corner of the Northwest quarter of the Southwest quarter of the Southeast quarter of said Section 9; thence North 87°22'54" West along the North line thereof 82.21 feet; thence North 1°13'20" East 163.66 feet to the True Point of Beginning; thence South 1°13'20" West 163.66 feet; thence South 1°15'48" West to the centerline of S.E. 38th Street; thence Southeasterly along said centerline to the East line of the Northwest quarter of the Southwest quarter of the Southeast quarter of said Section 9; thence Northerly along said East line to the Southwest corner of Parcel E, King County Lot Line Adjustment No. 8810004; thence Easterly along the Southerly line thereof, the Southerly line of Parcel F of said lot line adjustment and the Easterly extension of said Southerly line to the centerline of 128th Avenue S.E.; thence Northerly along said centerline and Rel. Richards Road Line, as shown on the S.R. 90, East Channel Bridge to Richards Road Right of Way Plans, sheet 5 of 20, dated August 17, 1965 to the Southerly margin and prohibited access line of S.R. 90, as shown on said S.R. 90 Right of Way Plans; thence Westerly along said Southerly margin to a line which bears North 1°16'05" East from the True Point of Beginning; thence South 1°16'05" West along said line to the True Point of Beginning.

**Factoria Land Use District 3 (F3).** The following described property shall be known as the F3 Land Use District:

That portion of the Southeast quarter of Section 9, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the Southeast corner of Lot 2, King County Short Plat No. 278125 Revised, as filed under Recording No. 8112079004; thence Westerly along the Southerly line thereof to the East line of the West 222.00 feet of the Southeast quarter of the Southeast quarter of said Section 9; thence Southerly along said East line to the North line of the South 12.00 feet of the North half of the Southeast quarter of the Southeast

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quarter of said Section 9; thence Westerly along said North line to the centerline of 128th Avenue S.E.; thence Southerly along said centerline to the South line of the North half of the Southeast quarter of the Southeast quarter of said Section 9; thence Easterly along said South line to the Northwest corner of Parcel B, King County Lot Line Adjustment No. 1085098; thence Southerly along the Westerly line thereof and the Southerly extension of said Westerly line to the South line of the North half of the North half of the South half of the Southeast quarter of the Southeast quarter of said Section 9; thence Easterly along said South line to the Southeast corner of said Parcel B; thence Northerly along the Easterly line thereof to the South line of the North half of the Southeast quarter of the Southeast quarter of said Section 9; thence Westerly along said South line to the Southwest corner of Lot A, King County Lot line Adjustment No. 8903018; thence Northerly along the Westerly line thereof to the Northwest corner of said Lot A; thence Easterly along the Northerly line thereof to the East line of the Southeast quarter of said Section 9; thence Northerly along said East line to a line 30.00 feet Southerly of the LL-Line, as shown on the S.R. 90, Richards Road to Lake Sammamish Right of Way and Limited Access Plan, sheet 3 of 25, dated June 12, 1969 and the S.R. 90, East Channel Bridge to Richards Road Right of Way Plans, sheet 5 of 20, dated August 17, 1965 (Bellevue City Limits, established by City of Bellevue Ordinance No. 676); thence Westerly along said line to the Northerly extension of the Easterly line of Lot 2 of said King County Short Plat No. 278125 Revised; thence Southerly along said Northerly extension and the Easterly line thereof to the Point of Beginning.

**F3 Land Use District Separation Line.** A line, lying within the Southeast quarter of Section 9, Township 24 North, Range 5 East, W.M., in King County Washington, described as follows:

Beginning at the Southwest corner of Lot 4, King County Short Plat No. 487008, as filed under Recording No. 8809220297; thence Easterly along the South line thereof to the Northwest corner of Lot A, King County Lot Line Adjustment No. 8903018 and the Terminus.

...

**20.50.022 G definitions.**

**Grocery Store.** A retail store that sells primarily household foodstuffs for off-site consumption. Grocery stores must sell a variety of fresh produce, including but not limited to: fresh vegetables and fruits, meats, poultry, fish, deli products, dairy products, canned foods, dry foods, beverages, baked foods, or prepared foods. Other household supplies or other products must be secondary to the primary purpose of food sales.

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**20.50.024 H definitions.**

...

~~**Household Income.** Household income shall include all income from all household members over the age of 18 residing in the household. Household income consists of all income that would be included as income for federal income tax purposes (e.g., wages, interest income, etc.) for household members over the age of 18. Income of dependents who reside within a household for less than three months of the year will not be counted toward household income. Income from all household members over the age of eighteen (18) residing in the household. Income of dependents who reside within a household for less than four (4) months of the year will not be counted toward Household Income.~~

**Housing Expenses.** For rental ~~affordable dwelling units~~affordable housing, housing expenses include any expenses required by the owner as a condition of tenancy, including, but not limited to, rent and utilities. For ownership ~~affordable dwelling units~~affordable housing, housing expenses include mortgage payments, property taxes, property hazard insurance, and homeowners' association dues. For purposes of this definition, housing expenses do not include parking expenses, unless parking is required as a condition of tenancy or ownership. The Director may further define "Housing Expense" by rule, which may also establish monthly allowances (i.e., rent reductions) to cover residents' reasonable utility costs and other expenses required by the owner as a condition of tenancy.

~~**Household Size.** The assumed household size by unit type that is used for purposes of calculating whether dwelling units are sufficiently affordable to constitute affordable housing. The Director shall specify assumed household size by unit types by rule.~~

...

**Commented [A32]: 1-28-26 Update:** Inserted proposed definition of Household Size to be consistent with recent updates to ARCH Rental Covenants. The Affordable Housing Standards Director's Rule will specify assumed household size by unit type.

**20.50.040 P definitions.**

**Pedestrian-Oriented Frontage Uses.** Building frontage that is devoted to uses which stimulate pedestrian activity at the ground and or upper levels. Uses which compose pedestrian-oriented frontage include, but are not limited to, specialty retail stores, personal service uses, grocery storesies, drug stores, shoe repair shops, cleaning establishments, floral shops, beauty shops, barber shops, department stores, hardware stores, apparel shops, art galleries, travel agencies, medical offices, restaurants and theaters. Banks and financial institutions are not pedestrian-oriented uses.

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**20.50.036 N definitions.**

...

~~**Nonconforming.** A use, structure, site or lot which conformed to the applicable codes in effect on the date of creation but which no longer complies because of changes in Code requirements or annexation.~~

**Nonconforming Lot.** A lot which does not conform to the area, width, depth or street frontage regulations of the land use district in which it is located.

~~**Nonconforming Site.** A site or lot which conformed to the applicable development regulations in effect on the date of creation but which no longer complies because of changes to development regulations or due to annexation. A lot which does not conform to site development regulations, including but not limited to, the landscaping, parking, fence, driveway, street opening, pedestrian amenity, screening and curb cut regulations of the district in which it is located due to changes in Code requirements, condemnation or annexation.~~

~~**Nonconforming Structure.** A structure which conformed to the applicable development regulations when constructed but which no longer complies because of changes to development regulations or due to annexation. A structure which does not conform to the dimensional regulations, including but not limited to setback, height, lot coverage, density and building configuration regulations of the district in which it is located due to changes in Code requirements or annexation. For structures not conforming to Building Code requirements, see the International Existing Building Code (IEBC). Signs nonconforming to the requirements of the Sign Code, Chapter 22.10 BCC, do not constitute nonconforming structures for the purposes of the Land Use Code.~~

~~**Nonconforming Use.** A use which conformed to the applicable development regulations in effect on the date the use was established but which no longer complies because of changes to development regulations or due to annexation. The use of a structure or of land~~

**Commented [A33]: 1/28/26 Update:** Clarifying that signs nonconforming to the sign code are not nonconforming structures for the purposes of the land use code. Instead, such signs are governed by the sign code. Code & Policy is currently processing a Sign Code Update, which will renumber the City's Sign Code from Chapter 22B.10 BCC to Chapter 22.10 BCC.

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~~which does not conform to the regulations of the district in which the use exists due to changes in Code requirements or annexation.~~

...

**20.50.044 R definitions.**

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Reference land use district. The land use district located within 500 feet of a property eligible for an affordable housing suffix rezone used to determine the density available for the rezone. The reference land use district is identified using the criteria provided in LUC 20.15.100.

...

Religious Organization. The federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property as defined in RCW 35A.63.300, now or as hereafter amended.

...

**Replacement Value.** The replacement value of a structure is the amount it would cost to replace it, minus deferred maintenance. ~~The Director of the Development Services Department shall promulgate rules for determining the replacement value of structures in the context of this Code.~~

...

**20.50.048 T definitions.**

**Tower.** Any building with a minimum height of greater than 100 feet ~~or greater.~~

Transparency. Ability to see through a window or door at the pedestrian eye level. The pedestrian eye level is 30 inches to eight feet up from the sidewalk, following the adjacent sidewalk slope.

~~**Transition Area.** An area of a higher-intensity use district which is close to a lower-intensity use district, in which special design and other criteria are applied in order to protect the lower-intensity uses from effects of the higher-intensity uses.~~

...

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**20.50.054 W definitions.**

**Weather Protection.** A continuously covered area projecting from a building that functions as weather protection or a canopy projecting from the elevation of the building that is designed to provide pedestrians protection from the elements. Weather protection includes, but is not limited to, marquees and awnings that are made of durable materials.