

Title 20 Land Use Code

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20.20.538 Middle Housing.

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C. **Standards.**

1. Middle Housing Development Requirements. Middle housing developments are subject to the development requirements in Table 20.20.538.C.1.

**Table 20.20.538.C.1.
Development Requirements for Middle Housing**

	LL-1	LL-2	SR-1	SR-2	SR-3	SR-4	LDR-1	LDR-2	LDR-3	MDR-1	MDR-2
DIMENSIONS	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
Dwelling Units per Lot	4/6	4/6	4/6	4/6	4/6	4/6	4/6	4/6	4/6	4/6	4/6
(2)(3)(4)(5)(6)(11)								(7)	(7)	(7)	(7)
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(11) Lots created through the lot splitting process are subject to the density limits in LUC 20.45B.270.

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Chapter 20.25 Special and Overlay Districts

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Part 20.25A Downtown

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20.25A.030 Review required.

A. **Applicable Review.**

- ~~1. **Review Required.** All development in Downtown shall be reviewed by the Director for consistency with the terms of this Part 20.25A LUC and all other applicable development regulations, through the administration of Part 20.30V LUC (Master Development Plan), and Part 20.30F LUC (Design Review) using the applicable procedures of Chapter 20.35 LUC. A Master Development Plan is required where there is more than one building or where the development of a project is proposed to be phased. Design Review is required for all Downtown projects.~~

- ~~2.—Effect of Approval. Approval of the Design Review, and the Master Development Plan and any Development Agreement where required, shall constitute the regulations governing development and operation of an approved development for the life of the project. Such approval shall be contingent upon compliance with the conditions specified in the approval, conformance with all applicable development standards, the payment of all fees, and the submittal of assurance devices as may be required. The approval shall expire as provided pursuant to LUC 20.40.500, unless otherwise provided for in this Part 20.25A LUC.~~

~~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 development standards and guidelines. Design, character, architecture and amenity standards and guidelines shall be met as a component of the Design Review (Part 20.30F LUC). Master Development Plan approvals required pursuant to subsection B.2 of this section shall identify proposed building placement within the project limit and demonstrate compliance with the following development requirements, standards, and guidelines:~~
 - ~~a.—Dimensional requirements pursuant to LUC 20.25A.060 as listed below:~~
 - ~~i.—Setbacks;~~
 - ~~ii.—Lot coverage;~~
 - ~~iii.—Building height for each building identified in subsection B.1 of this section;~~
 - ~~iv.—Floor area ratio for each building; and~~
 - ~~v.—Outdoor plaza space required to achieve maximum building heights above the trigger for additional height identified in LUC 20.25A.075.A, or the variable heights allowed by LUC 20.25A.060.A Note 12.~~
 - ~~b.—Areas identified to accommodate required parking with entrance and exit points and required loading shown in relationship to the right-of-way as required pursuant to LUC 20.25A.090.~~
 - ~~c.—Areas identified to accommodate street and pedestrian circulation pursuant to LUC 20.25A.090, including the anticipated location of any Grand Connection construction pursuant to LUC 20.25A.175, and pedestrian bridges pursuant to LUC 20.25A.100.~~
 - ~~d.—Areas identified to accommodate Major Public Open Spaces pursuant to LUC 20.25A.175 and Minor Publicly Accessible Spaces pursuant to LUC 20.25A.090.~~
 - ~~e.—Areas identified to accommodate landscape development pursuant to LUC 20.25A.110.~~
- ~~2.—When Required. An applicant for a project with multiple buildings located within a single project limit shall submit a Master Development Plan for approval by the Director pursuant to Part 20.30V LUC. An applicant for a single building project 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.~~

B. Master Development Plan.

~~3.~~ For the purposes of ~~this section~~ **Part 20.25A LUC and Part 20.30V LUC**, the project limit may be drawn to encompass a right-of-way that bisects a site, provided the Director finds that the following connectivity criteria can be met:

- ~~1a.~~ A system of corner and mid-block crossings shall be provided to functionally connect on-site pedestrian paths across the bisecting right-of-way within the project limit;
- ~~2b.~~ Pedestrian paths shall be provided to connect all buildings and right-of-way crossings located within the proposed project limit;
- ~~e3.~~ Visual connections shall be provided between all buildings located within the project limit by minimizing topographic variation and through use of vegetation and outdoor spaces; and
- ~~d4.~~ Only a right-of-way meeting the requirements of LUC 20.25A.070.C.2 may be included in the land area located within the project limit for the purpose of computing maximum FAR.

C. Design Review.

- ~~1. When Required. A Design Review is required for all Downtown projects. An applicant shall submit a Design Review application for approval by the Director pursuant to Part 20.30F LUC.~~

D. Departures.

- ~~1. Administrative Departures by the Director. Due to the varied nature of architectural design and the unlimited opportunities available to enhance the relationship that occurs between the built environment and the pedestrians, residents and commercial tenants that use built spaces, strict application of the Land Use Code may not always result in the Downtown livability outcomes envisioned by the Comprehensive Plan. The purpose of this subsection is to provide an Administrative Departure process to modify provisions of the Land Use Code when the strict application would result in a Downtown development that does not fully achieve the policy vision as it is articulated in the general sections of the Comprehensive Plan and the Downtown Subarea Plan.~~
 - ~~a. Applicability. The Director may, through the Master Development Plan or Design Review processes, approve a proposal that departs from specific numeric standards contained in LUC 20.25A.090, 20.25A.110 and 20.25A.140 through 20.25A.180, or that departs from Land Use Code requirements that specifically provide an opportunity for the Director to approve a departure subject to the provisions of this subsection. For example, specific Administrative Departures are allowed from the dimensional requirements pursuant to the terms of LUC 20.25A.060.B that describe a range of exceptions and intrusions that can be approved as part of a permit review process.~~
 - ~~b. Decision Criteria. The Director may approve or approve with conditions an Administrative Departure from applicable provisions of the Land Use Code if the applicant demonstrates that the following criteria have been met:~~

- ~~i. The resulting design will advance a Comprehensive Plan goal or policy objective that is not adequately accommodated by a strict application of the Land Use Code; and~~
 - ~~ii. The resulting design will be more consistent with the purpose and intent of the Land Use Code; and~~
 - ~~iii. The modification is the minimum reasonably necessary to achieve the Comprehensive Plan objective or Land Use Code intent; and~~
 - ~~iv. Any Administrative Departure criteria required by the specific terms of the Land Use Code have been met; or~~
 - ~~v. The modification is reasonably necessary to implement or ensure consistency with a departure allowed through a Development Agreement approved pursuant to Part 20.30C LUC.~~
- ~~c. Limitation on Authority. Administrative Departures may only be approved consistent with the limitations contained in the Land Use Code section that authorizes the departure, or through a variance granted under the terms of Part 20.30G LUC.~~

~~E. Procedural Merger.~~

~~Within a Downtown Land Use District, any administrative decision required by this Part 20.25A LUC or by the Land Use Code, including but not limited to the following, may be applied for and reviewed as a single Process II Administrative Decision, pursuant to LUC 20.35.200 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; and~~
- ~~4. Variance, Part 20.30G LUC.~~

Part 20.25D BelRed

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20.25D.030 Review required.

A. **Applicable Review** ~~and Guidelines.~~

All development in BelRed shall be reviewed by the Director for consistency with this Part 20.25D LUC and all other applicable development regulations.

The Director shall use this Part 20.25D LUC and the BelRed Subarea design standards (LUC 20.25D.150) in reviewing an application for Master Development Plan or design review approval in

~~the BelRed Land Use Districts. The Community Retail design standards of Part 20.25I LUC and Transition Area design standards of Part 20.25B LUC shall not apply to applications for development in the BelRed Land Use Districts.~~

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 requirements and standards:~~

~~a. Dimensional requirements pursuant to LUC 20.25D.080 as listed below:~~

~~i. Setbacks;~~

~~ii. Maximum impervious/lot coverage;~~

~~iii. Building height for each building identified in subsection B.1 of this section;~~

~~iv. Floor area ratio for each building identified in subsection B.1 of this section;~~

~~(1) At a minimum, residential and nonresidential components of a building shall be identified in order to calculate the amenities required pursuant to LUC 20.25D.090; and~~

~~(2) Uses may vest pursuant to the vesting provisions applicable to the underlying Master Development Plan if the specific uses are identified pursuant to LUC 20.25D.070;~~

~~b. Landscape development pursuant to LUC 20.25D.110;~~

~~c. Parking, circulation, and internal walkway requirements pursuant to LUC 20.25D.120;~~

~~d. BelRed street development standards pursuant to LUC 20.25D.140; and~~

~~e. Site development standards pursuant to LUC 20.25D.150.B.~~

~~2. When Required.~~

~~a. Projects located within a node. An applicant for a project with multiple buildings located within a single project limit shall submit a Master Development Plan for approval by the Director pursuant to Part 20.30V LUC. This requirement shall not apply to the placement of additional structures associated with existing conditions regulated pursuant to LUC 20.25D.060. An applicant for a single building project 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.~~

~~b. Projects located outside of a node. An applicant 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.~~

~~3. For the purposes of this section~~Part 20.25D LUC and Part 20.30V LUC, the project limit may be drawn to encompass a right-of-way that bisects a site, provided the Director finds that the following connectivity criteria can be met:

- a. A system of corner and mid-block crossings shall be provided to functionally connect on-site pedestrian paths across the bisecting right-of-way within the proposed project limit;
- b. Pedestrian paths shall be provided to connect all buildings and right-of-way crossings located within the proposed project limit;
- c. Visual connections shall be provided between all buildings located within the project limit by minimizing topographic variation and through use of vegetation and outdoor spaces; and
- d. Only a right-of-way meeting the requirements of LUC 20.25D.080.D may be included in the land area located within the proposed project limit for the purpose of computing maximum FAR.

C. **Design Review** Deviations.

~~1. When Required. With the exception of the BelRed General Commercial District (BR-GC), all development within the BelRed Land Use Districts shall be reviewed by the Director through design review (Part 20.30F LUC). An applicant may submit a design review for approval by the Director pursuant to Part 20.30F LUC for a development proposal located in the BelRed General Commercial District that includes deviations permitted by subsection C.2 of this section.~~

~~2. Design Review Deviations. The Director may, through the design review process, approve a proposal that varies from the specific requirements set forth in LUC 20.25D.130 if the applicant demonstrates that the resulting design will be more consistent with the purpose and intent of the code. Deviation from the following dimensional requirements is not permitted, except pursuant to LUC 20.25D.080.B or C, or unless a variance is obtained under Part 20.30G LUC:~~

- ~~a~~1. Floor plate maximums;
- ~~b~~2. Minimum setbacks/stepbacks;
- ~~c~~3. Impervious surface/lot coverage percentages; and
- ~~d~~4. Maximum floor area ratio.

~~D. Procedural Merger.~~

~~Within a BelRed land use district, any administrative decision required by this Part 20.25D or by the Land Use Code, including but not limited to the following, may be applied for and reviewed as a single Process II Administrative Decision, pursuant to LUC 20.35.200 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, Part 20.30G LUC; and~~

~~5. Critical Areas Land Use Permit, Part 20.30P LUC.~~

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Part 20.25E Shoreline Overlay

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20.25E.180 Shoreline Conditional Use Permit

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I. Merger with Binding Site Plan

1. If a Master Development Plan is not required for the development, then the applicant may request that the site plan approved with the Shoreline Conditional Use Permit constitute a Binding Site Plan in accordance with Part 20.30R LUC.

2. If a Master Development Plan is required for the development, then a Binding Site Plan may only be approved through the Master Development Plan in accordance with Part 20.30R LUC.

~~1.—General. The applicant may request that the site plan approved with the Shoreline Conditional Use Permit constitute a Binding Site Plan pursuant to Chapter 58.17 RCW.~~

~~2.—Survey and Recording Required. If a site plan is approved as a Binding Site Plan, the applicant shall provide a recorded survey depicting all lot lines and shall record the approved site plan and survey with the King County Department of Records and Elections, or its successor entity. No document shall be presented for recording without the signature of each owner of the subject property.~~

~~3.—Effect of Binding Site Plan. Upon the approval and recording of a Binding Site Plan the applicant may develop the subject property in conformance with the approved and recorded Binding Site Plan and without regard to lot lines internal to the subject property. Any sale or lease of lots or parcels within the subject property shall be subject to the approved and recorded Binding Site Plan and the requirements of state law.~~

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Part 20.25F1 Factoria 1

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20.25F1.020 Review required.

A. **Applicable** ~~Criteria and Standards~~ Review.

All development in the F1 Land Use District shall be reviewed by the Director for consistency with this Part 20.25F1 LUC and all other applicable development regulations.

~~The Director shall use this Part 20.25F1 LUC in reviewing an application for Master Development Plan or Design Review approval for development in the F1 Land Use District. The Community Retail Design Standards of Part 20.25I LUC and Transition Area Design Standards of Part 20.25B LUC shall not apply to applications for development in the F1 Land Use District.~~

~~B. Master Development Plan.~~

~~All development within the F1 Land Use District shall be governed by a Master Development Plan reviewed by the Director of the Development Services Department pursuant to Part 20.30V LUC.~~

BE. Design Review Deviations.

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

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

~~D. Procedural Merger.~~

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

~~1. Master Development Plan, Part 20.30V LUC;~~

~~2. Design Review, Part 20.30F LUC;~~

~~3. Administrative Conditional Use Permit, Part 20.30E LUC.~~

Part 20.25I Community Mixed-Used Design District

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20.25I.030 Review Required.

~~A. Applicable Criteria and Standards.~~

All development in the Community Mixed-Use Design District shall be reviewed by the Director consistent with the terms of this Part 20.25I LUC and all other applicable development regulations.

~~The Director shall use this Part 20.25I 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 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.~~

Part 20.25J Medical Institution District

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20.25J.015 Review required.

All development within the Medical Institution District shall be reviewed by the Director for consistency with this Part 20.25J LUC and all other applicable development regulations.

~~A. Master Development Plan.~~

~~All multiple building development within a single Medical Institution District Development Area (DA1, DA2 or DA3) shall be governed by Master Development Plans reviewed by the Director pursuant to Part 20.30V LUC. Where single building development is proposed within a Development Area, standards required to be met at the Master Development Plan stage pursuant to this Part 20.25J LUC shall be fulfilled as a component of the Design Review approval. The design guidelines contained in this Part 20.25J LUC apply in addition to the decision criteria of LUC 20.30V.150.~~

~~B. Design Review.~~

~~Each structure located within the Medical Institution District, whether or not approved as part of a Master Development Plan, must be reviewed by the Director through Design Review, Part 20.30F LUC. The design guidelines contained in this Part 20.25J LUC apply in addition to the decision criteria of LUC 20.30F.145.~~

20.25J.040 Development Intensity.

A. Hospital Center and Medical Office Development Areas (DA1 and DA2).

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3. The limitation on development intensity may be exceeded on a temporary basis to accommodate development phasing and tenant relocation identified in a Phasing Plan approved through the Master Development Plan or Design Review where Master Development Plan approval is not required.

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20.25J.060 Landscape requirements.

- A. The provisions of LUC 20.20.520, except as they conflict with this section, apply to development within the Medical Institution Land Use District. The following landscaping provisions are required:

Street Frontage	Landscaping Requirements (1)
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NE 8th Street	Gateway location and conceptual design approval required through the Master Development Plan review process <u>or Design Review where Master Development Plan approval is not required.</u> Gateway design detail approval required through the Design Review process.

NE 10th Street east of East Campus Drive	Gateway location and conceptual design approval required through the Master Development Plan review process. Gateway design detail approval required through the Design Review process.
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20.25J.070 Streetscape design standards.

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C. Pedestrian Bridges.

1. Where Permitted. Pedestrian bridges over the public right-of-way may be allowed at the following locations:

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4. Development Standards for All Pedestrian Bridges (Including Those Utilized for the Transport of Patients). Each proposed pedestrian bridge must be developed in compliance with the following standards:

- a. The bridge may be unenclosed; however, if the bridge is fully enclosed or partially enclosed, the applicant shall demonstrate that it is necessary for weather protection and that 80 percent of the linear feet of the bridge has windows for visual access for bridge users to the streetscape below;

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- c. The interior width of the bridge, measured from inside face to inside face, shall be no less than 10 feet and no more than 14 feet unless functional need is demonstrated, other applicable decision criteria are met and departure from the width standard is approved through the Master Development Plan review process or Design Review where Master Development Plan approval is not required;

- d. The bridge shall be located at an upper building level, with a minimum clearance of 16 feet above the grade of the public right-of-way and a maximum clearance of 30 feet from the sidewalk grade unless functional need is demonstrated, other applicable decision criteria are met and departure from the clearance standard is approved through the Master Development Plan review process or Design Review where Master Development Plan approval is not required; and

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Part 20.25L Office and Limited Business-Open Space (OLB-OS) District

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20.25L.040 Design standards in OLB-OS Districts.

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~~C. Design Review Required.~~

~~All development activity within Development Area of the OLB-OS District must be reviewed by the Director of the Development Services Department using the Design Review Process, Part 20.30F LUC.~~

Part 20.25M Light Rail Overlay District

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20.25M.030 Required permits.

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B. RLRT System and Facilities Use.

1. Development Agreement – Council Legislative Decision.

- a. Scope of Approval. An RLRT system or facility use is permitted outright when its alignment location and profile have been included, subsequent to the adoption of this overlay, in a City Council resolution, ordinance, or development agreement authorized pursuant ~~to Chapter 36.70B RCW to Part 20.30C LUC. If a development agreement is adopted, the City Council may also allow necessary modifications to this overlay district and to other applicable provisions of the Bellevue City Code, and set forth other terms consistent with Chapters 36.70A and 36.70B RCW and WAC 365-196-550 in order to approve the siting, construction, operation and mitigation of an RLRT system or facility.~~
- b. Applicable Process. A development agreement adopted by the City Council shall be processed under the authority of and pursuant to the procedures set forth in Chapter 36.70B RCW. Any development agreement adopted by the City Council shall be consistent with Part 20.30C LUC. ~~all applicable Comprehensive Plan policies including without limitation those set forth in LUC 20.25M.010.B.7, and all adopted “development standards,” as that term is used in RCW 36.70B.170(3), that govern and vest the development for a specified time duration to this overlay district and other applicable City regulations; provided, that a development agreement may not extend the vesting period for longer than 15 years from the effective date. Any appeal of a development agreement shall be directly to superior court.~~

2. Conditional Use Permit – Hearing Examiner Quasi-Judicial Decision.

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- b. Scope of Approval. When an RLRT system or facility use has not been permitted outright in a City Council resolution, ordinance, or development agreement, a Conditional Use Permit shall be required to approve the location and profile of the track alignment and major facility elements that are specifically identified in the definition of “regional light rail transit facility” contained in LUC 20.25M.020.D. The Conditional Use Permit is a mechanism for the City to ensure that the RLRT facility use ~~is consistent with the Comprehensive Plan and~~ meets all applicable siting standards. Design, context sensitivity and mitigation standards

and design guidelines applicable to specific facility elements shall be met as a component of the Design and Mitigation Review process pursuant to subsection C of this section.

- c. Decision Criteria. The City may approve or approve with modifications an application for a Conditional Use Permit if:

~~i. The conditional use is consistent with the Comprehensive Plan including the Light Rail Best Practices as referenced in Comprehensive Plan Policy TR-75.2; and~~

ii. The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity of the RLRT facility and system; and

iii. The conditional use will be served by adequate public facilities including streets, fire protection, and utilities; and

~~iiiv.~~ The conditional use will not be materially detrimental to uses or property in the immediate vicinity of the RLRT facility and system; and

~~iv.~~ The conditional use complies with the applicable requirements of the Land Use Code

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C. Design and Mitigation Review – Decision of the Director.

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2. Scope of Design and Mitigation Approval. Design and Mitigation Review is a mechanism by which the City shall ensure that the design and proposed mitigation for temporary and permanent impacts of an RLRT system and facility is consistent with:

~~a. The Comprehensive Plan including without limitation Light Rail Best Practices; and the policies set forth in LUC 20.25M.010.B.7; and~~

~~ba.~~ Any previously approved development agreement or Conditional Use Permit issued pursuant to subsection B.1 or B.2 of this section; and

~~eb.~~ All applicable standards and guidelines contained in City Codes including the procedures related to involvement of a CAC as required by LUC 20.25M.035.

3. Decision Criteria. A proposal for an RLRT system or facility may be approved or approved with conditions; provided, that such proposal satisfies the following criteria:

a. The applicant has demonstrated compliance with the CAC Review requirements of LUC 20.25M.035; and

~~b. The proposal is consistent with the Comprehensive Plan including without limitation the Light Rail Best Practices referenced in Comprehensive Plan Policy TR-75.2 and the policies set forth in LUC 20.25M.010.B.7; and~~

~~eb.~~ The proposal complies with the applicable requirements of this Light Rail Overlay District; and

- ~~dc.~~ The proposal addresses all applicable design guidelines and development standards of this Light Rail Overlay District in a manner which fulfills their purpose and intent; and
- ~~ed.~~ The proposal is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and
- ~~fe.~~ The proposal will be served by adequate public facilities including streets, fire protection, and utilities; and
- ~~gf.~~ The proposal complies with the applicable requirements of the Bellevue City Code, including without limitation those referenced in LUC 20.25M.010.B.8; and
- ~~hg.~~ The proposal is consistent with any development agreement or Conditional Use Permit approved pursuant to subsection B of this section; and
- ~~ih.~~ The proposal provides mitigation sufficient to eliminate or minimize long-term impacts to properties located near the RLRT facility or system, and sufficient to comply with all mitigation requirements of the Bellevue City Code and other applicable state or federal laws.
- ~~ji.~~ When the proposed RLRT facility will be located, in whole or in part, in a critical area regulated by Part 20.25H LUC, a separate Critical Areas Land Use Permit shall not be required, but such facility shall satisfy the following additional criteria:

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Part 20.25N Camp and Conference Center District

20.25N.010 Applicability.

~~A.—This part, Camp and Conference Center (CCC) District, contains standards and guidelines that apply to development and activity within the CCC District.~~

~~B.—This part is subject to Part 20.25H LUC—Critical Areas Overlay District.~~

~~C.—This part is not subject to Part 20.25B LUC—Transition Area Design District.~~

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

A. ~~Review Required~~ Applicable Review.

All development in the CCC land use district shall be reviewed by the Director for consistency with this Part 20.25N LUC and all other applicable development regulations.

~~A Master Development Plan (MDP) Review under Part 20.30V LUC is the means by which the City shall ensure that site development in a CCC district is consistent with the Comprehensive Plan and the provisions of this part and meets all applicable site development standards and guidelines of the LUC. The applicant shall record the approved MDP with King County in accordance with LUC 20.30V.180 after CCC zoning is established for the site encompassed in the MDP. Per LUC 20.30V.140 the applicant may, but is not required to, request that the MDP constitute a Binding Site Plan pursuant to Chapter 58.17 RCW.~~

B. ~~Standards and Requirements.~~ Master Development Plan.

~~All development within a single CCC site shall be governed by MDPs reviewed by the Director pursuant to Part 20.30V LUC.~~

1. ~~At a minimum~~ In addition to the requirements of Part 20.30V LUC, the MDP-Master Development Plan for development in the CCC land use district shall depict the following:

- a. Existing conditions, including:
 - i. The proposed continued use, maintenance, and ~~/or~~ remodeling of existing conditions, including uses and structures and their current locations, which are permitted in a CCC District.
 - ii. The proposed continuation of existing conditions, including uses and structures and their current locations, which are not permitted in a CCC District.
 - iii. The proposed discontinuation of existing conditions, including uses and structures and their current locations, and general timing, sequencing, or triggering of the same;
- b. The proposed general location or placement of proposed uses, structures, facilities, and site features;
- c. A list of proposed principal and subordinate uses and their general locations;
- d. Conformance with the dimensional requirements of LUC 20.25N.050, based on the total area contained in the Master Development Plan.

~~2. Phasing. An MDP may show site development in geographically defined phases per LUC 20.30V.130.~~

~~3. Modifications to an approved MDP or phased MDP shall be governed by LUC 20.30V.160, except modifications to existing conditions shall be governed by subsection B.1.a.ii of this section.~~

C. Design Review.

Design Review approval is not required for freestanding structures proposed for religious activities, which will be reviewed through the Conditional Use Review process.

20.25N.030 Design Review required.

[Section deleted in its entirety]

~~Design Review pursuant to Part 20.30F LUC shall be required for any proposed development in a CCC District, except for freestanding structures proposed for religious activities which will be reviewed through the Conditional Use Review process. Modifications or additions to an approved Design Review in a CCC District shall be governed by LUC 20.30F.175. The dimensional requirements and development standards of this part shall be ensured through the Design Review process.~~

Part 20.25P Eastgate Transit Oriented Development Land Use District

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20.25P.020 Review required.

A. **Applicable Review ~~and Guidelines.~~**

All development in the EG-TOD Land Use District shall be reviewed by the Director for consistency with this Part 20.25P LUC and all other applicable development regulations.

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

B. **Master Development Plans in EG-TOD.**

~~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:~~

~~1a. 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. Dimensional requirements pursuant to LUC 20.25P.060 as listed below:~~

~~i. Setbacks;~~

~~ii. Maximum impervious/lot coverage;~~

~~iii. Building height for each building identified in subsection B.1 of this section;~~

~~iv. Floor area ratio for each building identified in subsection B.1 of this section:~~

~~(1) At a minimum square footage excepted from FAR pursuant to 20.25P.060.B shall be identified.~~

~~(2) Uses may vest pursuant to the vesting provisions applicable to the underlying Master Development Plan if the specific uses are identified pursuant to LUC 20.25P.050.A;~~

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

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

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

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

~~2. When Required.~~

~~a. A Master Development Plan shall be required when an applicant proposes to develop more than one building under a single ownership.~~

~~b. A Master Development Plan shall be required where the applicant proposes to build a single building on one parcel that is adjacent to any street depicted on the figure in LUC 20.25P.090.A.3.~~

23. For the purposes of ~~this section~~ Part 20.25P LUC and Part 20.30V LUC, the project limit may be drawn to encompass a right-of-way that bisects a site, provided the Director finds that the following connectivity criteria can be met:

- a. A system of corner and mid-block crossings shall be provided to functionally connect on-site pedestrian paths across the bisecting right-of-way within the proposed project limit;
- b. Pedestrian paths shall be provided to connect all buildings and right-of-way crossings located within the proposed project limit;
- c. Visual connections shall be provided between all buildings located within the project limit by minimizing topographic variation and through use of vegetation and outdoor spaces; and
- d. Only a right-of-way meeting the requirements of LUC 20.25P.060.B.2.c may be included in the land area located within the proposed project limit for the purpose of computing maximum FAR.

~~C. Design Review.~~

~~1. When Required. All development within the EG TOD shall be reviewed by the Director through Design Review (Part 20.30F LUC).~~

~~D. Procedural Merger.~~

~~Within the EG TOD, any administrative decision required by this Part 20.25P LUC or by the Land Use Code, including but not limited to the following, may be applied for and reviewed as a single Process II Administrative Decision, pursuant to LUC 20.35.200 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, Part 20.30G LUC; and~~

~~5. Critical Areas Land Use Permit, Part 20.30P LUC.~~

Part 20.25Q East Main Transit Oriented Development Land Use District

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20.25Q.030 Review required.

A. **Applicable Review.**

All development in the EM-TOD Land Use District shall be reviewed by the Director for consistency with this Part 20.25Q LUC and all other applicable development regulations.

A. Effect of Approval.

~~Approval of the Master Development Plan and/or the Design Review shall constitute the regulations governing Development and operation of an approved Development for the life of the project. Such approval shall be contingent upon compliance with the conditions specified in the approval, conformance with all applicable Development standards, the payment of all fees, and the submittal of Assurance Devices as may be required. The approval shall expire as provided pursuant to LUC 20.40.500, unless otherwise provided for in this Part 20.25Q LUC.~~

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 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 placement within the Project Limit and demonstrate compliance with the following Development requirements and standards:~~

~~a. Dimensional requirements pursuant to LUC 20.25Q.060 as listed below:~~

~~i. Building Height for each Building identified in subsection B.1 of this section;~~

~~ii. Floor Area Ratio for each Building. Floor Area Ratio shall also be provided to calculate the amenities required pursuant to LUC 20.25Q.070;~~

~~iii. Square footage for each residential and nonresidential component of a Building shall be identified in order to demonstrate compliance with the minimum residential requirement in LUC 20.25Q.060; and~~

~~iv. Open Space required.~~

~~b. Areas identified to accommodate required parking with entrance and exit points and required loading shown in relationship to the Public Right of Way as required pursuant to LUC 20.25Q.100.~~

~~c. Areas identified to accommodate vehicular, bicycle, and pedestrian circulation pursuant to LUC 20.25Q.100.~~

~~d. Areas identified to accommodate landscape Development pursuant to LUC 20.25Q.080.~~

- ~~2.—When Required. An applicant for a project with multiple Buildings located within a single Project Limit shall submit a Master Development Plan for approval by the Director pursuant to Part 20.30V LUC. An applicant for a single Building project 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.~~
- 3.—For the purposes of ~~this section~~Part 20.25Q LUC and Part 20.30V LUC, the Project Limit may be drawn to encompass a vehicular, bicycle, or pedestrian circulation that bisects a Site, provided the Director finds that the following connectivity criteria can be met:
 - 1a. A system of corner crossings shall be provided to functionally connect on-site pedestrian paths across the bisecting circulation within the Project Limit;
 - 2b. Pedestrian paths shall be provided to connect all Buildings and circulation crossings located within the proposed Project Limit; and
 - 3c. Visual connections shall be provided between all Buildings located within the Project Limit by minimizing topographic variation and through use of vegetation and outdoor spaces.

~~C.—Design Review.~~

- ~~1.—When Required. A Design Review is required for all East Main projects. An applicant shall submit a Design Review application for approval by the Director pursuant to Part 20.30F LUC.~~

~~D.—Departures.~~

- ~~1.—Administrative Departures by the Director. Due to the varied nature of architectural design and the unlimited opportunities available to enhance the relationship that occurs between the built environment and the pedestrians, residents and commercial tenants that use built spaces, strict application of the Land Use Code may not always result in the East Main outcomes envisioned by the Comprehensive Plan. The purpose of this subsection is to provide an Administrative Departure process to modify provisions of the Land Use Code when the strict application would result in an East Main Development that does not fully achieve the policy vision as it is articulated in the general sections of the Comprehensive Plan and the Southwest Bellevue Subarea Plan.~~
- ~~2.—Applicability. The Director may, through the Master Development Plan or Design Review processes, approve a proposal that departs from specific numeric standards contained in LUC 20.25Q.080, 20.25Q.100 and 20.25Q.130 through 20.25Q.160 or that departs from Land Use Code requirements that specifically provide an opportunity for the Director to approve a departure subject to the provisions of this subsection.~~
- ~~3.—Decision Criteria. The Director may approve or approve with conditions an Administrative Departure from applicable provisions of the Land Use Code if the applicant demonstrates that the following criteria have been met:
 - ~~a.—The resulting design will advance a Comprehensive Plan goal or policy objective that is not adequately accommodated by a strict application of this Code; and~~
 - ~~b.—The resulting design will be more consistent with the purpose and intent of this Code; and~~~~

~~c. The modification is the minimum reasonably necessary to achieve the Comprehensive Plan objective or this Code's intent; and~~

~~d. Any Administrative Departure criteria required by the specific terms of this Code have been met.~~

~~4. Limitation on Authority. Administrative Departures may only be approved consistent with the limitations contained in the Land Use Code section that authorizes the departure, or through a Variance granted under the terms of Part 20.30G LUC.~~

~~E. Procedural Merger.~~

~~Within an East Main Land Use District, any administrative decision required by this Part 20.25Q LUC 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, Part 20.30G LUC; and~~

~~5. Critical Areas Land Use Permit, Part 20.30P LUC.~~

Part 20.25R Mixed-Use Land Use Districts

20.25R.010 General.

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D. Applicable Review ~~Required~~.

All development in mixed-use land use districts subject to Part 20.25R LUC shall be reviewed by the Director for consistency with this Part 20.25R LUC and all other applicable development regulations.

~~1. Effect of Approval. Master Development Plans vest in accordance with LUC 20.40.500.A and expire in accordance with LUC 20.40.500. Design Reviews vest in accordance with LUC 20.40.500 and expire in accordance with Part 20.30F LUC. An extended vesting period may be granted for Master Development Plans and associated Design Review approvals in accordance with LUC 20.30V.190.~~

~~2. Master Development Plan.~~

~~a. 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 are consistent with the Comprehensive Plan and 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 D.2.b of this section shall identify proposed building placement~~

- ~~within the project limit and demonstrate compliance with the following development regulations:~~
- ~~i. Dimensional requirements pursuant to LUC 20.20.010 and as listed below;~~
 - ~~ii. Building height for each building identified in subsection D.2.a of this section;~~
 - ~~iii. Floor area ratio for each building. Floor Area Ratio shall also be provided to calculate the amenities required pursuant to LUC 20.25R.050;~~
 - ~~iv. Open space required in LUC 20.25R.030.C;~~
 - ~~v. Areas identified to accommodate required parking with entrance and exit points and required loading shown in relationship to the Public Right of Way as required pursuant to LUC 20.20.590;~~
 - ~~vi. Areas identified to accommodate vehicular, bicycle, and pedestrian circulation pursuant to LUC 20.25R.020; and~~
 - ~~vii. Areas identified to accommodate landscape development pursuant to LUC 20.25R.030.~~
- ~~b. 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.~~
- ~~c. An approved Master Development Plan may be modified pursuant to LUC 20.30V.160.~~
- ~~3. Design Review.~~
- ~~a. When Required. A Design Review is required for all projects in Mixed Use Land Use Districts. An applicant shall submit a Design Review application for approval by the Director pursuant to Part 20.30F LUC.~~
- ~~4. Departures.~~
- ~~a. Administrative Departures by the Director. Due to the varied nature of architectural design and the unlimited opportunities available to enhance the relationship that occurs between the built environment and the pedestrians, residents and commercial tenants that use built spaces, strict application of the Land Use Code may not always result in the outcomes envisioned by the Comprehensive Plan. The purpose of this subsection is to provide an Administrative Departure process to modify provisions of the Land Use Code when the strict application would result in development that does not fully achieve the policy vision as it is articulated in the general sections of the Comprehensive Plan and the Wilburton/N.E. 8th Street Subarea Plan.~~
 - ~~b. Applicability. The Director may, through the Master Development Plan or Design Review processes, approve a proposal that departs from specific numeric standards contained in~~

- ~~LUC 20.25R.020 through 20.25R.040 or other sections of the Land Use Code that provide for departures, with the exception of numeric standards for the following:~~
- ~~i. Affordable Housing;~~
 - ~~ii. Sidewalk width; and~~
 - ~~iii. Access Corridor Width.~~
- ~~c. Decision Criteria. The Director may approve, or approve with conditions, requests for Administrative Departures from applicable provisions of the Land Use Code if the applicant demonstrates that the following criteria are met:~~
- ~~i. The resulting design will advance a Comprehensive Plan goal or policy objective that is not adequately accommodated by a strict application of this Code; and~~
 - ~~ii. The resulting design will be more consistent with the purpose and intent of the Land Use Code standard that is not adequately accommodated by strict application of the Code; and~~
 - ~~iii. Proposed modifications to numeric standards are the minimum reasonably necessary to achieve the intent of strict application of the Land Use Code; and~~
 - ~~iv. Any Administrative Departure criteria required by the specific terms of this Code have been met.~~
- ~~d. Limitation on Authority. Administrative Departures may only be approved consistent with the limitations contained in the Land Use Code section that authorizes the departure, or through a Variance granted under the terms of Part 20.30G LUC.~~
- ~~5. Procedural Merger.~~
- ~~Within a Mixed-Use Land Use District, any administrative decision required by this Part 20.25R 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:~~
- ~~a. Master Development Plan, Part 20.30V LUC;~~
 - ~~b. Administrative Conditional Use Permit, Part 20.30E LUC;~~
 - ~~c. Design Review, Part 20.30F LUC;~~
 - ~~d. Variance From the Land Use Code, Part 20.30G LUC; and~~
 - ~~e. Critical Areas Land Use Permit, Part 20.30P LUC.~~

Part 20.30B Conditional Use Permit

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20.30B.140 Decision criteria.

The City may approve or approve with modifications an application for a Conditional Use Permit if:

~~A. The conditional use is consistent with the Comprehensive Plan; and~~

~~BA.~~ The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and

~~CB.~~ The conditional use will be served by adequate public facilities including streets, fire protection, and utilities; and

~~DC.~~ The conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and

~~ED.~~ The conditional use complies with the applicable requirements of this Code.

20.30B.160 Merger with Binding Site Plan

~~A. General.~~

~~A. If a Master Development Plan is not required for the development, then the applicant may request that the site plan approved with the Conditional Use Permit constitute a Binding Site Plan in accordance with Part 20.30R LUC.~~

~~B. If a Master Development Plan is required for the development, then a Binding Site Plan may only be approved through the Master Development Plan in accordance with Part 20.30R LUC.~~

~~The applicant may request that the site plan approved with the Conditional Use Permit constitute a Binding Site Plan pursuant to Chapter 58.17 RCW.~~

~~B. Survey and Recording Required.~~

~~If a site plan is approved as a Binding Site Plan, the applicant shall provide a recorded survey depicting all lot lines and shall record the approved site plan and survey with the King County Department of Records and Elections. No document shall be presented for recording without the signature of each owner of the subject property.~~

~~C. Effect of Binding Site Plan.~~

~~Upon the approval and recording of a Binding Site Plan the applicant may develop the subject property in conformance with the approved and recorded Binding Site Plan and without regard to lot lines internal to the subject property. Any sale or lease of lots or parcels within the subject property shall be subject to the approved and recorded Binding Site Plan and the requirements of state law.~~

Part 20.30D Planned Unit Development

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20.30D.150 Decision criteria.

The City may approve or approve with modifications a Planned Unit Development plan if:

~~A. The Planned Unit Development is consistent with the Comprehensive Plan; and~~

~~BA.~~ The Planned Unit Development accomplishes, by the use of permitted flexibility and variation in design, a development that is better than that resulting from traditional development. Net benefit to the City may be demonstrated by one or more of the following:

...

~~CB.~~ The Planned Unit Development results in no greater burden on present and projected public utilities and services than would result from traditional development and the Planned Unit Development will be served by adequate public or private facilities, including streets, fire protection, and utilities; and

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

~~ED.~~ At least one major circulation point is functionally connected to a public right-of-way; and

~~FE.~~ Open space, where provided to meet the requirements of LUC 20.30D.160.A.1, within the Planned Unit Development is an integrated part of the project rather than an isolated element of the project; and

~~GF.~~ Roads and streets, whether public or private, within and contiguous to the site comply with Transportation Department guidelines for construction of streets; and

~~HG.~~ Streets and sidewalks, existing and proposed, are suitable and adequate to carry anticipated traffic within the proposed project and in the vicinity of the proposed project; and

~~IH.~~ Each phase of the proposed development, as it is planned to be completed, contains the required parking spaces, open space, recreation space, landscaping and utility area necessary for creating and sustaining a desirable and stable environment.

20.30D.280 Merger with Binding Site Plan

~~A. General.~~

~~A. If a Master Development Plan is not required for the development, then the applicant may request that the site plan approved with the Planned Unit Development constitute a Binding Site Plan in accordance with Part 20.30R LUC.~~

~~B. If a Master Development Plan is required for the development, then a Binding Site Plan may only be approved through the Master Development Plan in accordance with Part 20.30R LUC.~~

~~The applicant may request that the site plan approved with the Planned Unit Development constitute a Binding Site Plan pursuant to Chapter 58.17 RCW.~~

~~B. Survey and Recording Required.~~

~~If a site plan is approved as a Binding Site Plan, the applicant shall provide a recorded survey depicting all lot lines and shall record the approved site plan and survey with the King County Department of Records and Elections. No document shall be presented for recording without the signature of each owner of the subject property.~~

~~C. Effect of Binding Site Plan.~~

~~Upon the approval and recording of a Binding Site Plan the applicant may develop the subject property in conformance with the approved and recorded Binding Site Plan and without regard to lot lines internal to the subject property. Any sale or lease of lots or parcels within the subject property shall be subject to the approved and recorded Binding Site Plan and the requirements of state law.~~

Part 20.30E Administrative Conditional use Permit

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20.30E.140 Decision criteria.

The Director of the Development Services Department may approve or approve with modifications an application for an Administrative Conditional Use Permit if:

~~A. The administrative conditional use is consistent with the Comprehensive Plan; and~~

~~BA.~~ The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and

~~CB.~~ The administrative conditional use will be served by adequate public facilities including streets, fire protection, and utilities; and

~~DC.~~ The administrative conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and

~~ED.~~ The administrative conditional use complies with the applicable requirements of this Code.

20.30E.160 Merger with Binding Site Plan.

~~A. General.~~

A. If a Master Development Plan is not required for the development, then the applicant may request that the site plan approved with the Administrative Conditional Use Permit constitute a Binding Site Plan in accordance with Part 20.30R LUC.

B. If a Master Development Plan is required for the development, then a Binding Site Plan may only be approved through the Master Development Plan in accordance with Part 20.30R LUC.

~~The applicant may request that the site plan approved with the Administrative Conditional Use Permit constitute a Binding Site Plan pursuant to Chapter 58.17 RCW.~~

~~B. Survey and Recording Required.~~

~~If a site plan is approved as a Binding Site Plan, the applicant shall provide a recorded survey depicting all lot lines and shall record the approved site plan and survey with the King County Department of Records and Elections. No document shall be presented for recording without the signature of each owner of the subject property.~~

~~C. Effect of Binding Site Plan.~~

~~Upon the approval and recording of a Binding Site Plan the applicant may develop the subject property in conformance with the approved and recorded Binding Site Plan and without regard to lot lines internal to the subject property. Any sale or lease of lots or parcels within the subject property shall be subject to the approved and recorded Binding Site Plan and the requirements of state law.~~

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Part 20.30F Design Review

20.30F.110 ScopePurpose.

This Part 20.30F LUC establishes when Design Review is required and the procedure and criteria that the City will use in making a decision upon an application for Design Review. ~~Design Review is a mechanism by which the City shall ensure that the design, architecture, and amenity components of a proposal meet all applicable standards contained in City Codes.~~

20.30F.115 Applicability.

A. General. If development is located in one of the following locations, then Design Review is required except as otherwise provided in subsection B of this section:

1. Downtown;
2. BelRed;
3. A Mixed-Use Land Use District subject to Part 20.25R LUC;
4. The Community Mixed-Use Design District subject to Part 20.25I LUC;
5. The F1 land use district;
6. The MI land use district;
7. The OLB-OS land use district;
8. The CCC land use district;

9. The EG-TOD land use district; and

10. The EM-TOD land use district.

B. Exceptions.

1. All development for which a City Council approval is required and an opportunity for public comment has been provided shall be exempt from the Design Review process, but must still comply with the applicable Design Review criteria and standards contained in applicable development regulations.

2. All development in the BelRed General Commercial (BR-GC) land use district; Provided, that an applicant may submit a design review application for approval by the Director pursuant to Part 20.30F LUC for a development proposal located in the BR-GC land use district that includes deviations permitted by LUC 20.25D.030.C.

3. Design review is not required for freestanding structures proposed for religious activities in the CCC land use district, as provided in LUC 20.25N.020.

~~This Part 20.30F applies to each application for Design Review, except as provided in LUC 20.30F.116.~~

20.30F.116 City Council Design Review.

[Section deleted in its entirety]

~~Notwithstanding any provisions of the Code requiring that Design Review be conducted under this Part 20.30F, all projects for which a City Council approval is required and an opportunity for public comment has been provided shall be exempt from the Design Review process, but must comply with the applicable Design Review criteria and standards of this Code.~~

20.30F.120 PurposeScope of approval.

Design Review is a mechanism by which the City can ensure that site development and structures in specific zoning districts or in specific locations are of high design quality and conform to the requirements of the Land Use Code and the requirements of an applicable concomitant agreement.

20.30F.165 Merger with Binding Site Plan

~~A. General.~~

A. If a Master Development Plan is not required for the development, then the applicant may request that the site plan approved with the Design Review constitute a Binding Site Plan in accordance with Part 20.30R LUC.

B. If a Master Development Plan is required for the development, then a Binding Site Plan may only be approved through the Master Development Plan in accordance with Part 20.30R LUC.

~~The applicant may request that the site plan approved with the Design Review constitute a Binding Site Plan pursuant to Chapter 58.17 RCW.~~

~~B. Survey and Recording Required.~~

~~If a site plan is approved as a Binding Site Plan, the applicant shall provide a recorded survey depicting all lot lines and shall record that site plan and survey with the King County Department of~~

~~Records and Elections. No document may be recorded without the signature of each owner of the subject property.~~

~~C. Effect of Binding Site Plan.~~

~~Upon the approval and recording of a Binding Site Plan the applicant may develop the subject property in conformance with that Binding Site Plan and without regard to lot lines internal to the subject property. The applicant may sell or lease parcels subject to the Binding Site Plan.~~

20.30F.180 Recording Required.

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

20.30F.190 Expiration – Extension.

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C. Other Extensions of Design Review Approval.

An approved ~~Design Review~~ permit ~~approval~~ may be extended pursuant to one or more of the following:

1. LUC 20.30V.190 (~~Extended vesting period for~~ Extensions of Master Development Plans and associated Land Use Permit Design Review a ~~Approvals~~);
2. A Development Agreement, but only in circumstances where Part 20.30C LUC specifically authorizes the extension, by Development Agreement, of the time period that a Land Use Permit or approval remains in effect ~~or its vested status~~; or

...

~~E. Vested Status of Design Review Approvals.~~

- ~~1. Where a Design Review approval is issued under LUC 20.30F.145, it shall vest pursuant to LUC 20.40.500.A. Except for Design Review approvals extended under subsection D of this section, the vested status of the Design Review approval shall then expire on the date that the Design Review approval expires by operation of this section.~~
- ~~2. Whenever a Design Review approval is extended under subsection D of this section, the extended Design Review approval shall vest to the provisions of the Land Use Code in effect on the date that extension was granted. The vested status of the Design Review approval shall then expire on the date that the Design Review approval expires or on the date that a subsequent extension is granted under subsection D of this section, whichever occurs first.~~

Part 20.30H ~~(Reserved)~~Departures

20.30H.110 Purpose.

Due to the varied nature of architectural design and the unlimited opportunities available to enhance the relationship that occurs between the built environment and the pedestrians, residents and commercial tenants that use built spaces, strict application of the Land Use Code may not always result in the best outcomes envisioned by the Comprehensive Plan. The purpose of this subsectionPart 20.30H LUC is to provide an Administrative Departure process to modify provisions of certain chapters and parts of the Land Use Code when the strict application would result in a development that does not fully achieve the purpose and intent of the provision of the Land Use Code at issue-policy vision as it is articulated in the general sections of the Comprehensive Plan and the applicable Subarea Plan.

20.30H.115 Applicability.

Applicability. The Director may, through the Design Review process, approve a proposal that departs from specific numeric standards applicable in the overlay districts indicated below.

A. Part 20.25A LUC — Downtown. A departure from the specific numeric standards contained in the following sections of the Land Use Code applicable to Downtown may be approved:

1. LUC 20.25A.090;
2. LUC 20.25A.110; and
3. LUC 20.25A.140 through 20.25A.180

B. Part 20.25Q LUC – East Main Transit Oriented Development Land Use District. A departure from the specific numeric standards contained in the following sections of the Land Use Code applicable in the East Main Transit Oriented Development Land Use District may be approved through the Master Development Plan or Design Review process:

1. LUC 20.25Q.080;
2. LUC 20.25Q.100; and
3. LUC 20.25Q.130 through 20.25Q.160

C. Part 20.25R LUC – Mixed-Use Land Use Districts. A departure from the specific numeric standards contained in LUC 20.25R.020 through 20.25R.040 or other sections of the Land Use Code that provide for departures in the Mixed-Use Land Use Districts may be approved through the Master Development Plan or Design Review process, with the exception of numeric standards for the following:

1. Affordable Housing;
2. Sidewalk width; and
3. Access Corridor Width.

20.30H.120 Decision Criteria.

Decision Criteria. The Director may approve, or approve with conditions, requests for Administrative Departures from applicable provisions of the Land Use Code if the applicant demonstrates that the following criteria are met:

- A. The resulting design will be more consistent with the purpose and intent of the Land Use Code standard that is not adequately accommodated by strict application of the Code; and
- B. Proposed modifications to numeric standards are the minimum reasonably necessary to achieve the intent of strict application of the Land Use Code;
- C. Any Administrative Departure criteria required by the specific terms of this Code have been met; and
- D. The modification is reasonably necessary to implement or ensure consistency with a departure allowed through an approved Development Agreement, if applicable.

20.30H.130 Limitation on authority.

Limitation on Authority. Administrative Departures may only be approved consistent with the limitations contained in the Land Use Code section that authorizes the departure, or through a Variance granted under the terms of Part 20.30G LUC.

Part 20.30R Binding Site Plans

20.30R.110 Purpose.

This Part 20.30R LUC establishes when a Binding Site Plan is available and the procedure and criteria that the City will use in making a decision upon an application for which a Binding Site Plan is an authorized component.

20.30R.115 Applicability.

- A. Binding Site Plans are only available for the following:
 - 1. Development located in land use districts that are zoned to permit, or conditionally permit, industrial or commercial uses. For the purposes of this Part 20.30R LUC, “commercial use” means that the property is zoned to permit, or conditionally permit, attached or detached multifamily dwellings; and
 - 2. Divisions of land into lots or tracts as provided for in RCW 58.17.040(7), as that provision read on [insert effective date of this section].
- B. Binding Site Plans are not available for divisions of property for lease as provided for in RCW 58.17.040(5), as that provision read on [insert effective date of this section].

20.30R.120 Review Process.

- A. If a Master Development Plan is required for the development, then a Binding Site Plan may be approved through the Master Development Plan.

B. If a Master Development Plan is not required for the development, but one or more of the following land use permits or approvals is required, then a Binding Site Plan may be approved through any one of the required land use permit or approvals as provided below:

1. Conditional Use Permit;
2. Planned Unit Development;
3. Administrative Conditional Use Permit; or
4. Design Review.
5. Shoreline Conditional Use Permit.

C. Binding Site Plans must be applied for as a component of one of the land use permits or approvals described above. No standalone application for a Binding Site Plan shall be reviewed or submitted.

20.30R.125 Submittal Requirements.

A. In addition to the submittal requirements for the underlying land use permit or approval through which a Binding Site Plan is included as a component, the applicant shall submit the following:

1. A survey depicting all lots, tracts, and parcels proposed to be created through the Binding Site Plan, including all lot lines, as well as any additional information required by the Director; and
2. Any additional submittal requirements required by the Director pursuant to LUC 20.35.030 for the underlying land use permit or approval when a Binding Site Plan is included as a component.

20.30R.130 Decision Criteria

A. The final decision on the underlying land use permit or approval by the applicable decisionmaker specified in Chapter 20.35 LUC for that underlying land use permit or approval shall constitute the final decision on the Binding Site Plan component.

B. In addition to the decision criteria for the underlying land use permit or approval through which a Binding Site Plan is included as a component, the decision maker specified in Chapter 20.35 LUC for the underlying land use permit or approval must determine whether the Binding Site Plan component meets the following requirements:

1. Appropriate provisions for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets, sidewalks, alleys, other public ways, water supplies, and sanitary waste are provided;
2. All applicable provisions of the Land Use Code, Title 20 BCC, the Utility Codes, Title 24 BCC, and all applicable Development Standards are satisfied;
3. The Binding Site Plan component of the underlying land use decision or approval provides for all necessary utilities, streets or access, drainage, and improvements to accommodate the potential use of the entire property.

20.30R.135 Effect of Binding Site Plan

A. The applicant shall record the Binding Site Plan with the King County Recorder's Office. No document shall be presented for recording without the signature of each owner of the subject

property. Once approved and recorded, the Binding Site Plan shall remain in effect in perpetuity unless altered or vacated, regardless of whether the underlying land use permit or approval expires.

- B. If the underlying land use permit or approval is approved, then the applicant may develop the subject property in conformance with the lots, tracts, or parcels created through the approved and recorded Binding Site Plan. All provisions, conditions, and requirements of the Binding Site Plan shall be legally enforceable on the purchaser or any other person acquiring a lease or ownership interest of any lot, parcel, or tract created pursuant to the Binding Site Plan.
- C. Any sale, transfer, or lease of any lot, tract, or parcel created pursuant to the Binding Site Plan that does not conform to the requirements of the Binding Site Plan, or proceeds without Binding Site Plan approval, shall be considered a violation of the Land Use Code and of Chapter 58.17 RCW and may be enforced, and penalties assessed, as provided in Chapter 58.17 RCW or Chapter 1.18 BCC.

20.30R.140 Alterations and Vacations of Binding Site Plans.

A. Alterations. Alterations to an approved or recorded Binding Site Plan may be made as follows:

1. If the Binding Site Plan was approved as a component of a Master Development Plan, then alterations to the Binding Site Plan may be made in accordance with LUC 20.30V.160.
2. If the Binding Site Plan was approved as a component of a Conditional Use Permit, then alterations to the Binding Site Plan may be made in accordance with LUC 20.30B.175.
3. If the Binding Site Plan was approved as a component of a Planned Unit Development, then alterations to the Binding Site Plan may be made in accordance with LUC 20.30D.285.
4. If the Binding Site Plan was approved as a component of an Administrative Conditional Use Permit, then alterations to the Binding Site Plan may be made in accordance with LUC 20.30E.175.
5. If the Binding Site Plan was approved as a component of a Shoreline Conditional Use Permit, then alterations to the Binding Site Plan may be made in accordance with LUC 20.25E.180.

B. Vacations. Once approved and recorded, the Binding Site Plan may be vacated through a new application for a Master Development Plan.

Part 20.30V Master Development Plan

20.30V.110 PurposeScope.

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

20.30V.115 Applicability

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

A. General. If development meets both of the following criteria, then a Master Development Plan is required:

1. Either the development is constructed in phases or contains multiple buildings located within a single project limit; and

2. The development is located within one of the following locations:
 - a. Downtown;
 - b. BelRed;
 - c. A Mixed-Use Land Use District subject to Part 20.25R LUC;
 - d. The Community Mixed-Use Design District subject to Part 20.25I LUC;
 - e. The MI Land Use District;
 - f. The EG-TOD Land Use District; and
 - g. The EM-TOD Land Use District.
- B. F1 and CCC Land Use Districts. If development is located within the F1 or CCC land use districts, then a Master Development Plan is required, regardless of whether the criteria specified in subsection A of this section is satisfied.
- C. LDR-1, LDR-2, LDR-3, MDR-1, and MDR-2 Land Use Districts. If development is both located within an LDR-1, LDR-2, LDR-3, MDR-1, or MDR-2 Land Use District and is seeking a binding site plan, then the Director shall require a Master Development Plan, regardless of whether the criteria specified in subsection A of this section is satisfied.
 1. Exception. A Master Development Plan shall not be required under subsection C of this section if the development requires any one or more of the following land use decisions or approvals, which each allow for a Binding Site Plan to be approved as a component of the underlying land use decision or approval:
 - a. Conditional Use Permit;
 - b. Shoreline Conditional Use Permit;
 - c. Administrative Conditional Use Permit;
 - d. Planned Unit Development; or
 - e. Design Review.
- D. BelRed Land Use Districts. If development is located within BelRed but is not located within a node, then a Master Development Plan is only required if the development is constructed in phases, regardless of whether the criteria specified in subsection A of this section is satisfied.

20.30V.120 ~~Purpose~~Scope of approval.
A. Scope.

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

B. General Requirements.

Master Development Plans shall document that the following site plan components and calculations comply with all applicable development regulations:

1. Building placement;
2. The location and size of proposed setbacks;
3. Calculations demonstrating allowable lot coverage;
4. Areas identified to accommodate landscape development;
5. Maximum allowable building heights shall be indicated based on the underlying Land Use District and any additional building height as may be allowed by applicable development regulations;
6. A Floor area ratio calculation for each proposed building shall be provided based on the underlying Land Use District and any additional building height as may be allowed by applicable development regulations;
 - i. If applicable, provide separate calculations for residential and nonresidential components of a building.
7. Indicate and delineate all site components required in order to qualify for an amenity incentive system bonus; and
8. Parking, loading, circulation, and internal walkway and pedestrian requirements.

C. Additional Requirements.

Development located in the following land use districts are subject to additional Master Development Plan requirements:

1. 20.25A.030 – Downtown;
2. 20.25N.020 – Camp and Conference Center District;
3. 20.25P.020 – Eastgate Transit Oriented Development Land Use District;
4. 20.25Q.030 – East Main Transit Oriented Development Land Use District; and
5. 20.25D.030 – BelRed.

20.30V.130 Phasing plan required.

A. A phasing plan is required and must be approved as part of the Master Development Plan.

B. Each building proposed to be constructed shall have its own phase; Provided, that the Director may allow for multiple buildings in a single phase. When making a decision on allowing multiple buildings in a single phase, the Director shall consider the following:

1. Whether the buildings are structurally connected or otherwise dependent on one another;

2. Whether similar site improvements, landscaping, or amenities are necessary to support the construction of the buildings proposed to be included in the same phase;
3. Whether the buildings are proposed to be constructed at the same time; and
4. Whether allowing multiple buildings within a single phase will result in more orderly, or more efficient, development of the project limit.

B. The phasing plan must:

1. ~~-, including Include a narrative regarding, for the~~ installation of site improvements, landscaping, and amenities necessary to support each phase of development ~~must be approved as part of the Master Development Plan.;~~
2. -Provide for a proportionate installation of required amenities and improvements when each phase of development is constructed; and
3. Include any other information that may be reasonably required by the Director.

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

20.30V.140 Merger with Binding Site Plan.

~~A. General.~~

The applicant may request that the site plan approved with the Master Development Plan constitute a Binding Site Plan in accordance with Part 20.30R LUC.

~~The applicant may request that the Master Development Plan constitute a Binding Site Plan pursuant to Chapter 58.17 RCW.~~

~~B. Survey and Recording Required.~~

~~If a Master Development Plan is approved as a Binding Site Plan, the applicant shall provide a recorded survey depicting all lot lines and shall record that Binding Site Plan and survey with the King County Department of Records and Elections. No document may be recorded without the signature of each owner of the subject property.~~

~~C. Effect of Binding Site Plan.~~

~~Upon the approval and recording of a Binding Site Plan, the applicant may develop the subject property in conformance with the Binding Site Plan and without regard to lot lines internal to the subject property. The applicant may sell or lease parcels subject to the Binding Site Plan.~~

20.30V.150 Decision criteria and Effect of Approval.

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

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

- ~~B1.~~ The Master Development Plan complies with the applicable requirements of the Bellevue City Code; and
- ~~C2.~~ The proposed Master Development Plan addresses all applicable standards, guidelines or criteria of this Code in a manner which fulfills their purpose and intent; and
- ~~D3.~~ The Master Development Plan depicts features of and relationships and connectivity between required site features for the underlying Land Use District.

~~B. Effect of Approval. Approval of the Master Development Plan constitutes the regulations governing development and operation of an approved development for the life of the project. Such approval shall be contingent upon compliance with the conditions specified in the approval, conformance with all applicable development standards, the payment of all fees, and the submittal of assurance devices as may be required. The approval shall expire as provided pursuant to LUC 20.40.500, except as otherwise provided in LUC 20.30V.190.~~

20.30V.180 Recording required.

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

20.30V.190 ~~Extended vesting period for~~ Extensions of Master Development Plans and ~~Associated Design Review approval~~ Land Use Permits .

~~To the extent not precluded by other sections of this code, an~~ An applicant for a ~~M~~ master ~~D~~ development ~~P~~ plan may request an modification extension to the ~~vesting and~~ expiration provisions of LUC 20.40.500, LUC 20.30P.150, LUC 20.25E.250, or LUC 20.30F.190, allowing for ~~vesting of the issued~~ land use permits ~~and approvals that are associated with that Mmaster Ddevelopment Pplan to remain in effect~~ for a period of up to 10 years from the date of issuance of the ~~M~~ master ~~D~~ development ~~P~~ plan. In no event shall the Mmaster Ddevelopment Pplan, or any associated and issued land use permit or approval, remain in effect for more than 10 years from the date of issuance of the Mmaster Ddevelopment Pplan approval pursuant to LUC 20.30V.150 except where a complete building permit application has been submitted for each approved phase of the development.

A. Timing of Request for ~~Modification~~ an Extension.

- ~~1. The request for modification may be submitted with the application for land use review or at any time prior to expiration of a previously approved land use permit or approval pursuant to LUC 20.40.500. The request for an extension may be submitted as follows:~~
 - ~~a. At any time between when a complete application for the Mmaster Ddevelopment Pplan has been submitted and issuance of a final land use decision on the Mmaster Ddevelopment Pplan; or~~

b. At any time between when a final land use decision on the ~~M~~master ~~D~~development ~~P~~plan has been issued and expiration of the ~~M~~master ~~D~~development ~~P~~plan, as may have been separately extended pursuant to this section.

2. If submitted ~~at the time of application for the land use review~~ between when a complete application for a ~~M~~master ~~D~~development ~~P~~plan has been submitted and issuance of a final land use decision on the ~~M~~master ~~D~~development ~~P~~plan, the decision on the request for ~~modification~~ extension shall be merged with the decision on the ~~underlying land use permit~~ ~~M~~master ~~D~~development ~~P~~plan.

3. If submitted ~~after the land use permit or approval has been issued~~ between when a final land use decision on the ~~M~~master ~~D~~development ~~P~~plan has been issued and expiration of the ~~M~~master ~~D~~development ~~P~~plan, the request for ~~modification~~ extension shall be processed as a Land Use Exemption to the existing ~~M~~master ~~D~~development ~~P~~plan pursuant to ~~LUC 20.30F.175 or LUC 20.30V.160.B~~. In no event shall the vesting period for a Master Development Plan or associated Design Review approval exceed 10 years from the date of issuance of the Master Development Plan approval pursuant to LUC 20.30V.150.

B. Approval of an Extension.

1. The Director may approve ~~an increased vesting period~~ an extension to the expiration provisions of LUC 20.40.500, LUC 20.30P.150, LUC 20.25E.250, or LUC 20.30F.190; provided, that the project complies with an approved phasing plan pursuant to LUC 20.30V.130.

2. When making a decision on a request for an extension~~modification~~, the Director shall consider the following:

a. (1) the ~~project~~ site ~~and size~~;

b. (2) the size, scope, and complexity of the project; and

c. (3) construction and permitting activity in the vicinity of the project ~~in determining the appropriate extension~~vesting period.

C. Effect of Approval of an Extension~~Modification~~.

1. The approval of a request for an extension~~modification~~ under this section does not establish vested rights for any land use permit or for any application for a land use permit.

2. The approval of a request for an extension~~modification~~ under this section may only modify the expiration provisions of LUC 20.40.500, LUC 20.30P.150, LUC 20.25E.250, or LUC 20.30F.190, which govern land use permits and approvals. The approval of a request for an extension under this section does not affect expiration of any other permit applications or permit approvals, including, but not limited, to those issued under ~~The vested status of other required review,~~

~~including but not limited to~~ SEPA, ~~the~~ Traffic Standards Code, ~~the~~ Transportation Development Code, and building or other technical code review, ~~is not controlled by this section.~~

- ED. The Director may require an assurance device pursuant to LUC 20.40.490 to ensure compliance with ~~terms and he conditions~~ of ~~land use approval~~ the issued master development plan, associated and issued land use permits, and the phasing plan throughout any extension granted under this section ~~the vested period.~~

Chapter 20.35 Review and Appeal Procedures

...

20.35.010 Purpose and scope.

A. The purpose of this chapter is to establish standard procedures for all land use and related decisions made by the City of Bellevue. The procedures are designed to promote timely and informed public participation, eliminate redundancy in the application, permit review, and appeal processes, minimize delay and expense, and result in development approvals that further City goals as set forth in the Comprehensive Plan.

B. As required by Chapter 36.70B RCW ~~RCW 36.70B.060~~, these procedures provide for an integrated and consolidated land use permit process. The procedures integrate the environmental review process with the procedures for review of land use decisions and provide for the consolidation of appeal processes for land use decisions.

C. To the extent that the requirements of this chapter differ from the requirements of RCW 36.70B.060, RCW 36.70B.070, RCW 36.70B.080, RCW 36.70B.110, RCW 36.70B.120, or RCW 36.70B.130, the difference is based on a determination by the City Council that special circumstances exist that warrant a different review process or time period for approval.

20.35.015 Framework for decisions.

...

C. Process II decisions are administrative land use decisions made by the Director. Threshold determinations under the State Environmental Policy Act (SEPA) made by the Environmental Coordinator ~~and Sign Code variances~~ are also Process II decisions. (See the Environmental Procedures Code, BCC 22.02.034, ~~and Sign Code, BCC 22B.10.180~~) The following types of applications require a Process II decision:

...

10. Design and Mitigation Permits required pursuant to Part 20.25M LUC, Light Rail Overlay District;

11. Review under State Environment Policy Act (SEPA) when not consolidated with another permit;
and

12. Lot splits.

...

D. Process III decisions are quasi-judicial decisions made by the City Council. The following types of applications require a Process III decision:

1. Site-specific or project-specific rezone;~~and.~~
2. ~~A rezone of any property to the OLB-OS Land Use District designation.~~

...

20.35.030 Applications.

A. **Who May Apply.**

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3. The City Council,~~or~~ the Director of the Development Services Department~~or the Planning Director~~ may apply for a project-specific or site-specific rezone or for an areawide (Process IV) rezone.

...

20.35.080 ~~_____ Merger of certain decisions~~ Consolidated review of applications for Process I decisions, Process II decisions, Process III decisions, and other administrative decisions.

A. Purpose. The purpose of this section is to offer a consolidated process that may, at the applicant's option, be used when a proposed development or use of land will require multiple Process I decisions, Process II decisions, Process III decisions, or other administrative decisions.

B. When a single project includes multiple Process II decisions or other types of land use applications and decisions made by the Director, then any combination of such applications may be applied for and reviewed as a single Process II Administrative Decision, pursuant to LUC 20.35.200 through 20.35.250.

CA. Process I and III and Process II, including SEPA Threshold Determinations. When a single project includes a combination of Process I, Process II, including the SEPA threshold determination associated with the Process I or III action, or Process III land use applications, review of the project may combine review of the Process I, Process II, and Process III components. A consolidated report setting forth the Process I or Process III recommendation of the Director and the Process II decisions will be issued. A final decision on each individual application consolidated under this section must still be made by the decision maker specified in this chapter for that type of decision.

~~B. SEPA Threshold Determination with Process IV or Process V Decisions.~~

~~The SEPA threshold determination associated with a Process IV or Process V action shall be merged with the Process IV and Process V action, and processed according to the notice, decision, appeal and other procedures set forth in LUC 20.35.400 through 20.35.440 (Process IV) or LUC 20.35.500 through 20.35.540 (Process V).~~

20.35.120 Notice of application

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B. The Director shall provide notice of the application as follows:

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3. Mailed notice of the application including at least the information required in subsection B.1 of this section to each person who has requested such notice for the calendar year and paid any applicable fee as established by the Director. Included in this mailing shall be a representative from each of the neighborhood groups, community clubs, or other ~~citizens'~~ community groups who have requested regular notice of land use actions. As an alternative to mailing notice to each such person, notice may be provided by electronic mail only, when requested by the recipient.

...

20.35.127 Public meetings.

A public meeting is required for all Process I applications. The Director may require the applicant to participate in the meeting to inform ~~citizens~~ the public about the proposal. Public meetings shall be held as early in the review process as possible for Process I applications. Notice of the public meeting shall be provided in the same manner as required for notice of the application. The public meeting notice will be combined with the notice of application whenever possible.

20.35.135 Public notice of Director's recommendation.

A. Notice of Recommendation, SEPA Determination, and Hearing Examiner Hearing.

...

4. The Director shall mail notice to each person who has requested such notice for the calendar year and paid any applicable fee as established by the Director. Included in this mailing shall be a representative from each of the neighborhood groups, community clubs, or other ~~citizens'~~ community groups who have requested regular notice of land use decisions. As an alternative to mailing notice to each such person, notice may be provided by electronic mail only, when requested by the recipient.

...

20.35.210 Notice of application.

A. A notice of application shall be provided, as follows, within 14 days of issuance of a determination of completeness for Process II land use decisions:

Application Type	Publish	Mail	Sign
Administrative Conditional Use	X	X	X
Design Review	X	X	X
Home Occupation Permit	X	X	
Interpretation of Land Use Code Under Part 20.30K LUC	X		

Preliminary Short Plat	X	X	X
Variance	X	X	
Critical Areas Land Use Permit	X	X	
SEPA Review (When Not Consolidated With Another Permit)	X		
<u>Master Development Plan</u>	<u>X</u>	<u>X</u>	<u>X</u>

1. For Process II decisions not included in Table 20.35.210.A, notice of application shall be provided by publication and mailing.

...

5. Mailings shall also include mailing notice of the application including at least the information required in subsection A.2 of this section to each person who has requested such notice for the calendar year and paid any fee as established by the Director. This mailing shall also include a representative from each of the neighborhood groups, community clubs, or other ~~citizens'~~ community groups who have requested notice of land use activity. As an alternative to mailing notice to each such person, notice may be provided by electronic mail only, when requested by the recipient.

20.35.227 Public meetings.

The Director may require the applicant to participate in a public meeting to inform ~~citizens~~ the public about a proposal; provided, that a public meeting shall be required for every Design and Mitigation Permit submitted pursuant to Part 20.25M LUC. When required, public meetings shall be held as early in the review process as possible for Process II applications. Notice of the public meeting shall be provided in the same manner as required for notice of the application. The public meeting notice will be combined with the notice of application whenever possible.

20.35.235 Notice of decision.

...

- C. The Director shall mail notice to each person who has requested such notice and paid any fee as established by the Director. Included in this mailing shall be a representative from each of the neighborhood groups, community clubs, and other ~~citizens'~~ community groups who have requested regular notice of land use decisions. As an alternative to mailing notice to each such person, notice may be provided by electronic mail only, when requested by the recipient.

20.35.250 Appeal of Process II decisions.

- A. Process II decisions, except for lot splits and SEPA threshold determinations on Process IV and Process V actions, may be appealed as follows:

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20.35.320 Notice of application.

...

- B. The Director shall provide notice of the application as follows:

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3. Mailed notice of the application including at least the information required in subsection B.1 of this section to each person who has requested such notice for the calendar year and paid any applicable fee as established by the Director. Included in this mailing shall be a representative from each of the neighborhood groups, community clubs, or other ~~citizens'~~ community groups who have requested regular notice of land use actions. As an alternative to mailing notice to each such person, notice may be provided by electronic mail only, when requested by the recipient.

...

20.35.327 Public meetings.

A. A public meeting is required for all Process III applications.

B. The Director may require the applicant to participate in the meeting to inform ~~citizens~~ the public about the proposal.

C. Public meetings shall be held as early in the review process as possible for Process III applications.

D. Notice of the public meeting shall be provided in the same manner as required for notice of the application. The public meeting notice ~~should~~will be combined with the notice of application whenever possible.

20.35.335 Public notice of Director's recommendation.

...

- D. The Director shall mail notice to each person who has requested such notice for the calendar year and paid any applicable fee as established by the Director. Included in this mailing shall be a representative from each of the neighborhood associations, community clubs, or other ~~citizens'~~ community groups who have requested notice of land use actions. As an alternative to mailing notice to each such person, notice may be provided by electronic mail only, when requested by the recipient.

...

20.35.400 Process IV: City Council legislative actions.

LUC 20.35.400 through 20.35.440 contain the procedures the City shall use to make legislative land use decisions (Process IV actions). The process shall include a public hearing, held by either the Planning Commission or City Council, and action by the City Council. Review under the State Environmental Policy Act (SEPA) and the Bellevue Environmental Procedures Code may be required. Any SEPA threshold determination associated with a Process IV action shall be merged with the Process IV action and processed according to the notice, decision, appeal, and other procedures set forth in LUC 20.35.400 through 20.35.440.

...

20.35.415 Notice of application.

A. The Director shall provide notice of the application as follows:

...

3. The Director shall mail notice containing at least the information in subsection A.1 of this section to each person who has requested such notice for the calendar year and paid any applicable fee as established by the Director. Included in this mailing shall be a representative from each of the neighborhood associations, community clubs, or other ~~citizens'~~community groups who have requested notice of land use actions. As an alternative to mailing notice to each such person, notice may be provided by electronic mail only, when requested by the recipient.

...

20.35.420 Public hearing notice.

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B. Provision of Notice.

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4. The Director shall mail notice to each person who has requested such notice and paid any fee as established by the Director. Included in this mailing shall be a representative from each of the neighborhood groups, community clubs, and other ~~citizens'~~community groups who have requested regular notice of land use actions. As an alternative to mailing notice to each such person, notice may be provided by electronic mail only, when requested by the recipient.

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20.35.510 Notice of application.

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B. The Director shall provide notice of the application as follows:

...

3. Mailed notice of the application including at least the information required in subsection B.1 of this section to each person who has requested such notice for the calendar year and paid any fee as established by the Director. This mailing shall also include a representative from each of the neighborhood groups, community clubs, or other ~~citizens'~~community groups who have requested notice of land use activity. As an alternative to mailing notice to each such person, notice may be provided by electronic mail only, when requested by the recipient.

20.35.525 Public meetings.

The Director may require the applicant to participate in a public meeting to inform ~~citizens~~the public about a proposal. When required, public meetings shall be held as early in the review process as possible for Process V applications. Notice of the public meeting shall be provided in the same manner as required for notice of the application. The public meeting notice will be combined with the notice of application whenever possible.

...

20.35.535 Notice of decision.

...

- C. The Director shall mail notice to each person who has requested such notice and paid any fee as established by the Director. Included in this mailing shall be a representative from each of the neighborhood groups, community clubs, and other ~~citizens'~~ community groups who have requested regular notice of land use decisions. As an alternative to mailing notice to each such person, notice may be provided by electronic mail only, when requested by the recipient.

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Chapter 20.40 Administration and Enforcement

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20.40.401 Compliance with the Comprehensive Plan.

[Section proposed to be deleted in its entirety]

~~Each decision or action of the City or its officials pursuant to the Land Use Code shall be made in compliance with the Comprehensive Plan.~~

20.40.500 Establishment of vested rights ~~Vesting~~ and expiration of ~~vested status of~~ land use permits and approvals.

A. ~~Vesting~~ Establishment of Vested Rights for Land Use Permit Applications and Approvals ~~Approved~~ Land Use Permits.

1. Permits Applications and Approvals in General.

- a. Applications for all land use permits and approvals except subdivisions, short subdivisions, conditional uses, design reviews, shoreline conditional use, and shoreline substantial development permits shall be considered under the Land Use Code and other land use control ordinances in effect on the date that a fully complete bBuilding pPermit application, meeting the requirements of BCC 23.05.090.E and 23.05.090.F, is filed.
- b. If a complete bBuilding pPermit application is not filed, as described in subsection A.1.a, then all applications for land use permits except subdivisions, short subdivisions, conditional uses, design reviews, shoreline conditional use, and shoreline substantial development permits shall be considered under the Land Use Code and other land use control ordinances in effect up to the date of the City's final land use decision on the land use permit.
- c. Except for subdivisions and short subdivisions, if a land use permit is approved, then it shall be governed by the terms and conditions of approval of the land use permit until modification, revocation, or expiration of the land use permit.

2. Subdivisions and Short Subdivisions.

- a. An application for approval of a preliminary plat, final plat, preliminary short plat, or final short plat shall be considered under the Land Use Code and other land use control ordinances in effect when a fully complete application is submitted for the preliminary plat or preliminary short plant which satisfies the applicable submittal requirements specified pursuant to LUC 20.35.030.

- b. If a final plat or final short plat is approved, then the subdivision or short subdivision shall be governed by the following for a period of five years beginning on the date that the final plat or final short plat was recorded unless vacated, modified, or amended pursuant to Chapter 20.45A LUC or Chapter 20.45B LUC:
 - i. The terms and conditions of approval of the final plat or the final short plat; and
 - ii. The provisions of the Land Use Code and other land use control ordinances in effect at the time of the approval of the final plat or the final short plat.
 - c. Subsection A.2.b of this section does not apply where the City Council finds that, following approval of a final plat or final short plat, a change in conditions creates a serious threat to the public health or safety in the subdivision or short subdivision.
 - 32. Subdivisions, Short Subdivisions, Conditional Uses, and Design Reviews. An application for approval of a ~~subdivision, short subdivision,~~ conditional use, or for a ~~D~~design ~~R~~review, shall be considered under the Land Use Code and other land use control ordinances in effect when a fully complete application, which satisfies the applicable submittal requirements specified in LUC 20.35.030, is submitted for such approval ~~which satisfies the applicable submittal requirements of the Director specified pursuant to LUC 20.35.030.~~
 - 43. Shoreline Conditional Use and Shoreline Substantial Development Permits. LUC 20.25E.250 governs vesting of shoreline conditional use and shoreline substantial development permit applications.
 - 54. Master Development Plans and Associated Design Reviews Submitted Concurrently. When a ~~D~~design ~~R~~review application is submitted concurrently with a ~~M~~master ~~D~~development ~~P~~plan application, that ~~M~~master ~~D~~development ~~P~~plan application shall be considered under the Land Use Code and other land use control ordinances in effect when the associated ~~D~~design ~~R~~review application is submitted; provided, that both the associated ~~D~~design ~~R~~review application and the ~~M~~master ~~D~~development ~~P~~plan application are fully complete and satisfy the applicable submittal requirements of the Director specified pursuant to LUC 20.35.030. For the purposes of this subsection, “concurrently” means that the associated ~~D~~design ~~R~~review application was submitted during the applicable time period for review of the ~~M~~master ~~D~~development ~~P~~plan application under LUC 20.35.030.E.
- B. Expiration of ~~Vested Status of Issued~~ Land Use Permits ~~or Approval.~~
- 1. ~~The vested status of a Once issued,~~ Land ~~u~~Use ~~p~~Permits ~~or approval~~ shall expire as provided in subsection B.2 of this section; provided, that:
 - a. The time period established pursuant to subsection B.2 of this section shall not include the time during which an activity was not actively pursued due to the pendency of litigation which may materially affect rights of the permit holder to the extent the litigation is related to the subject land use permit;

- ~~ba.~~ Variances shall run with the land in perpetuity if recorded with the King County Department of Records and Elections Recorder's Office within 60 days following the City's final action; ~~and~~
 - ~~cb.~~ Critical Areas Land Use Permits shall expire as set forth in LUC 20.30P.150; ~~and~~
 - ~~c.~~ ~~Lots in a subdivision or short subdivision shall be vested against changes in the Land Use Code, except for changes that address a serious threat to the public health or safety as found by the City Council when such change is adopted, for a period of five years following the date of recording of the final plat or final short plat; and~~
 - ~~d.~~ ~~The time period established pursuant to subsection B.2 of this section shall not include the time during which an activity was not actively pursued due to the pendency of litigation which may materially affect rights of the applicant for the permit or approval related to that permit or approval;~~
 - ~~ed.~~ Shoreline substantial development permits, shoreline conditional use permits, and shoreline variances shall expire as set forth in ~~Expiration of shoreline permits shall occur pursuant to~~ LUC 20.25E.250.C; ~~and~~
 - ~~fe.~~ Design review approvals shall expire as set forth in ~~Expiration of Design Review approvals shall occur pursuant to~~ LUC 20.30F.190;
 - ~~f.~~ Approved final plats and approved final short plats shall remain in effect until vacated, modified, or amended pursuant to Chapter 20.45A LUC or Chapter 20.45B LUC;
 - ~~g.~~ Approved boundary line adjustments shall remain in effect until vacated, modified, or amended pursuant to LUC 20.45B.260; and
 - ~~h.~~ Approved binding site plans shall remain in effect until vacated, modified, or amended pursuant to Part 20.30R LUC; and
 - ~~i.~~ Approved lot splits shall remain in effect until vacated, modified, or amended pursuant to LUC 20.45B.270.
2. ~~The vested status of a~~ Except as provided in subsection B.1 of this section, once issued, each land use permit shall expire two years from the date of the City's final land use decision, unless:
- a. A complete ~~B~~building ~~P~~permit application is filed before the end of the two-year term. In such cases, the ~~vested status of the~~ land use permit ~~or approval~~ shall be automatically extended for the time period during which the ~~b~~Building ~~p~~Permit application is pending prior to issuance; provided, that if the ~~b~~Building ~~p~~Permit application expires, or is revoked or canceled pursuant to BCC 23.05.100, then the ~~vested status of a~~ land use permit ~~or approval~~ shall simultaneously also expire, or be canceled. If a Building Permit is issued and

- ~~subsequently renewed, the vested status of the land use permit or approval shall be automatically extended for the period of the renewal;~~
- b. For projects which do not require a bBuilding pPermit, the use allowed by the issued land use permit ~~or approval~~ has been established prior to the expiration of the ~~vested status of the land use permit or approval~~ and is not terminated by abandonment or otherwise;
 - c. ~~The vested status of a~~ An issued land use permit ~~or approval~~ is extended pursuant to subsection B.3 of this section; or
 - d. ~~The vested status of a~~ An issued land use permit ~~or approval~~ is extended pursuant to:
 - i. LUC 20.30V.190 (~~Extended vesting period for~~Extensions of Master Development Plans and Associated Land Use Permits associated Design Review approval); or
 - ii. A development agreement authorized by the terms of this Land Use Code to extend ~~vested status a~~ land use permit.
3. When a bBuilding pPermit is issued, ~~the vested status of a~~ land use permit ~~or approval~~ shall be automatically extended for the life of the bBuilding pPermit. If the Building Permit expires, or is revoked or canceled pursuant to BCC 23.05.100 ~~or otherwise~~, then the ~~vested status of a~~ land use permit ~~or approval~~ shall also expire, or be revoked or canceled. If a Building Permit is issued and subsequently renewed, then the land use permit shall be automatically extended for the period of the renewal.

Chapter 20.45B Short Plats and Short Subdivisions

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20.45B.050 General Requirements.

- A. Every short subdivision shall comply with all applicable goals, regulations, and standards of the Bellevue City Code and ~~RCW Title 58 RCW Boundaries and Plats. Short subdivisions shall also be in accord with the policies of the City's Comprehensive Plan.~~

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20.45B.130 Preliminary short plat – Department Director's decision.

- A. Decision Criteria.

The Department Director may approve or approve with modifications if:

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~~5. The proposal is in accord with the Comprehensive Plan, BCC Title 21; and~~

- ~~65.~~ Each lot in the proposal can reasonably be developed in conformance with current Land Use Code requirements without requiring a variance; however, requests for modifications to the requirements of Part 20.25H LUC, where allowed under the provisions of that part, may be

considered together with an application for preliminary short plat so long as the resulting lots may each be developed without individually requiring a variance; and

- ~~76.~~ All necessary utilities, streets or access, drainage and improvements are planned to accommodate the potential use of the entire property.

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20.45B.260 Boundary line adjustment.

Pursuant to RCW 58.17.040, boundary line adjustments are exempt from requirements of this chapter except as provided for in this section.

- A. All lots modified by this boundary line adjustment procedure shall not be approved for recording if such adjustment would allow a nonconforming dimension as specified in LUC 20.20.010 to become more nonconforming unless the adjustment equalizes more than one adjacent nonconforming lot.
- B. No lot line adjustment may be approved when such action would violate an applicable requirement or condition of a previous land use action, lot split, subdivision, or short plat approval.
- C. All lots modified by the boundary line adjustment procedure shall have legal access meeting the standards of the Transportation Department, the Utilities Department, and any other applicable department.
- D. The processing and revision of boundary line adjustments shall be the same as for final short plats as provided in the applicable provisions of LUC 20.45B.210 through 20.45B.2~~43~~0.
- E. All boundary line adjustments shall be recorded surveys consistent with Chapter 58.09 RCW. All boundary lines being adjusted shall be surveyed, and newly established lot corners shall be staked.
- F. All lots modified by this boundary line adjustment procedure shall not be approved for recording if such adjustment would create a nonconformity with respect to the requirements of this Code.

20.45B.270 Lot splits.

Pursuant to RCW 58.17.145, administrative lot splits are exempt from the requirements of this chapter except as provided for in this section:

A. Applicability.

- 1. An administrative lot split shall only create one additional lot, and newly created lots shall not be large enough to further subdivide.;
- 2. The parent lot shall not be located in a land use district that does not allow residential uses.;

B. General Requirements.

- 1. The size of the newly created lot and the size of the modified parent lot must both at least meet the minimum lot size requirements for the underlying land use district, if applicable;
- 2. Certificates of availability for sewer and water shall be provided prior to approval;

3. If the administrative lot split requires demolition or alteration of an existing dwelling unit that would displace a renter, then the applicant shall provide, and the Director shall review and approve, a displacement mitigation strategy or plan; and
4. Administrative lot splits are not subject to administrative appeal, as provided for in LUC 20.35.250, if they comply with the applicable development standards herein. Instead, administrative lot splits may be appealed in accordance with LUC 20.35.070.
5. The parent lot must not have been created through an administrative lot split authorized by this section.
6. The parent lot and the newly created lot cannot collectively contain a number of dwelling units that would exceed the number of dwelling units that would have been allowed on the parent lot prior to the administrative lot split.
7. Lot splits may be revised in the same manner as for final short plats under LUC 20.45B.240.
8. If a lot split results in a newly created lot of a size that would allow for further land division, subsequent lot splits are not allowed but the newly created lot may be divided under other applicable land division processes.

C. ~~Notes on Lot Split Survey.~~

The lot split survey ~~to~~ must be recorded with the King County Recorder's Office ~~County~~ and shall both include, as notes, and comply with the following ~~notes~~ requirements, as applicable:-

1. Further administrative lot splits are not permitted on either of the resulting lots;
2. The city is immune from any liability, loss, or other damage suffered by another that is related to the city's approval of the lot split, including if the lot split creates a lot that is later determined unbuildable, RCW 58.17.145;
3. The total number of dwelling units, including detached accessory dwelling units but excluding attached accessory dwelling units, across both the parent lot and the newly created lot shall not exceed the number of dwelling units allowed on the parent lot prior to the lot split;
4. ~~and~~ The total number of dwelling units, including detached accessory dwelling units but excluding attached accessory dwelling units, for the newly created lot shall be limited to a maximum of one unit less than the total allowable number of dwelling units for the parent lot prior to the lot split;
5. If applicable, indicate whether future development will require frontage improvements;
6. If applicable, indicate whether dedication of right-of-way is required and note the location of the right-of-way to be dedicated; and
7. If applicable, note the location of all required access and utility rights granted or conveyed.

Chapter 20.50 Definitions

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20.50.012 B definitions.

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Binding Site Plan. The division of land into lots or tracts classified for industrial or commercial use as provided by RCW 58.17.020, RCW 58.17.035, and 58.17.040. For the purposes of this definition, “commercial use” means that the property that is zoned to permit, or conditionally permit, attached or detached multifamily dwellings.

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20.50.032 L definitions.

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Lot, Parent. A lot that is, or may be, subdivided into unit lots through the unit lot subdivision process or the unit lot short subdivision process. A parent lot also includes a lot that is, or may be, divided in two through ~~or~~ the administrative lot split process.

Lot Split. The administrative process of dividing an existing lot into two lots for the purpose of sale, lease, or transfer of ownership subject to the applicability and regulations applicable to administrative lot splits.

Lot Split Survey. The final survey prepared for filing for record with the King County Recorder’s Office and containing all elements and requirements for a lot split.