

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6911

AN ORDINANCE relating to public-private partnership development agreements; amending the Land Use Code (LUC) to establish requirements and standards for public-private partnership development agreements; amending Chapters 20.10, 20.20, 20.35, 20.50 of the Land Use Code; amending Parts 20.25A, 20.25M, 20.25Q, 20.25R, and 20.30F of the Land Use Code; Creating a new Part 20.30C of the Land Use Code; providing for severability; and establishing an effective date.

WHEREAS, on March 17, 2026, the City Council initiated work on the text amendments to the Land Use Code contained in this Ordinance and, in accordance with LUC 20.30J.125 and LUC 20.35.410.A, made a finding of necessity and retained this Ordinance for processing by the City Council alone with no review or recommendation by the Planning Commission; and

WHEREAS, on March 17, 2026, the City Council held a study session to review the text amendments contained in this Ordinance; and

WHEREAS, on March 25, 2026, a notice of application and public hearing on the text amendments contained in this ordinance was published in the Seattle Times and in the City's Weekly Permit Bulletin; and

WHEREAS, on April 14, 2026, the City Council held a public hearing on the text amendments to the Land Use Code contained in this ordinance; and

WHEREAS, on February 20, 2026, notice was provided to the Washington State Department of Commerce in accordance with RCW 36.70A.106; and

WHEREAS, in accordance with RCW 36.70A.370, the City has reviewed the guidance provided by the Washington State Attorney General's Office and evaluated the proposed regulatory or administrative actions to assure that such actions do not result in an unconstitutional taking of private property; and

WHEREAS, the City's Comprehensive Plan contains policies that support, and are consistent with, the text amendments to the Land Use Code contained in this Ordinance, including: ED-41, ED-42, HO-47; and

WHEREAS, WAC 197-11-800(19)(a) exempts the text amendments to the Land Use Code contained in this ordinance from the requirements of Chapter 43.21C RCW as they relate solely to governmental procedures and contain no substantive standards respecting use or modification of the environment; and

WHEREAS, in reviewing this ordinance, the City Council has considered and weighed the goals outlined in the Washington State Growth Management Act, Chapter 36.70A RCW; and

WHEREAS, the City Council finds that the proposed LUC amendments meet the decision criteria of LUC 20.30J.135 in that the amendments: (A) are consistent with the Comprehensive Plan; (B) enhance the public health, safety, and welfare; and (C) are not contrary to the best interests of the citizens and property owners of the City of Bellevue; Now, therefore:

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

Section 1. The foregoing recitals are hereby adopted by the City Council as findings of fact supporting and explaining the legislative intent behind the adoption of this Ordinance.

Section 2. The Land Use Code is hereby amended to include a new Part 20.30C to read as follows:

20.30C.010 Scope

- A. In accordance with RCW 36.70B.170 through 36.70B.210, a development agreement is a mechanism by which the City may enter into an agreement with a developer to modify otherwise applicable development standards and other provisions that apply to the development, use, mitigation, or public benefits of a development for the duration specified in the agreement.
- B. While state law would allow the City to utilize development agreements more broadly, the City Council, in adopting this Part 20.30C LUC, has specifically limited the City's use of development agreements to the circumstances described in LUC 20.30C.020.
- C. The execution of a development agreement in and of itself is an administrative act, as opposed to a quasi-judicial or a legislative act, and is a proper exercise of the City's police power and contract authority.

20.30C.020 Applicability.

A. General.

- 1. If a development agreement is authorized under this section and, if required under LUC 20.30C.050, an application for a master development plan or a design review has been submitted, then the City is authorized, but not required, to accept, review, and approve a development agreement proposed by an applicant. This process is voluntary on the part of both the applicant and the City.

2. If a development agreement is not authorized under this section or, if required under LUC 20.30C.050, no application for a master development plan or a design review has been submitted, then the City will not accept, review, or approve a development agreement proposed by an applicant.
3. Subsections B through H of this section each operate independently of one another. If a development agreement would be authorized by multiple subsections, then the City Council shall determine the subsection through which the development agreement will be negotiated when deciding whether to negotiate a development agreement pursuant to LUC 20.30C.060.

B. City-Funded Development, Projects, or Improvements.

1. Authorized Development Agreements. In any land use districts, development agreements are authorized for development, projects, or improvements funded by the City in the following circumstances:
 - a. The City provides a monetary contribution of city funding in an amount that meets both of the following requirements:
 - i. The monetary contribution constitutes at least 10% of the total cost to construct the development, project, or improvement; and
 - ii. The monetary contribution totals at least \$5,000,000. The Director is both authorized and directed to annually increase or decrease this \$5,000,000 amount by an adjustment necessary to reflect the then-current published annual change in the Seattle Consumer Price Index for Wage Earners and Clerical Workers.
 - b. For the purposes of subsection B.1.a of this section, the City's monetary contribution may come from any City fund or funding source available to the City. However, the following shall not be included when calculating the City's monetary contribution:
 - i. The waiver or reduction of applicable fees by operation of the Bellevue City Code, the Land Use Code, or other City-run programs;
 - ii. All costs incurred by the City during review of the development, project, or improvement;
 - iii. All costs incurred by the City during review of the request for a development agreement; and
 - iv. All costs incurred by the City during negotiation of the development agreement.

2. Limitations on Modifications. If authorized under subsection B.1 of this section, then the development agreement may modify any development standard.

C. City-Owned Real Property.

1. Authorized Development Agreements. Development agreements are authorized for development occurring entirely on any real property owned or controlled by the City in any land use district.
2. Limitations on Modifications. If authorized under subsection C.1 of this section, then the development agreement may modify any development standard.

D. Downtown

1. Authorized Development Agreements. Development agreements are only authorized in Downtown Land Use Districts in the following circumstances:
 - a. To award FAR Amenity Incentive Points for a Flexible Amenity subject to the terms of LUC 20.25A.070.D.4 Amenity 18.
 - b. To approve the final construction design for Pedestrian Bridges as identified in, and in accordance with, LUC 20.25A.100.
2. Limitations on Modifications. If authorized under subsection D.1 of this section, then the development agreement may only modify development standards to the extent explicitly authorized by LUC 20.25A.070.D.4 Amenity 18 or LUC 20.25A.100, as applicable. No other development standard may be modified.

E. East Main

1. Authorized Development Agreements.
 - a. In the EM-TOD-H land use district, development agreements are authorized for any development when on-site affordable housing is provided at an amount greater than what would be required by the normal operation of the Land Use Code.
 - b. In the EM-TOD-H land use district, development agreements are authorized to award FAR Amenity Incentive Points for a Flexible Amenity as described in Chart 20.25Q.070.D.4, regardless of the amount of on-site affordable housing provided.

- c. In the EM-TOD-L land use district, development agreements are only authorized to award FAR Amenity Incentive Points for a Flexible Amenity as described in Chart 20.25Q.070.D.4.

2. Limitations on Modifications.

- a. If authorized under subsection E.1.a of this section, then development agreements may modify any of the development standards contained in Part 20.25Q LUC except the following:
 - i. The maximum building height shall not be modified to exceed 400 feet for any building; and
 - ii. The maximum FAR shall not exceed 5.3, as calculated for all lots subject to the development agreement.
- b. If authorized under subsection E.1.b or E.1.c of this section, then development agreements may only modify development standards to the extent explicitly authorized by Chart 20.25Q.070.D.4 in order to award FAR Amenity Incentive Points for a Flexible Amenity.
- c. The only development standards that may be modified are described in subsections E.2.a and E.2.b of this section. Other development standards contained in the Land Use Code, the Bellevue City Code, and other development regulations shall not be modified, including, but not limited to, the following:
 - i. Standards, requirements, and mitigation as provided for in Part 20.25H LUC.
 - ii. The establishment of vested rights and when land use permits and approvals expire.
 - iii. The amount and payment of impact fees and development fees.

F. Homeless Services Uses

- 1. Authorized Development Agreements. Development agreements are authorized for homeless services uses in any land use district in the following circumstances:
 - a. As allowed under LUC 20.20.455, but only for the permitting of homeless services uses, as that term is defined under LUC 20.20.455.
- 2. Limitations on Modifications. If authorized under subsection F.1 of this section, then the development agreement may modify any development standard except as provided below:

- a. The development agreement may not extend the expiration date of any project permit application for longer than 15 years from the effective date of the development agreement; and
- b. The development agreement must remain consistent with the requirements of LUC 20.20.455.

G. Light Rail Overlay District

1. Authorized Development Agreements. Development agreements are authorized in the light rail overlay district in the following circumstances:
 - a. As allowed under LUC 20.25M.030, but only for the use, construction, or installation of a regional light rail transit facility or regional light rail transit system, as those terms are defined in LUC 20.25M.020.
2. Limitations on Modifications. If authorized under subsection G.1 of this section, then the development agreement may modify any development standard except as provided below:
 - a. The development agreement may not extend the expiration date of any project permit application for longer than 15 years from the effective date of the development agreement.

H. Mixed-Use Land Use Districts Subject to Part 20.25R LUC.

1. Authorized Development Agreements. Development agreements are only authorized in Mixed-Use Land Use Districts subject to Part 20.25R LUC in the following circumstances:
 - a. For development occurring on real property that is immediately adjoining and touching any section of the Grand Connection.
2. Limitations on Modifications. If authorized under subsection H.1 of this section, then the development agreement may modify any of the development standards contained in the Land Use Code or the Bellevue City Code except for the following:
 - a. The maximum building height shall not be modified to exceed 450 feet for any building; and
 - b. Development standards contained in Chapter 22.16 BCC, including any transportation impact fee schedule adopted by separate ordinance in accordance with BCC 22.16.085, shall not be modified through a development agreement.

20.30C.030 Decision Criteria.

- A. The City Council has discretion to approve, or not approve, the proposed development agreement.
- B. The City Council may approve a development agreement if the development agreement:
 - 1. Is authorized under LUC 20.30C.020;
 - 2. Complies with all applicable requirements of the Land Use Code, except as may be modified under LUC 20.30C.020;
 - 3. Complies with all applicable requirements of the Bellevue City Code, except as may be modified under LUC 20.30C.020;
 - 4. Is consistent with the vision, goals, and policies of the Comprehensive Plan; and
 - 5. Results in a development that includes public benefits beyond what would be provided without the development agreement.
- C. Exception:
 - 1. Homeless Services Uses. Subsection 20.30C.030.B shall not apply to development agreements for homeless services uses. Instead, the decision criteria for development agreements for homeless services uses shall be as provided in LUC 20.20.455.

20.30C.040 Contents of Development Agreement.

- A. Development agreements must set forth the development standards and other provisions that apply to the development, use, mitigation, and public benefits of the development for the duration specified in the agreement.
- B. Development agreements must be consistent with applicable development regulations, except where development standards may be modified under LUC 20.30C.020.

20.30C.050 Submittal Requirements.

- A. Master Development Plan or Design Review Application Required.
 - 1. If a master development plan is required for the project, then a proposal for a development agreement shall be included as part of a complete application for the master development plan.

2. If a master development plan is not required for the project, but a design review is required, then a proposal for a development agreement shall be included as part of a complete application for a design review.
3. If neither a master development plan nor a design review are required for the project, then the City will not review a proposal for a development agreement.
4. Exceptions. Subsections A.1, A.2, and A.3 of this section do not apply to proposals for a development agreement in circumstances when the development agreement is authorized:
 - a. For City-funded development under LUC 20.30C.020.B;
 - b. For development on City-owned real property under LUC 20.30C.020.C;
 - c. For homeless services uses under LUC 20.30C.020.F; or
 - d. For the use, construction, or installation of a regional light rail transit facility or regional light rail transit system under LUC 20.30C.020.G.

B. Pre-Application Conference Encouraged.

Even if not required under LUC 20.35.020, an applicant desiring a development agreement is encouraged to participate in a pre-application conference prior to submitting a proposed development agreement for review under this Part 20.30C LUC.

C. Submittal Requirements

1. The submittal of a proposal for a development agreement shall include the following:
 - a. The applicant must identify all development standards that are proposed to be modified, describe all proposed modifications, and must certify that the proposal complies with all applicable limitations on modifications described in LUC 20.30C.020;
 - b. The applicant must describe the additional or alternative public benefits and compare them to the baseline public benefits that would be required to be provided without the development agreement;
 - c. If a complete master development plan application or a complete design review application is either required under LUC 20.30C.050 or has otherwise been submitted, then the applicant shall include a request under LUC 20.35.030.E.2.d that the City temporarily suspend review of such applications until review of the proposal for a development agreement has been completed by the City Council; and

- d. The applicant must provide any other information that may be reasonably required by the Director to review the development agreement.
2. Exception: Subsection C.1 of this section shall not apply to development agreements for homeless services uses. Instead, the submittal requirements for development agreements for homeless services uses shall be as provided in LUC 20.20.455.

20.30C.060 Review Process.

- A. If a development agreement is authorized under LUC 20.30C.020, then an applicant for a project may apply, in accordance with LUC 20.30C.050, to negotiate and enter into a development agreement.
- B. Upon receipt of a complete application of a development agreement, the Director shall schedule presentation of the application to the City Council. The City Council shall consider the application and may either authorize the Director to initiate negotiation of the development agreement or decline to negotiate a development agreement.
 1. If initiated, the City Council may provide direction to guide the negotiation and the proposed development agreement will be reviewed and negotiated in accordance with subsections C through G of this section.
 2. If the City Council declines to negotiate a development agreement, then review and processing of the application for a development agreement shall cease and no development agreement will be negotiated or approved for the project.
- C. Notice of the development agreement application shall be provided with the notice for the corresponding Master Development Plan or Design Review pursuant to LUC 20.35.210.
 1. Exceptions:
 - a. If neither a master development plan nor a design review application is required under LUC 20.30C.050 and the development agreement is not for a homeless services use, then notice shall be published and mailed as provided in LUC 20.35.210.
 - b. If the development agreement is for a homeless services use, then the required notice and public engagement procedures contained in LUC 20.20.455 shall apply.

D. Director's Responsibilities.

1. The Director shall negotiate the development agreement with the applicant using guidance and direction from the City Council, if provided. The Director may schedule additional study sessions with the City Council for further guidance and direction.
 2. The Director shall ensure compliance with the requirements of the Bellevue Environmental Procedures Code, Chapter 22.02 BCC.
 3. If the development agreement is for a homeless services use, then the Director shall prepare a written report in accordance with LUC 20.20.455.
- E. Public Hearing. The City Council shall hold a public hearing on the proposed development agreement prior to taking action. Notice of availability of the proposed development agreement, SEPA determination, and public hearing shall be provided pursuant to LUC 20.35.420.B.
1. Exception: If the development agreement is for a homeless services use, then notice of availability of the proposed development agreement, SEPA determination, and public hearing shall be provided pursuant to LUC 20.35.135, as required under LUC 20.20.455.
- F. City Council Action. Following the public hearing, the City Council shall consider and may approve the proposed development agreement. Approval of a development agreement by the City Council is the final decision of the City and shall be by ordinance.
- G Recording Required. After City Council approval and mutual execution, the applicant shall record the development agreement with the King County Recorder's Office and provide a copy of the recorded agreement to the Director.

20.30C.070 Effect of Approval by City Council.

Once approved, the legal effect of the development agreement shall be as provided in Chapter 36.70B RCW and the agreement itself.

20.30C.080 Previously Authorized Development Agreements.

If a development agreement was both approved and fully executed prior to [INSERT EFFECTIVE DATE OF ORDINANCE], then that development agreement shall continue to be governed by its terms until such time as it may expire; Provided, that the development agreement may be modified as allowed under LUC 20.30C.090.

20.30C.090 Modification of Development Agreements.

- A. Minor Modification. The Director may approve a minor modification to a previously approved development agreement when:
1. The change will not result in a reduction to the amount of public benefits required by the development agreement;

2. The change will not result in increasing the gross floor area of the project as approved by the development agreement;
3. The change will not result in any structure, vehicular circulation, or parking area which will adversely affect abutting property or public right-of-way;
4. The modification is exempt from SEPA review;
5. The modification is within the general scope of the purpose and intent of the original development agreement; and
6. The modification complies with all other applicable Land Use Code requirements and all other applicable development standards and is compatible with all other applicable design criteria.

B. Major Modification. Any modification that does not meet all of the requirements for a minor modification shall constitute a major modification. All major modifications require a termination of the original development agreement and negotiation and approval of a new development agreement following the procedures set forth in this Part 20.30C LUC.

20.30C.100 Appeals.

- A. If a complete master development plan application or a complete design review application is either required under LUC 20.30C.050 or has otherwise been submitted, then a development agreement approved by the City Council may be appealed in conjunction with the approval of the underlying master development plan application or design review application to Superior Court as set forth in LUC 20.35.070.
- B. If neither a complete master development plan application nor a complete design review application is either required under LUC 20.30C.050 or has otherwise been submitted, then any development agreement approved by the City Council may be appealed to the Growth Management Hearings Board as set forth in LUC 20.35.440.C.

Section 3. Section 22.10.440 of the Land Use Code is hereby amended to read as follows, with all other provisions of Section 22.10.440 that are omitted below, as indicated by an ellipsis, remaining unchanged:

20.10.440 Uses in land use districts

...

**Chart 20.10.440
Uses in land use districts**

Wholesale and Retail – Commercial and Mixed-Use Land Use Districts

STD LAN D USE COD E REF	LAND USE CLASSIFICATI ON	Professional Office	Office	Office/Limited Business	Office/Limited Business 2	Light Industry	General Commercial	Neighborhood Business	Mixed Use: 8 Story	Neighborhood Mixed Use	Community Business	Mixed Use: 16 Story	Factoria Land Use District 1	Factoria Land Use District 3
		P O	O	OLB	OLB 2	LI	G C	NB	MU 8	NM C	CB (36)	MU1 6	F 1	F 3
...														
5511	Autos (Retail)			P 6	P 43	A 4, 3 5	P		C	P 6	C	C	C	C
	Trucks, Motorcycles, Recreational Vehicles (Retail)			P 25	P 43	P 7, 3 5	P							
	Boats (Retail)				P 43	P 3 5	P							
...														

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

...
 (25) Only retail sale of motorcycles is a permitted use and outdoor storage is prohibited.

...
 (36) Retail uses in CB Districts in the following subareas, as designated in the Comprehensive Plan, are limited in size to 100,000 gross square feet or less: Bridle Trails, Newcastle, North Bellevue, Northeast Bellevue, Richards Valley, South Bellevue, Southeast Bellevue, and Wilburton.

...
 (43) In the OLB 2 District, retail auto, motorcycle, truck, RV, and boat showrooms, or any combination thereof, are a permitted use, but no outdoor storage of autos, motorcycles, trucks, boats, RVs, or any combination thereof, is allowed.

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Section 4. Section 20.20.455 of the Land Use Code is hereby amended to read as follows, with all other provisions of Section 20.20.455 that are omitted below, as indicated by an ellipsis, remaining unchanged:

20.20.455 Homeless services uses.

...

D. Approval Process Required.

Two Process Options. Applications for a homeless services use governed by the terms of this section shall be processed pursuant to one of the following options:

1. Use and Design Allowed through a Development Agreement. A homeless services use requires approval of a Conditional Use Permit pursuant to subsection D.2 of this section unless the City Council agrees to negotiate a development agreement pursuant to Part 20.30C LUC. Nothing in this subsection shall preclude an applicant from requesting the Director to initiate processing of their application under the Conditional Use Permit provisions of Part 20.30B LUC without requesting the City Council to consider negotiation of a development agreement.

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E. Preapplication Process and Determination of Permit Approval Path Required.

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4. Determination of Permit Approval Path.

- a. Development Agreement. An applicant may request, in accordance with Part 20.30C LUC, that the City negotiate a development agreement for the use and design of a homeless services use. Such request shall be presented to, and considered by, the City Council in accordance with Part 20.30C LUC; provided that in deciding whether to negotiate a development agreement, the City Council shall review the following information:

...

F. Submittal Requirements.

...

3. If the City Council has, in accordance with Part 20.30C LUC, initiated negotiations for a development agreement that would allow a homeless services use to be established and constructed in Bellevue pursuant to subsection D.1 of this section, the applicant is required to submit application materials required under subsections F.1 and F.2 of this section and any additional submittal requirements identified by the Director as needed for City Council negotiation of the development agreement pursuant to this subsection F.3.

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H. City Approval Requirements for Homeless Services Uses.

1. Applicability of City Review Process. There are two process options that can be used to approve a homeless services use as described in subsection D of this section. A homeless services use requires approval of a Conditional Use Permit pursuant to subsection D.2 of this section unless the City Council agrees to negotiate a development agreement pursuant to Part 20.30C LUC and subsections D.1 and E.4 of this section. The approval process requirements contained in this subsection apply to all homeless services uses irrespective of whether City review under subsection D of this section is undertaken through the negotiation of a development agreement or through processing of a Conditional Use Permit.

- a. Development Agreement – Council Decision.

- i. Scope of Approval. A homeless services use may be permitted and established pursuant to the terms of a development agreement entered into between the City and a homeless services use operator when the location, design and operation are negotiated pursuant to Part 20.30C LUC and are consistent with the terms of this section.
- ii. 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 Part 20.30C LUC.

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5. Public Hearing and Appeals.

- a. Development Agreements. Public hearings on development agreements applied for to establish a homeless services use shall be held by the City Council as provided in Part 20.30C LUC.

...

6. Recording. The description of the population to be served, the conditions of approval, and any binding site plan for a homeless services use shall be recorded with the King County Recorder's Office. If approved by the City Council, a development agreement shall be recorded as provided in Part 20.30C LUC.
7. Modifications to a Homeless Services Use. Conditions of approval for a homeless services use apply for the life of the project. Any increase in the number of beds beyond that applied for by the applicant and included in the City approval, or changes to the population served by the homeless services use, shall be processed as a new application in accordance with the standards and requirements for a new or expanding use in this section, except that a development agreement may be modified as provided in Part 20.30C LUC.

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Section 5. Section 20.25A.030 of the Land Use Code is hereby amended to read as follows, with all other provisions of Section 20.25A.030 that are omitted below, as indicated by an ellipsis, remaining unchanged:

20.25A.030 Review Required

A. Applicable Review.

1. Review Required. All development in Downtown shall be reviewed by the Director consistent with the terms of this Part 20.25A LUC 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.

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D. Departures.

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- 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:

...

- 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.

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Section 6. Subsection 20.25A.070.D of the Land Use Code is hereby amended to read as follows, with all other provisions of Subsection 20.25A.070.D that are omitted below, as indicated by an ellipsis, remaining unchanged:

D. Specific Amenity Incentive System Requirements.

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4. Amenity Incentive System.

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

LIST OF BONUSABLE AMENITIES	APPLICABLE NEIGHBORHOODS AND BONUS RATIOS						
	Northwest Village	City Center North	Ashwood	Eastside Center	Old Bellevue	City Center South	East Main
...							
FLEXIBLE AMENITY							
18. Flexible Amenity: For proposed amenities not otherwise identified in this list, the Flexible Amenity allows an applicant the opportunity to propose an additional amenity that would substantially increase livability in Downtown. Credit shall be determined on a case-by-case basis; it is expected that the public benefit shall equal or exceed what would be provided by amenities on the standard list provided above. The Flexible Amenity may also be used to determine a mix of amenities that is appropriate for a DT-Small Site when				Values for this amenity shall be set through a Development Agreement approved in accordance with Part 20.30C LUC and may be pursued in all Downtown Neighborhoods. This amenity may be used on DT-Small Sites to earn necessary amenity bonus points needed to exceed base FAR.			
				DESIGN CRITERIA:			
				1. The bonus proposal shall be approved by City Council through a Development Agreement pursuant to Part 20.30C LUC. The development agreement shall only modify			

<p>the application of standard list would not provide it with the development rights permitted to other similarly situated properties.</p>	<p>development standards to the extent necessary to effectuate the location, construction, operation, and maintenance of the flexible amenity. Development standards unrelated to locating, constructing, operating, or maintaining the flexible amenity may not be modified through a development agreement.</p> <ol style="list-style-type: none"> 2. The proposed bonus shall have merit and value to the community. 3. The proposed bonus shall be outside of the anticipated amenity bonus structure. 4. The proposed bonus shall not be in conflict with existing Land Use Code regulations.
	<p>TECHNICAL REVIEW:</p> <p>The City may require the applicant to pay for an independent technical review, by a consultant retained by the City, of materials submitted by the applicant to support the requested departures contained within a requested Development Agreement. Consultant services may include, but are not limited to, economic evaluation of public benefits, impacts on property values, review of construction valuations, documentation related to constructability, and other input deemed necessary by the City Council to support its legislative decision making.</p>
<p>...</p>	

...

Section 7. Subsection 20.25A.100.B of the Land Use Code is hereby amended to read as follows, with all other provisions of Subsection 20.25A.100.B that are omitted below, as indicated by an ellipsis, remaining unchanged:

B. Location and Design Plan.

The City Council shall review any Downtown Pedestrian Bridge Location and Design Plan, by entering into a Development Agreement pursuant to the terms of Part 20.30C LUC.

1. Prior to issuance of any permits for a proposed Downtown pedestrian bridge, a Downtown Pedestrian Bridge Location and Design Plan shall be submitted to and approved by the City Council, through a Development Agreement consistent with Part 20.30C LUC.

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Section 8. Subsection 20.25M.010.C.2 of the Land Use Code is hereby amended to read as follows:

2. Nothing in this subsection C shall prohibit the Regional Transit Authority and City from entering into a development agreement as allowed pursuant to Part 20.30C LUC and LUC 20.25M.030.B.1 at any time.

Section 9. Section 20.25M.030 of the Land Use Code is hereby amended to read as follows, with all other provisions of Section 20.25M.030 that are omitted below, as indicated by an ellipsis, remaining unchanged:

20.25M.030 Required permits.

A. Process Roadmap.

1. Use Approval – Two Process Options.
 - a. Use Permitted by Land Use Code. An RLRT system and its facilities are permitted uses in all land use districts; provided, that the alignment location and profile of the RLRT system has been approved, subsequent to adoption of this overlay, by a Bellevue City Council-adopted resolution or ordinance, or by a development agreement. Any Council-adopted development agreement shall be consistent with Part 20.30C LUC and subsection B.1 of this section. Refer to LUC 20.10.440 (Transportation and Utilities Uses in Land Use Districts), LUC 20.25D.070 (Transportation and Utilities Uses in BelRed Land Use Districts), and LUC 20.25H.055.B Note 12.

- 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 Part 20.30C LUC.

...

Section 10. Section 20.25Q.030 of the Land Use Code is hereby amended to read as follows, with all other provisions of Section 20.25Q.030 that are omitted below, as indicated by an ellipsis, remaining unchanged:

20.25Q.030 Review required.

...

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.

Section 11. Subsection 20.25Q.040.D.4 of the Land Use Code is hereby amended to read as follows:

4. An existing Athletic Club and accessory Hotel use may be expanded with additional floor area consisting of Athletic Club use, and Hotel as an accessory use, beyond the base FAR up to maximum FAR for nonresidential allowed in this Code, Part 20.25Q LUC, and be exempted from the requirements, standards, and guidelines in this Part 20.25Q LUC, as listed in subsection D.3 of this section, through a Development Agreement, as provided in Part 20.30C LUC; and

Section 12. Subsection 20.25Q.070.D.4 of the Land Use Code is hereby amended to read as follows, with all other provisions of Subsection 20.25Q.070.D.4 that are omitted below, as indicated by an ellipsis, remaining unchanged:

...
D. Amenity Incentive Program.

...
4. Amenity Incentive System.

Chart 20.25Q.070.D.4

List of Bonusable Amenities	Applicable Land Use Districts and Bonus Ratios			
	East Main Transit-Oriented District Higher Density (EM-TOD-H)		East Main Transit-Oriented District Lower Density (EM-TOD-L)	
	Nonresidential	Residential	Nonresidential	Residential
...				
Flexible Amenity	Values for this amenity shall be set through a Development Agreement. It may be pursued in all East Main Land Use Districts.			
	Criteria:			
	<ol style="list-style-type: none"> 1. The flexible amenity shall be approved by City Council through a Development Agreement approved under Part 20.30C LUC. The development agreement shall only modify development standards to the extent necessary to effectuate the location, construction, operation, and maintenance of the flexible amenity. Development standards unrelated to locating, constructing, operating, or maintaining the flexible amenity may not be modified through the development agreement. 2. The flexible amenity shall have merit and value to the community and substantially increase livability in East Main. 3. The flexible amenity shall provide public benefit equal to or better than what would be provided by amenities on the standard list provided above. 4. The proposed bonus shall be outside of the amenities identified on the list provided above. 5. The proposed bonus shall not be in conflict with existing Land Use Code regulations. 			
	Technical Review:			
The City may require the applicant to pay for an independent technical review, by a consultant retained by the City, of materials submitted by the applicant to support the requested departures contained within a requested Development Agreement. Consultant services may include, but are not limited to, economic evaluation of public benefits, impacts on property values, review of construction valuations, documentation related to constructability, and other input deemed necessary by the City Council to support its legislative decision making.				

...

Section 13. Subsection 20.25R.010.D of the Land Use Code is hereby amended to read as follows, with all other provisions of Subsection 20.25R.010.D that are omitted below, as indicated by an ellipsis, remaining unchanged:

D. Review Required.

...

4. Departures.

...

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.

...

Section 14. Subsection 20.30F.190.C.2 of the Land Use Code is hereby amended to read as follows:

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

Section 15. Subsection 20.35.210.A of the Land Use Code is hereby amended to read as follows, with all other provisions of Subsection 20.35.210.A that are omitted below, as indicated by an ellipsis, remaining unchanged:

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:

Table 20.35.210.A

Application Type	Publish	Mail	Sign
Administrative Amendment	X	X	X
Administrative Conditional Use	X	X	X
Design Review	X	X	X
Interpretation of Land Use Code Under Part 20.30K LUC	X		
Preliminary Short Plat	X	X	X

SEPA Review (When Not Consolidated with Another Permit)	X		
---------------------------------------------------------	---	--	--

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

...

Section 16. Section 20.35.230 of the Land Use Code is hereby amended to read as follows:

20.35.230 Director’s Decision.

A written record of the Process II decision shall be prepared in each case. The record may be in the form of a staff report, letter, the permit itself, or other written document and shall indicate whether the application has been approved, approved with conditions or denied. The Director’s decision shall be based on the applicable Land Use Code decision criteria, shall include any conditions to ensure consistency with City development regulations, and may include mitigation measures proposed under the provisions of the State Environmental Policy Act (SEPA). If a development agreement has been approved as set forth in Part 20.30C LUC and the development agreement applies to the Process II land use application, then the Director’s decision shall be consistent with that development agreement.

Section 17. Section 20.35.250 of the Land Use Code is hereby amended to read as follows, with all other provisions of Section 20.35.250 that are omitted below, as indicated by an ellipsis, remaining unchanged:

20.35.250 Appeal of Process II Decisions.

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

1. Who May Appeal. The project applicant or any person who submitted written comments prior to the date the decision was issued may appeal the decision.

...

3. Time and Place to Appeal. The written statement of appeal, the appeal notification form, and the appeal fee, if any, must be received by the City Clerk no later than 5:00 p.m. on the fourteenth day following the date of publication of the decision of the Director; except that if the Director’s decision is consolidated with a threshold Determination of Nonsignificance under the State Environmental Policy Act for which a comment period pursuant to WAC 197-11-340 must be provided, the appeal period for the consolidated decision shall be 21 days.

- 4. Exception. If a development agreement has been approved under Part 20.30C LUC, then the appeal procedures contained in this section do not apply to the Director's Process II Decision on a related master development plan or design review application. Instead, the Director's Process II Decision may be appealed to Superior Court as set forth in LUC 20.35.070 and LUC 20.30C.100.

B. Notice of Appeal Hearing.

...

C. Hearing Examiner Hearing.

...

D. Hearing Examiner Decision on Appeal.

...

E. Appeal of Hearing Examiner Decision.

...

F. Time Period to Complete Appeal Process.

...

Section 18. Section 20.50.016 of the Land Use Code is hereby amended to read as follows, with all other provisions of Section 20.50.016 that are omitted below, as indicated by an ellipsis, remaining unchanged:

...

Development. All structures and other modifications of the natural landscape above and below ground or water, on a particular site. For the purposes of Part 20.25E LUC, regulation for the Shoreline Overlay District, a different definition is used. See "Shoreline Development" in LUC 20.25E.280.

Development Agreement. Means an agreement reviewed in accordance with Part 20.30C LUC.

Development Area. That portion of a parcel designated as OLB-OS that is not reserved as open space as described in Part 20.25L LUC.

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

Development Standards. Shall have the same meaning as set forth in RCW 36.70B.170.

...

Section 19. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this Ordinance.

Section 20. The City Clerk is hereby authorized and directed to replace any reference in this Ordinance to “[INSERT EFFECTIVE DATE OF ORDINANCE]” with the actual month, day, and year that this Ordinance takes effect as calculated pursuant to Section 21 of this Ordinance.

Section 21. Effective Date. Following adoption, this Ordinance shall take effect and be in force five (5) days after legal publication.

Passed by the City Council this _____ day of _____, 2026 and signed in authentication of its passage this _____ day of _____, 2026.

(SEAL)

Mo Malakoutian, Mayor

Approved as to form:
Trisna Tanus, City Attorney

Robert Sepler, Assistant City Attorney

Attest:

Charmaine Arredondo, City Clerk
Published _____