CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6846

AN ORDINANCE relating to development in the Wilburton Transit-Oriented Development (TOD) Area within the Wilburton/N.E. 8th Street Subarea; Amending Chapters 20.10 and 20.20 of the Land Use Code (LUC); Amending Chapter 20.25 LUC to include a new Part 20.25R governing Mixed-Use Land Use Districts; Providing support for the development of life science uses; providing for severability; and establishing an effective date.

WHEREAS, the City engaged in a multi-year planning process for the Wilburton Transit-Oriented Development (TOD) Area within the Wilburton/N.E. 8th Street Subarea; and

WHEREAS, the planning effort for the Wilburton TOD Area began in 2016 with an Urban Land Institute Advisory Panel study recommending the transformation of the Wilburton TOD Area into a complete community—integrating housing, jobs, amenities, sustainability, and affordability; and

WHEREAS, from 2017 to 2018, a Council-appointed Citizen Advisory Committee advanced this work through the Wilburton Commercial Area Study, which envisioned Wilburton as “Bellevue’s next urban mixed-used community that enhances livability, promotes healthy living, supports economic vitality, and meets the needs of a diverse and growing population”; and

WHEREAS, on April 25, 2022, the City Council directed staff to proceed with the Wilburton Vision Implementation work plan, which included a Comprehensive Plan Amendment (CPA), a Land Use Code Amendment (LUCA), and associated rezones; and

WHEREAS, on July 23, 2024, the City Council adopted Ordinance No. 6802, approving a Comprehensive Plan Amendment for the Wilburton/N.E. 8th Street Subarea that established TOD-focused policies and map updates for the Wilburton TOD Area; and

WHEREAS, on June 12, 2024, July 10, 2024, August 14, 2024, September 11, 2024, October 9, 2024, November 13, 2024, January 8, 2025, and February 12, 2025, the text amendments to the Land Use Code contained in this ordinance were presented, or updates concerning such amendments were provided, to the Bellevue Development Committee for review and feedback; and

WHEREAS, the Planning Commission discussed the Wilburton Vision Implementation LUCA during study sessions on February 14, 2024, March 27, 2024, September 11, 2024, November 6, 2024, December 11, 2024, January 22, 2025, and March 12, 2025; and

WHEREAS, on February 26, 2025, the Planning Commission held a public hearing on the text amendments to the Land Use Code contained in this ordinance and considered the amendments under LUC 20.35.410.B and the decision criteria in LUC 20.30J.135; and

WHEREAS, on March 12, 2025, the Planning Commission recommended approval of the Wilburton Vision Implementation LUCA; and

WHEREAS, the City Council discussed the Wilburton Vision Implementation LUCA and associated rezones during study sessions on April 15, 2025, and May 20, 2025; and

WHEREAS, the Wilburton Vision Implementation LUCA contains a Mandatory Affordable Housing Program; and

WHEREAS, the City contracted with Community Attributes Inc. to develop a Wilburton Affordable Housing Nexus Study to inform and support the development of the Mandatory Affordable Housing Program; and

WHEREAS, the Wilburton Affordable Housing Nexus Study provides an analysis showing the maximum amount of on-site performance that the City could constitutionally require in conjunction with new development in the Wilburton TOD Area; and

WHEREAS, the Wilburton Affordable Housing Nexus Study also provides an analysis showing the maximum amount of in-lieu fee that the City could constitutionally assess on new development in the Wilburton TOD Area; and

WHEREAS, the analysis contained in the Wilburton Affordable Housing Nexus Study was used to develop the Mandatory Affordable Housing Program contained in this Ordinance; and

WHEREAS, under chapter 3.64 of the Bellevue City Code, the Planning Commission acts in a policy advisory capacity to the City Council and may hold public hearings when requested by the City Council; and

WHEREAS, the Planning Commission solicited public comment on the income levels for affordable housing proposed to be created by operation of the Mandatory Affordable Housing Program contained in this Ordinance during its public hearing on February 26, 2025; and

WHEREAS, as estimated by the King County allocation of affordable housing needs, the City will have to add approximately 29,000 housing units affordable to those earning 80% or less of the area median income by 2044; and

WHEREAS, for residential or mixed-use development, the Mandatory Affordable Housing Program contained int his Ordinance allows the developer to choose one of three on-site performance requirements as one means of satisfying the Program's requirements, with each option containing a different amount of on-site performance based on differing proposed income thresholds for the resulting affordable dwelling units and whether the affordable dwelling unit is intended for rent or for sale; and

WHEREAS, for commercial development, the Mandatory Affordable Housing Program contained in this Ordinance allows the developer to choose one of several on-site performance requirements as one means of satisfying the Program's requirements, with each option containing a different amount of on-site performance based on differing proposed income thresholds for the resulting affordable dwelling units and whether the affordable dwelling unit is intended for rent or for sale; and

WHEREAS, for affordable dwelling units intended for rent, the required income thresholds range from 50 percent of the area median income to 80 percent of the area median income; and

WHEREAS, for affordable dwelling units intended for sale, the required income thresholds range from 80 percent of the area median income to 100 percent of the area median income; and

WHEREAS, as authorized by RCW 36.70A.540(2)(b)(iii), the City Council hereby finds that, for affordable housing proposed to be created by operation of the Mandatory Affordable Housing Program contained in this Ordinance, higher income levels than those provided in RCW 36.70A.540(2)(b)(i) and (2) are needed to address local housing market conditions; and

WHEREAS, the Mandatory Affordable Housing Program contained in this Ordinance is otherwise is consistent with the requirements set forth for such programs in RCW 36.70A.540; and

WHEREAS, under the Mandatory Affordable Housing Program contained in this Ordinance, developers have multiple options for compliance, including an on-site performance option, an off-site performance option, an in-lieu fee option, or through a land transfer option; and

WHEREAS, the Mandatory Affordable Housing Program contained in this Ordinance contains provisions through which its affordable housing performance or payment requirements may be modified to ensure that they may be applied constitutionally to a specific development project; 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, in reviewing this ordinance, the City Council has considered and weighed the goals outlined in the GMA; and

WHEREAS, on January 27, 2025, notice was provided to the Washington State Department of Commerce in accordance with RCW 36.70A.106; and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and the City's Environmental Procedures Code, Chapter 22.02 BCC; 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. Section 20.10.020 of the Land Use Code is hereby amended to read as follows, with all other provisions of Section 20.10.020 that are omitted below, as indicated by an ellipsis, remaining unchanged:

20.10.020 Establishment of land use districts.

Land use districts in the City are hereby established as follows:

District	Designation
…	…
East Main Transit Oriented Development Lower Density	EM-TOD-L
Urban Core	UC
Mixed-Use Highrise	MU-H
Mixed-Use Midrise	MU-M
Mixed-Use Residential Midrise	MUR-M

Section 3. Section 20.10.100 of the Land Use Code is hereby amended to read as follows:

20.10.100 District descriptions.

LUC 20.10.180 through 20.10.398 describe the purpose and scope of the City's land use districts. These sections may be used to guide the interpretation of the regulations associated with each district.

Section 4. Chapter 20.10 of the Land Use Code is hereby amended to include a new Section 20.10.398 to read as follows:

20.10.398 Mixed-Use Land Use Districts

A. Purpose. The Mixed-Use Land Use Districts are intended to be walkable, transit-oriented, and dense urban neighborhoods with a mix of uses that support the local and regional economy and a livable community. Refer to LUC 20.10.445 for allowed uses.

1. Goals.

a. Develop Mixed-Use Districts as livable, sustainable, viable, and memorable neighborhoods;

b. Promote sustainable and resilient development that is responsive to the climatic and regional context of Bellevue;

c. Encourage safe, functional, and attractive development that prioritizes pedestrians, and promotes sustainable transportation options;

d. Develop cohesive and contextual urban development with a strong identity and connection to adjacent neighborhoods; and

e. Foster a sense of community, pride, and stewardship of the built and natural environment.

B. District descriptions.

1. Urban Core (UC). The purpose of the UC Land Use District is to provide for the highest-density mixed-use development near to Downtown. The district is limited in area so that the highest levels of density outside of Downtown are nearest to unique public amenities located within the districts, such as light rail stations, the Grand Connection, and Eastrail.

2. Mixed-Use Highrise (MU-H). The purpose of the MU-H Land Use District is to provide for a mix of housing, retail, service, office, and complementary land uses at a high scale and density. The district provides a level of intensity appropriate for areas in proximity to high levels of transit and activity in mixed use centers.

3. Mixed-Use Midrise (MU-M). The purpose of the MU-M Land Use District is to provide for a mix of housing, retail, service, office, and complementary land uses at a

medium scale and density. The district provides for a transition between higher and lower density land use districts in mixed use areas throughout the City.

4. Mixed-Use Residential Midrise (MUR-M). The purpose of the MUR-M Land Use District is to provide for primarily housing with retail, service, office, and complementary uses at lower floors at a medium scale and density. The district provides a transition between higher and lower density land use districts while providing shopping, services, and amenities close to housing.

Section 5. Subsection 20.10.420.B of the Land Use Code is hereby amended to read as follows:

B. Conflict.

1. In the case of a conflict between the Land Use District descriptions contained in LUC 20.10.180 through 20.10.395 and a use chart, the use charts contained in LUC 20.10.440 or Chapter 20.25 LUC shall prevail.

2. In the case of a conflict between the Land Use District descriptions contained in LUC 20.10.398 and LUC 20.10.445, LUC 20.10.445 shall prevail.

Section 6. Chapter 20.10 of the Land Use Code is hereby amended to include a new Section 20.10.445 to read as follows. The City Clerk or the Codifiers of this Ordinance are hereby authorized to replace any reference in this section to "[INSERT EFFECTIVE DATE OF ORDINANCE]" with the actual month, day, and year that this ordinance takes effect as calculated pursuant to Section 45 of this Ordinance.

20.10.445 Land uses in Mixed-Use Land Use Districts

A. Applicability. This section only governs land uses in mixed-use land use districts established under LUC 20.10.020 and described in LUC 20.10.398. The provisions of this section do not apply to any other land use districts.

B. Permitted uses.

1. All land uses are permitted outright, except as provided in this subsection B, and except those expressly prohibited under LUC 20.10.445.C and those permitted only as conditional uses under LUC 20.10.445.D.

2. Land uses may be permitted either as the principal use or a subordinate use subject to LUC 20.20.840.

3. In the case of a question as to the inclusion or exclusion of a particular proposed land use, the Director shall have the authority to make the final determination per LUC 20.10.420.

4. District-specific requirements. Land uses described below are permitted in the land use districts described below, but subject to specific requirements as follows:

    a. In the MUR-M Land Use District, nonresidential uses may only be located within the first two (2) stories of a building, except eating and drinking establishments may be located on the top story of a building.

5. Use-specific requirements. The following land uses are permitted, but structures or sites containing such uses are subject to specific requirements as follows:

    a. Manufacturing Uses. Structures containing manufacturing uses shall be limited to 20,000 gross square feet. Larger structures containing manufacturing uses may be allowed through an Administrative Departure as provided in LUC 20.25R.010.D.4.

    b. Uses Relating to the Sale, Lease, or Rental of Automobiles or Motorcycles.

        i. Intent. The purpose of these standards is to govern future development or redevelopment of structures or sites relating to the sale, lease, or rental of automobiles or motorcycles. The intent is not for existing structures or sites relating to the sale, lease, or rental of automobiles or motorcycles that were in existence prior to [INSERT EFFECTIVE DATE OF ORDINANCE] to meet these standards in order to continue to operate. However, if these standards are not met, such existing structures or sites are nonconforming for the purposes of LUC 20.20.561.

        ii. Standards.

            (1) Outdoor storage or display of automobiles or motorcycles is prohibited between the building and any public right-of-way.

            (2) Outdoor storage or display areas shall not exceed 10 percent of the total lot area. A larger outdoor storage or display area may be allowed through an Administrative Departure, as provided in LUC 20.25R.010.D.4.

            (3) Surface parking areas may be located between the primary building and a public right-of-way, consistent with subsection B.5.c of this section. These areas may also be used for additional outdoor storage or display, provided that all automobiles and motorcycles are stored indoors outside of business operating hours.

c. Surface accessory parking serving a permitted use. Surface accessory parking located on any site may not exceed 10 percent of the lot area, or 15 percent for small sites. Larger surface accessory parking may be allowed through an Administrative Departure as provided in LUC 20.25R.010.D.4.

i. Surface accessory parking shall be measured as the area of all parking spaces and drive aisles adjacent to parking spaces.

ii. Existing nonconforming surface accessory parking may be re-surfaced and re-striped, provided that:

(1) No additional hard surface coverage is added to the site; and

(2) If re-striping results in a reconfigured parking area or increases the number of parking spaces, the spaces shall meet applicable requirements in LUC 20.20.590.K.

C. Prohibited uses. The following land uses are prohibited as both principal and subordinate uses, except as otherwise noted:

1. Agricultural production of animals and animal products.

2. Agricultural processing.

3. Drive-in businesses and drive-throughs.

4. Hazardous waste treatment and storage facilities (both on- or off-site), unless associated with medical or life science uses and meeting all applicable standards for safe storage and handling of hazardous waste.

5. Junk yards.

6. Marijuana producers and marijuana processors, as defined in LUC 20.20.535.

7. Any use containing outdoor storage or outdoor displays, except:

a. Outdoor storage for florists and other horticultural uses including nurseries;

b. Temporary outdoor display of retail products; and

c. As provided in subsection B.5.b of this section.

8. Recycling centers, solid waste collection areas, or solid waste disposal facilities, except those qualifying as subordinate uses under LUC 20.20.725 or meeting the requirements of LUC 20.20.820.

9. Warehousing and storage services.

10. Any land use prohibited under LUC 20.10.410.

D. Conditional uses.

1. The following land uses shall require an Administrative Conditional Use Permit pursuant to Part 20.30E LUC:

a. Animal boarding and commercial kennels, except these uses may be permitted as subordinate to retail pet shops, pet day cares, pet grooming, and veterinary clinics or animal hospitals.

b. Electrical utility facilities.

c. Marijuana retail outlets, as defined in LUC 20.20.535, subject to the requirements of LUC 20.20.535.

d. Motor vehicle transportation, such as bus terminals and taxi headquarters.

e. Primary and secondary educational facilities, subject to the requirements of LUC 20.20.740.

2. The following land uses shall require a Conditional Use Permit pursuant to Part 20.30B LUC:

a. Essential public facilities.

b. Homeless services uses, as defined in LUC 20.20.455.

c. Regional utility system.

d. Transient lodging.

e. Utility facilities, except heat recovery systems may be permitted outright.

Section 7. Chart 20.20.010, which is contained in Section 20.20.010 of the Land Use Code, is hereby amended to read as follows, with all other provisions of Chart 20.20.010 and Section 20.20.010 that are omitted below, as indicated by an ellipsis, remaining unchanged:

20.20.010 Uses in land use districts dimensional requirements.

Chart 20.20.010

Uses in land use districts – Dimensional Requirements

…

(53) This requirement is not applicable to Supportive Housing, as defined pursuant to LUC 20.20.845.C.2

Uses in Mixed-Use Land Use Districts – Dimensional Requirements

	UC		MU-H		MU-M	MUR-M
Development Type (1)(2)	Nonres.	Res.	Nonres.	Res.	All	All
Max Height (3)	450’	450’	250’	250’	100’	100’
Base FAR	6.0	8.0	4.0	6.0	2.5	2.5
Max. FAR	10.0	Unlimited	8.0	Unlimited	6.0	6.0
Maximum Floor Plate Above 55’ Where Building Exceeds 100’ (4)(5)	30,000 gsf	16,000 gsf	30,000 gsf	16,000 gsf	N/A	N/A

Notes: Dimensional Requirements in Mixed-Use Land Use Districts

(1) For purposes of applying FAR and height limits, a single building is considered residential if more than 50 percent of the gross floor area is devoted to residential uses. The maximum floor plate shall be determined based on whether more than 50 percent of the gross floor area of an individual tower is dedicated to residential or nonresidential use.

(2) Hotels and motels and other transient lodging shall be considered nonresidential uses for purposes of this Chart 20.20.010.

(3) Refer to LUC 20.25R.040.B.2 and LUC 20.20.525 for allowable projections above the maximum height limits.

(4) Refer to LUC 20.25R.040.B.3 for exceptions to this requirement.

(5) Where a building exceeds 100 feet in height, the maximum floor plate restriction shall apply beginning with the first full floor plate located above 55 feet in height and then to all floor plates going up to the applicable maximum building height.

Section 8. Section 20.20.128 of the Land Use Code is hereby amended to read as follows, with all other provisions of Section 20.20.128 that are omitted below, as indicated by an ellipsis, remaining unchanged:

20.20.128 Affordable housing.

A. Purpose and Administration.

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

2. The Director shall adopt by rule affordable housing standards to govern the construction, repair, modification, and operation of affordable dwelling units created by operation of this title. Such standards shall be consistent with the requirements of this title. When adopting affordable housing standards, the Director shall consider each of the following:

    a. Consistency with the City's Comprehensive Plan;

    b. Whether consistency with the City's other, non-Land-Use-Code-based affordable housing programs is beneficial to the City;

    c. Whether consistency with affordable housing standards adopted by neighboring jurisdictions is beneficial to the City;

    d. The impact on the City's affordable housing goals;

    e. The impact on the cost of development; and

    f. The impact on the quality of life of residents of affordable units.

3. The following affordable housing standards shall apply to any affordable dwelling unit created by operation of this title. In the event of a conflict between a standard listed below and a standard included elsewhere in this title, the standard included elsewhere shall control.

    a. The affordable dwelling units shall be generally distributed throughout the residential portions of a development and, where market-rate dwelling units are provided, intermingled with market-rate dwelling units. The Director shall define by rule the terms "generally distributed" and "intermingled" for the purposes of this subsection.

    b. If all market-rate dwelling units in the development are for rent, then all affordable dwelling units shall also be for rent.

    c. If all market-rate dwelling units in the development are for sale, then all affordable dwelling units shall also be for sale.

    d. If the market-rate dwelling units in the development are a mix of dwelling units that are for rent and for sale, then the affordable dwelling units shall be a proportionate mix of rental and for sale units.

    e. The affordable dwelling units shall consist of a mix of number of bedrooms that is in the same proportion as the bedroom mix of market-rate dwelling units in the overall development. The Director shall define by rule the term "bedroom" for the purposes of this subsection.

    f. The affordable dwelling units shall be provided in a range of sizes comparable to the size of market-rate dwelling units in the development.

g. The materials, finishes, design, amenities, and appliances of affordable dwelling units shall have substantially the same functionality as, and be substantially comparable with, those of the other dwelling units in the development.

h. The affordable dwelling units shall remain affordable for the life of the project, which shall not be less than 50 years.

4. Legal Agreement. Whenever an affordable dwelling unit is created by operation of this title then, prior to issuance of a building permit for the development, the City and the owner of the site shall enter into an agreement, in a form approved by the Director. Once fully executed, the agreement shall be recorded, with the King County Recorder's Office, on the title of the real property on which the development is located.

a. The agreement shall be a covenant running with the land and shall be binding on the assigns, heirs, and successors of the owner of the property.

b. If affordable dwelling units are later converted from being for rent to for sale, or for sale to for rent, then such dwelling units shall remain affordable to households at the same percentage area median income as required under the Director's original approval; Provided, that the Director may approve different percentage area median incomes. Where different percentage area median incomes are approved in relation to a conversion, the Director shall require the owner to execute and record a revised legal agreement reflecting the new percentage area median incomes.

c. The affordable dwelling units shall remain affordable to households at the same percentage area median income as required under the Director's original approval for the life of the project, which shall not be less than 50 years.

d. Through the agreement, the Director may agree to subordinate the agreement for the purpose of enabling the owner to obtain financing for development of the property; Provided, that such subordination is consistent with the applicable requirements of this title.

e. The agreement shall address price restrictions, home buyer or tenant qualifications, phasing of construction, monitoring of affordability, and any other topics applicable to the construction, maintenance, and operation of the affordable dwelling units; Provided, that the covenant shall be consistent with the applicable requirements of this title.

5. Annual Adjustments for Inflation. The Director is both authorized and directed to annually increase or decrease the fees listed below by an adjustment necessary to reflect the then-current published annual change in the Seattle Consumer Price Index for Wage Earners and Clerical Workers:

a. The in-lieu fees contained in Table 20.20.128.J.4; and

b. The in-lieu fee for nonresidential development contained in Chart 20.25Q.070.D.4.

B. Definitions. The following definitions are specific to this section. Where a term defined below is used in this section its meaning shall be as defined below.

…

5. “Affordable” means that a household eligible to rent or own the dwelling unit pays no more than 30 percent of household income for housing expenses.

6. “Area Median Income” means the median income for the Seattle-Bellevue, WA Housing and Urban Development Metro Fair Market Rent Area (“Seattle-Bellevue HMFA”) as most recently published by the United States Department of Housing and Urban Development (the “HUD”). In the event that HUD no longer publishes median family income figures for Seattle-Bellevue HMFA or King County, the director may estimate the applicable median income, in such manner as the director shall determine by rule.

…

J. Affordable Dwelling Units in Mixed-Use Land Use Districts.

1. Applicability. This subsection shall apply to the construction of new multifamily, mixed-use, or nonresidential structures when the multifamily or mixed-use structure contains 10 or more dwelling units or when the nonresidential structure includes more than 4,000 square feet of gross floor area. This subsection shall not apply to building additions that increase the gross floor area by less than 50 percent.

a. An applicant proposing multifamily or mixed-use development, either fully or partially located within a Mixed-Use Land Use District, that is subject to the requirements of this subsection J shall comply with at least one of the following:

i. The residential performance option under LUC 20.20.128.J.2;

ii. The payment option under LUC 20.20.128.J.4;

iii. The land transfer option under LUC 20.20.128.J.5; or

iv. A combination of the residential performance option and the payment option in accordance with LUC 20.20.128.J.6.

b. An applicant proposing nonresidential development, either fully or partially located within a Mixed-Use Land Use District, that is subject to the

requirements of this subsection J shall comply with at least one of the following:

i. The nonresidential performance option under LUC 20.20.128.J.3;

ii. The payment option under LUC 20.20.128.J.4;

iii. The land transfer option under LUC 20.20.128.J.5; or

iv. A combination of the nonresidential performance option and the payment option in accordance with LUC 20.20.128.J.6.

2. Performance Option - Residential. An applicant complying with this subsection J through the performance option in relation to proposed multifamily or mixed-use development shall provide affordable dwelling units in an amount indicated below:

a. For dwelling units intended for rent, one of the following:

i. At least 10 percent of all dwelling units shall be affordable to households earning up to, and including, 80 percent of the area median income; or

ii. At least seven (7) percent of all dwelling units shall be affordable to households earning up to, and including, 60 percent of the area median income; or

iii. At least five (5) percent of all dwelling units shall be affordable to households earning up to, and including, 50 percent of the area median income.

b. For dwelling units intended for sale, one of the following:

i. At least 10 percent of all dwelling units shall be affordable to households earning up to, and including, 100 percent of the area median income; or

ii. At least 7 percent of all dwelling units shall be affordable to households earning up to, and including, 80 percent of the area median income.

c. If the operation of subsection J.2 of this section would result in a fractional requirement, and that fraction is 0.5 or greater, then the number of affordable dwelling units required at the applicable area median income shall be equal to the next higher whole number. If that fraction is less than 0.5, then the number of affordable dwelling units required at the applicable area median income shall be rounded down to the next lower whole number.

d. Affordable dwelling units may be provided onsite, offsite, or through a combination of onsite and offsite performance.

e. To satisfy the requirements of this section, any affordable dwelling unit located offsite must comply with the requirements of LUC 20.20.128.J.7.

3. Performance Option – Nonresidential. An applicant complying with this subsection J through the performance option in relation to proposed nonresidential development shall provide affordable dwelling units in an amount indicated below:

a. For dwelling units intended for rent, one of the following:

i. For every 1,000 square feet of gross floor area, one dwelling unit shall be provided that is affordable to households earning up to, and including, 80 percent of the area median income; or

ii. For every 3,000 square feet of gross floor area, one dwelling unit shall be provided that is affordable to households earning up to, and including, 60 percent of the area median income; or

iii. For every 5,000 square feet of gross floor area, one dwelling unit shall be provided that is affordable to households earning up to, and including, 50 percent of the area median income.

b. For dwelling units intended for sale, one of the following:

i. For every 1,000 square feet of gross floor area, one dwelling unit shall be provided that is affordable to households earning up to, and including, 100 percent of the area median income; or

ii. For every 3,000 square feet of gross floor area, one dwelling unit shall be provided that is affordable to households earning up to, and including, 80 percent of the area median income.

c. If the operation of subsection J.3 of this section would result in a fractional requirement, and that fraction is 0.5 or greater, then the number of affordable dwelling units required at the applicable area median income shall be equal to the next higher whole number. If that fraction is less than 0.5, then the number of affordable dwelling units required at the applicable area median income shall be rounded down to the next lower whole number.

d. Affordable dwelling units may be provided onsite, offsite, or through a combination of onsite and offsite performance.

e. To satisfy the requirements of this section, any affordable dwelling unit located offsite must comply with the requirements of LUC 20.20.128.J.7.

4. Payment Option. An applicant complying with this subsection J through the payment option shall provide a cash payment to the City in lieu of on-site performance as follows:

   a. In-lieu fees shall be both assessed and collected at building permit issuance.

   b. The payment amount shall be calculated by multiplying the applicable per-square-foot fee specified in Table 20.20.128.J.4 by the total square footage of new non-exempt gross floor area.

      For the purposes of this section, non-exempt gross floor area refers to the portion of gross floor area that is included in the applicable Floor Area Ratio (FAR) calculation. Gross floor area that is excluded from the applicable FAR calculation includes parking, mechanical floors or areas, and other exempt floor area authorized under Part 20.25R LUC (Mixed Use Districts), including Active Uses (up to 1.0 FAR pursuant to LUC 20.25R.050.C.1), affordable commercial space, and affordable housing.

   c. The applicable fees for development that is entirely non-residential are listed in the second column of Table 20.20.128.J.4 titled “Non-Residential Fee Per Square Foot of New Non-Exempt Gross Floor Area.”

   d. The applicable fees for development that is either mixed-use or entirely residential are listed in the third column of Table 20.20.128.J.4 titled “Residential and Mixed-Use Fee Per Square Foot of New Non-Exempt Gross Floor Area.”

      i. Development that is mixed-use shall not be subject to separate in-lieu fee rates for the residential and nonresidential portions of such development.

      ii. For the purposes of this subsection, phased development shall still be considered to be mixed-use even if one or more phases consist of buildings that are entirely nonresidential so long as some proportion of the first phase to be constructed is residential.

Table 20.20.128.J.4

Land Use District	Non-Residential Fee Per Square Foot of New Non-Exempt Gross Floor Area	Residential and Mixed-Use Fee Per Square Foot of New Non-Exempt Gross Floor Area

UC, MU-H, MU-M, MUR-M	$16.50	$13.00

5. Land Transfer Option. As an alternative to complying with the requirements of this subsection J through a performance option outlined in LUC 20.20.128.J.2 or J.3, the in-lieu fee option outlined in LUC 20.20.128.J.4, or a combination of a performance option and the payment option as outlined in LUC 20.20.128.J.6, the City may, but is not required to, accept legal title to real property from an applicant for purposes relating to the construction, operation, maintenance, or acquisition of affordable dwelling units. A proposed transfer of real property under this subsection shall be reviewed using the following procedure:

   a. Eligibility. The City will not consider a land transfer under this subsection unless the real property proposed to be transferred is located within a Mixed-Use Land Use District established under LUC 20.10.020 and described in LUC 20.10.398.

   b. Proposal Required. An applicant desiring to comply with the requirements of this subsection J through the Land Transfer Option shall submit, in conjunction with a complete application for the required Master Development Plan or Design Review, a proposal containing the following information:

      i. A feasibility analysis containing the following information:

         (1) Analysis demonstrating that, under applicable development regulations, site conditions on the real property proposed to be transferred would allow the construction of a number of affordable dwelling units equal to, or greater than, the number that would be required to be constructed under either LUC 20.20.128.J.2 or J.3, as would otherwise be applicable to the applicant's development;

         (2) Analysis demonstrating that no legal agreements relating to, or legal interests in, the real property proposed to be transferred exist that would preclude the construction of a number of affordable dwelling units equal to, or greater than, the number that would be required to be constructed under either LUC 20.20.128.J.2 or J.3, as would otherwise be applicable to the applicant's development;

         (3) Analysis demonstrating the maximum number of affordable dwelling units that could be constructed on the real property proposed to be transferred under applicable development regulations;

         (4) Analysis demonstrating that adequate utility infrastructure exists to support the construction and operation of the number of affordable dwelling units identified in subsections 5.b.i.(1) and (3) of this

section or, in the absence of adequate utility infrastructure, what utility infrastructure would be required to be constructed under applicable development regulations; and

(5) The appraised value of the real property proposed to be transferred, as determined by an appraiser licensed under the laws of Washington State.

ii. A survey of the real property proposed to be transferred, prepared by a surveyor licensed in the State of Washington, that depicts elevation, existing site conditions, all recorded easements, critical areas, critical area buffers, and critical area structure setbacks. The survey shall also include the legal description of the real property proposed to be transferred. The Director may further define what is required to be depicted on the survey by rule.

c. Review Process.

i. The City Manager, or designee, shall review the proposal. Where the following criteria are satisfied, the City Manager may, but is not required to, accept the transfer of real property and execute all documents necessary to effectuate the transfer:

(1) Under applicable development regulations, site conditions on the real property proposed to be transferred would allow the construction of a number of affordable dwelling units equal to, or greater than, the number that would be required to be constructed under either LUC 20.20.128.J.2 or J.3, as would otherwise be applicable to the applicant's development;

(2) No legal agreements relating to, or legal interests in, the real property proposed to be transferred exist that would preclude the construction of a number of affordable dwelling units equal to, or greater than, the number that would be required to be constructed under LUC 20.20.128.J.2 or J.3, as would otherwise be applicable to the applicant's development; and

(3) The appraised value of the real property proposed to be transferred, as determined by an appraiser licensed under the laws of Washington State, is equal to, or greater than, the in-lieu fee that would be required under LUC 20.20.128.J.4.

ii. Recording Required. If the City Manager, or designee, accepts the transfer of real property, then the applicant shall record with the King County Recorder's Office all agreements and deeds necessary to effectuate the transfer and shall provide copies of the recorded documents to the Director.

iii. If the City Manager, or designee, declines the proposed transfer, then the applicant cannot satisfy the requirements of subsection J through the Land Transfer Option and must instead comply with the requirements of subsection J through another option listed in subsection J.1 of this section.

6. Compliance through a Combination of Performance and Payment Options. An applicant proposing multifamily, mixed-use, or nonresidential development, either fully or partially located within a Mixed-Use Land Use District, that is subject to the requirements of this subsection J may achieve compliance through a combination of one or more of the following: a performance option under LUC 20.20.128.J.2 or J.3, as applicable to the development, and the payment option under LUC 20.20.128.J.4.

   a. If an applicant desires to comply with the requirements of subsection J through a combination of options, then the following procedure shall be used:

      i. First, the total in-lieu fee for the development shall be calculated as if compliance would be achieved solely by operation of LUC 20.20.128.J.4.

      ii. Then, the total number of affordable dwelling units required to be created for the development shall be calculated as if compliance would be achieved solely by operation of LUC 20.20.128.J.2 or .J.3, as applicable to the development.

      iii. Then, the actual number of affordable dwelling units proposed to be created for the development shall be divided by the result calculated in subsection J.6.a.ii of this section.

      iv. Then, the result calculated in subsection J.6.a.iii of this section shall be subtracted from the number one (1).

      v. Then, the result calculated in subsection J.6.a.iv of this section shall be multiplied with the result calculated in subsection J.6.a.i of this section.

      vi. The result calculated in subsection J.6.a.v of this section constitutes the actual in-lieu fee that shall be required to be paid, provided that the actual number of affordable dwelling units proposed to be created for the development are constructed, maintained, and operated in accordance with the requirements of this title.

   b. The following is an example demonstrating application of the procedure described in subsection J.6.a of this section to a hypothetical mixed-use development:

In-Lieu Fee Amount Required (Required Fee):	$1,500,000
Affordable Dwelling Units Required (Required AH):	100
Actual Number of Affordable Dwelling Units Proposed (Proposed AH):	10
Actual In-Lieu Fee Amount Required to be Paid:	$1,350,000

Required Fee x [1 – (Proposed AH/Required AH)]

$1,500,000 x [1-(10/100)] = $1,350,000

Compliance is achieved.

7. Offsite Performance. To satisfy the requirements of LUC 20.20.128.J.2 or J.3, affordable dwelling units located offsite must be located both within the city limits and within one of the following tiers of locations. Any affordable dwelling unit must also meet all requirements applicable to that location tier.

   a. Tier 1. Proximity to Light Rail or Bus Rapid Transit.

      i. The affordable dwelling unit may be located within one-half mile of an existing or future station on a light rail system funded or expanded under the provisions of chapter 81.104 RCW.

      ii. The affordable dwelling unit may be located within one-half mile of an existing or future station on a bus rapid transit line.

   b. Tier 2. Proximity to Transit or Nonmotorized Facility.

      i. The affordable dwelling unit may be located within one-half mile of an existing or future transit stop that receives service at least four times per hour for 12 or more hours per day, provided that the unit is affordable to households earning up to, and including, 60 percent of

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

ii. The affordable dwelling unit may be located within one-half mile of an existing or future transit stop that receives service at least two times per hour for 12 or more hours per day, provided that the unit is affordable to households earning up to, and including, 50 percent of the area median income for rental units and 100 percent of the area median income for ownership units.

iii. The affordable dwelling unit may be located on any lot that adjoins an access corridor containing a bike lane or a separated nonmotorized facility other than a sidewalk. However, the unit must be affordable to households earning up to, and including, 50 percent of the area median income for rental units and 100 percent of the area median income for ownership units.

c. Requirements Applicable to Both Tier 1 and Tier 2 Locations.

i. If a physical impediment exists that would require pedestrians to walk more than one-half mile to the station or stop from the location of the affordable dwelling units, then the Director may determine that the location does not meet the requirements of the applicable tier.

ii. If an applicant selects a Tier 2 location, the amount of affordable dwelling units required to be produced under LUC 20.20.128.J.2 or J.3 is not modified. Instead, the amount of affordable dwelling required by operation of LUC 20.20.128.J.2 or J.3 will apply, but, where required by operation of LUC 20.20.128.J.7.b, the affordable dwelling units must be affordable to a lower area median income bracket than what would otherwise be required under LUC 20.20.128.J.2 or J.3.

iii. A certificate of occupancy for any market-rate dwelling unit or non-residential gross floor area in the development shall not be issued until a certificate of occupancy has been issued for all affordable dwelling units located off-site.

Alternatively, the applicant may provide an assurance device, in a form acceptable to the Director pursuant to LUC 20.40.490.C, in an amount equal to the in-lieu fee that would otherwise be assessed for the development by normal operation of LUC 20.20.128 if no off-site affordable dwelling units were constructed.

The assurance device shall require that the off-site affordable dwelling units are fully constructed and receive a final certificate of occupancy no later than 365 calendar days after the final certificate of occupancy

is issued for market-rate dwelling units or for any non-residential gross floor area in the development.

If a certificate of occupancy is not issued for all off-site affordable dwelling units within this timeframe, and no extension has been granted by the Director, then the City shall collect the proceeds of the assurance device and deposit and use the funds in accordance with LUC 20.20.128.J.11.

The Director may grant an extension, not to exceed a total of 180 additional calendar days, if: a written request for the extension is filed at least 30 calendar days before the expiration of the 365 calendar day time limit; and the Director determines that unforeseen circumstances or conditions which are not the result of the voluntary actions of the applicant necessitate the extension; and the Director determines that the applicant has demonstrated reasonable diligence in attempting to meet the 365 calendar day time limit.

If a certificate of occupancy is issued for all off-site affordable dwelling units within the required timeframe, the Director shall release the assurance device.

8. Modification of amount of payment or performance. Pursuant to LUC 20.20.542, the Director may modify the amount of payment required under LUC 20.20.128.J.4 or the amount of performance required under either LUC 20.20.128.J.2 or LUC 20.20.128.J.3.

9. Refer to LUC 20.25R.050 for FAR exemptions and incentives applicable to affordable housing in Mixed-Use Land Use Districts.

10. If the applicant elects to comply with this section through a performance option, or a combination of the payment option and a performance option, then, prior to the issuance of any permit(s), the Director shall review, and must approve, the proposed affordable dwelling units. The Director may approve the proposed affordable dwelling units only if they are consistent with the affordable housing standards listed in LUC 20.20.128.A.3 and with affordable housing standards adopted by rule in accordance with LUC 20.20.128.A.2.

11. If the applicant elects to comply with this section through the payment option, or a combination of the payment option and a performance option, then the Director is authorized to accept such payment from the applicant. Funds shall be deposited into a special account and may be used by the City for the purposes authorized by RCW 36.70A.540.

Section 9. Subsection 20.20.350.A of the Land Use Code is hereby amended to read as follows:

A. Applicability. This section applies to each essential public facility (EPF) within the City except where a specific use is otherwise identified and regulated in LUC 20.10.440 through .445 and Chapter 20.25 LUC. The requirements of this section shall be imposed at the establishment of any such EPF use, and upon any addition or modification to any such EPF use or structure housing that use. Any EPF specifically identified and regulated in LUC 20.10.440 through .445 and Chapter 20.25 LUC shall be subject to the permitting procedures and requirements for that use and shall not be subject to this section.

Section 10. Chapter 20.20 of the Land Use Code is hereby amended to include a new Section 20.20.420 to read as follows:

20.20.420 Green building.

A. Applicability. The provisions of this section apply to green building components of amenity incentive programs in Mixed-Use Land Use Districts.

B. Administrative rule. The varying nature of sustainable development strategies and the frequency of innovation in sustainability require flexibility in rulemaking and opportunities for periodic updates. Thus, green building requirements and incentives shall be established by the Director by rule adopted in accordance with LUC 20.40.100. The rule shall address the following:

1. The Director shall establish a tiered list of green building certification programs.

    a. Tiers may be used to achieve bonus points in the Amenity Incentive System for Mixed Use Land Use Districts as provided in LUC 20.25R.050.

    b. When establishing tiers and selecting green building certification programs, the Director shall consider the following:

        i. What percentage of applicants will be able to achieve the green building certification program at the specified tier.

        ii. The impact of the green building certification program on achieving the City's sustainability goals, including those specified in the City's Environmental Stewardship Plan and the City's Comprehensive Plan.

2. For any tier, the Director may establish additional requirements and incentives beyond meeting program certification that can further advance the City's sustainability goals.

C. Assurance Device. The Director shall specify an assurance device by rule, which may be a nonrevocable letter of credit, set-aside letter, assignment of funds,

certificate of deposit, deposit account, bond, or other readily accessible source of funds.

Section 11. Subsection 20.20.525.C of the Land Use Code is hereby amended to read as follows, with all other provisions of Subsection 20.20.525.C that are omitted below, as indicated by an ellipsis, remaining unchanged:

C. Implementation

…

8. Allowable projections above maximum height. In all Land Use Districts with height limits of 100 feet and above, including all Mixed Use, BelRed, and Eastgate Land Use Districts, buildings may exceed the maximum height as follows:

   a. Mechanical equipment and related appurtenances may be located above the maximum height applicable to the development up to the additional height indicated below. For buildings containing life science uses, the additional height above the maximum is meant to generally accommodate mechanical equipment necessary for such uses. For building containing all other uses, the additional height above the maximum must only contain uninhabitable space and any improvements or structures required to access, service, or screen the mechanical equipment:

      i. Buildings containing life science uses: 45 feet

      ii. Buildings containing all other uses: 30 feet

   b. Renewable electricity-generating equipment such as photovoltaic panels located on the top of buildings are exempt from the maximum height requirement.

Section 12. Section 20.20.537 of the Land Use Code is hereby amended to read as follows, with all other provisions of Section 20.20.537 that are omitted below, as indicated by an ellipsis, remaining unchanged:

20.20.537 Micro-Apartments.

A. Applicability and Relationship to Other Regulations. Where noted in LUC 20.10.440 through .445 and Use Charts for Downtown in LUC 20.25A.050.D, BelRed in LUC 20.25D.070, Eastgate Transit Oriented Development in LUC 20.25P.050 and East Main in LUC 20.25Q.050.D, and when located within the following areas:

…

B. Standards. The following standards apply to micro-apartments:

…

2. Parking shall be provided at a ratio of one-quarter parking space per micro-apartment. Micro-apartments meeting the definition of Affordable Housing in LUC 20.50.010 and those located in Mixed-Use Land Use Districts shall have no parking minimum.

…

Section 13. Subsection 20.20.540.A of the Land Use Code is hereby amended to read as follows:

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

1. Multifamily development in Downtown or in Mixed Use Land Use Districts established under LUC 20.10.020 and described in LUC 20.10.398;

2. Multifamily development devoted exclusively to senior citizen dwellings as defined in LUC 20.50.046; or

3. Micro-apartments.

Section 14. Chapter 20.20 of the Land Use Code is hereby amended to include a new Section 20.20.542 to read as follows:

20.20.542 Modification of Certain Development Regulations

A. Intent. The purpose of this section is to provide for a procedure through which the provisions of this title explicitly identified, described, and listed in LUC 20.20.542.B may be modified to ensure that they may be applied constitutionally to a development project.

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

1. The amount of performance required under LUC 20.20.128.J.2;

2. The amount of performance required under LUC 20.20.128.J.3; and

3. The amount of payment required under LUC 20.20.128.J.4.

C. Procedure. The Director may only modify the requirements of this title identified, described, and listed in LUC 20.20.542.B as follows:

1. The Director may modify a requirement listed in LUC 20.20.542.B if the applicant can demonstrate facts supporting a determination of severe economic impact at such a level that a property owner's constitutional rights may be at risk. Specifically, the applicant must show that application of the requirement either:

   a. Creates a severe economic impact by depriving a property owner of all economically beneficial use of the property; or

   b. Creates severe economic impact, not reaching deprivation of all economically beneficial use, but reaching the level of an undue burden that should not be borne by the property owner.

2. In determining whether the is a severe economic impact reaching the level of an undue burden that should not be borne by the property owner, the Director may weigh the following nonexclusive factors:

   a. The severity of the economic impact caused by the application of the requirement;

   b. The degree to which the requirement was or could have been anticipated;

   c. The extent to which alternative uses of the property or configurations of the proposed development would alleviate the need for the requested waiver or reduction;

   d. The extent to which any economic impact was due to decisions by the applicant or property owner; and

   e. Other factors relevant to whether the burden should be borne by the property owner.

3. The waiver or reduction may be approved only to the extent necessary to grant relief from the severe economic impact.

4. A request to the Director for a modification under this section may be submitted at any time prior to issuance of a final land use decision on a Design Review application and shall be reviewed through the Master Development Plan or Design Review processes. Such a request shall include, at a minimum, all of the following information:

   a. A description of the requested modification to one or more of the requirements listed in LUC 20.20.542.B;

   b. The identity of the property owner and the date of the owner's acquisition of the property;

c. Documentation showing the use of the property at the time of the request or, if the property is vacant at that time, the use of the property prior to commencement of the vacancy;

d. Documentation explaining and supporting the claim of economic impact;

e. Documentation showing that a different development configuration would not alleviate the need for the requested waiver or reduction; and

f. Any additional information that the Director may require by rule.

5. None of the following, standing alone and without consideration of the full range of relevant factors, shall be a sufficient basis for the Director to grant a modification authorized according to this section:

a. The fact of a decrease in property value;

b. The fact that a property owner is unable to utilize the full amount of any increase in residential development capacity enacted in connection with adoption of the requirement; or

c. The fact that any such increase in residential development capacity did not leave the property owner in a better financial position than would have been the case with no increase in residential development capacity and no application of the requirement.

6. For the purposes of a modification under this section, the Director is not making a determination of the constitutional rights of a property owner, but instead is reviewing the credibility and strength of facts demonstrating severe economic impact.

Section 15. Section 20.20.560 of the Land Use Code is hereby amended to read as follows:

20.20.560 Nonconforming uses, structures, and sites – General.

A. Applicability.

This section applies to nonconforming uses, structures, and sites located in any land use district established under LUC 20.10.020, except as otherwise provided in LUC 20.20.560.E.

B. Nonconforming Structures.

1. Repair of an existing nonconforming structure is permitted.

2. Remodeling of a nonconforming structure is permitted, provided the fair market value of the remodel does not exceed 100 percent of replacement value of the structure over any three-year period. If remodeling exceeds 100 percent of replacement value over any three-year period, the structure shall be brought into compliance with existing Land Use Code requirements.

3. A nonconforming structure may not be expanded unless the expansion conforms to the regulations of this Code. However, in single-family districts, an expansion may extend along existing building setbacks, provided the area affected by the expansion is not a critical area or critical area buffer.

4. If a nonconforming structure is destroyed by fire, explosion, or other unforeseen circumstances to the extent of 75 percent or less of its replacement value as determined by the Director for the year of its destruction, it may be reconstructed consistent with its previous nonconformity. If such a structure is destroyed to the extent of greater than 75 percent of its replacement value, then any structure erected and any related site development shall conform to the regulations of this Code.

C. Nonconforming Uses.

1. A nonconforming use may be continued by successive owners or tenants, except where the use has been abandoned. No change to a different use classification shall be made unless that change conforms to the regulations of this Code.

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

3. A nonconforming use may be expanded only pursuant to an Administrative Conditional Use Permit if the expansion is not more than 20 percent or 20,000 square feet, whichever is less, or by a Conditional Use Permit if the expansion is over 20 percent or 20,000 square feet.

D. Nonconforming Sites.

1. A nonconforming site may not be changed unless the change conforms to the regulations of this Code, except that parking lots and paved outdoor storage and display areas may be reconfigured within the existing paved surface.

2. Upon the restoration of a structure demolished by fire, explosion or other unforeseen circumstances to greater than 75 percent of its replacement value on a nonconforming site, the site shall be brought into conformance with existing Land Use Code requirements.

3. For remodels of an existing structure made within any three-year period which together exceed 100 percent of the replacement value of the previously existing structure as defined by the Director, the site shall be brought into compliance with existing Land Use Code requirements. For remodels within

any three-year period which exceed 30 percent of the replacement value, but do not exceed 100 percent of replacement value, proportional compliance shall be required, as provided in subsection D of this section. Remodels within any three-year period which do not exceed 30 percent of replacement value shall not be required to comply with the requirements of this paragraph.

4. Upon expansion of any structure or complex of structures within a single site, which is over 50 percent of the existing floor area, the site shall be brought into compliance with existing Land Use Code requirements. If the expansion is 50 percent or less, the site shall be brought into proportional compliance with existing Land Use Code requirements as provided in subsection D below.

E. Proportional Compliance.

1. A Conformance Plan may be required to identify the site nonconformities as well as the cost of individual site improvements; provided, that the Director may authorize utilization of unit cost estimates from a specified construction cost index.

2. Required improvements for a nonconforming site. The percentage of required physical site improvements to be installed to reduce or eliminate the nonconformity of the site shall be established by the following formula:

   a. Divide the dollar value of the proposed site improvements, excluding mechanical equipment, by the replacement value of the existing structure(s), excluding mechanical equipment, as determined by the Director up to 100 percent.

   b. The result is then multiplied by the dollar amount identified by the Conformance Plan as necessary to bring the site into compliance.

   c. The dollar value of this equation is then applied toward reducing the nonconformities. Example:

      Replacement value of existing structure(s) excluding mechanical systems = $20,000

      Value of proposed site improvements excluding mechanical systems = $5,000

      $5,000 divided by $20,000 equals 0.25

      Cost identified in Conformance Plan equals $4,000

      0.25 times $4,000 equals $1,000

$1,000 would be applied toward reducing the nonconformities

d. The Director shall determine the type, location, and phasing sequence of the proposed site improvements.

3. This section shall apply to sidewalks and other frontage improvements and other requirements outlined in BCC 14.60.110, which shall be incorporated into the compliance plan.

F. Exceptions.

1. Downtown Land Use Districts. The provisions of this section shall not apply in the Downtown Special Overlay District, Part 20.25A LUC. Refer to LUC 20.25A.040 for the requirements for nonconforming uses, structures, and sites located within the Downtown Special Overlay District.

2. Critical Areas Overlay District. The provisions of this section do not apply to structures or sites nonconforming to the requirements of Part 20.25H LUC. Refer to LUC 20.25H.065 for the requirements for such nonconforming structures and sites.

3. Shoreline Overlay District. The provisions of this section do not apply to uses, structures or sites nonconforming to the requirements of Part 20.25E LUC. Refer to LUC 20.25E.040 and 20.25E.065.I for the requirements for such nonconforming uses, structures and sites.

4. BelRed Land Use Districts. The provisions of this section do not apply to uses, structures, or sites located in the BelRed Land Use Districts. For uses in the BelRed Land Use Districts established before May 26, 2009, refer to the existing conditions regulations in LUC 20.25D.060.

5. East Main Land Use Districts. The provisions of this section do not apply to uses, structures, or sites located in East Main Land Use Districts established and described in LUC 20.25Q.010. Refer to LUC 20.25Q.040 for the requirements for nonconforming uses, structures, and sites located within East Main Land Use Districts.

6. Mixed-Use Land Use Districts. The provisions of this section do not apply to uses, structures, or sites located in Mixed-Use Land Use Districts established under LUC 20.10.020 and described in LUC 20.10.398. Refer to LUC 20.20.561 for the requirements for nonconforming uses, structures, and sites located within Mixed-Use Land Use Districts.

Section 16. Chapter 20.20 of the Land Use Code is hereby amended to include a new Section 20.20.561 to read as follows:

20.20.561 Nonconforming Uses, Structures, and Sites – Mixed-Use Land Use Districts

A. Applicability.

1. Mixed-Use Land Use Districts. This section applies only to nonconforming uses, structures, and sites located within a Mixed-Use Land Use District established under LUC 20.10.020 and described in LUC 20.10.398.

2. Alterations to nonconforming structures or sites shall comply with any applicable requirements of Part 20.25H LUC. In the event of a conflict between the requirements of this section and those of Part 20.25H LUC, the requirements of Part 20.25H LUC shall control.

B. Documentation.

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

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

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

   b. Land Use Codes or Land Use District Maps.

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

   a. Utility bills;

   b. Income tax records;

   c. Business licenses;

   d. Listings in telephone or business directories;

   e. Advertisements in dated publications;

f. Building, land use or other development permits;

g. Insurance policies;

h. Leases; and

i. Dated aerial photos.

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

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

2. Maintenance and Repair. Routine maintenance and routine repair associated with nonconforming uses, structures, or sites is allowed. “Routine maintenance” includes those usual acts to prevent decline, lapse, or cessation from a lawfully established condition. “Routine repair” includes in-kind restoration to a state comparable to its original condition within a reasonable period after decay has occurred.

D. Regulations Applicable to Nonconforming Uses.

1. Operations.

a. Nonconforming Uses May Continue to Operate. Operations associated with a nonconforming use may continue, subject to the provisions of this subsection D.

b. Nonconforming Uses – Hours of Operation. The hours of operation associated with a nonconforming use located in a Mixed-Use Land Use District which permit residential uses may only extend into the period of 9:00 p.m. to 6:00 a.m. subject to Administrative Conditional Use approval. Nonconforming uses which on January 1, 2025, already operated between these hours may continue without such approval, as long as the hours of operation between 9:00 p.m. and 6:00 a.m. are not expanded.

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

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

b. Expansions of Nonconforming Sites. If a nonconforming site containing a nonconforming use is expanded in accordance with the requirements of

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

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

3. Loss of Nonconforming Use Status.

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

b. Unanticipated Damage or Destruction. When a structure containing a nonconforming use is damaged or destroyed by fire or other causes beyond the control of the owner, the nonconforming use may be re-established in the same location within three years of the date that the damage or destruction occurred. When re-establishing a nonconforming use under this subsection, the nonconforming use may not be expanded. The structure may be repaired or reconstructed in accordance with applicable City Codes.

c. Relinquishment. A nonconforming use is relinquished when the nonconforming use is replaced with a permitted or conditional use. Upon relinquishment, the nonconforming use rights no longer apply and the nonconforming use may not be re-established.

E. Regulations Applicable to Nonconforming Structures and Nonconforming Sites.

1. Nonconforming Structures and Nonconforming Sites May Remain. Nonconforming structures and nonconforming sites may remain unless specifically limited by the terms of this subsection.

2. Permitted Alterations to Nonconforming Structures and Nonconforming Sites. Nonconforming structures and nonconforming sites may be altered; provided, that the alteration conforms to applicable development regulations and

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

a. Three-Year Period.

i. If the project does not consist of multiple phases, then alterations made within the preceding three-years will be viewed as a single alteration for the purposes of determining the value of alterations.

ii. If the project consists of multiple phases, as shown on a Master Development Plan submitted under Chapter 20.30V LUC, then, for each individual phase, alterations made within the project limit of that phase within the preceding three-years will be viewed as a single alteration for the purposes of determining the value of alterations; Provided, that if an individual phase relies on land, floor area ratio, improvements, or amenities from one or more future phases, then alterations made within the project limits of all such related phases within the preceding three-years will be viewed as a single alteration for the purposes of determining the value of alterations for the interrelated phases.

b. Value of Alterations.

i. If the project does not consist of multiple phases, then the value of alterations shall be determined by the Director based on the entire project and not individual permits.

ii. If the project consists of multiple phases, as shown on a Master Development Plan submitted under Chapter 20.30V LUC, then, for each individual phase, the value of alterations shall be determined by the Director based on the alterations within the project limit of that phase; Provided, that if an individual phase relies on land, floor area ratio, improvements, or amenities from one or more future phases, then the value of alterations shall be determined by the Director based on the alterations within the project limits of all such related phases.

iii. The Director shall promulgate rules for determining the value of alterations in the context of this section.

3. Proportional Compliance. A nonconforming structure or a nonconforming site associated with either a permitted or conditional use may be altered consistent with the requirements set forth below:

a. Threshold Triggering Required Improvements. The standards of this subsection shall be met when the value of alterations to a nonconforming structure or to a nonconforming site exceed the threshold established in LUC 20.25D.060.G.3.a, as may be, or has previously been,

administratively adjusted. The following alterations are exempt from being counted toward the threshold:

i. Alterations required as a result of a fire prevention inspection;

ii. Alterations related to the removal of architectural barriers as required by the Americans with Disabilities Act, or the Washington State Building Code (Chapter 19.27 RCW), now or as hereafter amended;

iii. Alterations required for the seismic retrofit of existing structures;

iv. Alterations to onsite stormwater management facilities in conformance with Chapter 24.06 BCC, now or as hereafter amended;

v. Alterations that reduce off-site impacts (including but not limited to noise, odors, dust, and other particulate emissions); and

vi. Alterations that meet LEED, Energy Star, or other industry-recognized standard that results in improved mechanical system, water savings, or operational efficiency.

b. Required Improvements. When alterations meet the threshold in subsection E.3.a of this section existing development shall be brought toward compliance in the following areas:

i. If required for the site under LUC 20.25R.020.C, then non-motorized access to Eastrail meeting the requirements of LUC 20.25R.020.

ii. If required for the site under LUC 20.25R.020.C, then emergency vehicle access to the Eastrail corridor meeting the requirements of LUC 20.25R.020.

iii. If required for the site under LUC 20.25R.030.C, then major public open space meeting the requirements of LUC 20.25R.030.C.

iv. If required for the site under LUC 20.25R.030.G., then frontage paths along the Eastrail corridor meeting the requirements of LUC 20.25R.030.G.

v. If required for the site under LUC 20.25R.020.B, then access, block, and circulation required under LUC 20.25R.020.B.

vi. Landscaping meeting the requirements of LUC 20.25R.030.C and LUC 20.20.520.;

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

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

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

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

c. Timing and Cost of Required Improvements.

i. Required improvements shall be made as part of the alteration that triggered the required improvements under subsection E.3.a of this section.

(1) If the project does not consist of multiple phases, then the required improvements shall be made within the project limit of the development.

(2) If the project is proposed to occur in phases, as outlined on a Master Development Plan submitted pursuant to part 20.30V LUC, then the required improvements shall be made within the project limit of the phase, or phases, for which the value of alterations was calculated under subsection E.2 of this section.

ii. The value of required improvements shall be limited to 20 percent of the value of alterations calculated under subsection E.2 of this section. The applicant shall submit evidence as required by the Director that shows the value of proposed improvements associated with any alteration.

iii. Required improvements shall be made in order of priority listed in subsection E.3.b of this section. The Director may approve, as an Administrative Departure pursuant to LUC 20.25R.010.D.4, a change in priority order for a specific development. As additional administrative criteria to approve the departure, the applicant must demonstrate that the change in priority order is needed for one or more of the following reasons:

(1) A change in priority order is necessary due to the value of required improvements specified under subsection E.3.c.ii of this section is

insufficient to construct the site improvement that would be required under the normal order of priority due to the existence of a unique site condition;

(2) A change in priority order would allow a site improvement to be constructed that would close a gap in existing improvements, such as a gap in an access corridor or frontage path; or

(3) A change in priority order would allow the construction of a complete site improvement, rather than a partial site improvement, such as a complete access corridor or frontage path.

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

   a. When a nonconforming structure or a nonconforming site is damaged by fire or other causes beyond the control of the owner, the nonconforming structure or the nonconforming site may be repaired. Changes to the footprint or exterior proposed as part of the repair must conform to this code.

   b. When a nonconforming structure or a nonconforming site is destroyed by fire or other causes beyond the control of the owner, the nonconforming structure or the nonconforming site may be reconstructed in its original configuration. Changes to the footprint or exterior proposed as part of the reconstruction must conform to this code.

Section 17. Section 20.20.590 of the Land Use Code is hereby amended to read as follows, with all other provisions of Section 20.20.590 that are omitted below, as indicated by an ellipsis, remaining unchanged:

20.20.590 Parking, circulation, and walkway requirements.

…

F. Minimum/Maximum Parking Requirement by Use.

1. Specified Uses. Subject to subsections G, H, and L of this section, the property owner shall provide at least the minimum, and may provide no more than the maximum, number of parking stalls as indicated below:

	Use	Minimum Number of Parking Spaces Required (4) (5)	Maximum Number of Parking Spaces Allowed
…	…	…	…
t.	Mixed-Use Commercial	4.5:1,000 nsf	No max.

nsf = net square feet.

Notes: Minimum/Maximum Parking by Use:

…

(4) In Mixed-Use Land Use Districts established under LUC 20.10.020 and described in LUC 20.10.398, the minimum number of parking stalls required shall be reduced by 75 percent.

(5) Director of Development Services may approve alternative minimum parking requirements in Mixed-Use Land Use Districts established under LUC 20.10.020 and described in LUC 20.10.398 for specific uses on specific development sites where the land use permit applicant demonstrates, through a parking study prepared by a qualified expert, that the alternative requirement will provide sufficient parking to serve the specific use without adversely impacting other uses and streets in the vicinity.

…

3. Fractions. If the parking requirements of this section result in a fractional requirement, and that fraction is 0.5 or greater, then the property owner shall provide parking spaces equal to the next higher whole number. If that fraction is less than 0.5, then the number of parking spaces required shall be rounded down to the next lower whole number.

…

I. Shared Use of Parking.

The following provisions apply outside the Downtown Land Use Districts:

1. General. The Director of the Development Services Department may approve shared use of parking facilities located on separate properties if:

a. A convenient pedestrian connection between the properties exists; and

b. The availability of parking for all affected properties is indicated by directional signs as permitted by Chapter 22B.10 BCC (Sign Code).

2. Number of Spaces Required.

….

b. Where the uses to be served by shared parking have overlapping hours of operation, the Director may approve a reduction of up to 20 percent of the total required parking stalls if the following criteria are met:

i. The reduction is supported by a parking demand analysis performed by a professional independent traffic engineer;

ii. The parking demand analysis adheres to professional methods and is supported by:

(1) Documentation of the estimated shared parking demand for the proposed use; and

(2) Evidence in available technical studies or manuals relating to the proposed mix of shared uses.

iii. The parking demand analysis for the proposed mix of shared uses may take into consideration how parking supply for a similar use has been calculated and performed at other locations in Bellevue, where available, or comparable circumstances in other jurisdictions.

3. Documentation Required. Prior to establishing shared use of parking, the property owner or owners shall file with the King County Recorder's Office and with the Bellevue City Clerk a written agreement approved by the Director providing for the shared parking use. The agreement shall be recorded on the title records of each affected property.

…

Section 18. Section 20.20.725 of the Land Use Code is hereby amended to read as follows:

20.20.725 Recycling and solid waste collection areas.

A. Collection Areas. All new development for multifamily housing exceeding four dwelling units, commercial, office, and manufacturing uses shall provide onsite collection areas for recyclable materials and solid waste, as those terms are used in Chapter 9.26 BCC, as follows:

1. The recycling and solid waste collection areas shall be accessible to residents and/or workers of the proposed development;

2. There shall be at least one collection area provided in each development;

3. In multifamily developments, there shall be at least one collection area per floor;

4. The recycling collection area shall be at least:

   a. One and one-half square feet per dwelling unit in multifamily developments exceeding four units,

   b. Two square feet per 1,000 gross square feet in office developments,

   c. Five square feet per 1,000 gross square feet in retail development,

   d. Three square feet per 1,000 gross square feet in wholesale, warehouse and manufacturing development,

   e. The Director shall establish the square footage requirement for all unspecified uses.

5. If feasible, the recycling collection area shall be located adjacent to or near the solid waste collection areas; and

6. Each recycling and solid waste collection area shall be visually screened in accordance with the requirements of LUC 20.20.525 for mechanical equipment screening.

7. An applicant may request a modification to the minimum required area for recycling and solid waste collection, subject to Director approval. The request must include a solid waste management plan. The Director may approve the modification after consulting with the solid waste service provider and reviewing the submitted plan.

   The plan must demonstrate that the project provides adequate space for storing garbage, recyclables, and compostables. The required area must reflect the type and scale of the proposed use and account for the anticipated volume of waste.

   The plan must also show that the proposed size and design of the collection area can accommodate total waste generation and minimize environmental and operational impacts, including those related to the pedestrian environment, waste handling, on-site storage, and disposal logistics.

   The solid waste management plan should address, as applicable, the following:

   a. Estimated volume of garbage, recyclables, and compostables expected to be generated by the development.

b. Calculation of the area required to store all waste streams between scheduled collections.

c. Layout and dimensions of the proposed storage and collection area(s).

d. Access design for collection service providers, including vehicle clearance, turning radii, and collection routes.

e. Operational plan detailing waste handling procedures, collection frequency, container staging, and staffing responsibilities.

f. Integration with overall site design, including connections to service areas, pedestrian routes, and loading facilities.

B. Permanent Staging Areas. Staging areas for the pick-up of recyclable materials and solid waste may be located inside a building or in a weather-protected enclosure that meets the following requirements:

1. Service vehicle access to staging areas shall only be provided from Flexible Access Corridors or other private vehicular access; and

2. Staging areas shall be located such that no refuse bins or receptacles need to be maneuvered or stored long-term on publicly accessible sidewalks, and so that service vehicles do not need to reverse over sidewalks.

C. Temporary Staging Areas. Recyclable materials and solid waste may be staged temporarily for pick-up outside the building subject to the following requirements:

1. Refuse bins or receptacles may be located outside the building up to one hour before and one hour after scheduled service pick-up; and

2. The temporary staging area location must be approved by the Director and pick-up service provider. Temporary staging may be located on publicly-accessible sidewalks or on public or private roadways, provided that bins or receptacles shall not impede or block the following: fire access; vehicular access; bicycle access; pedestrian access; or bus loading or unloading areas.

Section 19. Subsection 20.20.740.A of the Land Use Code is hereby amended to read as follows, with all other provisions of Subsection 20.20.740.A that are omitted below, as indicated by an ellipsis, remaining unchanged:

A. Public and private schools are permitted as indicated in LUC 20.10.440 through .445 and use charts applicable to specific land use districts contained in Chapter 20.25 LUC, “Education: Primary and Secondary,” provided the following standards are met:

…

Section 20. Subsection 20.20.820.B of the Land Use Code is hereby amended to read as follows, with all other provisions of Subsection 20.20.820.B that are omitted below, as indicated by an ellipsis, remaining unchanged:

B. **Decision Criteria.** In addition to the decision criteria applicable to any permit required to construct or modify a solid waste disposal facility pursuant to LUC 20.10.440 through .445 and use charts applicable to specific land use districts contained in Chapter 20.25 LUC, the City may approve, or approve with modifications, a proposal to construct or modify a solid waste disposal facility, provided the following standards are met:

…

Section 21. Subsection 20.20.900.B.5.c of the Land Use Code is hereby amended to read as follows:

c. The portions of this section which require achieving minimum tree density, including subsection E, are not applicable in any Downtown Land Use District, the East Main Transit Oriented Development Land Use District, or Mixed-Use Land Use Districts established under LUC 20.10.020 and described in LUC 20.10.398.

Section 22. Chapter 20.25 of the Land Use Code is hereby amended to include a new Part 20.25R to read as shown on **Attachment A** to this Ordinance. The City Clerk or the Codifiers of this Ordinance are hereby authorized to replace any reference in **Attachment A** to "[INSERT EFFECTIVE DATE OF ORDINANCE]" with the actual month, day, and year that this ordinance takes effect as calculated pursuant to Section 45 of this Ordinance.

Section 23. The definition of "Affordable Housing" contained in Section 20.50.010 of the Land Use Code is hereby amended to read as follows:

Affordable Housing. Housing used as the primary residence of an affordable housing qualified household. Unless otherwise specified, the price of affordable units is based on that amount a household can afford to pay for housing, when household income is less than 80 percent of the median annual income, adjusted for household size, as determined by the United States Department of Housing and Urban Development for the Seattle Metropolitan Statistical Area, and when the household pays no more than 30 percent of household income for housing expenses. Households with income up to, and including, 80 percent of the median annual income, adjusted for household size, may purchase or rent these affordable units.

Section 24. Section 20.50.010 of the Land Use Code is hereby amended to include new definitions for the terms "Access Corridor" and "Active Transportation Access Corridor" and "Active Use" to read as follows. The City Clerk is hereby

authorized to codify this new definition in Section 20.50.012 in a manner that maintains an alphabetical listing of defined terms:

> **Access Corridor.** Any of the following: Active Transportation Access Corridor, Eastrail Corridor, Enhanced Flexible Access Corridor, Flexible Access Corridor, Grand Connection, Shared-Use Path, and Public Rights of-way.
>
> **Active Transportation Access Corridor.** A privately owned access corridor serving primarily non-motorized modes of transportation such as pedestrians and bicycles, along with streetscape elements such as landscaping, furniture, and utilities. Refer to the Transportation Design Manual for specific requirements for active transportation access.
>
> **Active Use.** Land uses including, but not limited to, retail and wholesale uses, restaurants, personal and professional services, residential and commercial lobbies , residential units (with entry and stoop or private patio), private indoor residential amenity spaces, live/work spaces and others as determined by the Director, which can create a vibrant urban atmosphere by providing for commercial activities, street activation or gathering spaces for the public.

Section 25. The definition of “Build-to-Line” contained in Section 20.50.012 of the Land Use Code is hereby deleted in its entirety. The City Clerk is hereby authorized to remove this definition in Section 20.50.012 in a manner that maintains an alphabetical listing of defined terms.

Section 26. Section 20.50.012 of the Land Use Code is hereby amended to include a new definition for “Bus Rapid Transit” to read as follows. The City Clerk is hereby authorized to codify this new definition in Section 20.50.012 in a manner that maintains an alphabetical listing of defined terms:

> **Bus Rapid Transit:** Means a transit service that both features fixed station assets that indicate permanent, high-capacity service and provides service at each station at least five times per hour for 12 or more hours per day. Fixed station assets that indicate permanent, high-capacity service include, but are not limited to, the following: elevated platforms, enhanced stations, off-board fare collection, dedicated lanes, busways, or transit signal priority.

Section 27. Section 20.50.014 of the Land Use Code is hereby amended to include a new definition for “Collection Areas (Solid Waste)” to read as follows. The City Clerk is hereby authorized to codify this new definition in Section 20.50.014 in a manner that maintains an alphabetical listing of defined terms:

> **Collection Areas (Solid Waste).** Space designated for the collection and temporary storage of solid waste, including recyclables, food and yard waste, and other refuse typical of residential and commercial land uses.

Section 28. Section 20.50.018 of the Land Use Code is hereby amended to include new definitions for the terms “Eastrail” and “Eastrail Corridor” and “Enhanced Flexible Access Corridor” to read as follows. The City Clerk is hereby authorized to codify this new definition in Section 20.50.018 in a manner that maintains an alphabetical listing of defined terms:

> **Eastrail.** A 42-mile trail connecting multiple cities in East King County. This term shall only refer to the trail segments that are constructed, owned, and maintained by either King County or Sound Transit and provide for non-motorized transportation.
>
> **Eastrail Corridor.** Parcels, rights-of-way, and easements controlled and maintained by either King County or Sound Transit and containing segments of the Eastrail.
>
> **Enhanced flexible access corridor.** A privately-owned corridor designed to accommodate both active transportation and essential vehicle functions such as on-street parking, drop-off/pick-up, maintenance, and emergency access. It includes expanded amenity zones and streetscape elements such as landscaping, furniture, on-street parking, and utilities on both sides to support higher multimodal use and public realm quality. Refer to the Transportation Design Manual for specific requirements for flexible access corridors.

Section 29. Section 20.50.020 of the Land Use Code is hereby amended to include a new definition for “Flexible Access Corridor” to read as follows. The City Clerk is hereby authorized to codify this new definition in Section 20.50.020 in a manner that maintains an alphabetical listing of defined terms:

> **Flexible Access Corridor.** A privately-owned access corridor serving motorized and non-motorized transportation, and including streetscape elements such as landscaping, furniture, on-street parking, and utilities. Refer to the Transportation Design Manual for specific requirements for flexible access corridors.

Section 30. The definition of “Gross Square Feet” contained in Section 20.50.022 of the Land Use Code is hereby amended to read as follows:

> **Gross Square Feet.** Total number of square feet within the inside finished wall surface of the outer building walls of a structure, excluding vent shafts, outdoor courts, and parking. Gross Square Foot shall have the same meaning as Gross Square Feet.

Section 31. Section 20.50.022 of the Land Use Code is hereby amended to include a new definition for “Grand Connection” to read as follows. The City Clerk is hereby authorized to codify this new definition in Section 20.50.022 in a manner that maintains an alphabetical listing of defined terms:

Grand Connection. The Grand Connection is Bellevue's signature downtown place-making initiative. This program functions as a series of cohesive, connected and memorable spaces and pedestrian-focused experiences and initiatives through Bellevue's thriving central business district. The Grand Connection begins at the waterfront of Lake Washington at Meydenbauer Bay Park, and winds through Old Bellevue and Downtown Park. It continues through Bellevue's dynamic retail and civic-focused parts of downtown, and ultimately the Grand Connection will include a landmark piece of infrastructure over Interstate 405, influencing the land use patterns of the Wilburton commercial area and improving connectivity to downtown.

Section 32. The definition of "Housing Expenses" contained in Section 20.50.024 of the Land Use Code is hereby amended to read as follows:

Housing Expenses. For rental affordable dwelling units, housing expenses include any expenses required by the owner as a condition of tenancy, including, but not limited to, rent and utilities. For ownership affordable dwelling units, housing expenses include mortgage payments, property taxes, property hazard insurance, and homeowner's association dues. For purposes of this definition, housing expenses do not include parking expenses, unless parking is required as a condition of tenancy or ownership. The Director may further define "Housing Expense" by rule, which may also establish monthly allowances (i.e., rent reductions) to cover residents' reasonable utility costs and other expenses required by the owner as a condition of tenancy.

Section 33. Section 20.50.030 of the Land Use Code is hereby amended to include a new definition for "King County Recorder's Office" to read as follows. The City Clerk is hereby authorized to codify this new definition in Section 20.50.030 in a manner that maintains an alphabetical listing of defined terms:

King County Recorder's Office: The agency responsible for the prompt and accurate recording of documents in the public records of King County, Washington, in accordance with state law, including Chapter 65.04 RCW.

Section 34. The definition of "Land Use" contained in Section 20.50.032 of the Land Use Code is hereby amended to read as follows:

Land Use. The use to which an area of land, or building thereon, is put; human activity taking place thereon. Categories of land uses in this Code are found in Chart 20.10.440 and district-specific land use charts contained in Chapter 20.25 LUC. Land uses in mixed-use land use districts are governed by LUC 20.10.445.

Section 35. Section 20.50.032 of the Land Use Code is hereby amended to include a new definition for "Life Science Uses" to read as follows. The City Clerk is hereby authorized to codify this new definition in Section 20.50.032 in a manner that maintains an alphabetical listing of defined terms:

Life Science Uses. Facilities, such as laboratories, and ancillary offices dedicated to development, research, and production of biological and biotechnical discoveries and products.

Section 36. Section 20.50.034 of the Land Use Code is hereby amended to include new definitions for the terms “Mass Timber Construction” and “Medical Office Use” and “Medical Uses” and “Mixing Zones (Eastrail)” to read as follows. The City Clerk is hereby authorized to codify these new definitions in Section 20.50.034 in a manner that maintains an alphabetical listing of defined terms:

Mass timber construction. A method of building that primarily utilizes engineered wood products, including, but not limited to, cross-laminated timber (CLT), glued-laminated timber (glulam), nail-laminated timber (NLT), dowel-laminated timber (DLT), and laminated veneer lumber (LVL), as the main structural elements. These products are designed to provide enhanced strength, stability, and fire resistance compared to traditional timber. Mass timber construction is characterized by the use of these prefabricated wood components in walls, floors, and roofs, offering an efficient, sustainable alternative to conventional steel and concrete construction.

Medical Office Use. A commercial use in which health care services for humans are provided on an outpatient basis, including but not limited to offices for doctors, dentists, chiropractors, and other health care practitioners, or in which mortuary or funeral services are provided. Permitted accessory uses include associated office uses, research uses, and laboratory uses.

Medical Uses. Hospitals, clinics, laboratories, other related land uses and ancillary offices that provide healthcare services.

Mixing Zones (Eastrail). Areas within the Eastrail corridor in which the Eastrail, frontage paths, Grand Connection, and other access into the Eastrail corridor intersect and converge into a single space. A mixing zone must be no less than 500 square feet in area. Between NE 8th Street and NE 12th Street, mixing zone may extend into adjacent private property.

Section 37. The definition of “Project Limit” contained in Section 20.50.040 of the Land Use Code is hereby amended to read as follows:

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

Section 38. The definition of “Right-of-Way, Public” contained in Section 20.50.044 of the Land Use Code is hereby amended to read as follows:

Right-of-Way, Public. All public streets and property dedicated to public use for streets together with public property reserved for public utilities, transmission lines and extensions, walkways, sidewalks, bikeways or equestrian trails. In mixed-use land use districts established under LUC 20.10.020 and described in LUC 20.10.398, Public Right-of-Way does not include any of the following: Active Transportation Access Corridor, Eastrail Corridor, Enhanced Flexible Access Corridor, Flexible Access Corridor, Grand Connection, Service Corridor, or Shared-Use Path.

Section 39. Section 20.50.046 of the Land Use Code is hereby amended to include new definitions for the terms “Small Site” and “Staging Areas (Solid Waste)” to read as follows. The City Clerk is hereby authorized to codify these new definitions in Section 20.50.046 in a manner that maintains an alphabetical listing of defined terms.

Small Site. A lot in a Mixed-Use Land Use District, established under LUC 20.10.020 and described in LUC 20.10.398, and in existence prior to January 1, 2025, that is less than or equal to 40,000 square feet in area and corresponds to the project limit within which the small site is located. This definition does not apply to lots less than 40,000 square feet in area that are aggregated into a project limit that is greater than 40,000 square feet.

Staging Areas (Solid Waste). Space dedicated to dumpsters, bins, and other solid waste receptacles for up to 24-hour periods in preparation for retrieval of the waste by an agency or company providing solid waste removal services.

Section 40. Section 20.50.048 of the Land Use Code is hereby amended to include a new definition of “Tower” to read as follows. The City Clerk is hereby authorized to codify this new definition in Section 20.50.048 in a manner that maintains an alphabetical listing of defined terms.

Tower. Any building with a minimum height of 100 feet or greater.

Section 41. Section 20.50.054 of the Land Use Code is hereby amended to include a new definition of “Warehousing and Storage Use” to read as follows. The City Clerk is hereby authorized to codify this new definition in Section 20.50.054 in a manner that maintains an alphabetical listing of defined terms.

Warehousing and Storage Use. Commercial uses dedicated to storage of commercial inventory, materials, or personal belongings for rent.

Section 42. Section 20.10.040 of the Land Use Code is hereby amended to read as follows:

20.10.040 Land use district map.

The designation, location, and boundaries of the land use districts and Shoreline Overlay District established by this Code are as shown and depicted on the official land use map(s) of the City, which shall be administratively maintained by the Director and made available on the City's website.

Section 43. Support of Life Science Uses in Review. Pending discretionary land use approval applications for projects supporting life science uses, as defined in LUC 20.50.032, in the City that are submitted between January 1, 2023, and the effective date of this Ordinance may elect to incorporate the amendments to LUC 20.20.525 effectuated by this Ordinance into the project.

Section 44. 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 45. Effective Date. This Ordinance shall take effect and be in force five (5) days after adoption and legal publication.

Passed by the City Council this _____ day of _____, 2025 and signed in authentication of its passage this _____ day of _____, 2025.

(SEAL)

_____
Lynne Robinson, Mayor

Approved as to form:
Trisna Tanus, City Attorney

_____
Robert Sepler, Assistant City Attorney

Attest:

_____
Charmaine Arredondo, City Clerk

Published _____

Attachment A: Part 20.25R Mixed-Use Land Use Districts

Part 20.25R Mixed-Use Land Use Districts

20.25R.010 General.

A. **Purpose.** The purpose of this part is to promote excellence in design quality and innovation, while enhancing the identity of the Mixed-Use Land Use Districts, without prescribing a specific architectural style, aesthetic, or theme.

B. **Applicability.**

1. The provisions of this chapter shall apply to all development activities in Mixed-Use Land Use Districts established under LUC 20.10.020 and described in LUC 20.10.398.

2. Except to the extent expressly provided in this Part 20.25R LUC and as referenced in this section LUC 20.25R.010, the provisions of the Land Use Code and all other applicable provisions of the Bellevue City Code shall apply.

C. **Relationship to other regulations.**

1. Refer to LUC 20.10.445 for land uses permitted in the Mixed-Use Land Use Districts.

2. Refer to LUC 20.20.010 for applicable development standards for the Mixed-Use Land Use Districts.

3. To the extent that any provision of this Part 20.25R conflicts with any requirement contained in the Shoreline Overlay District (i.e., Part 20.25E LUC), Part 20.25E LUC shall control.

4. To the extent that any provision of this Part 20.25R LUC conflicts with any requirement contained in the Critical Areas Overlay District (i.e., Part 20.25H LUC), Part 20.25H LUC shall control.

5. Land Use Code Sections Not Applicable to Mixed-Use Land Use Districts. The following sections of Chapter 20.20 LUC do not apply to Mixed-Use Land Use Districts established under LUC 20.10.020 and described in LUC 20.10.398. Unless specifically listed below, all other sections of Chapter 20.20 LUC apply to Mixed-Use Land Use Districts.

a. LUC 20.10.440;

b. LUC 20.20.012 through 20.20.025;

c. LUC 20.20.060 and 20.20.070;

d. LUC 20.20.125;

e. LUC 20.20.135 and 20.20.140;

f. LUC 20.20.190 and 20.20.192;

g. LUC 20.20.250;

h. LUC 20.20.400;

i. LUC 20.20.540;

j. LUC 20.20.700 and 20.20.720;

k. LUC 20.20.750 through 20.20.800; and

l. LUC 20.20.900.

D. **Review required.**

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. Development agreements.

a. Purpose. For the purposes of this subsection 5, a development agreement is a mechanism by which the City may, when appropriate, enter into an agreement with a developer to modify requirements, standards, criteria, and guidelines that apply to Development and activity within the Mixed-Use Land Use Districts. The Development agreement balances the public and private interests, providing reasonable certainty for a development project and the public, and addressing other matters, including advancing the vision, goals, and policies of the Comprehensive Plan, constructing the Grand Connection, and other public benefits.

b. Applicability. This subsection 5 only applies to development agreements authorized pursuant to RCW 36.70B.170 through 36.70B.210, between the City and any person having ownership or control of real property located entirely within a Mixed-Use Land Use District that is immediately adjoining and touching any section of the Grand Connection.

c. Discretion. The City is authorized, but not required, to accept, review, and approve a proposed Development agreement under this subsection 5. This process is voluntary on the part of both the applicant and the City. The decision to approve a development agreement is discretionary with the Bellevue City Council.

d. Development Standards. Development agreements must set forth the Development standards and other provisions that shall apply to, govern, and vest the Development, use, and public benefits of the Development of the real property within the Mixed-Use Land Use Districts for the duration specified in the agreement.

e. Limitations on Modification. Except where explicitly identified below, a development agreement approved under this subsection may modify any

requirements, standards, criteria, and guidelines that apply to Development and activity within the Mixed-Use Land Use Districts.. The following shall not be modified through a Development agreement approved under this subsection:

i. The maximum Building Height shall not be modified to exceed 450 feet for any Building; and

ii. Any provision contained in Chapter 22.16 BCC, including any transportation impact fee schedule adopted by separate ordinance in accordance with BCC 22.16.085.

f. Development Agreement Submittal Requirements.

i. A proposal for a Development agreement shall be accompanied by a complete application for the required Land Use entitlement application, Master Development Plan, Part 20.30V LUC, or Design Review, Part 20.30F LUC;

ii. All proposed modifications to requirements, standards, or guidelines in Chapter 20.20 LUC and Part 20.25R LUC shall be described, including identification of the requirement, standard, or guideline requested to be modified;

iii. The additional or alternative public benefits shall be described and compared to the baseline public benefits that would be provided without the Development agreement; and

iv. Any other such information that may be reasonably required by the Director to review the Development agreement.

g. Review process.

i. An applicant may apply to negotiate and enter into a Development agreement for a project in a Mixed-Use Land Use District. Such request shall include the submittal requirements in subsection 5.f of this section.

ii. 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 authorize the Director to initiate negotiation of the Development agreement. If initiated, the City Council may provide direction to guide the negotiation.

iii. 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.

iv. 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. The Development agreement shall be presented to the City Council for consideration at the public hearing.

v. 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.

vi. City Council Action. Following the public hearing, the City Council shall consider and may approve the proposed Development agreement. Any approval of the City Council of a Development agreement is the final decision of the City and shall be by resolution or ordinance.

vii. 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.

h. Framework for City Review of Development Agreement.

i. The City Council has discretion to approve, or not approve, the proposed Development agreement;

ii. The Development agreement shall comply with all applicable requirements of the Land Use Code, except as may be modified in accordance with this subsection;

iii. The Development agreement shall comply with all applicable requirements of the Bellevue City Code, except as may be modified in accordance with this subsection;

iv. The Development agreement shall be consistent with the vision, goals, and policies of the Comprehensive Plan;

v. The Development agreement shall meet the purpose in subsection 5.a of this subsection 5; and

vi. The Development agreement shall result in a Development that includes public benefits beyond what would be provided without the Development agreement.

i. Modification of development agreements.

i. 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.

ii. Major Modification. Any modification that does not meet all of the requirements for a minor modification shall constitute a major modification. All major modifications shall require a termination of the original Development agreement and negotiation and approval of a new Development agreement following the procedures set forth in this subsection 5.

6. Procedural merger. Within a Mixed-Use Land Use District, any administrative decision required by this Part 20.25R 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:

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, Part 20.30G LUC; and

e. Critical Areas Land Use Permit, Part 20.30P LUC.

20.25R.020 Access and connectivity.

A. **Purpose.** Enhance walkability, active transportation options, and transit-oriented design by prioritizing pedestrian-friendly infrastructure, a comprehensive bicycle network, a connected network of sidewalks, plazas, parks, and open spaces, and effective traffic management. The aim is to enable accessible and sustainable movement throughout the Mixed-Use Districts by the creation of efficient, safe, and well-connected mobility systems for all modes.

B. **Access, blocks, and circulation.**

1. Intent. Encourage walkable, compact mixed-use development that prioritizes a safe, vibrant, and comfortable pedestrian experience while accommodating site-specific access needs. Ensure that development is well-connected to the transit, pedestrian, bicycle, and vehicular circulation systems of the city.

2. Blocks.

a. A block shall be bordered on all sides by any of the following access corridors. This requirement shall not apply to sites less than 105,000 square feet in area.

   i. Public rights-of-way;

   ii. Enhanced flexible access corridor;

   iii. Flexible access corridor;

   iv. Active transportation access corridor;

   v. Service corridor;

   vi. Shared-Use Path;

   vii. Eastrail corridor; or

   viii. Grand Connection.

b. Block dimensions. These requirements shall not apply to sites less than 105,000 square feet in area.

   i. The perimeter of a block shall be no more than 1,200 feet in length.

   ii. The north-south dimension of a block shall be no more than 350 feet in length.

   iii. All block dimensions described in this section shall be measured as follows:

      (1) For the Eastrail corridor and Grand Connection: The dimension shall be measured from the property line between the site and the corridor.

      (2) For all other access corridors: If there is a sidewalk, then the dimension shall be measured from the back of the sidewalk. If there is not a sidewalk, then the dimension shall be measured from the inside edge of the corridor.

   iv. The requirements of subsection B.2 of this section shall not apply to sites located between Interstate 405 and 116th Avenue NE, except as follows:

      (1) Vehicular access onto these sites shall be provided from a commercial driveway; and

(2) The north-south dimension of a block shall be no more than 350 feet in length along 116th Avenue NE. A commercial driveway may be used to satisfy this requirement for the north-south dimension of a block.

v. The requirements of subsection B.2 of this section do not apply to an individual parcel abutting 116th Avenue NE that contains at least 300 feet of elevated guideway for light rail, except as follows:

(1) Vehicular access onto these sites shall be provided from a commercial driveway; and

(2) The north-south dimension of the block shall be no more than 350 feet in length along 116th Avenue NE. A commercial driveway may be used to satisfy this requirement for the north-south dimension of a block.

c. For sites that are less than 105,000 square feet in area, the following shall apply:

i. Vehicular access onto these sites shall be provided from a commercial driveway.

d. Access corridors or commercial driveways constructed across property lines may be allowed, including those constructed and authorized to satisfy the requirements of subsection B.2 of this section, subject to the following requirements:

i. The access corridor or commercial driveway is designed and constructed in accordance with all applicable requirements of this Part 20.25R LUC; and

ii. The applicant shall provide the City with an executed and recorded legal agreement that, to the Director's satisfaction, demonstrates that all applicable property owners have given all rights and authorization necessary to design, construct, and maintain the access corridor in accordance with all applicable requirements of this Part 20.25R LUC.

e. Where dedication and construction of a new access corridor or commercial driveway is needed to satisfy the requirements of this section, that access corridor or commercial driveway shall be required to the extent that the access corridor or commercial driveway is reasonably necessary to mitigate the direct transportation impacts resulting from a development project in accordance with Chapter 14.60 BCC.

3. Access and circulation design.

a. Access corridors or commercial driveways required under this Part 20.25R LUC shall be designed and constructed in accordance with the requirements contained in this section and in the Transportation Design Manual, adopted pursuant to Chapter 14.60 BCC, and all applicable appendices. Requests for deviations from the requirements of the Transportation Design Manual shall be based on specific project restraints and must be submitted to, and shall be considered by, the Transportation Department Director in accordance with the deviation process outlined in the Transportation Design Manual.

b. Perimeter sidewalks. The minimum paved width of a Perimeter Sidewalk shall be 10 feet, with an additional 5-foot amenity zone and a 6-inch curb.

c. Buildings may extend over an access corridor or commercial driveway, provided:

   i. Building cantilevers may project up to 6 feet over the width of any access corridor, excluding public rights-of-ways, provided that a minimum clear height of 16 feet is maintained beneath the projection;

   ii. Pedestrian connections (bridges or walkways) between buildings may be constructed over any access corridor, excluding public rights-of-ways, provided that the width of the pedestrian connection does not exceed 30 feet and maintains a minimum clear height of 13.5 feet above the access corridor.

   iii. Buildings may be connected across any access corridor, excluding public rights-of-way, provided that the connecting structure does not exceed 75 feet in width and maintains a minimum clear height of 16 feet above the corridor.

d. Enhanced flexible access corridor. Enhanced flexible access corridors are designed to serve as essential access routes for vehicles, supporting a wide range of functions that contribute to neighborhood livability and safety. These functions include on-street parking, passenger pick-up and drop-off areas, access for maintenance and service vehicles, and designated amenity zones on both sides of the street. Amenity zones act as a buffer between pedestrians and moving vehicles, enhancing the overall streetscape and pedestrian experience.

   i. Required width. The required width of an enhanced flexible access corridor is 59 feet, comprised of the following design components:

      (1) 20-foot vehicle area

      (2) Two (2) eight (8)-foot parking lanes

      (3) Two (2) six (6)-inch curbs

(4) Two (2) five (5)-foot amenity zones; and

(5) Two (2) six (6)-foot sidewalks.

e. Flexible access corridor. Flexible access corridors accommodate active transportation and essential vehicular access, including, but not limited to, parking, pick-up/drop-off, maintenance, and emergency vehicle access, which will be identified during the development review process. Unlike enhanced flexible access corridors described in B.3.d of this section, standard flexible access corridors are not required to include on-street parking or wider amenity zones on both sides.

i. Streetscape elements. Flexible access corridors shall contain the following elements at a minimum and a required corridor width of 37 feet:

(1) Two (2) 10-foot travel lanes serving vehicles and active transportation modes;

(2) Two (2) 6-foot sidewalks;

(3) One (1) four (4)-foot amenity zone;

(4) Two (2) six (6)-inch curbs; and

(5) Street and pedestrian-scale lighting to meet applicable illumination standards contained in the Transportation Design Manual.

ii. If on-street parking is provided by development, then the corridor width must be widened beyond the minimum by an additional 8 feet per parking lane.

f. Active transportation access corridor. Active transportation access corridors are corridors that primarily serve active transportation and allow for emergency vehicle access. Corridors shall contain the following elements with a required corridor width of 30 feet:

i. 20’ shared active transportation and emergency vehicle path;

ii. Amenity zone consisting of landscape areas;

iii. Pedestrian-scale lighting;

iv. Bollards at corridor access points with other transportation facilities restricting vehicular access to the corridor except for access by emergency vehicles;

g. Service corridor. Service corridors are corridors that support “back-of-house” functions essential to site operations, which may include, but are not limited to, emergency vehicle access, solid waste collection, and incidental loading and unloading activities. The purpose of these corridors is to support a building’s operational functions without interfering with the site's primary circulation routes.

i. Required width. The minimum unobstructed width of a service corridor shall comply with applicable fire and transportation standards and shall not be less than 20 feet.

ii. Access Limitations. Service corridors shall not serve as the primary vehicular access to parking garages and shall not serve as the main pedestrian access to building entries, tenant spaces, or other areas intended for regular public use.

h. Shared-Use Path. Shared-Use Paths shall be outdoors and provide public access through and between larger blocks or development sites.

i. Required width. The required width of a Shared-Use Path is 14 feet.

ii. Signage. Directional signage shall identify circulation routes for all users and be visible from all points of access. The Director shall require signage as provided in the City of Bellevue Transportation Department Design Manual. If the signage requirements are not feasible, the applicant may propose an alternative that is consistent with this section and achieves the design objectives for the building and the site.

iii. Design.

(1) Incorporate design elements, such as paving, lighting, landscaping, and signage to identify the Shared-Use Path as a public space;

(2) Provide access that complies with the Americans with Disabilities Act;

(3) Provide lighting that is appropriately scaled for its public users, compatible with the landscape design, and improves safety; and

(4) Be visible from surrounding spaces and uses. Provide windows, doorways, and other devices on the pedestrian and bicycle route to ensure that the connection is used, feels safe, and is not isolated from view.

i. Commercial driveway. For the sole purpose of subsections B.2.c, B.2.b.iv, and B.2.b.v of this section, commercial driveways provide connections from access corridors to parking areas located within commercial or mixed-use development.

i. If a sidewalk is required per Transportation Department review, a minimum 6-foot sidewalk is required adjacent to the commercial driveway.

ii. Commercial driveways shall not be used to satisfy the requirements of subsection B.2.a of this section.

j. Hours. Enhanced flexible access corridors, flexible access corridors, active transportation access corridors, commercial driveways, service corridors and shared-use paths shall be open and accessible to the public at all times; provided that the legal agreement executed and recorded under LUC 20.25R.020.B.3.k shall allow for temporary closures when necessary for maintenance purposes.

k. Public Access Easement. The owners of property that are required to provide an enhanced flexible access corridor, flexible access corridor, an active transportation access corridor, service corridor, or a shared-use path to meet the required block dimensions or as part of the Design Review process shall execute, and record with the King County Recorder's Office, a legal agreement, in a form approved by the City, providing that the portion of the property over which such access corridor is constructed shall be subject to a nonexclusive surface right of use and access by the public. In addition, the legal agreement shall also include, but is not limited to, the following:

i. The legal description of the applicable access corridor;

ii. That the obligations under the legal agreement shall run with the land and be binding on the assigns, heirs, and successors of the property owner;

iii. That the owner shall maintain the portion of the applicable access corridor running over the property and to keep the same in good repair;

iv. Provisions allowing for the temporary closure of the applicable access corridor when necessary for maintenance purposes;

v. That the owner may adopt reasonable rules and regulations for use of the owner's portion of the applicable access corridor; provided, that such rules and regulations must be consistent with the requirements of this section and the other terms of the executed and recorded legal agreement; and

vi. Any other terms and conditions that are reasonably necessary to ensure continued maintenance of, operation of, or public access to the access corridor.

C. **Location-specific access and design.**

1. Intent. Ensure new circulation systems needed for access to new development are coordinated with major civic infrastructure and meet the needs for essential pedestrian, bicycle, multi-modal, and vehicular circulation within a development.

2. Eastrail access.

a. Non-motorized access.

i. Development on any site adjoining the following segment of the Eastrail Corridor shall provide non-motorized access to Eastrail every 350 feet of frontage along the corridor: Beginning at a point on Eastrail 1000 feet north of the intersection of Eastrail and NE 8th Street and going south along Eastrail to a point 500 feet south of the intersection of Eastrail and NE 4th Street.

ii. Non-motorized access may be provided from adjacent access corridors or may be provided onto non-ground floor portions of a building.

b. At least one emergency vehicle access to the Eastrail corridor shall be provided in each area described in subsections C.2.b.i and C.2.b.ii below where development is on a site abutting one of the areas described in subsections C.2.b.i and C.2.b.ii below.

i. From the east of the Eastrail Corridor between NE 4th Street and NE 8th Street, no closer than 400 feet from the intersection of Eastrail and either NE 4th Street or NE 8th Street.

ii. From the west of the Eastrail Corridor and within 500 and 1,200 feet north of NE 8th Street.

c. Where development on a site would be required to provide both non-motorized access under subsection C.2.a.i of this section and emergency vehicle access under subsection C.2.b of this section, then only emergency vehicle access shall be required.

d. No new vehicular travel lanes, except for emergency vehicular access dedicated and constructed under LUC 20.25R.020.C.2.b, may cross the Eastrail corridor between SE 5th Street and NE 12th Street.

e. Applicants may request an alternative nonmotorized or emergency vehicle access configuration to the Eastrail corridor, provided that the request includes documentation of consultation with King County, or the relevant Eastrail corridor property owner, regarding the feasibility of both the standard access configuration required in subsection C.2 of this section and the proposed alternative access configuration. The Director may approve the alternative access configuration if the alternative is both acceptable to King County, or the relevant Eastrail corridor property owner, and results in added connectivity to the Eastrail corridor.

f. Any Eastrail access required under subsection C.2 of this section shall be open and accessible to the public at all times; provided that the legal agreement executed and recorded under subsection C.5 of this section shall allow for temporary closures when necessary for maintenance purposes.

3. Grand Connection access. If a development abuts or is located adjacent to an elevated segment of the Grand Connection, then the applicant shall provide direct pedestrian access from the building to the Grand Connection to the maximum extent feasible. Acceptable forms of access may include, but are not limited to, enclosed or unenclosed walkways, pedestrian bridges, stairways, elevators, or other vertical circulation elements, as deemed appropriate and permissible by the City. The design, placement, and configuration of access points shall be designed to support safe and convenient public use. Access to the Grand Connection shall remain open and available for public use at all times when the segment of the Grand Connection crossing Interstate 405 is open and publicly accessible. The property owner or other responsible party shall not restrict or impede public access, except on a temporary basis when necessary for maintenance, public safety, or as otherwise authorized by the City.

4. If dedication and construction of Eastrail access or Grand Connection access is needed to satisfy the requirements of subsection C of this section, then that Eastrail access or Grand Connection access shall be required to the extent that it is reasonably necessary to mitigate the direct transportation impacts resulting from the associated development project in accordance with Chapter 14.60 BCC.

5. Public Access Easement. The owners of property that are required to provide Eastrail access or Grand Connection access under subsection C.2 or 3 of this section shall execute, and record with the King County Recorder’s Office, a legal agreement, in a form approved by the City, providing that the portion of the property over which such access is constructed shall be subject to a nonexclusive surface right of use and access by the public. In addition, the legal agreement shall also include, but is not limited to, the following:

a. The legal description of the applicable access running over the owner's property;

b. That the obligations under the legal agreement shall run with the land and be binding on the assigns, heirs, and successors of the owner of the property;

c. That the owner shall maintain the portion of the applicable access running over the owner's property and the keep the same in good repair;

d. Provisions allowing for the temporary closure of the applicable access when necessary for maintenance purposes;

e. That the owner may adopt reasonable rules and regulations for use of the owner's portion of the applicable access; provided, that such rules and regulations must be consistent with the requirements of this section and the other terms of the executed and recorded legal agreement; and

f. Any other terms and conditions that are reasonably necessary to ensure continued maintenance of, operation of, or public access to the applicable access.

20.25R.030 Site organization and public realm.

A. **Purpose.** Develop the Mixed-Use Districts as attractive, engaging, safe, and accessible with a distinct identity achieved through thoughtful site design and landscaping, inclusion of public spaces, and public art; contribute to an inclusive and inviting urban fabric by providing publicly accessible programmed open spaces and include recreational and environmental amenities, and places to gather; and create accessible and landscaped public spaces throughout the Mixed-Use Districts, emphasizing interconnected green spaces and trails, and sustainable design features.

B. **Active Uses.**

1. Intent. Promote building designs that engage pedestrians, provide protection from the elements, and enhance public safety and the urban experience. Encourage active uses and elements of visual interest at the ground level.

2. Calculation of space required. The total amount of active use spaces on a site shall be calculated as follows and the total length of building facades shall be measured from the outer face of the building.

a. For sites fronting the following, at least 75% of the total facade length fronting the access corridor shall contain active uses:

i. Eastrail corridor, in accordance with subsection G.2.b of this section, except where the Eastrail corridor is elevated to a degree that results in a substantial physical separation between the corridor and the project site. For the purposes of this subsection, “substantial physical separation” means a vertical or horizontal distance that materially limits visual or physical connection between the building facade and the Eastrail corridor, such that the intended pedestrian orientation and activation of the corridor frontage cannot be reasonably achieved; and

ii. Grand Connection, in accordance with G.3.a of this section.

b. For sites fronting the following, at least 50% of the total facade length fronting the access corridor shall contain active uses:

i. Enhanced flexible access corridors;

ii. Flexible access corridors;

iii. Public rights-of-way; and

iv. Active transportation corridors;

c. For shared-use paths, at least 25% of the total facade length fronting the shared-use path shall contain active uses.

3. Location. As an alternative to providing active uses along all frontages adjacent to the access corridors described in subsection B.2 of this section, an applicant may choose to consolidate the required active uses onto two frontages, subject to the following requirements:

a. Where a site fronts both the Eastrail corridor and the Grand Connection, then required active uses may only be consolidated on these frontages.

b. In all other circumstances, the required active uses may be consolidated only where the site fronts the following:

i. Enhanced flexible access corridors;

ii. Public rights-of-way; or

iii. Active transportation corridors.

c. Consolidation is not permitted on frontages located solely along flexible access corridors identified in subsection B.2.b.ii of this section. Sites with frontage on these flexible access corridors must satisfy the active use requirement for that frontage independently, regardless of whether active

uses are consolidated on other eligible frontages as permitted in subsections B.3.a and B.3.b of this section.

4. Where the provisions of this Part 20.25R LUC require active uses in specific locations, those active uses shall count towards the minimum required under subsection B of this section.

C. **Open space.**

1. Intent. Provide a variety of inviting and accessible public open spaces for gathering, respite, access to nature, and recreation. Open space adjoining the Eastrail corridor contributes to the goal of a linear park providing recreational and natural features adjoining the Eastrail corridor.

2. All development shall provide at least 7 percent of the site area as publicly accessible open space, up to a maximum requirement of one (1) acre of open space, subject to the following requirements and to all requirements contained in subsection C of this section:

   a. This requirement shall not apply to small sites.

   b. When calculating the publicly accessible open space required by this section, the following shall be deducted from the site area:

      i. The area covered by emergency vehicular access dedicated and constructed under LUC 20.25R.020.C.2.b;

      ii. The area covered by an access corridor constructed to provide emergency vehicular access required under this title, the Bellevue City Code, or state law;

      iii. Critical areas, critical area structure setbacks, and critical area buffers designated or established under Part 20.25H LUC;

      iv. The hard-surfaced area of an access corridor, service corridor, or commercial driveway that is designed and constructed exclusively for vehicular use, including travel, loading, unloading, drop-off and pick-up, or parking.

   c. Outdoor children's play areas used exclusively by childcare services uses may be counted toward required open space without providing public access.

   d. There is no limit to the share of the required open space which may be provided on non-ground floor portions of buildings when the open space has a direct connection to Eastrail or the Grand Connection.

e. No less than 20 percent of the required open space shall be provided as landscaping or other planted space, including but not limited to bioswales, planter boxes, and community gardens.

3. Plazas as open space. The area contained in a plaza contributes toward the open space required under LUC 20.25R.030.C.2, subject to the following requirements:

a. Plazas shall be at least 3,000 square feet in size and shall include at least four (4) of the following features:

i. Fixed seating such as benches, with at least one (1) linear foot of seating area per 30 square feet of hard surface within the open space;

ii. Multifamily play areas designed and constructed in accordance with LUC 20.20.540;

iii. Performance spaces;

iv. Tables and movable seating, with at least one (1) table per 75 square feet of hard surface and at least two (2) seats per table;

v. Vendor spaces, such as kiosks or spaces for food trucks;

vi. Water features;

vii. Weather protection and shade structures; or

viii. Other elements that enhance the public realm as approved by the Director.

b. At least 50 percent of the plaza shall remain open to the sky. The Director may approve increased building coverage above a plaza when such coverage provides enhanced vertical clearance that preserves the sense of openness and ensures the space remains visually and physically inviting to the public. The intent of this provision is to allow architectural features, such as canopies or overhead structures, that contribute to the plaza's functionality and comfort without compromising its open character. Except as otherwise provided in this subsection, areas within enclosed plazas shall not count toward the open space requirements required in subsection C.2 of this section.

4. Access corridors as open space. Portions of enhanced flexible access corridors, flexible access corridors, active transportation corridors, and shared-use paths may, at the applicant's discretion, contribute to the open space required under subsection C.2 of this section, subject to the following requirements:

a. Areas designated for vehicular travel or vehicular parking shall not be considered open space.

b. Areas designated for emergency vehicle access or circulation shall not be considered open space.

c. A minimum of 1,500 square feet of plaza area must be provided adjacent to the access corridor. This requirement is intended to ensure that the portion of the access corridor counted as open space functions as an integrated and meaningful part of the site's overall open space system. The intent is to avoid fragmented, isolated, or narrow segments that do not contribute significantly to the usability, quality, or character of the open space.

   The plaza shall also meet the following standards:

   i. Portions of a plaza shall abut and be within 30 inches in elevation of a perimeter sidewalk, Eastrail, Grand Connection, or access corridor, to ensure visual and physical connectivity.

      Note: The entire plaza is not required to meet this elevation standard. Only those portions of the plaza that are directly adjacent to a perimeter sidewalk, Eastrail, the Grand Connection, or access corridor must be within 30 inches in elevation to ensure visual and physical connectivity into the plaza.

   ii. Where hard surface is provided within the plaza, the area shall be paved with different materials than those used in adjacent sidewalks or trails; and

   iii. The plaza shall be bordered by active use spaces for at least 50 percent of its perimeter.

5. Park dedication. The dedication of real property, or the improvement of City-owned property for use as a park, may contribute toward satisfying the open space requirements under LUC 20.25R.030.C.2, subject to the following requirements:

   a. The need for such real property in the location proposed shall be consistent with City-adopted policies and plans.

   b. The size of the real property dedicated for park purposes must be at least 4,000 square feet, unless reduced by the Director.

   c. The real property must be located within a Mixed-Use Land Use District, but need not be contiguous with the site for which development is proposed.

d. The City must formally accept the dedication or improvement of the real property for park purposes. If the City does not formally accept the dedication or improvement, then the proposed dedication or improvement shall not contribute toward satisfying the open space requirements under LUC 20.25R.030.C.2.

6. Eastrail Improvements.

a. Major Public Open Space.

i. Purpose. Major Public Open Spaces serve as a focal point for pedestrian activity at the intersection of Eastrail and the Grand Connection.

ii. Where Required:

(1) A major public open space shall be located at the intersection of Eastrail and the Grand Connection.

(2) Any application for a permit, approval, or other entitlement for any development on the eastern border of the Eastrail Corridor adjoining the intersection of Eastrail and the Grand Connection shall comply with the requirements of subsection C.6.a of this section.

iii. Design:

(1) The major public open space shall be a minimum of 12,000 square feet in size.

(2) Open space required under subsection C.2 of this section shall first be allocated as major public open space, up to the minimum size of 12,000 square feet. If normal operation of subsection C.2 of this section would require more than 12,000 square feet of open space, only 12,000 square feet of open space shall be required.

(3) The major public open space shall include a combination of pedestrian amenities, such as: seating, lighting, special paving, plantings, artwork, or special recreational features.

(4) Active Uses are required on at least two sides of the major public open space. Alternatively, if the major public open space is linear in design, then active use frontage is only required on at least one side.

b. The area contained in facilities constructed in the Eastrail corridor that connect a plaza to the Eastrail Corridor shall contribute to the open space required under LUC 20.25R.030.C.2.

7. Hours. Open space required under LUC 20.25R.030.C.2 shall be open and accessible to the public at all times; provided that the legal agreement executed and recorded under LUC 20.25R.030.C.8 shall allow for temporary closures when necessary for maintenance purposes.

8. Legal Agreement: Owners of property that are required to provide open space under LUC 20.25R.030.C.2 shall execute, and record with the King County Recorder's Office, a legal agreement, in a form approved by the City, providing that the open space shall be subject to a nonexclusive right of use and access by the public. In addition, the legal agreement shall also include, but is not limited to, the following:

   a. The legal description of the open space;

   b. That the obligations under the legal agreement shall run with the land and be binding on the assigns, heirs, and successors of the owner of the property;

   c. That the owner shall maintain the open space and keep the same in good repair;

   d. Provisions allowing for the temporary closure of the open space when necessary for maintenance purposes;

   e. That the owner may adopt reasonable rules and regulations for use of the open space; provided, that such rules and regulations must be consistent with the requirements of this section and the other terms of the executed and recorded legal agreement;

   f. Provisions allowing for the temporary closure of the open space when necessary for maintenance purposes;

   g. Any other terms and conditions that are reasonably necessary to ensure continued maintenance of, operation of, or public access to the open space.

9. Landscaping. Landscaping shall be required as provided in this subsection and may contribute to the open space required under LUC 20.25R.030.C.2, subject to the following requirements:

   a. The provisions of LUC 20.20.520, except as they conflict with this section, apply to development in Mixed-Use Land Use Districts.

b. A landscape buffer with type III landscaping, as described in LUC 20.20.520, shall be provided as follows:

i. Where surface parking is adjacent to an access corridor, a landscape buffer of at least eight (8) feet in width shall be provided.

ii. Where surface parking is adjacent to the rear or side yard of a lot, a landscape buffer of at least five (5) feet in width shall be provided.

c. Plantings in landscape area shall be installed as follows:

i. Deciduous and evergreen trees shall be planted in natural groupings, with a minimum average of (one) 1 tree every 20 lineal feet of landscape area.

(1) Deciduous trees shall have a minimum caliper of two (2) inches measured 4.5 feet above the soil surface.

(2) Evergreen trees shall be minimum height of 6 feet.

ii. Small and medium shrubs, planted in groupings, shall provide coverage that equals 75% of the planting area within three years of planting.

iii. Groundcover shall be planted under deciduous trees, shrubs and other open areas not covered by larger plant material so that the plantings provide 90% coverage within three years of planting.

d. An alternative landscaping option may be approved by the Director as provided in LUC 20.20.520.

D. **Green and sustainability factor.**

1. Intent. Create a healthy community with a low-carbon impact by enhancing ecological performance, embracing clean energy solutions, and building resilient infrastructure to combat climate change. Promote green building materials and practices, renewable energy integration, climate resilient design, and the preservation and enhancement of natural habitats and local ecology to reduce environmental impacts and improve the quality of life for the community.

2. All new development shall provide a combination of landscape elements described in Table 20.25R.030.D.2.e to meet a minimum Green and Sustainability Factor score. All new development shall achieve a minimum score of 0.3, except that development on a small site shall achieve a minimum score of 0.25. All landscape elements must meet standards promulgated by the Director to provide for the long-term health, viability, and

coverage of each landscape element. These standards may include, but are not limited to, the type and size of plants, spacing of plants, depth of soil, and the use of drought-tolerant plants. The Green and Sustainability Factor score shall be calculated as follows:

a. Identify all proposed elements in the development as described in Table 20.25R.030.D.2.e.

b. Multiply the square feet, or equivalent unit of measurement where applicable, of each landscape element by the multiplier provided for that element in Table 20.25R.030.D.2.e according to the following provisions:

    i. If multiple elements listed in Table 20.25R.030.D.2.e occupy the same physical area, they may all be counted. For example, groundcover and trees occupying the same physical space may be counted under the ground cover element and the tree element.

    ii. Landscaping elements and other frontage improvements in the right-of-way between the lot line and the roadway may be counted.

    iii. Elements listed in Table 20.25R.030.D.2.e that are provided to satisfy any other requirements of Part 20.25R LUC may be counted.

    iv. Unless otherwise noted, elements shall be measured in square feet.

    v. For trees, large shrubs, and large perennials, use the equivalent square footage of each tree or shrub provided in Table 20.25R.030.D.2.e. Tree sizing shall be determined by the Green and Sustainability Factor Tree List maintained by the Director. If a tree species is not included on the list, the Director shall determine the size of the proposed tree species.

    vi. For green wall systems, use the square footage of the portion of the wall that will be covered by vegetation at three years. Green wall systems shall include year-round irrigation and a submitted maintenance plan shall be included as an element in the calculation for a project's Green and Sustainability Factor Score.

    vii. All vegetated structures, including fences counted as vegetated walls shall be constructed of durable materials, provide adequate planting area for plant health, and provide appropriate surfaces or structures that enable plant coverage. Vegetated walls shall include year-round irrigation and a submitted maintenance plan shall be included as an element in the calculation for a project's Green and Sustainability Factor Score.

viii. For all elements other than trees, large shrubs, large perennials, green walls, structural soil systems and soil cell system volume; square footage is determined by the area of the portion of the horizontal plane that lies over or under the element.

ix. All permeable paving and structural soil credits may not count for more than one-third of a project's Green and Sustainability Factor Score.

c. Add together all the products calculated in Table 20.25R.030.D.2.e to determine the Green and Sustainability Factor numerator.

d. Divide the Green and Sustainability Factor numerator by the site area to determine the Green and Sustainability Factor score. Required vehicular travel and parking areas, dedicated emergency vehicular access, critical areas and buffers, and traffic circulation areas may be deducted from the site area for the purpose of calculating the Green and Sustainability Factor.

e. The Director has the final authority in determining the accuracy of the calculation of the Green and Sustainability Factor score.

Table 20.25R.030.D.2.e

A. Landscape Elements		**Multiplier**
	1. Bioretention Facilities and Soil Cells. Bioretention facilities and soil cells shall comply with Bellevue's Storm and Surface Water Engineering Standards. Bioretention facilities shall be calculated in horizontal square feet. The soil cell systems shall be calculated in cubic feet. The volume of the facility shall be calculated using three feet of depth or the depth of the facility, whichever is less.	1.2
	2. Structural Soil Systems. The volume of structural soil systems can be calculated up to three feet in depth. The volume of structural soil systems shall be calculated in cubic feet. The volume of the facility shall be calculated using three feet of depth or the depth of the facility, whichever is less.	0.2

	3. Landscaped Areas with Soil Depth Less than Twenty-Four (24) Inches.	0.1
	4. Landscaped Areas with Soil Depth of Twenty-Four (24) Inches or More.	0.6
	5. Preservation of Existing Trees. Existing trees – proposed for preservation shall be calculated at twenty (20) square feet per inch d.b.h. Trees shall have a minimum diameter of six inches at d.b.h. Existing street trees proposed for preservation shall be approved by the Director.	1.2
	6. Preservation of Existing Evergreen Trees Bonus. Existing evergreen trees proposed for this bonus shall be calculated at twenty (20) square feet per inch d.b.h. and shall have a minimum diameter of six inches at d.b.h.	0.1
	7. Shrubs or Large Perennials. Shrubs or large perennials that are taller than two feet at maturity shall be calculated at twelve (12) square feet per plant.	0.4
	8. Small Trees. Small trees shall be calculated at 90 square feet per tree. Consult the Green and Sustainability Factor Tree List for size classification of trees.	0.3
	9. Medium Trees. Medium trees shall be calculated at 230 square feet per tree. Consult the Green and Sustainability Factor Tree List for size classification of trees.	0.3
	10. Large Trees. Large trees shall be calculated at 360 square feet per tree. Consult with the Green and	0.4

	Sustainability Factor Tree List for size classification of trees.	
B. Green Roofs		
	1. Green Roof, Two (2) to Four (4) Inches of Growth Medium. Roof area planted with at least two (2) inches of growth medium, but less than four inches of growth medium.	0.4
	2. Green Roof, at Least Four (4) Inches of Growth Medium. Roof area planted with at least four (4) inches of growth medium.	0.7
C. Green Walls		
	1. Vegetated Wall. Façade or structural surface obscured by vines. Vine coverage shall be calculated with an estimate of three years' growth. A year-round irrigation and maintenance plan shall be provided.	0.5
	2. Green Wall System. Façade or structural surface planted with a green wall system. A year-round irrigation and maintenance plan shall be provided.	0.7
D. Landscape Bonuses		
	1. Food Cultivation. Landscaped areas for food cultivation.	0.2

	2. Native or Drought-Tolerant Landscaping. Landscaped areas planted with native or drought-tolerant plants.	0.1
	3. Landscape Areas at Sidewalk Grade.	0.1
	4. Rainwater Harvesting. Rainwater harvesting for landscape irrigation shall be calculated as a percentage of total water budget times total landscape area.	0.2
E. Permeable Paving		
	1. Permeable Paving, Six (6) to twenty-four (24) Inches of Soil or Gravel. Permeable paving over a minimum of six (6) inches and less than twenty-four (24) inches of soil or gravel.	0.2
	2. Permeable paving over at least twenty four (24) inches of soil or gravel.	0.5
F. Publicly Accessible Bicycle Parking		
	1. Bicycle Racks. Bicycle racks in publicly accessible locations shall be calculated at nine square feet per bicycle locking space and shall be visible from sidewalk or public area.	1.0
	2. Bicycle Lockers. Bicycle lockers in publicly accessible locations shall be calculated at twelve (12) square feet	1.0

	per locker, and shall be visible from public areas and open for public use.	

E. **Public realm.**

1. Intent. Provide for comfortable pedestrian facilities and amenities, landscaping, and active uses along public streets or trails.

2. Blank walls. Walls at least 10 feet in height and 30 feet in width and containing no transparent windows or doors, garage entries, loading docks, transformer rooms, fire door exits, and smaller functional building components adjacent to public streets or publicly accessible outdoor space shall contain at least one (1) of the following:

   a. Five (5) feet of Type II landscaping, as provided in LUC 20.20.520, along the full length of the wall;

   b. Vertical landscaping covering at least 75 percent of the wall area;

   c. Public art, murals, or other non-commercial creative works covering no less than 50 percent of the wall area.

3. Exterior lighting.

   a. Exterior lighting shall be directed away from residential units to prevent glare to the greatest extent feasible.

   b. Exterior lighting fixtures shall not cast light upwards, except where used for landscape uplighting or to enhance features of a building or public art.

   c. Pedestrian-scaled lighting shall be provided along walkways and public open spaces.

4. Weather protection.

   a. Weather protection shall be provided in the following locations:

      i. At any primary building entry;

      ii. No less than 75 percent of the length of a building facade containing active uses;

      iii. Above sidewalks at intersections of two access corridors, providing continuous weather protection for no less than 10 feet in either direction from the corner;

iv. Above sidewalks where adjacent buildings are located at back of sidewalk; and

v. If a plaza or other open space is located between the building and edge or sidewalk, weather protection should be provided along the ground floor of the building to protect pedestrians from rain and provide shade in summer.

b. Weather protection shall be no less than 10 feet above finished grade, except as otherwise required in the International Building Code, as adopted by the City of Bellevue.

c. The maximum height for weather protection shall be 12 feet above finished grade. The Director may allow an increase in height up to a maximum of 16 feet above finished grade, provided the canopy depth is increased proportionally. This requirement ensures that pedestrian protection from weather elements remains effective at greater heights by compensating for the reduced coverage angle through increased projection.

d. Weather protection shall be in proportion to the building and sidewalk, and not so large as to impact street trees, light fixtures, or other street furniture;

e. Freestanding weather protection shall not be required.

f. Weather protection shall meet illumination standards set forth in the Transportation Design Manual through a combination of weather protection transparency, pedestrian-scale lighting, or other means approved by the Transportation Department.

F. **Vehicle and bicycle parking.**

1. Intent. Thoughtfully integrate vehicle, bicycle, and micro-mobility parking into the urban fabric. This includes promoting underground or concealed parking solutions, designing visually appealing parking structures, and minimizing the impact of parking facilities on the overall urban aesthetic. Consider providing separate and visible ground floor entrances for safe bicycle storage access. Where possible, consider long-term flexibility of parking structures for future conversion potential. Provide a parking supply that meets the needs of residents, businesses, visitors and employees while encouraging active transportation and public transit as a safe and convenient alternative for traveling around Mixed-Use Districts.

2. Vehicular surface parking is prohibited except as provided in LUC 20.10.445.B or within an access corridor.

3. Where provided, vehicular parking must meet all requirements of LUC 20.20.590 and other applicable codes, regulations, and standards including, but not limited to, the Bellevue City Code and Transportation Design Manual.

4. Compact Parking. This subsection F.4 supersedes LUC 20.20.590.K.9. Up to 65 percent of the parking spaces may be designed and designated for use by compact cars in accordance with the dimensions for compact stalls provided in LUC 20.20.590.K.11.

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

    a. Required amount.

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

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

        iii. Hotels, motels, and transient lodging: 0.05 spaces per room.

    b. Location.

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

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

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

            (2) If there is a primary building entry for pedestrians fronting, and at the same grade as, either the Grand Connection or Eastrail Corridor, any required bicycle parking area must be accessible from that primary building entry.

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

            (4) Bicycle parking areas may be in parking garages, provided it is on a ground level with direct access outdoors, and so that bicycle users may access the bicycle parking without crossing vehicular circulation areas or using vehicular garage entries. The Director

may allow for an alternative parking location within a parking garage if the alternate location is accessible for cyclists, with clear signage and ramps that can accommodate bikes.

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

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

e. Fractions. If the bicycle parking requirements of this section result in a fractional requirement, and that fraction is 0.5 or greater, then the property owner shall provide bicycle parking spaces equal to the next higher whole number. If that fraction is less than 0.5, then the number of bicycle parking spaces required shall be rounded down to the next lower whole number.

G. **Location-specific design.**

1. Intent. Integrate development into the urban fabric by orienting and locating primary building uses toward public spaces.

2. Eastrail – Wilburton.

a. Setbacks.

i. Between SE 5th Street and NE 8th Street, a maximum structure setback of 15 feet may be allowed. However, up to 25 percent of a building facade may be set back up to 35 feet.

ii. Between NE 8th Street and NE 12th Street, a minimum structure setback of 15 feet is required.

b. Active uses. 75 percent of the facade length along the Eastrail corridor shall contain active uses at the following locations:

i. On both sides of the Eastrail corridor between NE 4th Street and NE 8th Street

ii. On the west side of the Eastrail corridor within 500 feet northward of SE 5th Street; and

iii. On the east side of the Eastrail corridor within 200 feet northward of SE 5th Street.

c. Frontage paths. For the segment of Eastrail between NE 8th Street and NE 12th Street, frontage paths shall be provided along the west side of the

Eastrail corridor within the required setback described in subsection G.2.a as follows:

i. A continuous paved path no less than 10 feet wide shall be provided within 10 feet of the property line abutting the Eastrail corridor, measured from the edge of the frontage path.

ii. The path shall integrate with any mixing zones.

iii. Hours. Frontage paths shall be open and accessible to the public at all times; provided that the legal agreement executed and recorded under LUC 20.25R.030.G.2.c.iv shall allow for temporary closures when necessary for maintenance purposes.

iv. Legal Agreement: Owners of property that are required to provide frontage paths under LUC 20.25R.030.G.2.c shall execute, and record with the King County Recorder's Office, a legal agreement, in a form approved by the City, providing that the open space shall be subject to a nonexclusive right of use and access by the public. In addition, the legal agreement shall also include, but is not limited to, the following:

(1) The legal description of the frontage paths;

(2) That the obligations under the legal agreement shall run with the land and be binding on the assigns, heirs, and successors of the owner of the property;

(3) That the owner shall maintain the frontage paths and keep the same in good repair;

(4) Provisions allowing for the temporary closure of the frontage paths when necessary for maintenance purposes;

(5) That the owner may adopt reasonable rules and regulations for use of the frontage paths; provided, that such rules and regulations must be consistent with the requirements of this section and the other terms of the executed and recorded legal agreement;

(6) Provisions allowing for the temporary closure of the frontage paths when necessary for maintenance purposes;

(7) Any other terms and conditions that are reasonably necessary to ensure continued maintenance of, operation of, or public access to the frontage paths.

3. Grand Connection – Wilburton.

a. Active uses. 75 percent of the building frontage, where adjoining the Grand Connection shall contain active uses.

b. Elevated segments. Active uses shall be at the same elevation of the Grand Connection and shall be accessible to and from the elevated segment of the Grand Connection.

4. Interstate 405 Guidance. On sites within 500 feet of Interstate 405, locate sensitive land uses further east from Interstate 405 where feasible. Sensitive land uses include:

a. Residential land uses intended for non-transient occupancy;

b. Child care services uses;

c. Parks and open space; and

d. Primary and secondary schools.

5. Landscape Buffer near Interstate 405. A landscape buffer shall be required from the property line adjoining Interstate 405.

a. The buffer shall be no less than 20 feet in width. Where an access corridor is constructed that immediately adjoins Interstate 405, then the buffer shall be no less than 5 feet in width.

b. Deciduous and evergreen trees shall be planted in the buffer with a minimum average of 1 tree every 20 lineal feet. Deciduous trees shall have a minimum caliper of 2 inches measured 4 feet 6 inches above the soil surface. Evergreen trees shall be minimum height of 6 feet.

c. Shrubs shall be planted in a manner that their coverage equals 75 percent of the planting area within three years of planting.

d. Groundcover shall be planted under deciduous trees, shrubs and other open areas not covered by larger plant material so that the plantings provide 90 percent coverage within three years of planting.

20.25R.040 Building design.

A. **Purpose.** To develop a comfortable and inviting scale in Mixed-Use Land Use Districts by regulating building dimensions, promoting engaging façade designs, and enhancing the pedestrian experience. Ensure that buildings and their architectural elements are durable, sustainable, and contribute positively to the identity of the Mixed-Use Land Use Districts.

B. **Overall.**

1. Intent. The following building design standards are established to create aesthetically appealing building massing with appropriate bulk and scale; preserve solar access and openness at street level through dimensional regulation for height limits, setbacks, and tower separation; and utilize building siting, massing, scale, and details that allow for daylight, public views, wayfinding, and perception of a safe and welcoming environment.

2. Allowable projections above maximum height. Buildings may exceed the maximum height described in LUC 20.20.010 as described in LUC 20.20.525.

3. Floor plates. The floor plate of a structure may not exceed the maximum allowed per LUC 20.20.010, except as follows:

    a. For buildings containing medical and life science laboratory uses, the following maximum floor plates shall apply:

        i. Unlimited floor plates for buildings 200 feet or less in height;

        ii. Above 100 feet in height for buildings taller than 200 feet in height, nonresidential floor plates serving medical and life science laboratory uses shall be limited to 35,000 square feet.

    b. For buildings built with mass timber construction, the following maximum floor plates shall apply:

        i. Unlimited floor plates to 100 feet in height;

        ii. Above 100 feet in height:

            (1) Nonresidential building floor plates shall be limited to 35,000 square feet.

            (2) Residential building floor plates shall be limited to 20,000 square feet.

    c. Portions of towers over 55 feet in height may be connected on one floor, subject to the following:

        i. The connecting floor area shall only be used to provide for pedestrian circulation between the towers;

        ii. The connection is between separate and distinct buildings;

        iii. The connection shall act as a dividing point between two floor plates, neither of which exceed the maximum floor plate size;

iv. Additional floors may be connected subject to an administrative departure pursuant to LUC 20.25R.010.D.4; and

v. The provisions of LUC 20.25R.020.B.3.c.iii do not apply to such connections.

4. Active use spaces. Portions of buildings dedicated to active uses as required under this Chapter 20.25R LUC shall meet the following standards:

a. A minimum floor-to-ceiling height of 12 feet;

b. The minimum average depth of the active use space shall be 20 feet, measured from the outer façade;

c. The outer face of the active use space shall be at least 75 percent transparent windows or doors; and

d. Weather protection as provided in LUC 20.25R.030.E.4.

5. Facade modulation.

a. Intent. In order to provide interest and variation appropriately scaled to the building and the pedestrian experience on public right-of-way, Eastrail, and the Grand Connection, facades shall be modulated. Modulation adds depth and texture to building facades, breaking up uniformity while enhancing architectural interest. Facade modulation requirements ensure that buildings are thoughtfully scaled to their context, fostering a dynamic and engaging pedestrian experience along public rights-of-way, Eastrail, and the Grand Connection.

b. For buildings within 15 feet of a public right-of-way, Eastrail Corridor, or the Grand Connection, facade modulation is required as follows:

i. The maximum length of unmodulated facade shall be based on building height as follows:

(1) Zero (0) to 60 feet in building height: No limit.

(2) Above 60 feet in building height: 125 feet.

ii. The minimum depth of modulated facade shall be 4 feet.

iii. The minimum width of modulated facade shall be 5 feet.

c. No modulation is required for mass timber buildings or for portions of a facade set back 15 feet or more from a public right-of-way, Eastrail corridor, or the Grand Connection.

6. Tower Separation.

a. Intent. Design tower placement and orientation for improved daylight access, natural ventilation, sky view for occupied floors and reduced need for mechanical heating and cooling. Consider how building massing impacts the public realm.

b. Standard. For portions of any towers above 55 feet in height that are built within a single project limit, each tower shall be horizontally separated from other towers within the project limit by no less than 60 feet. This requirement does not apply to small sites.

C. **Mechanical equipment.**

1. Intent. Locate and design mechanical equipment enclosures and screening solutions to minimize the visual impact of mechanical equipment on rooftops and contribute to the overall visual harmony of the cityscape. Avoid placement of equipment or vents on the ground floor or in pedestrian areas.

2. Applicability. The requirements of this section shall be imposed for all new development and for construction or placement of new mechanical equipment on existing buildings. Mechanical equipment shall be installed so as not to detract from the appearance of the building or development.

3. Location requirements.

a. Mechanical equipment shall be located in a building, below grade, or on the roof of a building to the greatest extent technically feasible.

b. Where equipment is located on the roof, it shall be consolidated rather than scattered throughout the roof.

c. Mechanical equipment shall not be located adjacent to sidewalks, active transportation access, or areas designated as open space.

4. Screening requirements.

a. Exposed mechanical equipment shall be visually screened by a predominantly solid (at least 50 percent opaque), nonreflective visual barrier that equals or exceeds the height of the mechanical equipment. The design and materials of the visual barrier or structure shall be consistent with the following requirements:

i. Architectural features, such as parapets, screen walls, trellis systems, or mechanical penthouses shall be consistent with the design intent

and finish materials of the main building, and as high, or higher than the equipment it screens.

ii. Vegetation or a combination of vegetation and view-obscuring fencing shall be of a type and size that provides a visual barrier at least as high as the equipment it screens and provides 50 percent screening at the time of planting and a dense visual barrier within three years from the time of planting.

iii. Screening graphics may be used for at-grade utility boxes.

b. Mechanical equipment shall be screened from above by incorporating one of the following measures, in order of preference:

i. A solid nonreflective roof. The roof may incorporate nonreflective louvers, vents, or similar penetrations to provide necessary ventilation or exhaust of the equipment being screened;

ii. Painting of the equipment, where technically feasible, to match or approximate the color of the background against which the equipment is viewed; or

iii. Mechanical Equipment Installed on Existing Roofs. The Director may approve alternative screening measures not meeting the specific requirements of this section if the applicant demonstrates that:

(1) The existing roof structure cannot safely support the required screening; or

(2) The integrity of the existing roof will be so compromised by the required screening as to adversely affect any existing warranty on the performance of the roof.

5. Exhaust control standards. Where technically feasible, exhaust equipment shall be located so as not to discharge onto sidewalks, open space, or other publicly accessible areas of a development site.

a. Exhaust location order of preference. Mechanical exhaust equipment shall be located and discharged based on the following order of preference:

i. On the building roof;

ii. On the service drive, alley, or other façade that does not abut a sidewalk within a public right-of-way or flexible access;

iii. Located above a driveway or service drive to the property such as a parking garage or service court; or

iv. A location that abuts a public street or easement; provided, that the exhaust does not discharge within 10 feet of any sidewalk or open space area.

6. Modifications. The location and screening of mechanical equipment and exhaust systems are subject to review and approval at the time of land use review. The Director may approve an Administrative Departure pursuant to LUC 20.25R.010.D.4. As an additional administrative departure criteria, the applicant must demonstrate that the alternate location or screening measures provide an equal or better result than the requirements of this section.

D. **Building base (podium).**

1. Intent. Enhance pedestrian experience by clearly articulating the building base/podium from the tower portion of all buildings with materials and details that reinforce human scale and better define the streetscape as public realm.

2. At least 10 percent of the exterior area above a building podium shall contain a green roof.

3. Parking structures. Portions of parking structures above grade shall meet the following requirements:

a. All above-grade floors of a parking structure shall be horizontal with a floor-to-ceiling height of at least 10 feet to accommodate future adaptive reuse of the space, except for ramps providing circulation between floors.

b. Where adjacent to an access corridor, the following requirements apply:

i. For the ground floor of the parking structure, a minimum of 20 feet, measured from the outer wall of the garage inward, shall be habitable for residential or commercial uses, except where vehicular entries into the garage or utility rooms are located.

ii. The exposed outer facades of all other above-grade floors of the parking structure shall:

(1) Provide windows, green walls, or other coverings of up to 50 percent transparency over openings in the facade; and

(2) Screen views of automobiles with sill heights and parapets no less than four feet in height.

iii. The Director may approve an Administrative Departure pursuant to LUC 20.25R.010.D.4 from the requirements of subsection D.3.b.i of this section to allow the use of art, in conjunction with less glazing, as a

garage treatment in lieu of the requirement to provide habitable space. As an additional administrative departure criteria, the applicant must demonstrate that the use of art to enhance the compatibility of parking garages and integrated structured parking provides an equal or better result than the requirement to provide habitable space.

c. For all other parking structures above grade, the following requirements apply:

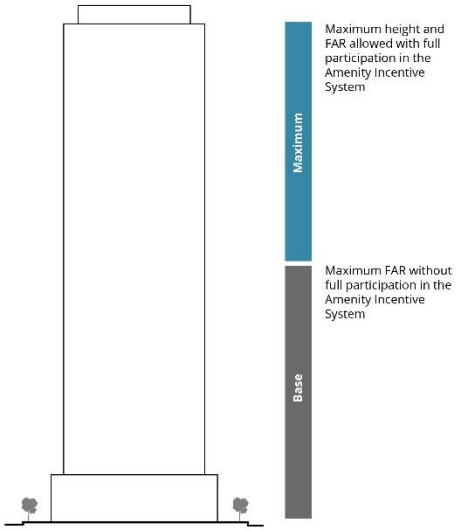
i. The exposed outer facades of all above-grade floors of the parking structure shall:

(1) When adjacent to publicly accessible open space required under LUC 20.25R.030.C, provide windows, green walls, or other coverings of up to 50 percent transparency over openings in the facade; and

(2) Screen views of automobiles with sill heights and parapets no less than four (4) feet in height.

20.25R.050 Amenity incentive system.

A. General. A Building may exceed the base Floor Area Ratio permitted for development within a Mixed-Use Land Use District pursuant to LUC 20.20.010 only if it complies with the requirements of this section.



B. Review required. The Director may approve an amenity that complies with subsection D of this section if all the specific amenity system requirements are satisfied and established design criteria for the amenity have been met.

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

1. Active use spaces. Except for market-rate residential units and where otherwise provided by the terms of this Code, an exemption from calculation of the maximum floor area of up to 1.0 FAR is allowed for each square foot of active use space that complies with the following design requirements:

   i. Transparency. 75 percent minimum.

   ii. Weather Protection. 75 percent minimum, 6 feet deep.

2. Affordable commercial spaces.

3. Affordable housing.

D. Amenity Incentive Program.

1. General.

   a. In no event may a development within a project limit exceed its base FAR allowance as described in LUC 20.20.010 unless providing amenities as follows:

      i. Additional building floor area, up to the maximum for the Land Use District described in LUC 20.20.010, may be obtained through bonus points earned through the provision of amenities as detailed in LUC 20.25R.050.D.2. The total number of bonus points earned equals the total additional building floor area available to the development, up to the maximum for the Land Use District described in LUC 20.20.010.

      ii. Any development receiving additional floor area under subsection D.1.a.i of this section may increase its height to the maximum allowed for the Land Use District as described in LUC 20.20.010.

   b. In a multi-building development within a project limit, amenities may be allocated among all buildings within the project limit; provided, that such allocation shall be approved by the Director through a Master Development Plan.

      i. If the multi-building development is to be phased, each phase shall provide for a proportionate or greater installation of amenities as established in an approved Master Development Plan phasing plan. No phase may depend on the future construction of amenities.

2. Bonus points. The following amenities qualify for bonus points as described below.

    a. Affordable housing.

        i. New affordable housing: 4 bonus points for every one (1) gross square foot of affordable housing subject to the following conditions:

            (1) Bonus points may be earned under this subsection D.2.a.i only for affordable housing provided in excess of the amount required by LUC 20.20.128.J.

            (2) To earn bonus points under this subsection D.2.a.i, affordable housing shall meet all applicable requirements of LUC 20.20.128.

            (3) Affordable housing created exclusively by operation of Chapter 4.52 BCC is ineligible to earn bonus points under this subsection D.2.a.

            (4) To earn bonus points under this subsection D.2.a.i, affordable housing may be located onsite, offsite, or through a combination of onsite and offsite performance.

            (5) To earn bonus points under this subsection D.2.a.i, affordable housing located offsite must be located both within the city limits and within a Tier 1 location as described in LUC 20.20.128.J.7.

        ii. Deeper affordability. Bonus points may be earned by providing dwelling units at deeper levels of affordability as follows:

            (1) 6 bonus points for every one (1) gross square foot of dwelling units that are affordable to households earning up to, and including, 60 percent of the Area Median Income.

            (2) 8 bonus points for every one (1) gross square foot of dwelling units that are affordable to households earning up to, and including, 50 percent of the Area Median Income.

            (3) Bonus points may be earned under this subsection D.2.a.ii only for affordable dwelling units provided in excess of the amount required by LUC 20.20.128.J.

            (4) Affordable dwelling units earning bonus points under subsection D.2.a.ii.a or D.2.a.ii.b are ineligible to receive bonus points under subsection D.2.a.i.

(5) For the purposes of this subsection D.2.a.ii, the terms “affordable” and “Area Median Income” shall have the meaning provided in LUC 20.20.128.A.

(6) To earn bonus points under this subsection D.2.a.ii, affordable dwelling units shall meet all applicable requirements of LUC 20.20.128.

(7) Affordable dwelling units created exclusively by operation of Chapter 4.52 BCC are ineligible to earn bonus points under this subsection D.2.a.ii

(8) To earn bonus points under this subsection D.2.a.ii, affordable dwelling units may be located onsite, offsite, or through a combination of onsite and offsite performance.

(9) To earn bonus points under this subsection D.2.a.ii, affordable housing located offsite must be located both within the city limits and within a Tier 1 location as described in LUC 20.20.128.J.7.

iii. Land transfer: 0.5 bonus points for every one (1) square foot of real property provided pursuant to LUC 20.20.128.J.5.

iv. Pioneer Provision. To encourage the development of affordable housing in Mixed-Use Land Use Districts, established under LUC 20.10.020 and described in LUC 20.10.398, the first 200 dwelling units of affordable housing shall receive 8 points for every (1) gross square foot of affordable housing subject to the following conditions:

(1) Bonus points are only earned under this subsection D.2.a.iv when a building permit is issued for development that includes affordable housing onsite.

(2) For phased development, bonus points are only earned for affordable housing included in the phase for which the building permit has been issued.

(3) If, at the time of issuance of a building permit, 200 dwelling units of affordable housing have already earned bonus points for other development utilizing this pioneer provision, then no bonus points shall be awarded under this subsection D.2.a.iv.

(4) After the 200th dwelling unit of affordable housing has earned bonus points under this subsection D.2.a.iv, all subsequent affordable housing, either within the same development or within another development, is ineligible to earn bonus points under this

subsection D.2.a.iv, but may earn bonus points as otherwise provided by this subsection.

(5) Affordable housing earning bonus points under this subsection D.2.a.iv is ineligible to earn bonus points under subsection D.2.a.i.

(6) Bonus points earned by providing deeper affordability under subsection D.2.a.ii may be stacked with bonus points earned under this subsection D.2.a.iv.

(7) Affordable housing created exclusively by operation of Chapter 4.52 BCC is ineligible to earn bonus points under this subsection D.2.a.iv.

(8) To earn bonus points under this subsection D.2.a.iv, affordable housing shall meet all applicable requirements of LUC 20.20.128.

(9) This pioneer provision does not apply to development consisting entirely of affordable dwelling units. For the purposes of this subsection, development consists entirely of affordable dwelling units even where the development also contains one or more manager's units, provided that the manager's units are reserved exclusively for occupancy of an onsite manager serving the project and said manager's household.

b. Family-sized housing. Dwelling units with three or more bedrooms earn one (1) bonus point for every one (1) gross square foot of the dwelling unit.

c. Open space.

iv. 0.5 bonus points for every one (1) square foot of open space provided pursuant to LUC 20.25R.030.

d. Eastrail corridor improvements.

i. 16 bonus points for every one (1) square foot of designed and constructed mixing zones.

ii. 16 bonus points for every one (1) square foot of frontage paths adjacent to the Eastrail corridor designed and constructed in accordance with the applicable requirements contained in this Part 20.25R LUC.

e. Grand Connection improvements.

i. 16 bonus points for every one (1) square foot of Grand Connection area that has been designed, constructed, and then dedicated to the City.

f. Access and Connectivity

i. 6 bonus points for every one (1) linear foot of enhanced flexible access corridor that have been designed and constructed in accordance with the applicable requirements of this Part 20.25R LUC. Square footage for purposes of calculating bonus points shall not include vehicle surfaces described in LUC 20.25R.020.B.3.d.i.(1), but may include on-street parking and curb areas.

ii. 4 bonus points for every one (1) square foot of Flexible Access Corridor or Active Transportation Access Corridor that have been designed and constructed in accordance with the applicable requirements of this Part 20.25R LUC. Square footage for purposes of calculating bonus points shall not include vehicle or loading drive surfaces.

iii. 2 bonus points for every one (1) square foot of Shared-Use Path that have been designed and constructed in accordance with the applicable requirements of this Part 20.25R LUC.

g. Green building.

i. Green building certification as provided under LUC 20.20.420 may receive bonus points as follows:

(1) Tier 1, 0.3 points per gross square foot of certified building; and

(2) Tier 2, 0.4 points per gross square foot of certified building.

ii. The Director shall determine which tier of green building certification programs established under LUC 20.20.420 may qualify for each tier of bonus points established above.

iii. If a residential development located entirely on a small site obtains Tier 2 green building certification, then that development is allowed to exceed its base FAR allowance up to the maximum for the Land Use District described in LUC 20.20.010 without obtaining any other bonus points under this amenity incentive system.

h. Affordable commercial space.

i. 2 bonus points may be earned for every one (1) square foot of commercial space that is leased to a qualified business at a total rate

below that is less than or equal to 1.5 times the operating expenses of that qualified business, as determined by the Director.

ii. The Director shall define by rule what constitute “operating expenses” and “qualified business” for the purposes of subsection 2.h of this section.

iii. The Director may approve a total rate exceeding 1.5 times operating expenses up to a maximum of 2.0 times operating expenses to provide for repayment of owner-financed tenant improvements. The Director shall specify by rule the conditions under which a higher total rate may be approved under this subsection, not to exceed the specified maximum.

iv. To receive bonus points under this subsection qualifying commercial space shall:

(1) Be no less than 500 square feet in gross floor area;

(2) Be located on the ground floor or within an active use space as described in this Part 20.25R LUC; and

(3) Comply with any other requirements for qualifying commercial spaces that the Director adopts by rule.

v. When adopting any rule to implement this subsection, the Director shall consider, and be consistent with the City’s economic development goals, including those specified in the City’s Economic Development Plan and Comprehensive Plan.

i. Critical area restoration and enhancement.

i. 66.7 points for every $1,000 spent on critical area restoration or enhancement beyond the minimum mitigation requirements for the development as set forth in Part 20.25H LUC and as determined by a qualified professional.

ii. A restoration plan shall be developed by a qualified professional and approved by the City to determine the required bonus points.

iii. The restored or enhanced area shall be within the development project limit and at least 10,000 square feet or 10 percent of the site area, whichever is larger.

iv. The property owner shall provide an easement, in a form acceptable to the City, allowing City access to the restored or enhanced area for maintenance, monitoring, and trail construction where applicable.

j. Public Art.

i. 25 bonus points per every $1,000 of appraised art value.

ii. Public art means any form of permanent artwork that is outdoors and publicly accessible or visible from a public place. The purpose is to create a memorable civic experience and affinity between artist and community.

iii. Shall be located outside in areas open to the general public or visible from the adjoining access corridor.

iv. Public art can include murals, sculptures, art elements integrated with infrastructure, and special artist-designed lighting.

v. Standalone or landmark artworks shall be at a scale that allows them to be visible at a distance.

vi. Value of the art shall be determined through an appraisal acceptable to the City.

vii. Maintenance of the art is the obligation of the owner of that portion of the site where the public art is located for the life of the project.

k. Park Dedication.

i. 45 bonus points for every $1,000 of the appraised value of property donated for park purposes.

ii. The need for such real property in the location proposed shall be consistent with City-adopted policies and plans.

iii. The size of the real property dedicated for park purposes must be at least 4,000 square feet.

iv. The real property must be located within the Wilburton TOD area but need not be contiguous with the site for which development is proposed.

v. The City must accept the dedication of the real property for park purposes.

l. Child Care Services.

i. 8 bonus points for every one square foot of Child Care Service up to a maximum of 15,000 square feet, including outdoor areas dedicated exclusively for use by the Child Care Service.

ii. The floor area, including outdoor area, delineated for Child Care Service shall be required to remain dedicated to Child Care Service for the life of the project.

iii. No other uses shall be approved for future tenancy in those spaces dedicated for Child Care Service.

E. Recording. The total amount of bonus floor area earned through the Amenity Incentive System for a project, and the amount of bonus floor area to be utilized on site for that project, shall be recorded with the King County Recorder's Office. A copy of the recorded document shall be provided to the Director.

20.25R.060 Catalyst Programs for Mixed-Use Land Use Districts

A. Residential Catalyst Program

1. Purpose.

The purpose of the Residential Catalyst Program is to encourage early and meaningful development of residential dwelling units in Mixed-Use Land Use Districts established under LUC 20.10.020 and described in LUC 20.10.398, resulting in diverse housing across unit types and affordability levels.

2. Applicability.

a. Until the Residential Catalyst Program expires, the provisions of the program shall apply to proposed multifamily or mixed-use development, either fully or partially located within a Mixed-Use Land Use District established under LUC 20.10.020 and described in LUC 20.10.398, that is subject to the requirements of LUC 20.20.128.J.

b. When the Residential Catalyst Program expires, the provisions of the program shall no longer apply to any development. Upon expiration of the Residential Catalyst Program, any proposed multifamily or mixed-use development, either fully or partially located within a Mixed-Use Land Use District, as established under LUC 20.10.020 and described in LUC 20.10.398, shall comply with the requirements of LUC 20.20.128.J as normal. Nothing in this subsection affects any vested rights established under LUC 20.40.500 or state law.

3. Program Phases and Duration.

a. The Residential Catalyst Program shall consist of two phases.

b. When the First Phase expires, the Second Phase shall begin.

c. When the Second Phase expires, the Residential Catalyst Program shall simultaneously expire.

4. First Phase.

a. The First Phase shall begin on [INSERT EFFECTIVE DAY OF ORDINANCE].

b. The First Phase shall expire on the date that the first of the following occurs:

i. If land use applications for development totaling at least 500 dwelling units have established vested rights under LUC 20.40.500 from [INSERT EFFECTIVE DATE OF ORDINANCE] to June 1, 2026, then the First Phase shall expire on June 1, 2026.

ii. If land use applications for development totaling at least 500 dwelling units have not established vested rights under LUC 20.40.500 from [INSERT EFFECTIVE DATE OF ORDINANCE] to June 1, 2026, then the First Phase shall expire on the date that vested rights are established under LUC 20.40.500 for the last application needed to reach the 500 dwelling unit threshold.

iii. If land use applications for development totaling at least 1000 dwelling units have established vested rights under LUC 20.40.500 on or after [INSERT EFFECTIVE DATE OF ORDINANCE] but before June 1, 2026, then the First Phase shall expire on the date that vested rights are established under LUC 20.40.500 for the last application needed to reach the 1000 dwelling unit threshold.

c. If an applicant submits a land use application while the First Phase is in effect and establishes vested rights under LUC 20.40.500, then the applicant must submit a complete building permit application for the development within two years (i.e., 730 calendar days) of the date that vested rights were first established under LUC 20.40.500 for the development. If the applicant fails to do so, then the First Phase of the Residential Catalyst Program shall not apply to the development and LUC 20.20.128 shall apply as normal to the development.

d. Until the First Phase expires, LUC 20.20.128 shall be modified as follows. Any subsection of LUC 20.20.128 not explicitly modified below shall remain in effect during the First Phase and, where applicable, shall apply as normal.

i. For the duration of the First Phase, the Residential and Mixed-Use Fee Per Square Foot of New Non-Exempt Gross Floor Area contained in Table 20.20.128.J.4 shall not be adjusted as provided in LUC 20.20.128.A.5.

ii. LUC 20.20.128.J.4.a shall not apply to residential or mixed-use development. Instead, in-lieu fees shall be assessed on the date that vested rights are first established for the residential or mixed-use development under LUC 20.40.500; Provided, that if the development consists of multiple phases, then for each phase the in-lieu fee shall be assessed at the time the associated Design Review for that phase vests under LUC 20.40.500. In-lieu fees shall then be collected prior to building permit issuance.

iii. LUC 20.20.128.J.2.a.i shall not apply. Instead, for dwelling units intended for rent, at least five percent of all dwelling units shall be affordable to households earning up to, and including, 80 percent of the area median income.

iv. LUC 20.20.128.J.2.b.i shall not apply. Instead, for dwelling units intended for sale, at least five percent of all dwelling units shall be affordable to households earning up to, and including, 100 percent of the area median income.

v. The Residential and Mixed-Use Fee Per-Square Foot of New Non-Exempt Gross Floor Area contained in Table 20.20.128.J.4 shall be reduced by 25%.

5. Second Phase.

a. The Second Phase shall begin on the date that the First Phase expires.

b. The Second Phase shall expire on the date that the first of the following occurs:

i. If land use applications for development totaling at least 250 dwelling units have established vested rights under LUC 20.40.500 from the date the First Phase expired to June 1, 2027, then the Second Phase shall expire on June 1, 2027.

ii. If land use applications for development totaling at least 250 dwelling units have not established vested rights under LUC 20.40.500 from the date the First Phase expired to June 1, 2027, then the Second Phase shall expire on the date that vested rights are established for the last application needed to reach the 250 dwelling unit threshold.

c. If an applicant submits a land use application while the Second Phase is in effect and establishes vested rights under LUC 20.40.500, then the applicant must submit a complete building permit application for the development within two years (i.e., 730 calendar days) of the date that vested rights were first established under LUC 20.40.500 for the development. If the applicant fails to do so, then the Second Phase of the Residential Catalyst Program shall not apply to the development and LUC 20.20.128 shall apply as normal to the development.

d. Until the Second Phase expires, LUC 20.20.128 shall be modified as follows. Any subsection of LUC 20.20.128 not explicitly modified below shall remain in effect during the Second Phase and, where applicable, shall apply as normal.

   i. For the duration of the Second Phase, the Residential and Mixed-Use Fee Per Square Foot of New Non-Exempt Gross Floor Area contained in Table 20.20.128.J.4 shall not be adjusted as provided in LUC 20.20.128.A.5.

   ii. LUC 20.20.128.J.4.a shall not apply to residential or mixed-use development. Instead, in-lieu fees shall be assessed on the date that vested rights are first established for the residential or mixed-use development under LUC 20.40.500; Provided, that if the development consists of multiple phases, then for each phase the in-lieu fee shall be assessed at the time the associated Design Review for that phase vests under LUC 20.40.500. In-lieu fees shall then be collected prior to building permit issuance.

6. Calculation of Dwelling Unit Thresholds. The Director shall calculate the 250, 500, and 1000 dwelling unit thresholds described in subsections A.4.b and A.5.b above, and by extension determine which phase of the Residential Catalyst Program is applicable to a development, in accordance with the following:

   a. All proposed dwelling units contained in new multifamily or mixed-used development subject to LUC 20.20.128.J shall be counted toward the threshold, regardless of affordability; Provided, that all dwelling units contained in development consisting entirely of affordable dwelling units shall not be counted toward the thresholds. For the purposes of this subsection, development consists entirely of affordable dwelling units even where the development also contains one or more manager's units, provided that each manager's units is reserved exclusively for occupancy of an onsite manager serving the project and said manager's household.

   b. On the date that vested rights for a land use application are established under LUC 20.40.500, the number of proposed dwelling units associated with that land use application shall be counted toward the threshold;

Provided, that if the development consists of multiple phases, then for each phase the proposed dwelling units for each phase shall be counted toward the threshold on the date that the associated Design Review for that phase vests under LUC 20.40.500.

c. Once a proposed dwelling unit is counted toward the threshold, it shall continue to count toward the threshold regardless of whether the underlying land use permit, or any subsequent and associated land use permit or building permit, expires or is withdrawn, cancelled, or revoked.

d. Once a proposed dwelling unit is counted toward the threshold, it shall continue to count toward the threshold even if the applicant fails to submit a complete building permit application within two years in accordance with subsection A.4.c or A.5.c above.

e. Where a land use application proposes dwelling units in an amount that would cause the First Phase to expire in accordance with subsection A.4.b above, then the First Phase shall apply to that development. However, the number of dwelling units proposed in excess of the applicable threshold that caused the First Phase to expire shall be counted toward the 250 dwelling unit threshold for the Second Phase described in subsection A.5.b above.

f. Where a land use application proposes dwelling units in an amount that would cause the Second Phase to expire in accordance with subsection A.5.b above, then the Second Phase shall apply to that development.

B. Commercial Catalyst Program

1. Purpose.

The purpose of the Commercial Catalyst Program is to encourage early and meaningful non-residential development in Mixed-Use Land Use Districts, established under LUC 20.10.020 and described in LUC 20.10.398, allowing existing and new businesses to thrive and contribute toward vibrant places and corridors.

2. Applicability.

a. Until the Commercial Catalyst Program expires, the provisions of the program shall apply to proposed non-residential development, either fully or partially located within a Mixed-Use Land Use District established under LUC 20.10.020 and described in LUC 20.10.398, that is subject to the requirements of LUC 20.20.128.J.

b. When the Commercial Catalyst Program expires, the provisions of the program shall no longer apply to any development. Upon expiration of the Commercial Catalyst Program, any proposed non-residential

development, either fully or partially located within a Mixed-Use Land Use District, as established under LUC 20.10.020 and described in LUC 20.10.398, shall comply with the requirements of LUC 20.20.128.J as normal. Nothing in this subsection affects any vested rights established under LUC 20.40.500 or state law.

3. Program Phases and Duration.

    a. The Commercial Catalyst Program shall consist of at least two, but no more than three, phases.

    b. When the First Phase expires, the Second Phase shall begin.

    c. If the Second Phase expires prior to 12:00 AM on June 1, 2028, then the Third Phase shall begin.

    d. If the Second Phase expires on or after June 1, 2028, then there shall be no Third Phase and the Commercial Catalyst Program shall simultaneously expire.

    e. If the Second Phase expires prior to 12:00 AM on June 1, 2028, then when the Third Phase expires, the Commercial Catalyst Program shall simultaneously expire.

4. First Phase.

    a. The First Phase shall begin on [INSERT EFFECTIVE DAY OF ORDINANCE].

    b. The First Phase shall expire as follows:

        i. If land use applications for development totaling at least 600,000 square feet of gross floor area have established vested rights under LUC 20.40.500 on or after [INSERT EFFECTIVE DATE OF ORDINANCE], then the First Phase shall expire on the date that vested rights are established under LUC 20.40.500 for the last application needed to reach the 600,000 square feet of gross floor area threshold.

    c. If an applicant submits a land use application while the First Phase is in effect and establishes vested rights under LUC 20.40.500, then the applicant must submit a complete building permit application for the development within two years (i.e., 730 calendar days) of the date that vested rights were first established under LUC 20.40.500 for the development. If the applicant fails to do so, then the First Phase of the Commercial Catalyst Program shall not apply to the development and LUC 20.20.128 shall apply as normal to the development.

d. Until the First Phase expires, LUC 20.20.128 shall be modified as follows. Any subsection of LUC 20.20.128 not explicitly modified below shall remain in effect during the First Phase and, where applicable, shall apply as normal.

i. For the duration of the First Phase, the Non-Residential Fee Per Square Foot of New Non-Exempt Gross Floor Area contained in Table 20.20.128.J.4 shall not be adjusted as provided in LUC 20.20.128.A.5.

ii. LUC 20.20.128.J.4.a shall not apply to non-residential development. Instead, in-lieu fees shall be assessed on the date that vested rights are first established for the non-residential development under LUC 20.40.500; Provided, that if the development consists of multiple phases, then for each phase the in-lieu fee shall be assessed at the time the associated Design Review for that phase vests under LUC 20.40.500. In-lieu fees shall then be collected prior to building permit issuance.

iii. Except as provided in subsection B.4.d.iv below, the Non-Residential Fee Per-Square Foot of New Non-Exempt Gross Floor Area contained in Table 20.20.128.J.4 shall be reduced by 25% for all non-residential development.

iv. If vested rights are first established under LUC 20.40.500 for non-residential development containing life science uses or medical office uses prior to 12:00 AM on June 1, 2028, then the Non-Residential Fee Per-Square Foot of New Non-Exempt Gross Floor Area contained in Table 20.20.128.J.4 shall be reduced by 50% for such development. This reduction does not stack with the 25% reduction described in subsection B.4.d.iii above.

5. Second Phase.

a. The Second Phase shall begin on the date that the First Phase expires.

b. The Second Phase shall expire on the date that the first of the following occurs:

i. If land use applications for development totaling at least 250,000 square feet of gross floor area have established vested rights under LUC 20.40.500 from the date the First Phase expired to June 1, 2027, then the Second Phase shall expire on June 1, 2027.

ii. If land use applications for development totaling at least 250,000 square feet of gross floor area have not established vested rights under LUC 20.40.500 from the date the First Phase expired to June 1,

2027, then the Second Phase shall expire on the date that vested rights are established for the last application needed to reach the 250,000 square feet of gross floor area threshold.

c. If an applicant submits a land use application while the Second Phase is in effect and establishes vested rights under LUC 20.40.500, then the applicant must submit a complete building permit application for the development within two years (i.e., 730 calendar days) of the date that vested rights were first established under LUC 20.40.500 for the development. If the applicant fails to do so, then the Second Phase of the Commercial Catalyst Program shall not apply to the development and LUC 20.20.128 shall apply as normal to the development.

d. Until the Second Phase expires, LUC 20.20.128 shall be modified as follows. Any subsection of LUC 20.20.128 not explicitly modified below shall remain in effect during the Second Phase and, where applicable, shall apply as normal.

i. For the duration of the Second Phase, the Non-Residential Fee Per Square Foot of New Non-Exempt Gross Floor Area contained in Table 20.20.128.J.4 shall not be adjusted as provided in LUC 20.20.128.A.5.

ii. LUC 20.20.128.J.4.a shall not apply to non-residential development. Instead, in-lieu fees shall be assessed on the date that vested rights are first established for the non-residential development under LUC 20.40.500; Provided, that if the development consists of multiple phases, then for each phase the in-lieu fee shall be assessed at the time the associated Design Review for that phase vests under LUC 20.40.500. In-lieu fees shall then be collected prior to building permit issuance.

iii. If vested rights are first established under LUC 20.40.500 for non-residential development containing life science uses or medical office uses prior to 12:00 AM on June 1, 2028, then the Non-Residential Fee Per-Square Foot of New Non-Exempt Gross Floor Area contained in Table 20.20.128.J.4 shall be reduced by 50% for such development.

6. Third Phase.

a. The Third Phase shall only begin if the Second Phase expires prior to 12:00 AM on June 1, 2028.

b. If the Second Phase expires prior to 12:00 AM on June 1, 2028, then the Third Phase shall begin on the date the Second Phase expires.

c. If the Second Phase expires on or after 12:00 AM on June 1, 2028, then there shall be no Third Phase of the Commercial Catalyst Program.

d. If the Third Phase begins, then the Third Phase shall expire at 12:00 AM on June 1, 2028:

e. If an applicant submits a land use application while the Third Phase is in effect and establishes vested rights under LUC 20.40.500, then the applicant must submit a complete building permit application for the development within two years (i.e., 730 calendar days) of the date that vested rights were first established under LUC 20.40.500 for the development. If the applicant fails to do so, then the Third Phase of the Commercial Catalyst Program shall not apply to the development and LUC 20.20.128 shall apply as normal to the development.

f. Until the Third Phase expires, LUC 20.20.128 shall be modified as follows. Any subsection of LUC 20.20.128 not explicitly modified below shall remain in effect during the Third Phase and, where applicable, shall apply as normal.

i. For the duration of the Third Phase, the Non-Residential Fee Per Square Foot of New Non-Exempt Gross Floor Area contained in Table 20.20.128.J.4 shall not be adjusted as provided in LUC 20.20.128.A.5.

ii. LUC 20.20.128.J.4.a shall not apply to non-residential development containing life science uses or medical office uses. Instead, the Non-Residential Fee Per Square Foot of New Non-Exempt Gross Floor Area contained in Table 20.20.128.J.4 shall be assessed on the date that vested rights are first established for the development containing life science uses or medical office uses under LUC 20.40.500; Provided, that if the development consists of multiple phases, then for each phase the in-lieu fee shall be assessed at the time the associated Design Review for that phase vests under LUC 20.40.500. In-lieu fees shall then be collected prior to building permit issuance.

iii. If vested rights are first established under LUC 20.40.500 for non-residential development containing life science uses or medical office uses prior to 12:00 AM on June 1, 2028, then the Non-Residential Fee Per-Square Foot of New Non-Exempt Gross Floor Area contained in Table 20.20.128.J.4 shall be reduced by 50% for such development.

7. Calculation of Gross Floor Area Thresholds. The Director shall calculate the 250,000 and 600,000 square feet of gross floor area thresholds described in subsections B.4.b and B.5.b above, and by extension determine which phase of the Commercial Catalyst Program is applicable to a development, in accordance with the following:

a. Non-residential portions of mixed-use development shall not count toward either threshold.

b. On the date that vested rights for a land use application are established under LUC 20.40.500, the proposed square footage of gross floor area associated with that land use application shall be counted toward the applicable threshold; Provided, that if the development consists of multiple phases, then for each phase the proposed square footage of gross floor area for each phase shall be counted toward the threshold on the date that the associated Design Review for that phase vests under LUC 20.40.500.

c. Once proposed square footage of gross floor area is counted toward the threshold, it shall continue to count toward the threshold regardless of whether the underlying land use permit, or any subsequent and associated land use permit or building permit, expires or is withdrawn, cancelled, or revoked.

d. Once proposed square footage of gross floor area is counted toward the threshold, it shall continue to count toward the threshold even if the applicant fails to submit a complete building permit application within two years in accordance with subsection B.4.c or B.5.c above.

e. Where a land use application proposes non-residential square footage of gross floor area in an amount that would cause the First Phase to expire in accordance with subsection B.4.b above, then the First Phase shall apply to that development. However, the non-residential square footage of gross floor area proposed in excess of the applicable threshold that caused the First Phase to expire shall be counted toward the 250,000 square foot of gross floor area threshold for the Second Phase described in subsection B.5.babove.

f. Where a land use application proposes non-residential square footage of gross floor area in an amount that would cause the Second Phase to expire in accordance with subsection B.5.b above, then the Second Phase shall apply to that development.

8. Assurance Device for Non-Residential Development Containing Life Science Uses or Medical Office Uses.

a. To benefit from any phase of the Commercial Catalyst Program, an applicant proposing non-residential development containing life science uses or medical office uses must submit, in conjunction with the land use application securing a benefit under any phase of the Commercial Catalyst Program, an assurance device in a form acceptable to the Director under LUC 20.40.490.C.

b. The amount of the assurance device shall be equal to ten percent of the following amount: the full in-lieu fee amount that would be assessed for

the development by the normal operation of LUC 20.20.128 as may be modified by operation of the applicable phase of the Commercial Catalyst Program.

c. To apply for release of the assurance device, the applicant shall provide documentation to the City, in a form acceptable to the Director, that 90 percent of the development has been leased, transferred, or otherwise conveyed to life science uses or medical office uses. The Director shall release the assurance device only upon certification that 90 percent of the development has been leased, transferred, or otherwise conveyed to life science uses or medical office uses.

d. The assurance device shall require that 90 percent of the development has been leased, transferred, or otherwise conveyed to life science uses or medical office uses within two years (i.e., 730 calendar days) of the date that the first certificate of occupancy is issued for the development. If 90 percent of the development has not been so leased, transferred, or otherwise conveyed within that time period, then the City shall obtain the proceeds of the device and shall deposit and use the proceeds as provided in LUC 20.20.128.J.11.

9. Legal Agreement for Non-Residential Development Containing Life Science Uses or Medical Office Uses.

a. To benefit from any phase of the Commercial Catalyst Program, an applicant proposing non-residential development containing life science or medical office uses must fully execute and submit, in conjunction with the land use application securing a benefit under any phase of the Commercial Catalyst Program, a legal agreement.

b. The legal agreement shall be in a form acceptable to the Director. Once fully executed, the applicant shall record the agreement with the King County Recorder's Office on the title of the real property on which the development is located. The agreement shall include, but is not limited to, the following terms and conditions:

i. The agreement shall be a covenant running with the land and shall be binding on the assigns, heirs, and successors of the owner of the property.

ii. If 90 percent of the development has not been leased, transferred, or otherwise conveyed to life science uses or medical office uses within two years (i.e., 730 calendar days) of the date that the first certificate of occupancy is issued for the development, then the agreement shall require the owner of the property to make a cash payment to the City totaling 90 percent of the following amount: the full in-lieu fee amount that would be assessed for the development by the normal operation of

LUC 20.20.128 as may be modified by operation of the applicable phase of the Commercial Catalyst Program. Upon receipt of the payment, the City shall deposit and use the proceeds as provided in LUC 20.20.128.J.11.